

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

FIRST DIVISION  
FILED: JUNE 27, 2011

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IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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U.S. BANK, NATIONAL ASSOCIATION, AS	)	APPEAL FROM THE
TRUSTEE ON BEHALF OF THE HOLDERS OF	)	CIRCUIT COURT OF
THE ASSET BACKED SECURITIES	)	COOK COUNTY
CORPORATION HOME EQUITY LOAN TRUST,	)	
SERIES AMQ 2006-HE7 ASSET BACKED	)	
PASS-THROUGH CERTIFICATES, SERIES AMQ	)	
2006-HE7,	)	
	)	
Plaintiff-Appellee	)	
	)	
v.	)	No. 08 CH 17640
	)	
BRENDA MORAGNE DIFFAY	)	
	)	
Defendant-Appellant,	)	
	)	
and	)	
	)	
CHICAGO TITLE LAND TRUST COMPANY, AS	)	
TRUSTEE UNDER THE PROVISIONS OF A	)	
TRUST AGREEMENT DATED THE 3rd DAY OF	)	
JULY, 1996 KNOWN AS TRUST NUMBER	)	
119024, CURRENT SPOUSE, IF ANY, OF	)	
BRENDA MORAGNE DIFFAY, UNKNOWN OWNERS	)	
GENERALLY, AND NON-RECORD CLAIMANTS,	)	
	)	HONORABLE
Defendants.	)	PAMELA HUGHES GILLESPIE,
	)	JUDGE PRESIDING.

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JUSTICE HOFFMAN delivered the judgment of the court.  
Presiding Justice Hall and Justice Lampkin concurred in the  
judgment.

**ORDER**

*Held:* Appellate court lacked jurisdiction over appeal.

The defendant, Brenda Moragne Diffay, appeals from various circuit court scheduling orders regarding the foreclosure action commenced against her by the plaintiff, U.S. Bank. For the reasons that follow, we dismiss the appeal for lack of jurisdiction.

In May 2008, the plaintiff filed a foreclosure complaint against the defendant, who answered, with affirmative defenses. In November 2008, the defendant filed an amended answer, which the plaintiff moved to strike one month later. In March 2009, the circuit court dismissed the defendant's affirmative defenses with prejudice. The defendant thereafter filed a motion to vacate the March 2009 order, but the circuit court denied the motion in June 2009.

On July 15, 2009, the circuit court entered an order continuing the case until July 22, pending "determination of status of [the defendant's] [previously filed] notice of appeal." On July 22, the circuit court held a status hearing before entering an order stating that the case had been stricken from the call due to a pending notice of appeal, that the court proceeded with the matter before the plaintiff's counsel had entered the courtroom, and that the plaintiff's counsel was required to mail notice of the order to the defendant. On October 20, after the defendant had filed a motion to dismiss the plaintiff's cause of action, the

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circuit court entered an order continuing the case and setting deadlines for responses to the motion to dismiss and other matters. On November 17, 2009, the defendant filed a notice of appeal from the July 15, July 22, and October 20 orders.

Although the parties do not dispute our jurisdiction over this appeal, we have an independent duty to consider the issue and dismiss the appeal where our jurisdiction is lacking. *Mund v. Brown*, 393 Ill. App. 3d 994, 996, 919 N.E.2d 1225 (2009). Based on our independent consideration, we conclude that we lack jurisdiction.

"Appellate jurisdiction is limited to review of final judgments unless an order falls within a statutory or supreme court exception." *Cole v. Hoogendoorn, Talbot, Davids, Godfrey and Milligan*, 325 Ill. App. 3d 1152, 1153, 759 N.E.2d 110 (2001). Thus, an appeal may generally only be taken from final orders which dispose of every claim, that is any right, liability or matter raised in an action. *John G. Phillips & Associates v. Brown*, 197 Ill.2d 337, 339, 757 N.E.2d 875 (2001) (quoting *Marsh v. Evangelical Covenant Church*, 138 Ill.2d 458, 465, 563 N.E.2d 459 (1990)).

Here, the orders the defendant seeks to appeal are not final. They do not dispose even of any discrete part of the controversy among the parties, but instead consist almost entirely of orders continuing the case for hearing on disputed matters. Because the

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orders from which the defendant appeals are not final, her notice of appeal was premature and does not confer appellate jurisdiction.

For the foregoing reasons, we dismiss the defendant's appeal for lack of jurisdiction.

Dismissed.