

Nos. 1-09-3440 and 1-10-0758  
(Consolidated)

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).

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IN THE APPELLATE COURT  
OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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IN RE MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
MATTHEW YATES,	)	Cook County
	)	
Petitioner-Appellee,	)	
	)	No. 01 D2 30832
v.	)	
	)	
FELICIA YATES,	)	Honorable
	)	Grace G. Dickler,
Respondent-Appellant.	)	Judge Presiding.

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JUSTICE KARNEZIS delivered the judgment of the court.  
Presiding Justice Hoffman and Justice Rochford concurred in the judgment.

ORDER

¶ 1 *HELD*: Consolidated appeals dismissed for lack of jurisdiction. Final judgments in postdissolution proceeding resolved fewer than all claims pending. Court did not make written Rule 304(a) finding that there was no just reason to delay enforcement or appeal of the judgments. We, therefore, have no jurisdiction to consider the appeals.

¶ 2 These consolidated appeals arise from orders of the circuit court ordering petitioner Matthew Yates to pay monthly child support and retroactive child support to respondent Felicia Yates, his former wife, and resolving Felicia's petitions for attorney fees. Felicia appeals the court's orders, asserting the court abused its discretion when it (1) awarded her child support below the statutory child support guidelines; (2) awarded her retroactive child support only from January 2007 instead of from January 2006; (3) reduced Matthew's monthly support obligation from \$800 per month to \$700 per month; (4) awarded child support to Matthew from Felicia; (5) offset her retroactive child support award by the child-related expenses allegedly owed by Felicia and paid by Matthew; (6) subsequently allowed an additional \$15,897 in offsets for child related expenses paid by Matthew; (7) awarded \$4,027 interim attorney fees to Felicia's counsel; and (8) refused to order Matthew to contribute to attorney fees and costs incurred by Felicia. We dismiss for lack of jurisdiction.

¶ 3 **Background**

¶ 4 On November 26, 2003, the court entered a judgment dissolving the marriage between the parties. The dissolution judgment awarded joint custody of the parties' two minor children to the parties as co-residential parents. Pursuant to the marital settlement agreement incorporated into the judgment, the parties reserved the issue of child support "so long as the parties maintain co-residency of the minor children." The agreement also provided that the parties would "share equally" in all medical and dental expenses incurred on behalf of the children and be jointly responsible for payment of all

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academic, camp and extra curricular expenses.

¶ 5 In August 2005, Matthew filed a petition for modification of the dissolution judgment, requesting that he be awarded sole legal custody. He also filed a petition for rule to show cause why Felicia should not be held in contempt for refusing to abide by the terms of the dissolution judgment, primarily for refusing to pay her share of the children's expenses. Felicia then filed a petition for modification of the dissolution judgment requesting that Matthew be ordered to pay her permanent child support. She asserted she was involuntarily unemployed, had been for some time and was unable to support herself or the children. From this point on, the parties filed numerous petitions and amended petitions for child support, interim attorneys fees, changes in custody, rule to show cause, contempt and sanctions. These petitions were interspersed by the trial court's orders addressing the petitions, the parties' motions to reconsider the court's orders and a section 2-1401 petition filed by Felicia requesting reconsideration of assorted orders.

¶ 6 On December 10, 2009, Felicia filed a notice of appeal, appeal No. 1-09-3440, from the November 13, 2009, order as well as from numerous preceding orders. The wrangling between the parties continued unabated. On March 17, 2010, Felicia filed a notice of appeal, appeal No. 1-10-0758, from portions of the court's February 22, 2010, order. The record on appeal ends with the filing of this notice of appeal. On August 19, 2010, we consolidated Felicia's appeal No. 1-10-0758 with her earlier appeal No. 1-09-

3440.<sup>1</sup>

¶ 7 Analysis

¶ 8 Before we can address the issues Felicia raises on appeal, we must determine whether we have jurisdiction in this case. Matthew asserts that Felicia's appeals should be dismissed for lack of jurisdiction. He argues Felicia sought multiple reviews and filed repetitive motions for reconsideration of the same orders; her successive motions to reconsider and to vacate were improper and did not extend her time for filing her appeals; her appeals were untimely; and we, therefore, have no jurisdiction to consider them.

¶ 9 In a nonjury case, a party may file a postjudgment motion within 30 days after the entry of the challenged judgment or within such further time the court grants within the 30 days or any extensions therefore. 750 ILCS 5/2-1203(a) (West 2010). A postjudgment motion is "a motion for a rehearing, or a retrial, or modification of the judgment or to vacate the judgment or for other relief." 750 ILCS 5/2-1203(a) (West 2010). Each party may make only one postjudgment motion directed at a judgment that is otherwise final. S. Ct. R. 274.

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<sup>1</sup> On September 22, 2008, Felicia had filed a notice of appeal from the court's March 19, 2008, memorandum opinion, the June 23, 2008, uniform order of support and the August 25, 2008, order denying her motion for reconsideration. We dismissed this appeal, No. 1-08-2705, for want of prosecution in March 2009 and it is, therefore, not before us.

On March 28, 2010, Matthew filed a notice of cross-appeal from the court's November 13, 2009 and February 22, 2010, orders. On January 25, 2011, we granted his motion to dismiss that appeal and it is, therefore, not before us.

¶ 10 Generally, a party must file a notice of appeal from a final order within 30 days of entry of the judgment. S. Ct. R. 303(a)(1). But, "if a timely posttrial motion directed against the judgment is filed," the period for filing the notice of appeal is extended to "within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions." S. Ct. R. 303(a)(1). "Until disposed, each timely postjudgment motion shall toll the finality and appealability of the judgment or order at which it is directed." S. Ct. R. 274.

¶ 11 "No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under [Rule 303]." S. Ct. R. 303(a)(2). However, "[i]f a final judgment order is modified pursuant to a postjudgment motion, or if a different final judgment or order is subsequently entered, any party affected by the order may make one postjudgment motion directed at the superseding judgment or order." S. Ct. R. 274. In other words, if a ruling on a postjudgment motion against a final judgment results in a modification of that final judgment, the judgment memorializing the modification supercedes the original final judgment and becomes the new final judgment, against which each party may file a posttrial motion. *People ex rel. Madigan v. Petco Petroleum Corp.*, 363 Ill. App. 3d 613 (2006). Where the trial court amends its initial final order, the clock is reset regarding the filing of posttrial motions attacking this new (superceding) final judgment and,

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therefore, the time is reset regarding the time for filing a notice of appeal. *Petco Petroleum Corp.*, 363 Ill. App. 3d 613; *Gibson v. Belvidere Nat'l Bank and Trust Co.*, 326 Ill.App.3d 45, 49 (2001).

¶ 12 A judgment is final for purposes of appeal if it determines the litigation on the merits or some definite part thereof such that, if affirmed, the only thing remaining to be done by the trial court is to proceed with execution on the judgment. *Valdovinos v. Luna-Manalac Medical center, Ltd.*, 307 Ill. App. 3d 528, 538 (1999). An appeal from a final judgment draws into question all earlier nonfinal interlocutory orders which produced the judgment. *Pekin Insurance Co. v. Pulte Home Corp.*, 344 Ill.App.3d 64, 67 (2003). We may review any interlocutory order that is a step in the procedural progression leading to entry of the final judgment specified in the notice of appeal. *Hough v. Kalousek*, 279 Ill.App.3d 855, 863 (1996).

¶ 13 No appeal may be taken "from a final judgment as to one or more but fewer than all of the parties or claims" unless the trial court makes "an express written finding that there is no just reason for delaying either enforcement or appeal or both." S. Ct. Rule 304(a). If, within 30 days of entry of a final judgment on the merits on all issues, a new claim or a post-judgment motion directed at the judgment is filed, that claim or postjudgment motion is a "claim" within the meaning of Rule 304(a). *In re Marriage of Ehgartner-Shachter and Shachter*, 366 Ill.App.3d 278, 286 (2006) (citing *March v. Evangelical Covenant Church of Hinsdale*, 138 Ill. 2d 458, 468 (1990)). "In the absence of such a finding, any judgment that adjudicates fewer than all the claims or the rights

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and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before the entry of a judgment adjudicating all the claims, rights, and liabilities of all the parties." S. Ct. Rule 304(a). "A 'claim' is 'any right, liability or matter raised in an action.'" *In re Marriage of Gutman*, 232 Ill. 2d 145 (2009) (quoting *Marsh v. Evangelical Covenant Church of Hinsdale*, 138 Ill. 2d 458, 464 (1990)). If a notice of appeal is filed before entry of the order disposing of the last pending postjudgment motion or pending claim and the court has not entered a Rule 304(a) finding, the notice of appeal is premature and we have no jurisdiction to consider it and must dismiss the appeal. *Petco Petroleum Corp.*, 363 Ill. App. 613.

¶ 14 Felicia's two notices of appeal cover numerous orders. In appeal No. 1-09-3440, filed on December 10, 2009, she sought appeal from portions of the orders of June 23, 2008; January 15, 2009, April 21, 2009; July 6, 2009; and November 13, 2009. In appeal No. 1-10-0758, filed on March 17, 2010, Felicia appealed from the order of February 22, 2010. Her issues briefed on appeal add a March 19, 2008, memorandum opinion and a December 22, 2009, order to the list of orders to be reviewed.

¶ 15 The initial question, therefore, is whether the November 13, 2009, and December 22, 2009, judgments were final and appealable when she filed her notices of appeal within 30 days of the orders and, if they were, whether the other enumerated judgments were interlocutory steps in the procedural progression toward the two final judgments such that we may consider them.

¶ 16 We will start our examination with the first enumerated judgment: the court's

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memorandum opinion entered on March 19, 2008. On Felicia's petition to modify the dissolution judgment in order that she be awarded child support, the court held Felicia should receive \$800 per month in child support from Matthew, determined the amount of arrearage Matthew owed her and offset that arrearage by the \$5,700 it had previously determined Felicia owed Matthew for unpaid expenses. The memorandum opinion was a final judgment with regard to Felicia's petition for child support, settling all issues regarding her request for support and requiring only enforcement of the judgment.<sup>2</sup>

*Valdovinos*, 307 Ill. App. 3d at 538.

¶ 17 Because the memorandum opinion was a final judgment regarding child support, the parties had 30 days within which to file a postjudgment motion against the judgment. 750 ILCS 5/2-1203(a) (West 2010). Felicia timely filed her postjudgment motion on March 13, 2008, when she filed her "response" to the memorandum opinion. She requested a correction to the amount of retroactive child support, vacation of the \$5,700 award to Matthew, a higher monthly support award, vacation of the offset and assorted other relief. Granted, she did not label her request as a motion for a rehearing or retrial

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<sup>2</sup> Notwithstanding Felicia's argument to the contrary, the memorandum opinion is an "order," a judgment susceptible to challenge by postjudgment motion. Looking at its content, it clearly set forth what was expected of the parties regarding child support. The fact that the court stated its conclusions regarding the amount of support and arrearage as "findings" and did not use the word "order" in rendering its decision does not mean that its decision was not a judgment. The memorandum opinion did not contemplate entry of a formal written order nor was one required by statute or rule. Accordingly, the memorandum opinion was clearly a final order/judgment on the matter of child support.

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or modification or vacation of the judgment as required under section 2-1203. However, as the trial court also determined, it is clear from the content of the "response" that it is a motion to reconsider. Matthew timely filed his own motion to reconsider on April 19, 2008.

¶ 18 The court denied both motions to reconsider on June 23, 2008. An order that denies a postjudgment motion is not a "final judgment" for purposes of appeal and merely confirms the preceding final judgment. *Gibson*, 326 Ill.App.3d at 49. Therefore, the court's denial of the motions to reconsider confirmed that the memorandum opinion was a final judgment with regard to child support. If the memorandum opinion was an appealable order, the parties had 30 days from entry of the June 23, 2008, order denying their motions to reconsider in which to file their notice(s) of appeal from the memorandum opinion. S.Ct. R. 303(a)(1).

¶ 19 The memorandum opinion left unresolved Matthew's petition to modify the dissolution judgment in order that he be awarded sole legal custody of the children; Felicia's petition for interim attorney fees; Matthew's petition for rule to show cause why Felicia should not be held in contempt for failing to comply with court ordered psychiatric evaluations; Matthew's petition for attorney fees and costs; and Felicia's Rule 137 petition for sanctions against Matthew and his attorney for falsely accusing her of alcoholism. Generally, where a final judgment resolves fewer than all claims in an action and the court has not made a written Rule 304(a) finding, the parties may not take an appeal from that judgment. S. Ct. Rule 304(a).

¶ 20 There is, however, a split in authority regarding whether each pending petition in a postdissolution proceeding is (1) a separate action or (2) a new claim in the same action. *In re Marriage of A'Hearn*, 408 Ill. App. 3d 1091, 1094 (2011); *In re Marriage of Ehgartner-Shachter*, 366 Ill. App. 3d 278, 284 (2006). In the first characterization, an order finally disposing of a postdissolution petition would be independently appealable even though other petitions remained pending, *i.e.*, immediately appealable without a Rule 304(a) finding. *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1094-95; *In re Marriage of Ehgartner-Shachter*, 366 Ill. App. 3d at 284. In the second characterization, each petition would be a "claim" for purposes of Rule 304(a) and a Rule 304(a) finding would be required to appeal an order finally disposing of a postdissolution petition where other postdissolution matters remain pending. *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1094-95; *In re Marriage of Ehgartner-Shachter*, 366 Ill. App. 3d at 284.

¶ 21 In *In re Marriage of Carr*, 323 Ill. App. 3d 481 (2001), the First District applied the first characterization. It held that a postdissolution motion to reduce child support was separate from and unrelated to a pending petition for attorney fees and a pending petition for rule to show cause. *In re Marriage of Carr*, 323 Ill. App. 3d at 485. It found the trial court's order granting the motion to reduce child support was final and appealable without a Rule 304(a) finding despite the pending petitions for attorney fees and rule to show cause. *In re Marriage of Carr*, 323 Ill. App. 3d at 485.

¶ 22 In contrast, in *In re Marriage of Alyassir*, 335 Ill. App. 3d 998 (2d Dist. 2003), and *In re Marriage of Duggan*, 376 Ill. App. 3d 735 (2007), the Second District applied the

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second characterization, expressly disagreeing with *Carr*. In *Alyassir*, the court found the trial court's order granting a postdissolution motion to increase child support was not final and appealable without a Rule 304(a) finding because a petition for rule to show cause remained pending in the same action. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1001. In *Duggan*, the court found that a petition to modify child support and a petition to modify visitation filed in postdissolution proceedings raised claims for relief in the same action. *In re Marriage of Duggan*, 376 Ill. App. 3d at 744. "A postdissolution petition does not commence a new action but instead raises a new claim in the dissolution action, and a Rule 304(a) finding is therefore necessary to appeal a ruling on one such claim when another remains pending." *In re Marriage of Duggan*, 376 Ill. App. 3d at 741. The court held that the trial court's resolution of the child support petition while leaving open the visitation petition was, therefore, a final order as to fewer than all claims pending in the action and not appealable without a written Rule 304(a) finding. *In re Marriage of Duggan*, 376 Ill. App. 3d at 744.

¶ 23 Subsequently, our supreme court, in *In re Marriage of Gutman*, 232 Ill. 2d 145 (2009), found that a postdissolution order granting a petition to terminate maintenance was not final and appealable without a Rule 304(a) finding because a civil contempt petition was still pending. *In re Marriage of Gutman*, 232 Ill. 2d at 156. The court held that the "pending contempt petition was not a separate claim independent of the dissolution action." *In re Marriage of Gutman*, 232 Ill. 2d at 154-55. Rather, the contempt petition and two maintenance petitions raised claims for relief in the same

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action. *In re Marriage of Gutman*, 232 Ill. 2d at 156. The court, therefore, held that, although the order terminating maintenance was final, it was final as to fewer than all claims in the action because the contempt petition remained unresolved and thus was not appealable without a Rule 304(a) finding. *In re Marriage of Gutman*, 232 Ill. 2d at 151.<sup>3</sup> *Gutman* did not specifically address the conflict in authority.

¶ 24 In *In re Marriage of A'Hearn*, 408 Ill. App. 3d 1091 (2011), a recent opinion examining the conflict in authority regarding postdissolution petitions, the Fourth District followed *Carr*, finding that postdissolution petitions are generally new actions. *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1097. In *A'Hearn*, the court found the trial court's order denying a postdissolution petition to modify custody was final and immediately appealable without a Rule 304(a) finding despite the pendency of a petition for rule to show cause and a petition to extend maintenance.<sup>4</sup> *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1098-99. Looking at the factual allegations underlying the assorted postdissolution petitions, the court held that the allegations in the petitions

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<sup>3</sup> The court noted that, although a contempt judgment that imposes a penalty is a final and appealable order pursuant to Rule 304(b)(5), until a contempt order is entered imposing a sanction, a pending contempt petition provides no basis for obtaining immediate appellate jurisdiction over any part of the case. *In re Marriage of Gutman*, 232 Ill. 2d at 153.

<sup>4</sup> Pursuant to Supreme Court Rule 304(b)(6), orders modifying custody are immediately appealable without a special finding by the trial court. S.Ct.R. 304(b)(6); *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1098. The trial court did not, however, modify custody, rather it denied a change in custody. *A'Hearn* held that Rule 304(b)(6), did not apply in the case. *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1098.

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were distinct and unrelated and the petitions constituted "separate actions and not related claims." *In re Marriage of A'Hearn*, 408 Ill. App. 3d at 1099.

¶ 25 We are unconvinced by our district's earlier decision in *Carr* or by the Second District's decision in *A'Hearn* that petitions in postdissolution proceedings are separate actions rather than related claims. Instead, following the decisions in *Gutman*, *Alyassir* and *Duggan*, we find petitions in postdissolution proceedings raise claims for relief in the same action. First, the supreme court in *Gutman* accepted this without discussion. Second, as *Alyassir* points out, the court in *Carr* (and in the later-filed *A'Hearn*) focused on the fact that, unlike in a dissolution proceeding, issues in a postdissolution case may be distinct enough to be separate claims. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1000 (citing *In re Marriage of Carr*, 323 Ill. App. 3d at 484-85).<sup>5</sup> The *Carr* court, therefore, concluded that an order which disposed of fewer than all the claims was immediately appealable. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1000 (citing *In re*

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<sup>5</sup> In a dissolution proceeding, a petition for dissolution states a single claim, and issues such as property division, custody, child support, maintenance and attorney fees are ancillary issues relating to that single claim. *In re Marriage of Leopando*, 96 Ill.2d 114, 118-20 (1983). Orders resolving any of the individual ancillary issues are not appealable until the court resolves the entire dissolution claim, *i.e.*, are not appealable under Rule 304(a). *In re Marriage of Leopando*, 96 Ill.2d at 119; *In re Marriage of Ehgartner-Shachter*, 366 Ill. App. 3d 278, 284 n. 5 (2006). However, postdissolution proceedings such as the case before us are not subject to the jurisdictional rule stated in *Leopando*. *In re Custody of Purdy*, 112 Ill. 2d at 5 (1986); *In re Marriage of Ehgartner-Shachter*, 366 Ill. App. 3d at 284 n. 5. Once a judgment for dissolution is entered, later-filed petitions are no longer part of that single predissolution claim. *In re Custody of Purdy*, 112 Ill. 2d 1, 5 (1986); *In re Marriage of Duggan*, 376 Ill. App. 3d 735, (2007).

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*Marriage of Carr*, 323 Ill. App. 3d at 484-85). However, *Carr* failed to take into account that, even where a case presents separate claims, an order that finally resolves fewer than all those claims is only immediately appealable if the court includes a written Rule 304(a) finding in the order. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1000.

¶ 26 "Separability of issues is a necessary condition for a Rule 304(a) appeal. It is not a *sufficient* condition." (Emphasis in original.) *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1000. We agree. Just because claims are unrelated does not mean their disposition is immediately appealable without a Rule 304(a) finding. Even where issues are separable, a Rule 304(a) finding is required for immediate appeal if a claim is still pending. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1000. As *Alyassir* noted, if we followed *Carr* (and *A'Hearn*) and held that petitions in postdissolution proceedings were all independent actions subject to immediate appeal without a Rule 304(a) finding, we would remove the exercise of discretion given to the trial court by Rule 304(a) to decide whether a piecemeal appeal would best serve judicial economy or the interests of the parties. *In re Marriage of Alyassir*, 335 Ill. App. 3d at 1001. Therefore, we hold that where multiple claims are pending in a postdissolution proceeding, an order finally resolving fewer than all the claims is not immediately appealable unless the trial court makes a Rule 304(a) written finding that there is no just reason to delay enforcement or appeal or both.

¶ 27 Here, there is no question that the pending petitions for modification of custody, attorney fees, rule to show cause, contempt and sanctions were "claims" within the

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meaning of Rule 304(a). The issues raised were clearly "right[s], [liabilities] or matter[s] raised in an action." *In re Marriage of Gutman*, 232 Ill. 2d at 151. The memorandum opinion did not resolve the outstanding claims in the action and the court did not include the requisite Rule 304(a) language. Therefore, the memorandum opinion, although a final judgment regarding child support, was not ripe for appeal and Felicia properly did not appeal from that judgment. *In re Marriage of Gutman*, 232 Ill. 2d 145; *In re Marriage of Alyassir*, 335 Ill. App. 3d 998; *In re Marriage of Duggan*, 376 Ill. App. 3d 735.

¶ 28 On June 23, 2008, at Felicia's request, the court also entered a Uniform Order of Support setting forth, as found in the memorandum opinion, that Matthew would pay Felicia \$800 per month in child support, the amount of arrearage and offset.<sup>6</sup> On July 17, 2008, Felicia filed a timely motion to reconsider the Uniform Order of Support and added a motion to modify support. The court denied her motion to reconsider on August 25, 2008, thus affirming the uniform order of support. However, the underlying June 23 order, even if final, was not appealable because numerous motions and petitions regarding custody, interim attorney fees, rule to show cause and sanctions were still pending at the time it was entered and the court had not made a Rule 304(a) finding. Further, Felicia's motion to modify child support, filed within 30 days of the June 23, 2008, order, added an additional claim to the proceedings. *In re Marriage of Ehgartner-Shachter*, 366 Ill.App.3d at 286 (citing *Marsh*, 138 Ill. 2d at 468).

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<sup>6</sup> A Uniform Order of Support is a form that must be completed if a party intends to enforce a child support award by attaching the obligor's wages, *i.e.*, for presentation to the obligor's employer, as Felicia intended.

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¶ 29 The next judgment at issue is the court's January 15, 2009, order awarding Felicia \$4,000 in interim attorney fees. We find no indication in the record that Felicia filed a motion to reconsider this order but Matthew moved to correct the order because the court had noted an incorrect date. Matthew's motion was clearly a postjudgment motion directed against the judgment. Further, although by this time, the court had settled the custody issue, there remained pending Matthew's amended petition for additional setoff, Felicia's petition for contempt, petition for sanctions and petition to modify the support order. Therefore, even if the January 15, 2009, judgment was final regarding Felicia's request for interim fees, numerous claims in the action were still unresolved and the order was not appealable because the court had not included Rule 304(a) language in the order.

¶ 30 The next judgment Felicia challenges is the April 21, 2009, judgment. In this judgment the court granted in part and denied in part Felicia's section 2-1401 petition directed against the dissolution judgment, memorandum opinion and June 23, 2008, Uniform Order of Support. It vacated portions of the memorandum opinion and dissolution judgment, ordering that Felicia no longer needed to pay her 50% share of the children's expenses. It recalculated the amount of arrearage Matthew owed Felicia, offset that award by the amounts she owed Matthew and stated that the arrearage would run from January 2007 (versus from January 2006 as Felicia requested). The court further granted Matthew's request to reduce child support because Louise now resided with him, lowering the monthly payment to \$700; denied Matthew's motion for

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sanctions; denied Felicia's motions for sanctions and contribution to attorney fees; and barred Felicia or her attorney from requesting or receiving attorney fees through June 23, 2008, except as listed in the January 1, 2009, order. Because the court's April 21, 2009, judgment amended its previous judgments, it became the superceding final judgment. It resolved all of the open claims in the action and was, therefore, final and appealable. However, on May 19, 2009, as was her right under Rule 274, Felicia filed a timely motion to reconsider the new final judgment. Her motion tolled the time for appeal pending resolution of the last postjudgment motion. S. Ct. R. 303(a)91).

¶ 31 On July 6, 2009, the court granted Felicia's motion to reconsider the April 21, 2009, order in part, amending it to award \$800 per month in child support but ordering that the rest of the April 21 order stand. Pursuant to Supreme Court Rule 274, because the July 6, 2009, order amended the April 21, 2009, order, the July 6, 2009, became the new final order regarding child support. Because this judgment resolved all claims in the action, it was a final and appealable order. Felicia filed a timely motion to reconsider this new final judgment on August 4, 2009, again tolling the time for appeal. *In re Marriage of Ehgartner-Shachter*, 366 Ill.App.3d at 286; *Marsh*, 138 Ill. 2d at 468.

¶ 32 On November 13, 2009, the court granted Felicia's motion to reconsider in part and denied it in part, awarding her higher monthly child support, agreeing that she did not owe Matthew child support and reducing the offset amount. Because the November 13, 2009, judgment amended the July 6, 2009, judgment, it became the new final order regarding child support. S. Ct. R. 274. The court stated its judgment was final and

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appealable. Given that there were no remaining claims in the case, the order was indeed final and appealable.

¶ 33 However, on November 18, 2009, Matthew filed a petition for an award of child support from Felicia because Louise now lived with him permanently, he had Andrew 50% of the time and he was now 100% responsible for the children's expenses. This claim, filed within 30 days of the court's final and appealable November 13, 2009, judgment, inserted a timely new claim into the action, thus tolling the period for appeal until the claim was resolved. Felicia's December 12, 2009, notice of appeal was filed before resolution of this new claim. It was, therefore, premature and we lack jurisdiction to consider it.

¶ 34 Matthew filed a motion to reconsider the November 13, 2009, judgment on December 21, 2009. The court ordered that enforcement of the November 13 order setting the amount of monthly child support and arrearage would be stayed pending resolution of Matthew's motion to reconsider.

¶ 35 On February 22, 2010, the court granted Matthew's motion to reconsider in part. Although it ordered that its ruling regarding the amount of monthly child support would stand, it recalculated the amount of arrearage in Matthew's favor in order to correct an earlier error. Pursuant to Rule 274, because the February 22, 2010, judgment amended the previous November 13, 2009, final judgment, it became the new superceding final judgment. It was not, however, an appealable order because, during the pendency of the hearing on Matthew's motion to reconsider, he had filed a petition to change custody

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and Felicia had filed two petitions for interim attorney fees, thus inserting new claims into the action that remained unresolved.

¶ 36 On March 3, 2010, by agreed order, the court settled the custody issue. Two petitions filed by Felicia for interim attorney fees remained unresolved.

¶ 37 On March 17, 2010, Felicia timely filed her notice of appeal from the February 22, 2010, order. At this point all claims regarding custody and child support had been settled. However, now three petitions for interim attorney fees filed by Felicia and a petition for contempt filed by Felicia were pending. We find no indication in the record or briefs that these claims have been resolved. The court's February 22, 2010, judgment resolved some but fewer than all claims and, at the time of appeal, those claims remained unresolved. The court had not made a Rule 304(a) finding that there is no just reason to delay enforcement of the February 22, 2010, judgment. Therefore, Felicia's appeal from this order was premature and we have no jurisdiction to consider it.

¶ 38 For the reasons stated above, we dismiss the consolidated appeals for lack of jurisdiction.

¶ 39 Dismissed.