



Woltman filed a motion to "sanction" Judge Lewis and Carlinville National Bank and for damages against them. The motion was entitled "Motion To Sanction Judge David Lewis for Incompetency, and Judge David Lewis and Carlinville National Bank for Violation of Supreme Court Rules 11, 12, 104(b) and Supreme Court Rule 63 Canon 3 A(8)." The motion sought two types of monetary relief from Judge Lewis and the bank: (1) "sanctions" in the amount of \$3,500,000 and (2) "actual damages" in the amount of \$850,000, which, the motion alleged, was "the value of the property associated with this lawsuit." Woltman had a summons served on Judge Lewis. Evidently, Woltman has filed similar claims against judges in the past.

¶ 5 Judge Lewis ordered the circuit clerk to refile, as a separate case, Woltman's "Motion To Sanction Judge David Lewis for Incompetency, and Judge David Lewis and Carlinville National Bank for Violation of Supreme Court Rules 11, 12, 104(b) and Supreme Court Rule 63 Canon 3 A(8)." The circuit clerk did so. Thus, the present case, Edgar County case No. 11-MR-18, came into being, presided over by Judge Charles Gramlich.

¶ 6 In the present case, Carlinville National Bank filed a memorandum in opposition to Woltman's request for sanctions and damages. Also, Judge Lewis (represented by an assistant Attorney General) filed a motion to dismiss the action against him for several reasons, including judicial immunity. At the same time, he moved for sanctions against Woltman pursuant to Illinois Supreme Court Rule 137 (eff. Feb. 1, 1994).

¶ 7 On November 9, 2011, Judge Gramlich entered two orders. Both orders are file-stamped November 9, 2011, although the date November 8, 2011, is written next to Judge Gramlich's signature on the orders.

¶ 8 One of these two orders ruled on "the motion to dismiss filed by Judge David Lewis

and Jerry Woltman's motion for sanctions against Carlinville National Bank and the Clerk of Court." (Apparently, in the foreclosure case, Woltman had filed a motion for sanctions against the circuit clerk as well; it is unclear how that motion ended up in the present case.) Judge Gramlich's order said:

"THIS COURT having been fully advised in the premises;

HEREBY FINDS this Court is without jurisdiction to sanction Judge Lewis for alleged incompetence and the suit for damages is barred by judicial immunity; sovereign immunity; and public official immunity and the motion for sanctions against Carlinville National Bank and the Clerk of Court should be denied;

IT IS THEREFORE ordered that the motion to dismiss is granted and the motion for sanctions against Carlinville National Bank and the Clerk of Court is denied."

¶ 9 Also on November 9, 2011, in the second order, Judge Gramlich granted Judge Lewis's motion for sanctions against Woltman. Finding "good cause to impose sanctions against Jerry Woltman for his conduct," the order says:

"IT IS THEREFORE ordered that the motion for sanctions is granted. An injunction is entered against Jerry Woltman such that Jerry Woltman is required to show any pleading to file filed [*sic*] in a Circuit Court in this State to first be reviewed by an attorney licensed in the State of Illinois who shall state in writing that the pleading is not frivolous and Jerry Woltman must then pay all

required docketing fees. In the alternative to having an attorney review the pleadings and give a written certification that the pleading is not frivolous, Jerry Woltman can pay all required docket fees and present his complaint or motion to a Court of competent jurisdiction and persuade that Court that his claims colorable [*sic*] after which the Court can require the defendant or respondent to file a written response. If the complaint filed by the plaintiff does not persuade the Court that the claims are colorable, the Court may dismiss the action with prejudice. Plaintiff is also required to file a copy of the order granting his injunctive relief with any complaint that is filed in a circuit court in the State of Illinois."

¶ 10 On December 7, 2011, Woltman filed a "Motion To Strike the Order To Dismiss Filed By Judge David Lewis [*sic*]," by which, from the content of the motion, he obviously meant the dismissal order entered by Judge Gramlich. This motion noted that "Judge Gramlich entered the order on November 8, 2011; a day before the hearing." According to a docket sheet attached to the motion, the hearing on the motion for dismissal occurred on November 9, 2011.

¶ 11 On December 8, 2011, Woltman filed a "Motion To Strike the Order Pursuant to Supreme Court Rule 137 Filed By Judge David Lewis [*sic*]." Here he obviously was referring to the sanctions, *i.e.*, the injunction, that Judge Gramlich had imposed upon him in response to Judge Lewis's motion.

¶ 12 On December 16, 2011, Judge Gramlich issued the following order:

"The MOTION TO STRIKE THE ORDER PURSUANT TO

SUPREME COURT RULE 137 FILED BY JUDGE DAVID LEWIS

filed by Defendant Jerry L. Woltman is denied.

For an analysis of the validity of Woltman's complaint about the Court's use of the incorrect date, see the Order entered in Clark County case 11-MR-5.

The other allegations are also frivolous and without merit."

¶ 13 On January 4, 2012, Woltman filed two motions: (1) a motion for the substitution of Judge Gramlich for cause and (2) a "Motion To Vacate Orders Entered on December 14, 2011, and November 9, 2011." We have already discussed the two orders of November 9, 2011. It does not appear from the docket sheet that any order was entered on December 14, 2011.

¶ 14 On January 11, 2012, Judge Lewis filed a second motion for sanctions against Woltman, this time requesting monetary sanctions because Woltman continued to file frivolous pleadings, in violation of the injunction of November 9, 2011.

¶ 15 Also on January 11, 2012, Judge Lewis filed memoranda in opposition to Woltman's motion for the substitution of Judge Gramlich for cause and in opposition to Woltman's motion to vacate the unspecified orders of November 9, 2011, and December 14, 2011.

¶ 16 On January 11, 2011, Woltman filed his notice of appeal. Therein, he requests us to "reverse the orders for sanctions under Supreme Court Rule 137 entered November 9, 2011 and December 14, 2011 by Judge Gramlich."

¶ 17 II. ANALYSIS

¶ 18 Even if none of the parties to an appeal question our subject-matter jurisdiction, we have a duty to determine whether we have subject-matter jurisdiction over the appeal. *In re*

*Marriage of Mardjetko*, 369 Ill. App. 3d 934, 935 (2007). A notice of appeal does not confer subject-matter jurisdiction on us while a timely postjudgment motion or a separate claim is still pending. Rule 303(a)(2) (Ill. S. Ct. R. 303(a)(2) (eff. June 4, 2008) provides: "When a timely postjudgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before entry of the order disposing of the last pending postjudgment motion, or before the final disposition of any separate claim, becomes effective when the order disposing of said motion or claim is entered."

¶ 19 In this case, Woltman sought two forms of monetary relief from Carlinville National Bank: (1) sanctions and (2) damages. On November 9, 2011, the trial court denied "the motion for sanctions against Carlinville National Bank." Sanctions are not damages. Woltman's claim against the bank for damages remains pending.

¶ 20 Also, Woltman's postjudgment motion attacking the dismissal of his action against Judge Lewis remains pending. The trial court dismissed this action on November 9, 2011, and Woltman filed his two postjudgment motions on December 7, 2011, within 30 days after the dismissal; therefore, the postjudgment motions were timely (see Ill. S. Ct. R. 303(a)(1) (eff. June 4, 2008)). On December 16, 2011, the trial court denied Woltman's postjudgment motion attacking the Rule 137 sanctions, but the court did not rule on the postjudgment motion attacking the dismissal of Woltman's action against Judge Lewis. Instead, the court's order said: "The other allegations are also frivolous and without merit."

¶ 21 On appeal, Judge Lewis suggests that "[a]lthough the court did not explicitly state that it was denying the motion to strike the dismissal order, such ruling is implicit in the court's language, 'other allegations are frivolous and without merit.'" We disagree. The frivolity of a postjudgment

motion is certainly a reason for denying it, but calling a motion frivolous does not actually deny it.

¶ 22

### III. CONCLUSION

¶ 23 For the foregoing reasons, we dismissal this appeal for lack of subject-matter jurisdiction.

¶ 24 Appeal dismissed.