

No. 1-13-3436

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

WESTERN CAPITAL PARTNERS, LLC., a Colorado)	Appeal from the
limited liability company,)	Circuit Court of
)	Cook County
Plaintiff and Counterdefendant-Appellee,)	
)	
v.)	Nos. 07-CH-23740
)	08-CH-6055
JACKSON PARK PINNACLE PLAZA, LLC, an)	
Illinois limited liability company; RIDGELAND)	
EAST END, LLC, an Illinois limited liability)	
company; RIDGELAND CORPORATION, an Illinois)	
corporation; and UNITED LEGAL FOUNDATION,)	
)	
Defendants, Counterplaintiffs, Third-Party)	
Plaintiffs, and Petitioners-Appellants,)	
)	
and)	
)	
GREGORY E. PERKINS; LOUIS M. JONES; and)	
SHIVPRASAD S. AGRAWAL a/k/a Shilu Agrawal,)	
)	
Defendants, Counterdefendants, and)	
Respondents-Appellees,)	
)	
and)	
)	
RUFAS COOK and BARBARA REVAK,)	
)	
Defendants, Counterplaintiffs, and Third-Party)	
Plaintiffs,)	
)	
)	

and)
)
LAURA M. PERKINS; BARBARA JONES; INDRA)
S. AGRAWAL; PURITAN FINANCE)
CORPORATION; and 6101 KENWOOD, LLC, an)
Illinois limited liability company,)
)
Defendants and Counterdefendants,)
)
and)
)
CHICAGO CONDOMINIUM DEVELOPERS, LLC,)
an Illinois limited liability company; OREAL JONES;)
UNKNOWN OWNERS; UNKNOWN TENANTS;)
UNKNOWN SPOUSES; UNKNOWN HEIRS; and)
NONRECORD CLAIMANTS,)
)
Defendants,)
)
and)
)
OLIVIA WARE,)
)
Third-Party Plaintiff,)
)
v.)
)
CHICAGO TITLE & TRUST COMPANY;)
CHICAGO TITLE INSURANCE COMPANY; J.)
MARK FISHER; SCHIFF HARDEN, LLP;)
RODERICK SAWYER; JEFFERY DEER; and)
ARNSTEIN & LEHR, LLP,)
)
Third-Party Defendants and Respondents-)
Appellees,)
)
and)
)
HATCH JACOBS, LLC; RPC REALTY, LLC; MGP)
GLOBAL REAL ESTATE, LLC; GUARANTY)
BANK OF COLORADO; COMMUNITY BANKS OF)
COLORADO; DENICE PHILLIPS; HINSHAW &)
CULBERTSON, LLP; CYNTHIA JONES-AUBERT;)
and YOLANDA HARRIS,)
)
Third-Party Defendants,)
)

(and)	
)	
Ayad Jacob; Robert Hatch; Christopher Naveja;)	
Jennifer Sarhaddi; DLA Piper, LLP; Thomas)	
Geselbracht; and Michael C. Kasdin,)	Honorable
)	Neil Cohen,
Respondents-Appellees).)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* The circuit court correctly dismissed two petitions for adjudication of direct criminal contempt.

¶ 2 Jackson Park Pinnacle Plaza, LLC; Ridgeland East End, LLC; Ridgeland Corporation; and the United Legal Foundation (hereinafter referred to as the Petitioners) filed the instant appeal from an order of the circuit court which dismissed two petitions styled "First Petition For An Adjudication Of Direct Criminal Contempt" and "Second Petition For An Adjudication Of Direct Criminal Contempt." For the reasons which follow, we affirm.

¶ 3 The Petitioners filed the two petitions at issue seeking a finding of direct criminal contempt and the imposition of "fines or other penalties." The "First Petition For An Adjudication Of Direct Criminal Contempt" was brought against six lawyers, three law firms, and three parties to the underlying consolidated litigation. That petition alleged, *inter alia*, that the respondents hindered and obstructed justice "by knowingly suborning perjury and submitting and causing false testimony, argument and documents to be submitted to the court, and knowingly suppressing or concealing from the court material facts" relating to the underlying litigation. The "Second Petition For An Adjudication Of Direct Criminal Contempt" was brought against Chicago Title & Trust Company, Chicago Title Insurance Company, two additional lawyers, and one additional law firm. The second petition alleged, *inter alia*, that the

respondents hindered and obstructed justice "by intentional omission or concealment of material facts, as to which facts respondents had duties to speak as escrowee, by reason of the special relationship of insurer to insured, and by reason of duties imposed by law, including ethical duties."

¶ 4 The respondents filed motions to dismiss both petitions, arguing that neither alleged acts constituted direct criminal contempt of court. On October 3, 2013, the circuit court granted the motions and dismissed both petitions, with prejudice. Thereafter, the Petitioners filed the instant appeal.

¶ 5 The underlying litigation began as a mortgage foreclosure action involving commercial property in which counter-claims and third-party claims alleging fraud and forged signatures on the mortgage documents were filed. The consolidated action contains many of the same allegations as the counter-claims and third-party claims. The petitions which are the subject of this appeal alleged wrongdoing on the part of the respondents in the course of their legal representation of the parties to the underlying litigation and/or their participation in the transaction underlying the foreclosure. We have examined both petitions and conclude that neither alleges facts which could constitute direct-criminal contempt.

¶ 6 Direct criminal contempt is contemptuous conduct occurring in the presence of the judge. *People v. Abdennabi*, 374 Ill. App. 3d 436, 438 (2007). It is restricted to acts and facts known by the court. *Id.* The petitions at issue either allege matters which occurred outside of the presence of the court or fail to allege that the court had personal knowledge of the matters alleged to be contemptuous. Simply put, neither petition contains allegations which could rise to the level of direct criminal contempt.

¶ 7 Affirmed.