

SUPREME COURT OF ILLINOIS

COURT CONVENEED AT 9:30 A.M., TUESDAY, JANUARY 13, 2004

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

ADVISEMENT DOCKET

No. 96299 - In re: Mary Elizabeth Gorecki, Attorney - Respondent.

Motion by attorney-respondent Mary Elizabeth Gorecki for stay of suspension of license to practice law until November 30, 2004. Motion denied. Suspension effective February 1, 2004.

Order entered by the Court.

No. 96655 - Rock Island County Sheriff Michael Grchan et al., petitioners, v. American Federation of State, County and Municipal Employees, etc., et al., respondents.

Motion by petitioners for stay of this Court's mandate pending the disposition of petitioners' motion for reconsideration and motion for a supervisory order. Motion denied as moot.

Order entered by Justice Kilbride.

Motion by petitioners for leave to file reply to respondent's objections to petitioners motion for an order vacating this Court's order of November 13, 2003, granting petitioners' motion for reconsideration and allow the County and the Illinois Sheriff's Association ten (10) days from any such order in which to respond to the motion for reconsideration instanter. Motion denied as moot.

Order entered by Justice Kilbride.

No. 96762 - People State of Illinois, respondent, v. Allen Downey, petitioner.

Motion by respondent to vacate the supervisory order entered by this Court on December 3, 2003, and to uphold the order denying petition for leave to appeal on December 3, 2003. Motion denied.

Order entered by the Court.

PEOPLE'S DOCKET

No. 96839 - People State of Illinois, appellee, v. Alan W. Breedlove, appellant.

Motion by attorney James K. Leven for leave to file a brief as amicus curiae in support of appellant on or before January 7, 2004. Motion allowed.

Order entered by Justice Kilbride.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

ADVISEMENT DOCKET

Nos. 93678 - Stephen Young, etc., et al., appellees, v. Bryco  
93685 Arms et al., appellants.  
93728  
Cons.

Motion by appellees for leave to cite additional authority instanter and to reconsider this Court's order of December 15, 2003, denying appellees' motion for leave to cite Ileto v. Glock, Inc., as additional authority instanter. Both requests for relief allowed.

Order entered by Justice Garman.

No. 94942 - People State of Illinois, respondent, v. Eugene Clark, petitioner.

Motion by petitioner, pro se, to recall this Court's mandate that issued on October 29, 2003, and to allow petition for leave to appeal. Motion denied.

Order entered by Justice Freeman.

No. 97438 - Stonecrafters, Inc., etc., et al., respondents, v. Brother International Corp., etc., et al., movants.

Motion by movants for leave to file reply instanter in support of movants' motion to transfer and consolidate. Motion allowed.

Order entered by Justice Thomas.

PEOPLE'S DOCKET

No. 95927 - In re Michelle J., etc., et al. (People State of Illinois, appellee, v. Michelle J. et al., appellants).

Motion by appellants for leave to supplement record on appeal instanter. Motion allowed.

Order entered by Justice Rarick.

No. 96834 - People State of Illinois, appellant, v. Adam Rosenberg, appellee.

Motion by appellant for an extension of time for filing brief to and including February 6, 2004. Motion allowed.

Order entered by Justice Kilbride.

CIVIL DOCKET

No. 95818 - Scott Radinsky et al., appellees, v. Kenneth Zehnder, etc., et al., appellants.

Joint motion by the parties to remove this case from the call scheduled for Thursday, January 15, 2004, and stay the proceedings pending settlement. Motion allowed. The parties are directed to file with the Court quarterly reports on the status of settlement. The first report is due on April 1, 2004.

Order entered by the Court.

No. 96574 - John Doe, a Minor, etc., appellee, v. Chicago Board of Education, appellant.

Motion by appellant for an extension of time for filing brief to and including February 11, 2004. Motion allowed.

Order entered by Justice Freeman.

No. 97601 - Virginia Guevara, as Special Adm'r. etc., et al.,  
respondents, v. Jesus Vargas et al., etc., movants.

Motion by respondents Virginia Guevera, Franciso  
Javier Torres Salinas, Maria Ofelia and Roberto  
Mendez for an extension of time to and including  
January 22, 2004, for filing a response to  
movants' motion to transfer and consolidate.  
Motion allowed.

Order entered by Justice Freeman.

LEAVE TO APPEAL DOCKET

No. 97173 - David Alms, etc., petitioner, v. Ronald McDonald  
House Near Children's Memorial Hospital, Inc., et  
al, etc., respondents.

Motion by respondent Ronald McDonald House near  
Children's Memorial Hospital, Inc., for an  
extension of time to and including January 15,  
2004, for filing answer to petition for leave to  
appeal. Motion allowed.

Order entered by Justice Freeman.

No. 97206 - Animal Emergency of Lake County, respondent, v.  
Tracy Stein, petitioner.

Motion by petitioner, pro se, for leave to file  
petition for leave to appeal instanter. Motion  
allowed.

Order entered by Justice Thomas.

No. 97604 - Inland Capital Fund, L.P. et al., etc.,  
petitioners, v. Village of Huntley, respondent.

Motion by petitioners for an extension of time  
for filing petition for leave to appeal to and  
including January 16, 2004. Motion allowed.

Order entered by Justice Thomas.

No. 97609 - People State of Illinois, respondent, v. Thomas F.  
Simpson, petitioner.

Motion by petitioner, pro se, for leave to file a  
late petition for leave to appeal.

No. 97613 - In re: W.S., a Minor (People State of Illinois, respondent, v. W.S., petitioner).

Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Freeman.

MISCELLANEOUS RECORD

M.R.18386 - In re: Mark Anthony Vajdik. Disciplinary Commission.

Motion by Mark Anthony Vajdik for leave to file instanter his affidavit pursuant to Supreme Court Rule 764. Motion allowed.

Order entered by Justice Freeman.

M.R.18855 - In re: Sheldon S. Rosenfeld. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission for leave to withdraw petition for order and judgment for costs. Motion allowed.

Order entered by Justice Freeman.

SUPREME COURT OF ILLINOIS

TUESDAY, JANUARY 13, 2004

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

ADVISEMENT DOCKET

No. 97111 - People State of Illinois, respondent, v. Phillip E. LaPointe, petitioner.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Motion denied.

Order entered by the Court.

PEOPLE'S DOCKET

No. 97497 - People ex rel. Richard A. Devine, State's Attorney of Cook County, petitioner, v. Hon. Paul P. Biebel, Jr., Presiding Judge of the Criminal Division of the Circuit Court of Cook County, et al., etc., respondents.

This cause coming to be heard on the motion of petitioner, no response having been filed by respondents and due notice having been given, and the Court being fully advised in the premises;

IT IS ORDERED that the motion for leave to file a petition for writ of mandamus is denied. The motion for supervisory order is allowed. In the exercise of this Court's supervisory authority, the Circuit Court of Cook County is directed to vacate the order of August 20, 2003, ruling on the State's motion for substitution of judge, and the order of October 29, 2003, ruling on the State's motion to set aside the order of August 20, 2003, in People v. Herrera and Barrera, Cook County No. 03 CR 15704. Respondent, the Honorable Paul P. Biebel, Jr., is directed to assign the case to a judge other than the Honorable Leo E. Holt.

Order entered by the Court.

Fitzgerald, J., took no part.

CIVIL DOCKET

No. 97278 - Harris Bank Frankfort et al., respondents, v. Brett Rizzi, Indv., etc., et al., movants.

Motion by movants to transfer case No. 03 L 466 Harris Bank Frankfort v. Rizzi, Indv., etc., et al., from Will County to Cook County and to consolidate it with Cook County case No. 02 CH 16990, Werner v. Rizzi, Indv., etc., et al., and Cook County case No. 02 CH 16472, Rizzi, Indv., etc., et al. v. Zarlengo et al. Motion allowed.

Order entered by the Court.

No. 97388 - Adrienne Jaquith et al., etc., movants, v. Joseph T. Charles, Sr. et al., respondents.

Motion by movants to transfer case Nos. 02L012707, 03L001859 cons., Adrienne Jaquith et al. v. Joseph T. Charles, Sr., et al., from Cook County to Lake County and to consolidate it with Lake County Case No. 02CH1726, Prairie Harbor Yacht Club Condominium Owners Association, Inc., v. Joseph T. Charles et al. Motion allowed.

Order entered by the Court.

No. 97462 - Glenn R. Peterson, petitioner, v. Hon. Julia Nowicki, Judge of the Circuit Court of Cook County, et al., respondents.

Motion by petitioner, pro se, for leave to file a petition for an original writ of mandamus or for a supervisory order. Motion denied.

Order entered by the Court.

LEAVE TO APPEAL DOCKET

No. 97454 - People State of Illinois, petitioner, v. Roy M. Willis, respondent.

Motion by petitioner to stay the force and effect of the Appellate Court's judgment pending this Court's review. Motion denied.

Order entered by the Court.

MISCELLANEOUS RECORD

M.R.19043 - In re: Joel Emery Rabb, petitioner.

Petition by Joel Emery Rabb for relief from the decision of the Committee on Character and Fitness. Petition denied.

Order entered by the Court.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, TUESDAY, JANUARY 13, 2004

No. 95614 - People State Illinois, appellee, v. Taiwan M. Davis, appellant. Appeal, Appellate Court, Fifth District.

Oral argument by E. Joyce Randolph for appellant and by Jay Paul Hoffmann for appellee. Submitted. Agenda 1.

No. 95725 - People State of Illinois, appellant, v. Dennis Townsell, appellee. Appeal, Appellate Court, Third District.

Oral argument by Mary Beth Burns for appellant and by Mark D. Fisher for appellee. Submitted. Agenda 2.

No. 95802 - People State of Illinois, appellee, v. Gary Lawton, appellant. Appeal, Appellate Court, Fourth District.

Oral argument by John B. Leonard for appellant and by Jay Paul Hoffmann for appellee. Oral motion by appellant to cite People v. Masterson, case No. 93579, as supplemental authority is allowed. Submitted. Agenda 3.

No. 95841 - In re D.C. et al., Minors (People State of Illinois, appellant, v. Tontorya C., appellee). Appeal, Appellate Court, Third District.

Oral argument by Michael M. Glick for appellant and by Dana M. Kelly for appellee. Submitted. Agenda 4.