

No. 1-10-2230

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).

IN THE APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

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.

PRESIDING JUSTICE HOFFMAN delivered the judgment of the court.
Justices Karnezis and Hall concurred in the judgment.

ORDER

Held: Appellate court lacked jurisdiction over appeal.

¶ 1 The defendant, Brenda Moragne Diffay, appeals from two circuit court 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.

¶ 2 Although the record on appeal does not cover the entire span of this litigation, it does contain the two orders from which the defendant seeks to appeal. The first of those orders, entered on April 13, 2010, notes that the defendant had filed for bankruptcy and that the plaintiff was withdrawing its motion for summary judgment and that the case would be continued pending the outcome of the bankruptcy proceedings. The second order, entered on June 29, 2010, recites that the defendant was withdrawing a motion for substitution of judge and that the defendant's bankruptcy stay was modified and that the plaintiff was reasserting its motion for summary judgment. The June 29 order set a filing deadline for the defendant's response to the summary judgment motion and scheduled the next hearing in the case. On July 29, 2010, the plaintiff filed her notice of appeal of the two orders.

¶ 3 As a threshold matter, the plaintiff asserts that we lack jurisdiction over this appeal because the defendant's notice of appeal was premature. We agree. "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

No. 1-10-2230

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)).

¶ 4 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 scheduling orders or orders continuing the case for hearing on disputed matters. Because the orders from which the defendant appeals are not final, her notice of appeal was premature and does not confer appellate jurisdiction.

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

¶ 6 Dismissed.