

No. 1-13-1389

**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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MICHAEL SAVICKAS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 11 M1 300533
	)	
TEANGELA MATHIS,	)	Honorable
	)	James E. Snyder,
Defendant-Appellee.	)	Judge Presiding.

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JUSTICE PIERCE delivered the judgment of the court.  
Justices Simon and Liu concurred in the judgment.

**O R D E R**

¶ 1 *Held:* Without a final circuit court order disposing of plaintiff's motion to reconsider, this court lacks jurisdiction to consider plaintiff's appeal from the circuit court's order granting defendant's motion to vacate a default judgment; appeal dismissed.

¶ 2 Plaintiff Michael Savickas appeals *pro se* from an order of the circuit court granting the motion of defendant Teangela Mathis to vacate a default judgment entered in plaintiff's favor.

Plaintiff contends that his right to due process was violated when, one year after entry of an award and judgment on his behalf in a personal injury suit, the court vacated the award on the

basis of defendant's unsubstantiated claim that she did not receive anything by mail saying she was supposed to be in court. We dismiss the appeal for lack of jurisdiction.

¶ 3 On March 6, 2009, plaintiff was injured when a vehicle driven by defendant ran a stop sign and struck his motorcycle at 72<sup>nd</sup> and Western in Chicago. Plaintiff sustained multiple injuries and damage to his motorcycle. Defendant was ticketed for disregarding a yield sign and operating an uninsured motor vehicle. She subsequently pleaded guilty to both charges, was found guilty on both, and was given supervision and ordered to pay a \$100 fine on each charge.

¶ 4 On March 2, 2011, plaintiff filed suit against defendant in the Circuit Court of Cook County. On May 24, 2011, Circuit Court Judge James E. Snyder entered an order appointing Alexander Elizondo to effect service of process in the cause and set the cause on the Progress Call. On August 19, 2011, Judge Snyder set a date for discovery closure and assigned the cause to Mandatory Arbitration. An arbitration hearing was held on January 25, 2012. Written notice of the hearing was sent to defendant at 3210 Maple Lane, Hazel Crest, Illinois 60429. Defendant did not appear for the hearing. The arbitrators found in favor of plaintiff and against defendant in the amount of \$19,500. On March 23, 2012, Judge Snyder entered judgment on the award in plaintiff's favor.

¶ 5 On March 12, 2013, defendant filed a motion to vacate the default judgment entered against her. The motion said in its entirety: "I didn't get anything by mail saying I was suppose [*sic*] to be in court." The motion listed defendant's address as 2553 Broadway Street, Blue Island, Illinois 60406.

¶ 6 On March 25, 2013, Judge Snyder entered a written order stating: "Judgment vacated. Service quashed. Defendant waives service." The record on appeal does not contain a transcript

of the proceedings from that or any other court date. On April 9, 2013, plaintiff filed a written "Motion for Reconsideration of Decision to Vacate Year-Old Judgment and Final Order." On April 11, 2013, Judge Snyder entered a written order stating: "Intake date continued to 04-19-13 at 11:30 a.m. to coincide with defendant's previously set motion." The record on appeal contains no order disposing of plaintiff's motion for reconsideration. On April 25, 2013, plaintiff filed a notice of appeal from the circuit court's order vacating the award and judgment in his favor. The notice of appeal gave April 19, 2013, as the date of the judgment/order being appealed.

¶ 7 This court has a duty to consider *sua sponte* the issue of jurisdiction even if the issue is not raised by the parties. *Cangemi v. Advocate South Suburban Hospital*, 364 Ill. App. 3d 446, 453 (2006). Except as specifically provided by Illinois Supreme Court Rules, we have jurisdiction only to review final judgments, orders, or decrees. Supreme Court Rule 301 (eff. Feb. 1, 1994). In the case *sub judice*, the circuit court entered its order vacating the prior judgment on March 25, 2013, and on April 9, 2013, plaintiff filed a timely motion to reconsider that order. Although plaintiff's notice of appeal and his brief state that the court denied his motion to reconsider on April 19, 2013, no such order appears in the record on appeal. It is the appellant's burden to file a sufficient record. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). An order denying the motion to reconsider would have been a final and appealable order. See *Bernhauser v. Glen Ellyn Dodge, Inc.*, 288 Ill. App. 3d 984, 988 (1997). However, where a timely filed motion to reconsider remains pending in the circuit court, a notice of appeal filed prior to a ruling on the motion to reconsider would be of no effect. *In re County Treasurer and Ex Officio County Collector of Cook County*, 308 Ill. App. 3d 33, 45 (1999); *Elmhurst Auto Parts, Inc. v. Fenci-Tufo Chevrolet, Inc.*, 235 Ill. App. 3d 88, 90 (1992). See Supreme Court

Rule 303(a)(2) (eff. May 30, 2008), which provides in relevant part: "When a timely postjudgment motion has been filed by any party, \*\*\* a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion \*\*\* becomes effective [only] when the order disposing of said motion \*\*\* is entered." Consequently, as plaintiff's notice of appeal filed during the pendency of his post-judgment motion to reconsider had no effect, we lack jurisdiction to review the circuit court's ruling in this case.

¶ 8 We also note that plaintiff's brief fails to comply with Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013), mandating that an appellant provide a citation of authorities in support of his argument on appeal. A point raised but not sufficiently presented is waived. *People v. Bui*, 381 Ill. App. 3d 397, 421-22 (2008).

¶ 9 For the reasons set forth above, we dismiss the appeal.

¶ 10 Appeal dismissed.