

No. 1-13-3941

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

LARRY ORUTA,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 10 L 4355
)	
B.E.W., BUDGET AVIS, and CONTINENTAL AIR)	
TRANSPORT, INC.)	Honorable
)	William D. Maddux,
Defendants-Appellees.)	Judge Presiding.

JUSTICE GORDON delivered the judgment of the court.
Justices McBride and Reyes concurred in the judgment.

O R D E R

- ¶ 1 *Held:* Case dismissed for lack of jurisdiction as appeal from a nonfinal order.
- ¶ 2 This case arises from *pro se* civil actions by plaintiff Larry Oruta against defendants Budget Avis Car Rental (Budget), Chase Bank (Chase), Sedgwick Claims Management Services, Inc. (Sedgwick), Bobby E. Wright Comprehensive Behavioral Health Center, Inc. (B.E.W.), and Continental Air Transport, Inc. (Continental), in relevant part. This case has been the subject of two prior appeals, which we dismissed for lack of jurisdiction as appeals from nonfinal and

unappealable orders. *Oruta v. B.E.W.*, 2014 IL App (1st) 131690-U; 2014 IL App (1st) 123541-U (unpublished orders under Supreme Court Rule 23). Plaintiff appeals *pro se* from an order of the circuit court striking as nonexistent a purported prior court order presented by plaintiff.

¶ 3 We shall not endeavor to describe the earlier proceedings in detail, as our earlier orders suffice except as supplemented below. As noted in our earlier orders, the trial court in December 2012 vacated all citations to discover assets and orders for the turnover of funds to plaintiff because he had not won any money judgment against any defendant, and ordered plaintiff to return any funds erroneously released to him within three days. Plaintiff appealed this order, which we found to be nonfinal as it did not terminate any litigation against any party.

¶ 4 Plaintiff was incarcerated in December 2012 on a finding of contempt for not returning funds as ordered earlier that month – in particular, a \$80,000 garnishment and turnover order against Fifth Third Bank on a purported judgment against Continental – which he could purge by returning \$80,000 to Fifth Third Bank. In January 2013, the court granted with prejudice motions to dismiss by B.E.W. and Budget while setting a status hearing on any remaining issues. In April 2013, the court first reiterated that plaintiff would remain in the sheriff's custody until he paid \$80,000 but then ordered his immediate release from custody. Plaintiff appealed the April 2013 orders, which we found to be nonfinal for not terminating litigation – there was no disposition of claims against Continental or Sedgwick, nor against Chase to the extent that such claims may be separable from the dismissed claims against Budget – and not appealable as contempt sanctions because plaintiff's incarceration for contempt was ended by the order being appealed.

¶ 5 In November 2013, plaintiff filed a motion to reinstate his citation and garnishment proceedings, claiming that he was granted a final judgment in January 2012. On December 3,

2013, plaintiff obtained a citation to discover assets reciting that he had a January 2012 judgment against Sedgwick for \$71,000, and that the judgment now amounted to \$103,000. However, the court vacated the citation that same day.

¶ 6 Later in December 2013, plaintiff filed a motion to show cause against Sedgwick, claiming that the court reopened citation proceedings on November 22, 2013. Attached to the motion was a near-illegible document purporting to be a court order. On December 16, 2013, the court struck the "alleged order" of November 22, 2013, as "having never been entered by this court." Plaintiff filed a notice of appeal on December 19, 2013, from the December 16 order.

¶ 7 Before considering the merits of plaintiff's contentions, we shall consider whether we have jurisdiction. *In re Marriage of Baumgartner*, 2014 IL App (1st) 120552, ¶ 33 (reviewing court has duty to consider its jurisdiction *sua sponte* and dismiss appeal if it lacks jurisdiction). Based on the record as described above, we conclude that the order being appealed follows the trial court's December 2012 vacatur of citation proceedings on the basis that plaintiff had not been awarded any judgment. Plaintiff is not appealing from a final order – an order making a final disposition of any claim against any party – and we accordingly dismiss this appeal.

¶ 8 Dismissed for lack of jurisdiction.