APPENDIX

EXHIBIT “A”

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

February 13, 2020

Before
DIANE P. WOOD, *Chief Judge*
FRANK H. EASTERBROOK, *Circuit Judge*
ILANA DIAMOND ROVNER, *Circuit Judge*

HARRY BARNETT,
Plaintiff-Appellant,

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 19-3505 v. No. 1:19-cv-01368

KWAME RAOUL, et al.,
Defendant-Appellees,

Virginia M. Kendall, *Judge.*

ORDER

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is LIMITED to a review of the order entered on November 27, 2019, denying appellant's second motion to alter/amend.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of

the entry of the judgment or order appealed. In this case judgment was entered on September 24, 2019, and the order striking plaintiff's first motion to amend/correct order—which was filed on October 22, 2019—was entered on October 24, 2019. This order started the time to appeal because the order striking the motion disposed of the motion. See Fed. R. App. P. 4(a)(4) ("the time to file an appeal runs ... from the entry of the order disposing" of a timely Rule 59 motion) (emphasis added). The notice of appeal filed on December 23, 2019, therefore, is about one month late. The district court has not granted an extension of the appeal period, see Rule 4(a)(5), and this court is not empowered to do so, see Fed. R. App. P. 26(b).

This appeal is timely only as to the order entered on November 27, 2019, denying appellant Harry Barnett's second (identical) motion to alter/amend because the motion was not filed within 28 days of entry of the judgment. Rather, it was filed on October 29, 2019, 35 days after entry of the judgment.

IT IS FURTHER ORDERED that this appeal, as LIMITED by this order, shall proceed to briefing. The briefing schedule is as follows:

1. The plaintiff-appellant shall file his brief and required short appendix on or before March 25, 2020.

2. The appellees shall file their respective briefs on or before April 24, 2020.

3. The plaintiff-appellant shall file his reply brief, if any, on or before May 15, 2020.

Counsel for appellees are encouraged to avoid unnecessary duplication by filing a joint brief or a joint appendix or by adopting parts of a co-appellee's brief. Duplicative briefing will be stricken and may result in disciplinary sanctions against counsel. See United States v. Torres, 170 F.3d 749 (7th Cir. 1999); United States v. Ashman, 964 F.2d 596 (7th Cir. 1992).

NOTE: Counsel should note that the digital copy of the brief required by Circuit Rule 31(e) must contain the entire brief from cover to conclusion. The language in the rule that "[t]he disk contain nothing more than the text of the brief..." means that the disk must not contain other files, not that tabular matter or other sections of the brief not included in the word count should be omitted. The parties are advised that Federal Rule of Appellate Procedure 26(c), which allows for three additional days after service by mail, does not apply when the due dates of briefs are set by order of this court. All briefs are due by the dates ordered.

EXHIBIT "B"

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604
Submitted April 20, 2021*
Decided April 21, 2021

Before
MICHAEL B. BRENNAN, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*

No. 19-3505
HARRY BARNETT, Plaintiff-Appellant, v. KWAME RAOUL, et al., Defendant-Appellees,
Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 19 C 1368
Virginia M. Kendall, *Judge.*

ORDER

Harry Barnett, who protested outside Burton and Rita Siegal's home for over seven years until an Illinois court issued a no-contact order, sued the

* We have agreed to decide this case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. See FED. R. APP. P. 34(a)(2)(C).

Siegals, their lawyer, and various state officials, challenging the order and the law on which it was based. The district court concluded that Barnett sought reversal of a state court's judgment and dismissed his complaint for lack of subject-matter jurisdiction under the Rooker-Feldman doctrine. Barnett filed a post-judgment motion to reconsider, which the court struck, and then a second, which the court denied. Because Barnett's appeal is timely only as to the second motion, and the district court did not abuse its discretion in denying it, we affirm.

On more than 75 occasions over seven years, Barnett picketed outside the home of the elderly Siegals, protesting what he viewed as illegal business practices by the engineering firm that they ran out of their home. He also maintained a website dedicated to exposing their supposed misbehavior. Barnett's efforts ended in 2016 when the Circuit Court of Cook County granted the Siegals a two-year no-contact order under Illinois' civil stalking statute. See 740 ILL. COMP. STAT. 21/1-135. Barnett appealed through the state court system, challenging both the order and the constitutionality of the statute, to no avail. See Siegal v. Barnett, 2018 IL App (1st) 163073-U. He did not seek review from the Supreme Court of the United States.

In 2019, after the stalking order expired, Barnett filed this federal suit raising several challenges to the state court proceedings and repeating his argument that Illinois' civil stalking statute is unconstitutional. He named nine defendants: the Siegals, their son, their lawyer, the

current and former attorneys general and governors of Illinois, and the chief judge of the Circuit Court of Cook County. Barnett's amended complaint included 13 counts, including claims under 42 U.S.C. § 1983 that "the circuit court's rulings" violated his First and Second Amendment rights, as well as claims for abuse of process and civil conspiracy. In each count, he repeated that he wanted the district court "to vacate the stalking orders."

The defendants moved to dismiss on several grounds, and the district court ultimately dismissed the suit for lack of subject-matter jurisdiction. It concluded that Barnett explicitly sought to reverse the outcome of the state court proceedings and relitigate issues that the state courts had already decided, actions that were "plainly barred" by the Rooker-Feldman doctrine. See Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005). It also rejected Barnett's contention that there is a "fraud exception" that allowed him to pursue his claims in federal court.

Twenty-eight days after the entry of judgment, Barnett filed a "motion to amend" the order, citing both Federal Rules of Civil Procedure 59(e) and 60(b). But Barnett did not file a notice of presentment, as required by Local Rule 5.3(b), so the court struck his motion two days later. Barnett re-filed his motion on October 29-35 days after the entry of judgment. He argued that the court made several "errors of law" in dismissing his complaint, including failing to address several of his arguments about why the Rooker-Feldman doctrine did not

apply to his case and concluding that there is no fraud exception. The court addressed Barnett's motion under Rule 59(e) because he asserted legal error, which is not a basis to disturb a judgment under Rule 60(b), and it denied the motion.

On December 23, 2019, Barnett filed a notice of appeal seeking to challenge both the dismissal of his complaint and the denial of his motion to reconsider. We notified the parties that the appeal appeared to be untimely with respect to the original judgment and asked them for jurisdictional memoranda on this issue. After reviewing the briefs, we limited the scope of the appeal to the denial of the second post-judgment motion.

Although the district court construed that filing as a Rule 59(e) motion, a motion filed 35 days after the entry of judgment must be treated as one under Rule 60(b).
See Banks v. Chicago Bd. of Educ., 750 F.3d 663,666-67 (7th Cir. 2014). A Rule 59(e) motion must be filed within 28 days of the entry of judgment, and this time limit is "unyielding." Id. at 666. When a party files a post-judgment motion outside the 28-day window, we treat it as a Rule 60(b) motion no matter how the party or the district court viewed it, and we review the denial of the motion for abuse of discretion. Id. at 666-67.

Because Barnett raised only purported legal errors in his Rule 60(b) motion, the district court did not abuse its discretion by denying it. Id. at 667-68. As the district court correctly noted, legal error is

not one of the specified grounds for relief under Rule 60(b). If it were, parties could use Rule 60(b) to circumvent the time limit for appealing a judgment. See id. at 667. Barnett contends that several of his arguments for jurisdiction fell under either Rule 60(b)(1)—which allows relief based on mistake or inadvertence—or the catch-all provision of Rule 60(b)(6). But "errors of law and fact generally do not warrant relief under Rule 60(b)(1) and certainly do not require such relief." Id. And Rule 60(b)(6) provides an "extraordinary remedy" that should be granted only under "exceptional circumstances." Id. at 668. Barnett did not establish any such circumstances; he presented only arguments suitable for a direct appeal that he failed to timely initiate. Id. Therefore the court did not abuse its discretion by denying his motion.

AFFIRMED

EXHIBIT "C"

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

May 27, 2021

Before
MICHAEL B. BRENNAN, *Circuit Judge*
MICHAEL Y. SCUDDER, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*

No. 19-3505
HARRY BARNETT, Plaintiff-Appellant, Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

v. No. 19 C 1368

KWAME RAOUL, et al., Defendant-Appellees, Virginia M. Kendall, *Judge.*

ORDER

On consideration of the petition for rehearing and for rehearing en banc filed by Plaintiff-Appellant on May 10, 2021, no judge in active service has requested a vote on the petition for rehearing en banc, and the judges on the original panel have voted to deny rehearing.

Accordingly, the petition for rehearing is DENIED.

EXHIBIT "D"

In The United States District Court
For the Northern District of
Illinois Eastern Division

HARRY BARNETT,
Plaintiff

v. No. 19 C 1368

MADIGAN et al, Judge Virginia M. Kendall,
Defendants.

MEMORANDUM OPINION AND ORDER

Nearly a decade ago, Plaintiff Harry Barnett took it upon himself to begin protesting what he considered illegal business practices at Budd Engineering. He did so in the form of an "exposé" website and picketing outside of Budd Engineering's registered place of business which just so happened to be the residence of Rita and Burton Siegal, the corporation's co-founders and corporate officers. After several years of protest, the Siegals successfully obtained a civil stalking no contact order against Barnett. With the instant Amended Complaint, Barnett seeks to challenge the now expired protection order. Defendants have moved to dismissed on a litany Of grounds, but here the Court need only address the threshold jurisdictional concerns. Barnett's federal action is a thinly veiled attempt to relitigate state court proceedings. This is plainly barred by the Rooker-Feldman doctrine and the Court is without jurisdiction to hear his claims. Therefore, Defendants' Motions are granted, and

Barnett's Amended Complaint is dismissed without prejudice.

BACKGROUND

The Court accepts the Amended Complaint's well-pleaded facts as true and draws all reasonable inferences in Barnett's favor. Hecker v. Deere & Co., 556 F.3d 575, 580 (7th Cir. 2009).

Beginning in October 2010, Harry Barnett began protesting outside the home of Rita and Burton Siegal, which also acted as the corporate headquarters of Budd Engineering. (Dkt. 9, VI 4-5). Barnett's protest lasted until approximately September 2016, but in total occurred on just 75 days of that seven year span. (Id. at ¶ 9). The protest was focused on what Barnett considered to be Budd Engineering's "illegal" business practices and false claims made on Burton Siegal's website. (Id. At 13).

During his protests, Barnett claims to have been "accosted, verbally taunted, physically attacked, injured, and challenged to multiple fights by Burton [Siegal]." (Id. at ¶ 32). On one occasion, Barnett called the Skokie Police, who subsequently charged Burton with disorderly conduct. (Id. at ¶ 37). In June 2013, Barnett obtained an emergency protection order against the Burtons, which was later terminated after a hearing. (Id. at ¶ 51). Then, in September 2016, the Burtons obtained a two-year stalking no contact order against Barnett. (Id. at ¶ 72). Barnett appealed, challenging the entry of the protective order along with the constitutionality of the underlying statute. (Dkt. 16-1). The Illinois Appellate Court affirmed the Circuit Court's decision on August 3, 2018. (Id.). The Supreme Court of

Illinois later denied Barnett's Petition for Leave to Appeal. Siegal v. Barnett, 111 N.E. 3d 947 (Ill. 2018).

Barnett proceeded to file this federal action on February 25, 2019. (Dkt. 1). His 38 page, 13 Count Amended Complaint brings claims against nine Defendants including, former Attorney General of Illinois Lisa Madigan, former Governor Bruce Rauner, Attorney General Kwame Raoul, Governor J.B. Pritzker, Cook County Chief Judge Timothy Evans, Rita Siegal, Burton Siegal, Larry Siegal, and Cristofer Lord, the Siegal's attorney in the state court proceedings. Barnett's Complaint makes factual and legal challenges to the state court protection order proceedings and also attempts to challenge the constitutionality of the civil stalking statute.

LEGAL STANDARD

In reviewing a motion to dismiss pursuant to Rule 12(b)(1) for lack of subject-matter jurisdiction, the plaintiff must carry his burden of establishing that jurisdiction is proper. Ctr. for Dermatology & Skin Cancer, Ltd. v. Burwell, 770 F.3d 586, 588-89 (7th Cir. 2014). "Federal courts are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute, ... which is not to be expanded by judicial decree." Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994). To determine whether jurisdiction exists, the court turns to the complaint along with evidence outside of the pleadings. Apex Digital, Inc. v. Sears, Roebuck & Co., 572 F.3d 440, 444 (7th Cir. 2009). A court lacking subject-matter jurisdiction

must dismiss the action without proceeding to the merits. Intec USA, LLC v. Engle, 467 F.3d 1038, 1041 (7th Cir. 2006).

DISCUSSION

Before addressing the merits, the Court must, as always, address the threshold question of whether jurisdiction is proper in this Court. The Rooker-Feldman doctrine cautions that only the Supreme Court of the United States has the authority to review state-court decisions. See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983). Rooker-Feldman denies federal district courts jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005). "The doctrine applies not only to claims that were actually raised before the state court, but also to claims that are inextricably intertwined with the state court determinations." Kelley v. Med-1 Solutions, LLC, 548 F.3d 600, 603 (7th Cir. 2008). In short, the dispositive question under a Rooker-Feldman analysis is "whether the federal plaintiff seeks the alteration of a state court's judgment." Milchtein v. Chisholm, 880 F.3d 895, 897-98 (7th Cir. 2018).

Applying Rooker-Feldman here does not require a parsing of the Amended Complaint. Rather, Barnett makes his intentions abundantly clear—he is attempting to unsettle state court proceedings. "Barnett seeks of this Court to vacate

the stalking orders, compensatory damages, punitive damages, reimbursement of all
legal fees and expenses, and all other relief and damages this Court sees fit." (Dkt. 9, ¶ 117). In avoidance of doubt, Barnett goes on to state this no less than thirteen more times throughout the Amended Complaint. Even in response to Defendant Lord's Motion to Dismiss for lack of subject matter jurisdiction, Barnett claims he "is due that the order is vacated, at a minimum, and if this Court sees fit, a new trial. Barnett is asserting that the order must be vacated in its entirety, due to the prejudice suffered by Barnett inherent in the Court's reliance on the unconstitutional language." (Dkt. 52, pg. 6).

Even the most generous interpretation of Barnett's Complaint leaves no room for dispute that he ultimately challenges and seeks to reverse the state court proceedings, the entry of the protection order, and the constitutionality of the civil stalking statute—each of which was addressed in state court. This obvious attempt to attack a state court judgment is plainly barred by Rooker-Feldman. Each of Barnett's claims would require this Court to review issues already decided by the Illinois state courts. The Court does not have any authority to undertake such a review. Nora v. Residential Funding Co., LLC, 543 Fed.Appx. 601, 602 (7th Cir. 2013). Barnett's explicit goal is to vacate the state court judgment against him; however, that is precisely what Rooker-Feldman prohibits this Court from doing. See Moore v. Wells Fargo Bank, N.A., 908 F.3d 1050, 1062 (7th Cir. 2018) ("To find in favor of [plaintiff], we would be required to contradict directly the state court's decisions by finding that

[defendant] was not entitled to the final judgment ... This we simply cannot do."); Mains v. Citibank, N.A., 852 F.3d 669, 677 (7th Cir. 2017); Carpenter v. PNC Bank, Nat. Ass'n, 633 F. App'x 346, 347-48 (7th Cir. 2016); Riddle v. Deutsche Bank Nat. Tr. Co., 599 F. App'x 598, 600 (7th Cir. 2015) (holding that plaintiffs attempt to frame the injury as a deprivation of due process did not overcome the ultimate attempt to undo the state court judgment); Calhoun v. CitiMortgage, Inc., 580 F. App'x 484, 486 (7th Cir. 2014) ("To the extent that [plaintiff] wants his loan to be modified or the foreclosure overturned, Rooker-Feldman bars his claims because he is attacking the state foreclosure judgment."); Crawford v. Countrywide Home Loans, Inc., 647 F.3d 642, 646-47 (7th Cir. 2011). There simply is "no way for the injury complained of by [Barnett] to be separated from [the] state court judgment." Sykes v. Cook Cty. Circuit Court Prob. Div., 837 F.3d 736, 742 (7th Cir. 2016). Allowing Barnett's claims to go forward would be nothing more than a relitigation of settled state court matters. Milchtein, 880 F.3d at 897-98. Addressing the merits of the Complaint would require either a detailed review of the Circuit Court's decision to enter the protective order or an assessment of the constitutionality of the civil stalking statute. Both were previously raised in the state court proceedings and Barnett cannot use federal court as his second bite at the apple.

In an attempt to avoid the Rooker-Feldman bar, Barnett argues that there is a fraud exception to the doctrine. (Dkt. 49, pg. 6). This is patently not the case and therefore does nothing to save his claims. See Bond v. Perley, 705 F. App'x 464, 465 (7th Cir.

2017), reh'g denied (Jan. 22, 2018) (citing Iqbal v. Patel, 780 F.3d 728, 729 (7th Cir. 2015)); Podemski v. U.S. Bank Nat'l Ass'n, 714 F. App'x 580, 581-82 (7th Cir. 2017) ("[W]e explained then that the Rooker Feldman doctrine does not have a fraud exception.").

Any remedy available to Barnett lies in the Illinois courts or potentially the Supreme Court of the United States. Barnett's frustration with the state court system and its actors does not change that. Consequently, the Court grants Defendants' Motions to Dismiss all claims in Barnett's Amended Complaint without prejudice. See Lennon v. City of Carmel, Indiana, 865 F.3d 503, 509 (7th Cir. 2017) (stating that a dismissal on jurisdictional grounds must be without prejudice).

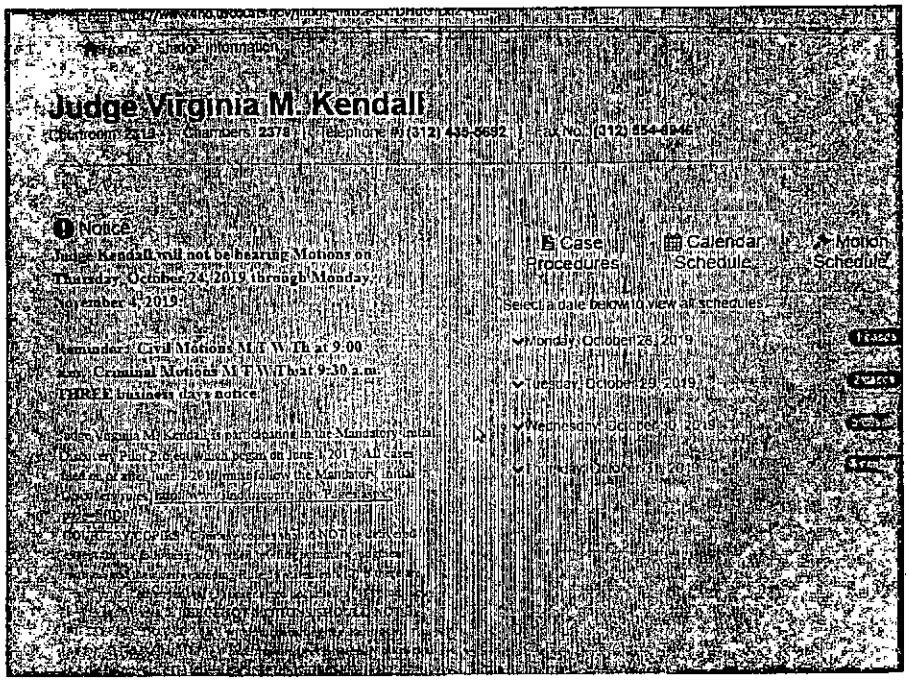
CONCLUSION

For the reasons detailed within, Defendants' Motions to Dismiss are granted. (Dkts. 15, 32, 45). The Court lacks jurisdiction over the matter under the Rooker-Feldman doctrine and Plaintiffs Amended Complaint is dismissed without prejudice.

Virginia M. Kendall
United States District Judge

Date: September 24, 2019

EXHIBIT "E"



Home > Judge Information

Judge Virginia M. Kendall

Courtroom 2319 | Chambers 2378 | Telephone # (312) 435-5692 | Fax No. (312) 554-8846

Notice

Judge Kendall will not be hearing Motions on Thursday, October 24, 2019 through Monday, November 4, 2019.

Reminder - Civil Motions M, T, W, Th at 9:00 a.m.

Criminal Motions M, T, W, Th at 9:30 a.m.

THREE business days notice.

Case Procedures | Calendar Schedule | Motion Schedule

Select a date below to view all schedules.

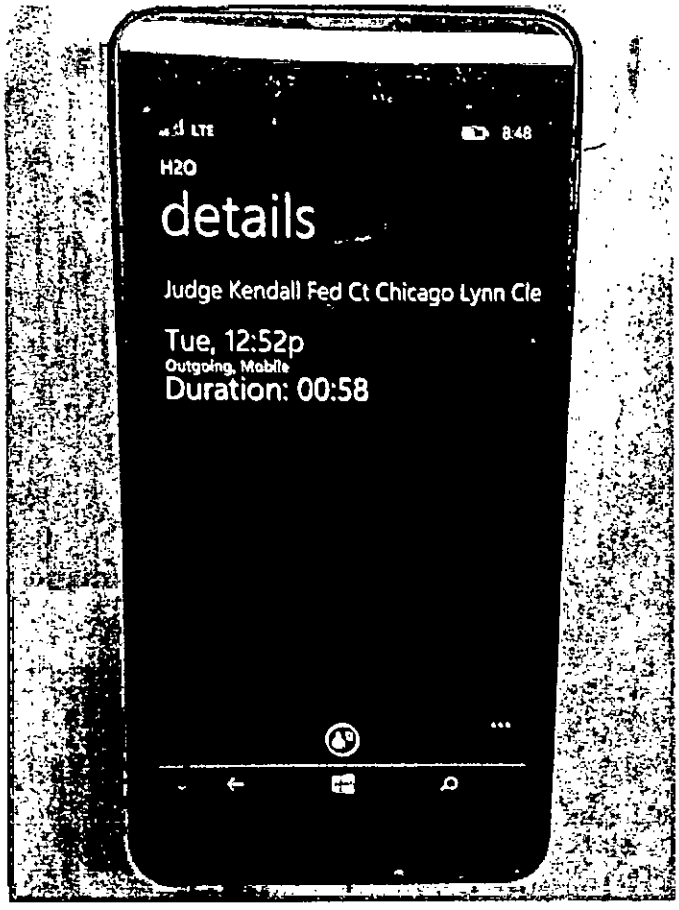
Monday, October 28, 2019

Tuesday, October 29, 2019

Wednesday, October 30, 2019

Thursday, October 31, 2019

A41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details
Judge Kendall Fed Ct Chicago Lynn Cle
Tue, 12:52p
Outgoing, Mobile
Duration: 00:58

Scheduling of notice of motion

From: Harry B (harryb1@sbcglobal.net)

To: lynn_kandziora@ilnd.uscourts.gov

Date: Friday, October 25, 2019, 03:04 PM CDT

Ms. Kandziora,

I left a message for you on Tuesday the 22nd of October at 12:52 pm, approximately 25 minutes after I filed the motion to amend, regarding a notice of motion I wanted to schedule for Oct 31. Judge Kendall's page on the ILND website has conflicting information. It states that Judge Kendall will not be hearing motions between Oct 24-Nov 4, but it has the dates available to the right of that notation. I was unsure as to what date I could choose.

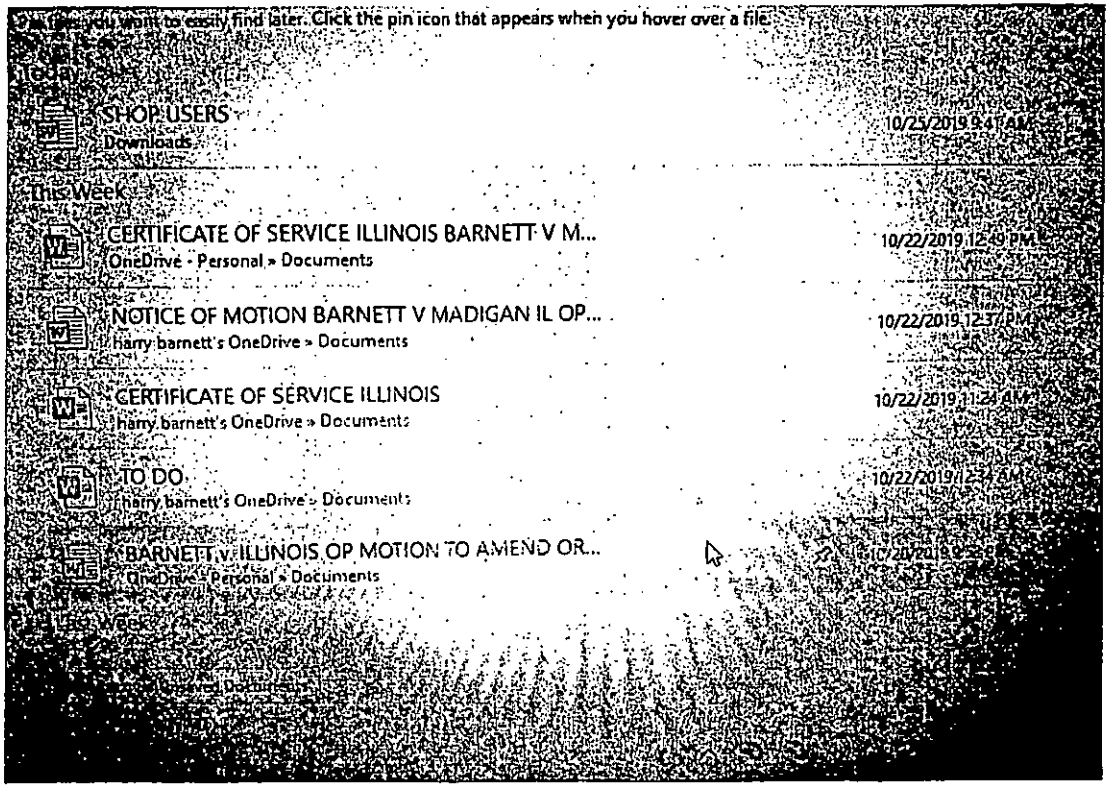
I did not hear back from you that day or Wednesday regarding the issue with the page. Judge Kendall then struck the motion due to my not filing a notice of motion. I then called you again on Thursday the 24th and left another message. I have not received a response to that message.

I wanted to choose Oct 31. Is that date available?

I thought a motion would not be struck until 14 days after it was filed and a notice of motion had not been filed. What is Judge Kendall's rule on this issue?

I am refiling the motion and will file a notice of motion right after the motion. I looked on Judge Kendall's page and did not find where this issue is addressed.

Harry Barnett


Files you want to easily find later. Click the pin icon that appears when you hover over a file.
Today
SHOP USERS
Downloads
10/25/2019 9:41 AM
This Week
CERTIFICATE OF SERVICE ILLINOIS BARNETT V M...
OneDrive - Personal » Documents
10/22/2019 12:49 PM
NOTICE OF MOTION BARNETT V MADIGAN IL OP...
harry barnett's OneDrive » Documents
10/22/2019 12:37 PM
CERTIFICATE OF SERVICE ILLINOIS
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TO DO
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BARNETT v ILLINOIS OP MOTION TO AMEND OR...
OneDrive - Personal » Documents
10/21/2019
This Week

EXHIBIT "F"

Electronic Filing
in the
U.S. District Court
Northern District of Illinois

Quick Reference Guide

Revised 10/03/2017

Oops. I noticed that I made a mistake in the electronic filing. What do I do?
If you believe that you have made an e-filing error that needs to be corrected, contact the Help Desk at 312-582-8727.

How do I add a signature to a document I am filing electronically?
The requirements for signing a document that you are filing electronically are set out in Section IX(A) of the General Order on Electronic Case Filing provides as follows: "Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number, if applicable. In addition, the name of the e-filer under whose login and password the document is submitted must be preceded by an /s/ and typed in the space where the signature would otherwise appear."

Does a certificate of service need to be included with documents filed electronically?
Section X (E) of the General Order on Electronic Case Filing states that "Where service is made as to any party who is not an E-Filer or is represented by an E-Filer, a certificate or affidavit of service must be included with all documents filed electronically. Such certificate or affidavit shall comply with LR 5.5 Such certificate or affidavit is not required as to any party who is an E-filer or is represented by an E-filer."

How many times will I be able to view my case documents as an attorney of record?
If you are an attorney of record in a case, you will not be charged the first time you view a document. However, the next time you view the same document, you will be charged by PACER.

Can I combine a motion and a notice of motion in a single electronic filing?
No. The motion and the notice of motion must be filed separately. In addition, the motion must be filed before the notice of motion.
What kind of notification does the attorney of record receive on a case?
All registered CM/ECF e-filers will receive an email notification of all filings, which includes a hyperlink to the document. Participants who are not registered users must be mailed a copy of the filing by the attorney filing electronically.

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