

CASE NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

VANESSA WEREKO

Petitioner

v.

LORI ROSEN, *et. al.*

Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Seventh
Circuit

APPENDIX FOR PETITION FOR WRIT OF
CERTIORARI

Vanessa Wereko
675 Lakeview Pkwy #5035
Vernon Hills, IL 60061
Main No.: 847-637-7142
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APPENDIX

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United States Court of Appeals for the Seventh Circuit

By the Court:

VANESSA WEREKO,
Plaintiff-Appellant

No. 22-3168 v.

LORI ROSEN, *et. al.*,
Defendants-Appellees

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

No. 1:22-cv-02177

Thomas M. Durkin, Judge

ORDER

A preliminary review of the short record indicates that the order appealed from may not be final appealable judgment within the meaning of 28 U.S.C. § 1291.

Plaintiff Vanessa Wereko filed an appeal on December 7, 2022 regarding her notion for a preliminary injunction. But the district court has not fully resolved the motion – a number of defendants have yet to respond to motion. Until the district court disposes of the motion in total, it appears that this appeal is premature. Accordingly,

IT IS ORDERED that plaintiff-appellant Vanessa Wereko shall file, on or before December 30, 2022, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal purusant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall be suspended pending further court order.

NOTE: Caption document “Jurisdictional Memorandum.” The filing of a Circuit Rule 3(c) Docketing Statement does not satisfy your obligations under this order.

United States Court of Appeals for the Seventh Circuit

By the Court:

VANESSA WEREKO,
Plaintiff-Appellant

No. 22-3168 v.

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

LORI ROSEN, *et. al.*,
Defendants-Appellees

No. 1:22-cv-02177

Thomas M. Durkin, Judge

ORDER

On consideration of the Motion for Reconsideration of the December 7, 2022 Order filed by appellant on December 8, 2022, which the court treats as appellant's response to the court's order of December 7, 2022, questioning appellate jurisdiction,

IT IS ORDERED that all appellees file, on or before December 16, 2022, a response to appellant's filing, addressing the jurisdictional issue raised in the court's order of December 7 2022.

United States Court of Appeals for the Seventh Circuit

January 9, 2023

ORDER

Before: ILANA DIAMOND ROVNER, Circuit Judge,
MICHAEL B. BRENNAN, Circuit Judge, JOHN Z. LEE,
Circuit Judge.

VANESSA WEREKO,
Plaintiff-Appellant

No. 22-3168

v.

LORI ROSEN, *et. al.*,
Defendants-Appellees

Originating Case Information:

District Court No: 1:22-cv-02177
Northern District of Illinois, Eastern Division
District Judge Thomas M. Durkin

Upon consideration of the PLAINTIFF-APPELLANT'S
MOTION FOR STAY PENDING REVIEW, filed on
January 4, 2023, by the pro se appellant,

IT IS ORDERED that the motion to stay district court
proceedings is DENIED. A notice of appeal divests a
district court of jurisdiction only over "those aspects of the
case involved in the appeal." *Griggs v. Provident
Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The
district court remains free to rule on any aspect of the case
not properly brought before this court, including but not
limited to any portions of appellant's motion for a
preliminary injunction still pending in the district court.

1/19/23 2:18 PM 22-3168 Docket

Court of Appeals Docket #: 22-3168

Nature of Suit: 3440 Other Civil Rights

Vanessa Wereko v. Lori Rosen et. al.

Appeal From: Northern District of Illinois, Eastern Division

Fee Status: Paid

Case Type Information:

(1) Civil

(2) private

Originating Court Information:

District: 0752-1: 1:22-cv-02177

Court Reporter: Kristen Ashenhurst, Court Reporter

Court Reporter: Annette M. Montalvo, Court Reporter

Trial Judge: Thomas M. Durkin, District Court Judge

Date Filed: 04/27/2022

Date Order/Judgement:

11/30/2022

Date NOA Filed:

11/30/2022

12/01/2022 1 Private civil case docket. Fee paid.
Docketing Statement filed. Transcript
information sheet due by 12/15/2022. Appellant's brief due
on or before 01/10/2023 for Vanessa Wereko. [1] [7276942]
[22-3168] (PS) [Entered: 12/02/2022 04:16 PM]

12/01/2022 2 THIS CAUSE CONSISTS OF MORE
THAN 5 PARTIES FOR EITHER SIDE.

The following are those parties to this cause as reflected on
the District Court docket, yet are not reflected on the
Appellate docket/caption for administrative purposes:
APPELLEES: Judge David E. Haracz, Retired Judge Raul
Vega, Judge Mary S. Trew, Judge Grace G. Dickler,
Kathleen P. Lipinski, Judge Joseph V. Salvi, Appellate
Court Justice Terrence J. Lavin, Appellate Court Justice
Mary Ellen Coghlan, Appellate Court Justice Aurelia
Pucinski, Sarah E. Ingersoll, Richard Falen, Adam Boyd,

Bradley R. Trowbridge, Stacey E. Platt, and Elizabeth Ullman. [2] [7276950] [22-3168] (PS) (Entered: 12/02/2022 04:32 PM]

12/05/2022 3 Appearance form filed by Attorney Thomas A. Doyle for Appellee Pedro Martinez. [3] [7277014] (L-Yes, E-Yes, R-Yes) [22-3168] [3] [7277014] [22-3168]--[Edited 12/05/2022 by HTP to reflect termination and addition of counsel.] (Doyle, Thomas) [Entered: 12/05/2022 09:17 AM]

12/07/2022 4 ORDER. A review of the short record reveals that this appeal involves more than one appellee represented by different counsel. Counsel for appellees are encouraged to file a joint brief and appendix or adopt parts of a co-appellee's brief. The parties are reminded that redundant and uncoordinated briefing will be stricken. See United States v. Torres, 170 F.3d 749 (7th Cir. 1999). United States v. Ashman, 954 F.2d 596 (7th Cir. 1992). DW [7277879] [4] [7277879] [22-3168] (AP) [Entered: 12/07/2022 04:22 PM]

12/07/2022 5 ORDER: Appellant Vanessa Wereko shall file a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. Briefing is SUSPENDED pending further court order. (See order for further details) [7277884] DW Jurisdictional memorandum due for Appellant Vanessa Wereko by 12/20/2022 [5] [7277884] [22-3168] (AP) [Entered: 12/07/2022 04:26 PM]

12/08/2022 6 Pro se motion filed by Appellant Vanessa Wereko to reinstate electronic filing access. [6] [72780001] [22-3168] (PS) [Entered: 12/08/2022 11:06 AM]

12/08/2022 7 Pro se motion filed by Appellant Vanessa Wereko for reconsideration of

the December 7, 2022 Order. [7] [7278002] [22-3168] (PS) [Entered: 12/08/2022 11:08 AM]

12/08/2022 8 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney

Amanda J. Hamilton for Appellee Gary Schlesinger in 22-3168. 22-3168. [8] [7278043] (L-Yes, E-Yes, R-No) [22-3168, 22-3168] (Hamilton, Amanda) [Entered: 12/08/2022 12:39 PM]

12/09/2022 9 Filed Seventh Circuit Transcript Information Sheet by Appellant Vanessa Wereko in 22-3168, 22-3168, [9] [7278349] [22-3168, 22-3168] (AD) [Entered: 12/09/2022 10:58 AM]

12/09/2022 10 ORDER: On consideration of the Motion for Reconsideration of the December 7, 2022 order filed by appellant on December 8, 2022, which the court treats as appellant's response to the court's order of December 7, 2022, questioning appellate jurisdiction, all appellees shall file, on or before December 16, 2022, a response to appellant's filing, addressing the jurisdictional issue raised in the court's order of December 7, 2022. DW [10] [7278470] [22-3168] (FP) [Entered: 12/09/2022 02:32 PM]

12/12/2022 11 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney

Nikoleta Lamprinakos for Appellee Peter Hannigan in 22-3168. [11] [7278575] (L-Yes, E-Yes, R-No) [22-3168, 22-3168] (Lamprinakos, Nikoleta) [Entered: 12/12/2022 09:19 AM]

12/12/2022 12 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Karen D. Fox for Appellee Russell Caskey. [12] [7278662] (L-Yes, E-Yes, R-No) [22-3168]--Edited 12/12/2022 by PS - to reflect the addition of counsel.] (Fox, Karen) [Entered: 12/12/2022 12:04 PM]

12/12/2022 13 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Paige M. Neel for Appellee Safe Travels Chicago, LLC, for Bradley Trowbridge4. [13] [7278676] (L-Yes, E-Yes, R-No) [22-3168] [13] [7278676] [22-3168]--[Edited 12/12/2022 by HTP to reflect addition of counsel.] (Neel, Paige) [Entered: 12/12/2022 12:26 PM]

12/12/2022 14 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Daniel L. Polsby for Appellee Safe Travels Chicago, LLC, for Bradley Trowbridge, [14] [7278678] (L-No, E-Yes, R-No) [22-3168] (Polsby, Daniel) [Entered: 12/08/2022 12:29 PM]

12/12/2022 15 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Gilberto Gonzalez for Appellee Shawn D. Bersson. [15] [7278727] (L-No, E-Yes, R-No) [22-3168] [15] [7278727] [22-3168]--[Edited 12/12/2022 by HTP to reflect addition of counsel.] (Gonzalez, Gilberto) [Entered: 12/08/2022 02:58 PM]

12/12/2022 16 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney George J. Manos for Appellee Maxine Weiss Kunz. [16] [7278784] (L-No, E-Yes, R-No) [22-3168] (Manos, George) [Entered: 12/12/2022 04:14 PM]

12/12/2022 17 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Kimberly A. Jansen for Appellee Shawn D. Bersson. [17] [7278809] (L-Yes, E-Yes, R-No) [22-3168]--[Edited 12/13/2022 by FP to reflect that atty. Jansen is added to the docket.] (Jansen, Kimberly) [Entered: 12/12/2022 04:29 PM]

12/13/2022 18 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney

Brendan J. Nelligan for Appellee Michael P. Doman. [18] [7279003] (L-Yes, E-Yes, R-No) [22-3168]--[Edited 12/13/2022 by PS – to reflect the addition of counsel.] (Nelligan, Brendan) [Entered: 12/13/2022 01:20 PM]

12/13/2022 19 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney

Matthew J. Egan for Appellee Michael P. Doman. [19] [7279008] (L-Yes, E-Yes, R-No) [22-3168] (Egan, Matthew) [Entered: 12/13/2022 01:37 PM]

12/13/2022 20 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney

Margaret C. Redshaw for Appellee Russell M. Reid. Additional Parties: Stacey E. Platt, Elizabeth Ullman. [20] [7279054] (L-Yes, E-Yes, R-No) [22-3168] (Redshaw, Margaret) [Entered: 12/13/2022 02:36 PM]

12/13/2022 21 ORDER re: Motion to reinstate electronic filing access. [6] The motion is GRANTED to the extent that appellant Vanessa Wereko is granted leave to use the Electronic Case Filing system for filing material in this appeal. This court's Electronic Case Filing Procedures, the Electronic Case Filing User Manual, and answers to frequently asked questions regarding Electronic Case Filing are available at the Seventh Circuit's web site <http://www.ca7.uscourts.gov>. This court will terminate the pro se litigant's filing user status upon the termination of the case, termination of the litigant's pro se status, or for any abuse of filing privileges. JPK [21] [7279079] [22-3168] (PS) [Entered: 12/13/2022 03:38 PM]

12/14/2022 22 Appearance filed by Nancy Jack for Appellees Theresa A. Eagleson and Lori Rosen. Additional Parties: Hon. David E. Haracz, Hon. Raul Vega, Hon. Mary S. Trew, Hon. Grace G. Dickler, Hon. Joseph V. Salvi, Hon. Terrence J. Lavin, Hon. Mary Ellen Coghlan, Hon. Aurelia Marie Pucinski, Kathleen Lipinski,

Sarah Ingersoll, and Richard Falen. [22] [7279276] (L-Yes, E-Yes, R-Yes) [22-3168--[Edited 12/14/2022 by PS – to reflect the termination and addition of counsel.] (Jack, Nancy) [Entered: 12/14/2022 01:26 PM]

12/14/2022 23 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Amy L. Anderson for Appellee Tiffany Marie Hughes. [23] [7279356] (L-No, E-Yes, R-No) [22-3168--[Edited 12/14/2022 by PS – to reflect the addition of counsel.] (Anderson, Amy) [Entered: 12/14/2022 03:49 PM]

12/14/2022 24 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Thomas A. Doggett for Appellee Tiffany Marie Hughes. [24] [7279359] (L-Yes, E-Yes, R-No) [22-3168] (Doggett, Thomas) [Entered: 12/14/2022 03:59 PM]

12/16/2022 25 Filed Memorandum by Appellees Karen Altman, Stewart J. Auslander, Shawn D. Bersson, Robert Caselli, Russell Caskey, Michael P. Doman, Theresa A. Eagleson, Peter Hannigan, Tiffany Marie Hughes, Pedro Martinez, Candace L. Meyers, Russell M. Reid, Andrea D. Rice, Lori Rosen, Safe Travels Chicago,LLC, Gary Schlesinger, Maxine Weiss Kunz and Emily Yu to Defendants-Appellees' Joint Responsive Memorandum to Plaintiff's Motion for Reconsideration/Response to the Court's December 7, 2022 Order. [25][7279731] [22-3168] (Jack, Nancy) [Entered: 12/16/2022 12:50 PM]

12/16/2022 26 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney James R. Studnicka for Appellee Stewart J. Auslander. [26] [7279736] (L-Yes, E-Yes, R-No) [22-3168] Studnicka, James) [Entered: 12/16/2022 01:14 PM]

12/17/2022 27 Instanter motion filed by Appellant Vanessa Wereko to file Brief. [27]

[7279851] (Wereko, Vanessa) [Entered: 12/17/2022 12:17 AM]

12/19/2022 28 Filed District Court order dated 12/16/2022 The Clerk's Office is directed to forward Plaintiff's Amended Notice of Appeal (dkt. [315]) to the United States Court of Appeals for the Seventh Circuit to include in her record on appeal for USCA Case No. 22-3168. Forwarded to DW & SCR. [26] [7280039] [22-3168] (AP) [Entered: 12/19/2022 02:19 PM]

01/04/2023 29 Motion filed by Appellant Vanessa Wereko for stay of District Court Order to Alter Status Quo Pending Review. [29] [7282614] [22-3168] Wereko, Vanessa) [Entered: 01/04/2023 01:30 PM]

01/05/2023 30 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Karen Altman for Appellee Karen Altman has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [30] [7282856] [22-3168] (LJ) [Entered: 01/05/2023 11:13 AM]

01/05/2023 31 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Tania Dimitrova for Appellee Tania Dimitrova has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to <http://www.ca7.uscourts.gov/forms/forms7.htm> and

choosing the link, "Application for Admission to Practice in the Seventh Circuit". [31] [7282858] [22-3168] (LJ) [Entered: 01/05/2023 11:15 AM]

01/05/2023 32 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Thomas A. Doggett for Appellee Tiffany Marie Hughes has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to <https://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [32] [7282868] [22-3168] (LJ) [Entered: 01/05/2023 11:21 AM]

01/05/2023 33 NOTICE: Circuit Rule 46(a) requires lead counsel be admitted to practice within 30 days of the date the appeal/petition was docketed. The rule also requires any attorney wishing to present oral argument to be admitted. Our records indicate as of this date Attorney Mr. James R. Studnicka for Appellee Stewart J. Auslander has/have not been admitted to practice in this court. Within 21 days, please file your application for admission by going to <http://www.ca7.uscourts.gov/forms/forms7.htm> and choosing the link, "Application for Admission to Practice in the Seventh Circuit". [33] [7282892] [22-3168] (LJ) [Entered: 01/05/2023 12:32 PM]

01/05/2023 34 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Joseph Comer for Appellee Emily Yu. [34] [7282994] (L-No, E-Yes, R-No) [22-3168] (Comer, Joseph) [Entered: 01/05/2023 03:21 PM]

01/09/2023 35 ORDER re: Plaintiff-appellant's motion for stay pending review. The motion to

Stay is DENIED. A notice of appeal divests a district court of jurisdiction only over “those aspects of the case involved in the appeal.” Griggs v. Provident Consumer Discount Co. 459 U.S. 56, 58 (1982). The district court remains free to rule on any aspect of the case not properly brought before this court, including but not limited to any portions of appellant’s motion for a preliminary injunction still pending in the district court. [29] JPK [35] [7283366] [22-3168] (HTP) [Entered: 01/09/2023 09:32 AM]

01/09/2023 36 Instanter motion filed by Appellant
Vanessa Wereko Ruling on Plaintiff-
Appellant’s Pending Pleadings. [36] [7283503] (Wereko,
Vanessa) [Entered: 01/09/2023 02:08 PM]

United States Court of Appeals for the Seventh Circuit

By the Court:

VANESSA WEREKO,
Plaintiff-Appellant

No. 22-3168 v.

LORI ROSEN, *et. al.*,
Defendants-Appellees

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

No. 1:22-cv-02177

Thomas M. Durkin, Judge

ORDER

A preliminary review of the short record indicates that this appeal duplicates an earlier appeal filed November 30, 2022, and docketed in this court as Appeal No. 22-3168. Only one appeal is necessary, the other should be dismissed. *Harris v. Bellin Memorial Hospital*, 13 F.3d 1082, 1083 (7th Cir. 1994). Accordingly,

IT IS ORDERED that appellant shall file, on or before December 20, 2022, a brief memorandum stating why this appeal or appellant's earlier filed appeal (22-3168) should not be dismissed as unnecessary. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall remain suspended pending further court order.

United States Court of Appeals for the Seventh Circuit

December 12, 2022

ORDER

By the Court:

**VANESSA WEREKO,
Plaintiff-Appellant**

No. 22-3198

v.

**LORI ROSEN, *et. al.*,
Defendants-Appellees**

Originating Case Information:

District Court No: 1:22-cv-02177
Northern District of Illinois, Eastern Division
District Judge Thomas M. Durkin

Upon consideration of the MOTION TO DISMISS THE INSTANT CASE AND VACATE THE DECEMBER 9, 2022 ORDER, filed on December 9, 2022, by the pro se appellant,

IT IS ORDERED that the motion is GRANTED to the extent that this appeal is voluntarily DISMISSED as duplicative pursuant to the Federal Rule of Appellate Procedure 42(b).

United States Court of Appeals for the Seventh Circuit

December 12, 2022

ORDER

To: Thomas G. Bruton
UNITED STATES DISTRICT COURT
Northern District of Illinois
Chicago, IL 60604-0000

VANESSA WEREKO,
Plaintiff-Appellant

No. 22-3198

v.

LORI ROSEN, *et. al.*,
Defendants-Appellees

Originating Case Information:

District Court No: 1:22-cv-02177
Northern District of Illinois, Eastern Division
District Judge Thomas M. Durkin

Herewith is the mandate of this court in this appeal, along with the Bill of Costs, if any. A certified copy of the opinion/order of the court and judgment, if any, and any direction as to costs shall constitute the mandate.

TYPE OF DISMISSAL: F.R.A.P. 42(b)

STATUS OF THE RECORD: no record to be returned

Originating Court Information:

District: 0752-1: 1:22-cv-02177

Court Reporter: Kristen Ashenhurst, Court Reporter

Court Reporter: Annette M. Montalvo, Court Reporter

Trial Judge: Thomas M. Durkin, District Court Judge

Date Filed: 04/27/2022

Date Order/Judgement:

11/30/2022

Date NOA Filed:

12/03/2022

12/09/2022 5 ORDER A preliminary review of the short record indicates that this appeal

duplicates an earlier appeal filed November 30, 2022 and docketed in this court as Appeal No 22-3168. Only one appeal is necessary, the other should be dismissed Harris v. Bellin Memorial Hospital, 13 F.3d 1082, 1083 (7th Cir 1994) Accordingly, appellant shall file, on or before December, 2022, a brief memorandum stating why this appeal or appellant's earlier filed appeal (22-3168) should not be dismissed as unnecessary. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall remain SUSPENDED pending further court order DW [7278461][5] [5] [7278461] [22-3198] (HTP) [Entered 12/09/2022 02:16 PM]

12/09/2022 6 Pro se motion filed by Appellant Vanessa Wereko to dismiss the instant case and vacate the December 9, 2022 order. [6] [7278567] [22-3168] (CG) [Entered: 12/12/2022 09:12 AM]

12/12/2022 7 Circuit Rule 26.1 Disclosure Statement and Appearance by Attorney Nikoleta Lamprinakos for Appellee Peter Hannigan in 22-3168. [7] [7278575] (L-Yes, E-Yes, R-No) [22-3198, 22-3198] (Lamprinakos, Nikoleta) [Entered: 12/12/2022 09:19 AM]

12/12/2022 8 ORDER re: Motion to dismiss the instant case and vacate the December 9, 2022

order. The motion is GRANTED to the extent that this appeal is voluntarily dismissed as duplicative pursuant to Federal Rule of Appellate Procedure 42(b). Mandate issued, no record to be returned [6][8][7278647][22-3198] (HTP) [Entered: 12/12/2022 11:35 AM]

12/12/2022 FOR COURT USE ONLY. Certified copy of 12/12/2022 Final Order with Mandate sent to the District Court Clerk [7278665-2] [7278665] [22-3198] (HTP) [Entered: 12/12/2022 12:06 PM]

12/12/2022 9 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Nikoleta Lamprinakos for Appellee Peter Hannigan [9] [7278739] (L-Yes, E-Yes, R-No) [22-3198] (Lamprinakos, Nikoleta) [Entered: 12/12/2022 03:25 PM]

12/13/2022 10 Appearance form filed by Attorney Allen Wall for Appellee Robert Caselli Additional Parties: Adam Boyd[10] [7278954] (L-Yes, E-Yes, R-No) [22-3198] (Wall, Allen) [Entered: 12/13/2022 11:40 AM]

12/13/2022 11 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Joseph E. Comer for Appellee Emily Yu [11] [7278986] (L-Yes, E-Yes, R-No) [22-3198] (Comer, Joseph) [Entered: 12/13/2022 12:44 PM]

12/13/2022 12 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Amanda J. Hamilton for Appellee Gary Schlesinger [12] [7279013] (L-Yes, E-Yes, R-No) [22-3198] (Hamilton, Amanda) [Entered: 12/13/2022 01:47 PM]

12/12/2022 13 Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Matthew Elster for Appellee Candace L. Meyers [13] [7279029] (L-Yes, E-Yes, R-No) [22-3198] (Elster, Matthew) [Entered: 12/12/2022 02:05 PM]

Case: 1:22-cv-02177 Document #: 229 Filed: 08/08/22

In the United States District Court for the Northern
District of Illinois, Eastern Division

Wereko,
Plaintiff(s),

Case No. 22-cv-2177

v.

Judge Robert M. Dow.

Rosen, et. al.,
Defendant(s)

ORDER

Plaintiff has filed an emergency motion [226] pursuant to Rule 65 of the Federal Rules of Civil Procedure seeking the following relief: "issuance of a preliminary injunction against all defendants from taking any actions to tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official public records of state actions referenced in the Complaint, from the state circuit courts to the state appellate court to the state supreme court." That motion [65] is taken under advisement.

The record referenced by Plaintiff all appear to be maintained in the official dockets of all three levels of the Illinois judiciary. This Court has no knowledge of the filing systems or operations of the Clerk's Offices of each of those courts. Tampering with public records is a serious offense and any effort to do so likely would leave an electronic trace in the modern era of court filings. Moreover, at least in the electronic filing system used by the federal courts, the fact that pleadings sometimes may not be ordered sequentially by date – a concern raised by Plaintiff – in no way indicates misconduct and often occurs for reasons relating to the

distribution of labor between chambers staff and the Clerk's Office employees, among other reasons.

Plaintiff has pointed to alleged irregularities, but given its lack of familiarity with the workings of docket maintenance in the state courts, the Court has not basis for evaluating these allegations without a response from Defendants. Any Defendant who wishes to respond to this motion is given until 8/15/2022 to file a response; any reply by Plaintiff is due by 8/22/2022. The Court will issue a ruling by mail. If any or all Defendants agree not to take "any actions to tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official public records of state actions referenced in the Complaint, from the state circuit courts to the state appellate court to the state supreme court" [see 226], they may so indicate in a response brief, in which case no reply will be necessary, nor will the entry of injunctive relief be necessary as all counsel and all parties who have appeared without counsel are lawyers and officers of the Court whose representations will suffice to bind themselves and their clients.

To the extent that Plaintiff's motion may implicate records or documents that are not part of the record in the state court cases, all parties to litigation have an obligation to preserve records that may be relevant to ongoing litigation and (again) every party to have appeared in this case either is represented by counsel or is a licensed attorney, or both. Therefore, the Court believes that Defendants understand and will adhere to that obligation without any need for a court order to direct the parties to comply with the rules and the case law. To the extent that any Defendant takes issue with anything written here about litigation holds and the Defendant may state their concerns in a response brief due on 8/15/2022, to which Plaintiff may reply by 8/22/2022.

Date: 8/8/2022

/s/ Judge Dow

Case: 1:22-cv-02177 Document #: 289 Filed: 11/28/22

United States District Court for the Northern District of
Illinois – CM/ECF NextGen 1.6.3 Eastern Division

Vanessa Wereko,
Plaintiff,

v.

Lori Rosen, et. al.,
Defendant.

Case No. 1:22-cv-2177

Honorable Thomas M.
Durkin

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday,
November 28, 2022:

MINUTE entry before the Honorable Thomas M. Durkin:
Plaintiff's Motion to Vacate ECF 289 Filed November 28,
2022 [286] is denied. Plaintiff is to file a response to
Defendants' Motion to Dismiss [284] by or before December
28, 2022. If Plaintiff would like to stand on her Memorandum
in Opposition to Motions to Dismiss filed July 4, 2022 [182],
Plaintiff should file a response stating the same by or before
the deadline.

Defendants Bradley R. Trowbridge and Safe Travels
Chicago, LLC are to file their reply 14 days from the date of
Plaintiff's responsive filing. Should that date fall on
Christmas Day, New Year's Day, or another legal public
holiday, the deadline for Defendants' reply is extended to the
next day that the Court is open. The motion hearing
scheduled for 12/5/2022 at 9:00 a.m. is stricken. Motion
notice. (ecw,)

Case: 1:22-cv-02177 Document #: 290 Filed: 11/28/22

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NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday,
November 28, 2022:

MINUTE entry before the Honorable Thomas M. Durkin:
Plaintiff filed a motion [226] seeking the “issuance of a preliminary injunction against all defendants from taking any actions to tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official public records of state actions referenced in the Complaint, from the state circuit courts to the state appellate court to the state supreme court.” On August 8, 2022, Judge Dow set a briefing schedule for Defendants’ responses and Plaintiff’s reply and ordered that “[i]f any or all Defendants agree not to take ‘any actions to tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official records of state actions referenced in the Complaint, from state circuit courts to the state appellate court to the state supreme court’ see [226], they may so indicate in a response brief, in which case no reply will be necessary, nor will the entry of injunctive relief be necessary as all counsel and all parties who have appeared without counsel are lawyers and officers

of the Court whose representations will suffice to bind themselves and their clients.” See [229] Seventeen Defendants filed responses consistent with Judge Dow’s Order by the prescribed deadline, and Plaintiff’s motion [226] is therefore denied as to those Defendants. See [232], [233], [234], [235], [236], [237]. The remaining Defendants did not respond by the deadline or thereafter. Those Defendants are to file a response by December 5, 2022 agreeing not to take “any actions to tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official public records of state actions referenced in the Complaint, from the state circuit courts to the state appellate court to the state supreme court.” Defendants who fail to respond by December 5, 2022 will be required to appear at a hearing on Plaintiff’s motion at a date to follow. Mailed notice. (ecw,)

United States District Court for the Northern District of Illinois – CM/ECF NextGen 1.6.3 Eastern Division

Vanessa Wereko, Case No. 1:22-cv-2177
Plaintiff,

v. Honorable Thomas M.

Durkin

Lori Rosen, et. al.,
Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, November 28, 2022:

MINUTE entry before the Honorable Thomas M. Durkin: Plaintiff has filed a motion [300] to vacate or reconsider the Court's November 28, 2022 Order [290] concerning Plaintiff's emergency motion for a preliminary injunction. Plaintiff's motion to vacate or reconsider is denied. First, the Court properly denied Plaintiff's motion for a preliminary injunction with respect to the Defendants who filed responses agreeing not to take any actions to "tamper with, destroy or alter any records in the scope of the factual allegations of the Complaint, from calendar year 2015 to 2022, including any official public records of state actions referenced in the Complaint, from the state circuit courts to the state appellate courts to the state supreme court." In the August 8, 2022 Order, Judge Dow held that if any Defendants replied with the stated agreement, no reply or injunctive relief would be necessary. See [229]. That is because there would be no need to enjoin Defendants from doing something that they have agreed not to do. Certain Defendants responded with the stated agreement. See [232], [233], [234], [235], [236], [237]. There was no requirement

that Defendants do so in the form of an affidavit as their filings with agreement rendered the injunctive relief unnecessary, the Court denied Plaintiff's motion as to those Defendants. Further, granting an extension for the remaining Defendants to respond with the stated agreement was squarely within the Court's discretion. The extension results in no prejudice to Plaintiff because if Defendants agree as stated, the purpose of the injunctive relief she requests will be accomplished. And if Defendants do not respond by December 5, 2022, those Defendants will have to appear before this Court for a hearing on the motion. Mailed notice. (ecw,)

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Vanessa Wereko, Case No. 1:22-cv-2177
Plaintiff,

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Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, January 4, 2023:

MINUTE entry before the Honorable Thomas M. Durkin: Plaintiff filed a motion [337] to stay pending appeal and to strike the Court's January 3, 2023 Order [336] setting a briefing schedule on Defendant Tania Dimitrova's motion to vacate [335]. Plaintiff's motion is denied. "The filing of a notice of appeal does not automatically divest a district court's jurisdiction in all respects[.]" INTL FCStone Fin. Inc. v. Jacobson, 950 F.3d 491, 502 (7th Cir. 2020). Rather, the filing of a notice of appeal "divests the district court of its control over those aspects of the case involved in the appeal." Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58, 103 S. Ct. 400, 40102 (1982); see also Kusay v. United States, 62 F.3d 192, 19394 (7th Cir. 1995) ("Griggs notes an important limitation on the rule that just one court at a time possesses jurisdiction; the doctrine applies only to 'those aspects of the case involved in the appeal.'"). For example, a district court may award attorneys' fees while the merits are on appeal, consider whether to grant permanent injunctive relief while an appeal from a preliminary injunction is pending, and address ancillary questions such

as costs, the registration of judgments, and motions for certificates of probable cause. Kusay, 62 F.3d at 19394. (citations omitted). But “perhaps the foremost [qualification of the Griggs rule] is that an appeal taken from an interlocutory decision does not prevent the district court from finishing its work and rendering a final decision.” Wis. Mut. Ins. Co. v. U.S., 441 F.3d 502, 504 (7th Cir. 2006); see also Staffa v. decision – here the denial of a preliminary injunction – does not divest a district court of jurisdiction or prevent the court ‘from finishing its work and rendering a final decision.’” (quoting Wis. Mut., 441 F.3d at 504)). There is no rational basis to stay the briefing and proceedings on Defendant Dimitrova’s motion to vacate default where that motion in no way relates to Plaintiff’s pending appeal. Plaintiff’s appeal of the interlocutory orders entered on August 8, 2022, November 28, 2022 and November 30, 2022 relates solely Plaintiff’s Emergency Motion for a Preliminary Injunction, which asked the Court to enjoin defendants from taking any actions to tamper with, destroy, or alter any records in the scope of the allegations in the Complaint. Defendant Dimitrova’s motion to vacate default is not an “aspect[] of the case involved in the appeal.” Griggs, 459 U.S. at 58. And in any case, Plaintiff’s appeal of the interlocutory orders does not prevent this Court “from finishing its work and rendering a final decision.” Wis. Mut., 441 F.3d at 504. Plaintiff’s motion to stay pending appeal and to strike this Court’s January 3, 2023 Order is denied. The deadlines for the response and reply to Defendant Dimitrova’s motion to vacate default remain as stated in this Court’s January 3, 2023 Order. If Plaintiff would like the Court to consider her motion to stay pending appeal as her brief in opposition to Defendant Dimitrova’s motion to vacate default, she may do so, but she must file a response stating the same by or before the deadline set in the January 3, 2023 Order. Mailed notice. (ecw,)