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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

March 7, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*NANCY L. MALDONADO, *Circuit Judge*

No. 24-3202	PETE SZMURLO, Plaintiff - Appellant v. TK ELEVATOR CORPORATION, et al., Defendants - Appellees
Originating Case Information: District Court No: 1:24-cv-09900 Northern District of Illinois, Eastern Division District Judge John J. Tharp, Jr.	

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

IT IS ORDERED that this appeal is **DISMISSED** for lack of jurisdiction.

Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the district court's civil docket pursuant to Rule 58 of the Federal Rules of Civil Procedure. *See* 28 U.S.C. § 1291; *Alonzi v. Budget Construction Co.*, 55 F.3d 331, 333 (7th Cir. 1995); *Cleaver v. Elias*, 852 F.2d 266, 267 (7th Cir. 1988). In this case, appellant seeks to appeal the district court's order denying his request for a temporary restraining order. Unlike the refusal of an injunction, *see* 28 U.S.C. § 1292(a)(1), the denial of a temporary restraining order is not generally subject to appeal. *See* *Cnty., Mun. Employees' Supervisors' & Foremen's Union Loc. 1001 (Chicago Illinois) v. Laborers' Int'l Union of N. Am.*, 365 F.3d 576, 578 (7th Cir. 2004); *Geneva Assur. Syndicate, Inc. v. Med. Emergency Servs. Assocs. (MESA) S.C.*, 964 F.2d 599, 600 (7th Cir. 1992).

IT IS FURTHER ORDERED that appellees' request for double costs is **DENIED**. Rule 38 of the Federal Rules of Appellate Procedure requires a "separately filed motion." Single costs are taxed against appellant.

12/03/2024	<input type="checkbox"/> <u>1</u> 23 pg, 2.17 MB	Private civil case docketed. Fee due. Docketing Statement due for Appellant Pete Szmurlo by 12/09/2024. Transcript information sheet due by 12/17/2024. Fee or IFP forms due on 12/17/2024 for Appellant Pete Szmurlo. [1] [7421562] [24-3202] (JMB) [Entered: 12/04/2024 12:25 PM]
12/03/2024	<input type="checkbox"/> <u>2</u>	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: International Union of Elevator Constructors, Local 2 Joint Apprenticeship Committee, and National Elevator Industry Educational Program. [2] [7421569] [24-3202] (JMB) [Entered: 12/04/2024 12:37 PM]
12/03/2024	<input type="checkbox"/> <u>3</u> 1 pg, 98.43 KB	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, 964 F.2d 596 (7th Cir. 1992). [7421570] [3] [7421570] [24-3202] (JMB) [Entered: 12/04/2024 12:38 PM]
12/05/2024	<input type="checkbox"/> <u>4</u> 1 pg, 119.99 KB	ORDER: The appellant shall file, on or before December 19, 2024, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal under Rule 42(b) of the Federal Rules of Appellate Procedure will satisfy this requirement. Briefing is SUSPENDED pending further court order. (See order for further details.) [7421847] JXK [4] [7421847] [24-3202] (CG) [Entered: 12/05/2024 11:16 AM]
12/18/2024	<input type="checkbox"/> <u>5</u> 2 pg, 356.97 KB	ORDER: Appellant Pete Szmurlo is directed to file the overdue Docketing Statement within 14 days from the date of this Rule to Show Cause. Docketing statement response due for Appellant Pete Szmurlo by 01/02/2025. Sent Certified Mail. Receipt Number: 9589 0710 5270 1607 0363 83. [5] [7424453] [24-3202] (AD) [Entered: 12/18/2024 11:40 AM]
12/23/2024	<input type="checkbox"/> <u>6</u> 2 pg, 153 KB	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Attorney Danielle M. Kays for Appellee TK Elevator Corporation. [6] [7425412] (L-Yes; E-Yes; R-No) [24-3202] (Kays, Danielle) [Entered: 12/23/2024 02:36 PM]
12/26/2024	<input type="checkbox"/> <u>7</u> 2 pg, 115.86 KB	Issued Circuit Rule 3(b) 14 day notice to file a motion for leave to proceed on appeal in forma pauperis or pay the docketing fee in the District Court. Fee or IFP forms due on 01/09/2025 for Appellant Pete Szmurlo. [7] [7425815] [24-3202] (AD) [Entered: 12/26/2024 04:09 PM]
12/30/2024	<input type="checkbox"/> <u>8</u> 2 pg, 215.38 KB	ORDER: The court, on its own motion, orders appellant to show cause for his failure to respond to the court's order of December 5, 2024. Appellant shall file his response on or before January 13, 2025. Appellant is advised that failure to respond may result in the dismissal of this appeal. The clerk of this court shall attach a copy of the December 5, 2024, order to appellant's copy of this order. Sent Certified Mail. Receipt Number: 9589 0710 5270 0423 8767 60. JXK [8] [7426187] [24-3202] (PS) [Entered: 12/30/2024 11:48 AM]
01/22/2025	<input type="checkbox"/> <u>9</u> 1 pg, 98.7 KB	ORDER: In light of appellant Pete Szmurlo's failure to respond to this court's orders of December 5, 2024, and December 30, 2024, appellees shall file, on or before February 5, 2025, a brief memorandum addressing the jurisdictional issue identified in the court's order of December 5, 2024. JXK [9] [7430459] [24-3202] (PS) [Entered: 01/22/2025 02:55 PM]
02/05/2025	<input type="checkbox"/> <u>10</u> 144 pg, 29.46 MB	Jurisdictional memorandum filed by Appellees TK Elevator Corporation, International Union of Elevator Constructors Local 2 Chicago, KONE, Inc., Otis Elevator Company and Schindler Elevator Corporation. [10] [7433071] [24-3202] (Kays, Danielle) [Entered: 02/05/2025 01:59 PM]
02/12/2025	<input type="checkbox"/> <u>11</u> 1 pg, 38.82 KB	Circuit Rule 26.1 Disclosure Statement and Appearance filed by Appellant Pete Szmurlo. [11] [7434319] [24-3202] (VG) [Entered: 02/12/2025 12:30 PM]
03/07/2025	<input checked="" type="checkbox"/> <u>12</u> 1 pg, 120.08 KB	ORDER: This appeal is DISMISSED for lack of jurisdiction. The appellees' request for double costs is DENIED. Rule 38 of the Federal Rules of Appellate Procedure requires a "separately filed motion." Single costs are taxed against appellant. (See order for details.) Michael Y. Scudder, Circuit Judge; Doris L. Pryor, Circuit Judge and Nancy L. Maldonado, Circuit Judge. [12] [7439253] [24-3202] (CG) [Entered: 03/07/2025 04:00 PM]
03/20/2025	<input type="checkbox"/> <u>13</u> 5 pg, 50 KB	Pro se motion filed by Appellant Mr. Pete R. Szmurlo for leave to file documents electronically. [13] [7441681] [24-3202] (JR) [Entered: 03/21/2025 08:37 AM]
03/20/2025	<input type="checkbox"/> <u>14</u> 16 pg, 131.81 KB	10 copies Filed Petition for Rehearing by Appellant Mr. Pete R. Szmurlo. Dist. Pro se motion filed by Appellant Mr. Pete R. Szmurlo for reconsideration of court's 3/7/2025 final order. [14] [7441684] [24-3202] [Edited 03/21/2025 by CAG to correct filing type] (JR) [Entered: 03/21/2025 08:39 AM]
03/20/2025	<input type="checkbox"/> <u>15</u> 2 pg, 100.75 KB	Prose motion filed by Appellant Mr. Pete R. Szmurlo for leave to proceed on appeal in forma pauperis. [15] [7441686] [24-3202] (JR) [Entered: 03/21/2025 08:41 AM]
03/20/2025	<input type="checkbox"/> <u>16</u> 5 pg, 53.63 KB	Pro se motion filed by Appellant Mr. Pete R. Szmurlo for triple sanctions. [16] [7441689] [24-3202] (JR) [Entered: 03/21/2025 08:42 AM]

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.1)
Eastern Division**

Pete Szmurlo

Plaintiff,

v.

Case No.: 1:24-cv-09900
Honorable John J. Tharp Jr.

TK Elevator Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, November 21, 2024:

MINUTE entry before the Honorable John J. Tharp, Jr: Minute entry [66] is corrected as follows: Motion hearing held. For reasons stated on the record, Plaintiff's motion for temporary restraining order [58] is denied. Defendants' joint response to Plaintiff's motion to remand 54 is due by 12/5/24; Plaintiff's reply brief, if any, is due by 12/20/24. Plaintiff response to the pending motions to dismiss is stayed pending ruling on Plaintiff's remand motion. Docket entries [60] and [62] are denied as moot in light of the Court's denial of injunctive relief. Mailed notice (air,) (Entered: 11/21/2024)Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (v. 1.8.1)
Eastern Division**

Pete Szmurlo

Plaintiff,

v.

Case No.: 1:24-cv-09900
Honorable John J. Tharp Jr.

TK Elevator Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, December 4, 2024:

MINUTE entry before the Honorable John J. Tharp, Jr:Plaintiff's motion for preliminary injunction [75] is taken under consideration pending resolution of the pending remand motion, as to which the briefing schedule [67] remains in effect. Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.2)
Eastern Division**

Pete Szmurlo

Plaintiff,

v.

Case No.: 1:24-cv-09900
Honorable John J. Tharp Jr.

TK Elevator Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, February 4, 2025:

MINUTE entry before the Honorable John J. Tharp, Jr: In light of the Court's order denying Plaintiff's motion to remand, [108] the stay on Defendants' pending motions to dismiss [10] [15] [17] [41] [56] [59] is lifted. Plaintiff shall file a single consolidated response not to exceed 90 pages by 2/25/25; defendants may file a single consolidated reply not to exceed 45 pages by 3/11/25. Plaintiff's motions for a preliminary injunction [75] and leave to amend the complaint [87] remain under advisement, and the Court will notify the parties if a response is required. Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.8 (rev. 1.8.3)
Eastern Division**

Pete Szmurlo

Plaintiff,

v.

Case No.: 1:24-cv-09900
Honorable John J. Tharp Jr.

TK Elevator Corporation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, March 19, 2025:

MINUTE entry before the Honorable John J. Tharp, Jr: The plaintiff's motion to exceed page limit [127] is granted. The plaintiff's motion for expedited discovery [125] is denied for the reasons stated on the record during the 11/21/24 TRO hearing. The plaintiff's motion for a preliminary injunction and TRO, [126] which the Court construes as a supplement to the plaintiff's already-pending motion for a preliminary junction [75] is taken under advisement. The defendants' replies in support of their respective motions to dismiss remain due 3/21/25. See dkt. no. [111]. Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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Phone: (312) 435-5850
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ORDER

March 21, 2025

By the Court:

No. 24-3202	PETE SZMURLO, Plaintiff - Appellant v. TK ELEVATOR CORPORATION, et al., Defendants - Appellees
Originating Case Information: District Court No: 1:24-cv-09900 Northern District of Illinois, Eastern Division District Judge John J. Tharp, Jr.	

The following are before the court:

1. **MOTION FOR LEAVE TO FILE DOCUMENTS ELECTRONICALLY**, filed on March 20, 2025, by the pro se appellant.
2. **MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on March 20, 2025, by the pro se appellant.
3. **MOTION FOR TRIPLE SANCTIONS**, filed on March 20, 2025, by the pro se appellant.
4. **EMERGENCY MOTION TO STAY DISTRICT COURT PROCEEDINGS PENDING RESOLUTION OF MOTION FOR RECONSIDERATION AND FOR LEAVE TO FILE INTERLOCUTORY APPEAL**, filed on March 21, 2025, by the pro se appellant.

IT IS ORDERED that the motions are **DENIED**. Appellant is warned that further repetitive or excessive filings may result in sanctions. Further motions will be filed without action unless the panel grants the petition for rehearing.

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 2, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-3202

PETE SZMURLO,

Plaintiff- Appellant,

v.

TK ELEVATOR CORPORATION, *et al,*

Defendants-Appellees.

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

No. 1:24-cv-09900

John J. Tharp Jr.,
Judge.

ORDER

On consideration of the petition for rehearing filed by the Plaintiff-Appellant on March 20, 2025, all members of the original panel have voted to deny the petition for rehearing.

Accordingly, the petition for rehearing is hereby DENIED.

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SZMURLO,

Plaintiff(s),

v.

TK ELEVATOR CORP. IFP
APPLICATION,

Defendant(s).

Case No. 1:24-cv-09900

Judge John J. Tharp, Jr.

ORDER

Plaintiff's motion for leave to proceed in forma pauperis on appeal [178] is granted. The Clerk is directed to terminate docket entries [176] and [177] as pending motions, as docket entry [178] is the operative motion. Plaintiff's motion to order the transcript of the TRO hearing held on 11/21/24 at government expense [180] is granted pursuant to 28 U.S.C. § 1915(c).

Date: 6/25/2025

/s/ John J. Tharp, Jr.

John J. Tharp, Jr.

United States District Judge

App. 9
App. 9

Appendix D
Appendix D