

APPENDIX A - ILLINOIS APPELLATE COURT ORDER

No. 1-25-1087

Order filed January 20, 2026

First Division

IN THE

APPELLATE COURT OF ILLINOIS FIRST DISTRICT

<i>In re</i> Estate of DANIELLA	) Appeal from the
RADIAN LEINWAND,	) Circuit Court of
Deceased.	) Cook County.
	)
	) No. 2020 P 007524
	)
	) The Honorable
	) James Patrick Murphy,
	) Judge Presiding.

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court. Justices Howse and Cobbs concurred in the judgment.

SUMMARY ORDER

1 This probate case stems from an heirship controversy involving the decedent, Daniella Radian Leinwand, who died on December 1, 2020. Petitioner Dinu Radian, purporting to be

decedent's first cousin and the former administrator of her estate, appeals *pro se* from the circuit court's May 7, 2025, order entering judgment against him and the surety company, NGM Insurance Company, for \$246,464.25.¹ In that order, the court also sustained an objection from respondent Alexandru Macovescu, the putative nephew of the decedent, to Dinu's request for reimbursement of out-of-pocket costs totaling \$18,922.88, and denied Dinu's motion to reconsider the administrator's fees.²

¶ 2 Alexandru filed a motion to dismiss, taken with the case, asserting that Dinu's appellate brief fails to comply with virtually all the requirements of Illinois Supreme Court

¹Dinu was represented by counsel for some of the initial proceedings below.

²Dinu was removed as administrator of decedent's estate after Alexandru successfully petitioned the lower court to terminate Dinu's independent administration. The court subsequently granted Alexandru's then-pending motion to amend heirship and entered an order that Alexandru and his mother, Gabriel Radian, the decedent's putative half-sister, were the sole heirs. The court also ordered Dinu to file inventory and accounting and, following several extensions to no avail, removed him as a representative of the estate.

Rule 341(h) (eff. Oct. 1, 2020), which governs the contents of an appellant's brief. Thus, he argues the brief should be stricken and the appeal dismissed.³ See Ill. S. Ct. R. 361(h)(2) (eff. April 15, 2024) (allowing the filing of dispositive motions which raise issues that could result in the dismissal of an appeal without a decision on the merits). Alexandru further asserts that Dinu has violated Illinois Supreme Court Rule 342 (eff. Oct. 1, 2019) by not supplying a proper table of contents for the record on appeal in the appendix to his brief, and more importantly, by including documents in the appendix that are not part of the record on appeal and were not provided to the court below. In response, Dinu claims, albeit incorrectly, that he complied with the relevant supreme court rules. For the following reasons, we grant Alexandru's dismissal motion, strike Dinu's briefs, and dismiss the appeal.

³We note that Ronald E. Zygmunt, through counsel, brought the dismissal motion as Alexandru's attorney-in-fact, more commonly known as a "power of attorney." Zygmunt also acted on behalf of Alexandru for at least some of the proceedings below.

¶ 3 Initially, Dinu's appellate brief presents seven largely incoherent issues for review yet does not contain a statement of facts with "the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal." Ill. S. Ct. R. 341(h)(6). Instead, Dinu sets forth minimal facts in a numbered, bullet-point fashion without any citations to the appellate record, which consists of over a thousand pages. Additionally, the facts included are unclear, do not provide an understanding of the case, and, at times, are argumentative. For example, the ninth bullet-point in Dinu's so-called statement of facts avers, "The Illinois Probate Court accepted Romanian rulings without scrutiny, disregarding U.S. legal standards on the recognition of foreign judgments and denying the Appellant rigorous due process." This conclusory allegation does not belong in the statement of facts, and furthermore, is not supported by any

citation to the pages of the record relied on or any legal authority.

¶ 4 Likewise, Dinu's brief does not include an argument section containing "the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(7). While it is not entirely clear, Dinu seems to be challenging rulings issued by a foreign Romanian court as they pertain to the decedent in this case. Specifically, Dinu delves into a discussion about "Romanian adoption decrees at issue in this case" and how they are grounded in "Communist-era Romanian law," which, according to him, are inconsistent with our laws here. Dinu concludes that the lower court's supposed admission of the Romanian adoption decrees "improperly deferred to Communist-era acts issued without due process, creating an untenable 'legal impasse' under both Romanian and U.S. law." This somewhat lengthy recitation of Romanian adoption law, however, does not develop any rational legal arguments as to why the circuit

court's rulings in this case were erroneous nor does it contain proper citations to relevant legal authorities, in violation of Rule 341(h)(7).

¶ 5 Dinu's reply brief is similarly deficient where it contains an additional facts section, again without any citations to the pages of the record relied upon, and does not adequately respond to Alexandru's response arguments. See Ill. S. Ct. R. 341(j) (stating, "[t]he reply brief, if any, shall be confined strictly to replying to arguments presented in the brief of the appellee and need contain only Argument").

¶ 6 As a reviewing court, we are entitled to have the issues on appeal clearly defined with pertinent authority cited and cohesive legal arguments presented. *Walters v. Rodriguez*, 2011 IL App (1st) 103488, ¶ 5. This court is not a repository for an appellant to foist the burden of argument and research, and it is not our job to sift through the record or complete legal research to find support for issues. *Cimino v. Sublette*, 2015 IL App (1st) 133373, ¶ 3. While we acknowledge that an appellant appealing *pro se* is not a

licensed attorney educated in the practice of law, he must, nonetheless, comply with the established rules of procedure.

Lill Coal Co. v.

Bellario, 30 Ill. App. 3d 384, 385 (1975). Where, as here, violations of these rules hinder our review, we may strike the briefs and dismiss the appeal. *Walters*, 2011 IL App (1st) 103488, ¶ 6.

¶ 7 Finally, as Alexandru has correctly observed, the appendix attached to Dinu's brief includes documents that are not in the appellate record and therefore will not be considered. See *Oruta v. B.E.W. & Continental*, 2016 IL App (1st) 152735, ¶ 32 (noting, "if the materials are not taken from the record, they may not generally be placed before the appellate court in an appendix and will be disregarded"). Rule 342 expressly states,

"The appellant's brief shall include, as an appendix, a table of contents to the appendix, the judgment appealed from, any opinion, memorandum, or findings of fact filed or entered by the trial judge

or by any administrative agency or its officers, any pleadings or other materials *from the record* that are the basis of the appeal or pertinent to it, the notice of appeal, and a complete table of contents, with page references, of the record on appeal.” (Emphasis added. Because Dinu’s flagrant rule violations substantially hinder our review of the numerous issues presented for review, we elect to use our discretionary power to strike his briefs and dismiss the appeal. See *Global Research Distribution, Inc. v. One Stop Mailing LLC*, 2025 IL App (3d) 240298, ¶ 23 (“When a brief violates the Illinois Supreme Court rules, we have discretion to strike the brief and dismiss the appeal”); *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 7 (“A brief that lacks any substantial conformity to the pertinent supreme court rules may justifiably be stricken”).

¶ 8 Accordingly, we need not reach Alexandru’s alternative argument that we lack jurisdiction to

review the seven issues raised in Dinu's opening appellate brief where they challenge earlier circuit court orders not identified in Dinu's notice of appeal.⁴

¶ 9 For the foregoing reasons, we grant Alexandru's motion to dismiss which was taken with the case on November 6, 2025, strike Dinu's briefs, and dismiss this appeal. This order is entered under Illinois Supreme Court Rule 23(c)(2), (4) (eff. Feb. 1, 2023).

¶ 10 Appeal dismissed.

⁴Dinu's notice of appeal indicates that he is appealing only the lower court's May 7, 2025, order.

APPENDIX B - PETITION FOR REHEARING DENIED

Clerk's Office

APPELLATE COURT FIRST DISTRICT

State of Illinois

160 North LaSalle Street, RM. S1400

Chicago, Illinois 60601

February 10, 2026

RE: ESTATE OF:

DANIELLA RADIAN LEINWAND, DECEASED.

General No.: 1-25-1087 County: Cook County

Trial Court No: 2020P7524

The Court today denied the petition for rehearing filed in the above entitled cause. The mandate of this Court will issue 35 days from today unless a petition for leave to appeal is filed in the Illinois Supreme Court.

If the decision is an opinion, it is hereby released today for publication.

Thomas D. Palella

Clerk of the Appellate Court

c: DINU RADIANT

Kogut Novak & Kaminski, LLC

**APPENDIX C – ILLINOIS SUPREME COURT ORDER
DENYING PETITION FOR LEAVE TO APPEAL**

SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING

200 East Capitol Avenue

SPRINGFIELD, ILLINOIS 62701-1721

(217) 782-2035

FIRST DISTRICT OFFICE

160 North LaSalle Street, 20th Floor

Chicago, IL 60601-3103

(312) 793-1332

TDD: (312) 793-6185

May 27, 2026

In re: In re Estate of Daniella Radian Leinwand, Deceased (Dinu

Radian, petitioner). Leave to appeal, Appellate Court, First District.

132939

The Supreme Court today DENIED the Petition for Leave to
Appeal in the above entitled cause.

The mandate of this Court will issue to the Appellate Court on
07/01/2026.

Very truly yours,

/s/ Cynthia A. Grant

Clerk of the Supreme Court

**APPENDIX D – PROBATE COURT ORDER OF MAY 7,
2025**

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS

COUNTY DEPARTMENT, PROBATE DIVISION

IN RE THE ESTATE OF

DANIELLA LEINWAND) Case No.2020P007524

DECEASED

ORDER

This matter coming before the Court for hearing on the Response and Objections to NGM Insurance Company's Amended Final Account and for hearing on Objection F to the Petition for Administrator's Fees, Attorney Daniel Kaminski appearing in-person on behalf of Ronald E. Zygmunt, in his capacity as Attorney-In-Fact for Alexandru Macovescu, Attorney Colleen Chinlund appearing in-person on behalf of the Representative, Attorney Grant Rougas appearing in-person on behalf of NGM Insurance Company, and Dinu Radian; the former administrator,

appearing via Zoom, the Court having reviewed the Petition for Administrator's Fees filed 9/25/2024, the Response and Objections to Petition for Administrator's Fees filed 11/4/2024, the Response to Objections to Petition for Administrator's Fee's filed 11/12/2024, NGM Insurance Company's Amended Final Accounting filed 1/29/2025, the Response and Objections to NGM Insurance Company's Amended Final Accounting filed 2/26/2025, and Dinu Radian's Response to Objections to Petition for the Administrator's Fees filed 4/1/2025, the Court having also considered the arguments of Attorney Daniel Kaminski and Dinu Radian as to Objection F to the Petition for Administrator's Fees and as to the Response and Objections to NGM Insurance Company's Amended Final Account, and the Court being further advised that Dinu Radian filed a Motion for Reconsideration of Administrator's Fees on February 28, 2025, and the Court hearing arguments from Movant, Dinu Radian, in support of the Motion, and the Court considering arguments from Attorney Daniel Kaminski on behalf of Ronald E. Zygmunt, in his capacity as Attorney-In-Fact for

Alexandru Macovescu, in opposition to the Motion, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED AS FOLLOWS:

1. Objection F to the Petition for Administrator's Fees is sustained in its entirety and this Court denies the Administrator's request for reimbursement of the remaining out-of-pocket expenses totaling \$18,922.88;
2. As to the Response and Objections to NGM Insurance Company's Amended Final Account, the Objections filed by Ronald E Zygmunt, in his capacity as Attorney-In-Fact for Alexandru Macovescu, are sustained in their entirety;
3. The Court finds a deficiency in NGM Insurance Company's Amended Final Account in the amount of 246,464.25 which was calculated by subtracting the sum of \$271,034.25, which represents the unsubstantiated expenditures paid by the former administrator from this Estate from the previously approved Administrator's fee totaling \$24,570;

4. Judgment is entered in favor of the Estate and against Dinu Radian and NGM Insurance Company in the amount of \$246,464.25;
5. Judgment is further entered in favor of NGM Insurance Company and against its principal, Dinu Radian in the amount of 246,464.25;
6. NGM Insurance Company shall pay to Louis Apostol, Supervised Administrator of the Estate of Daniella Leinwand, the sum of Two Hundred Forty Six Thousand Four Hundred Sixty Four and 25/100 Dollars (\$246,464.25)_within thirty (30) days hereof. Said check shall be mailed to the Illinois Office of the Public Administrator of Cook County, c/o Leah Jakubowski, 69 W. Washington Street, Suite 2030, Chicago, IL 60602;
7. The Motion for Reconsideration of Administration's Fees filed by Dinu Radian on February 28, 2025 is denied; and
8. This matter is set for status on closing to July 9, 2025 at 11:30 a.m.

Dated this 6th day of May, 2025

ENTERED

Judge James Patrick Murphy

/s/ Judge 1933

MAY 07/2025

IRIS Y MARTINEZ

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL

Attorney Name Daniel Kaminski

Firm Name Kogut Novak & Kaminski, LLC

Attorney Ronald E. Zygmunt, Attorney-In-fact for Alexandru
Macovescu

Firm Address 600 West 22nd Street, Suite 302, Oak Brook, IL
60523

Firm Phone (630) 472-2060

Attorney No. 55940, Email Daniel@ KogutLaw.Net

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IN RE THE ESTATE OF)
DANIELLA LEINWAND) Case No. 2020P007524
DECEASED)

After considering evidence concerning amendment of heirship, the Court (1) vacates the Order Declaring Heirship entered on October 6, 2021, and (2) declares that the decedent left surviving as the only heirs-at-law:

A. 1. Alexandru Macovescu) A child of Anca
Daniela Popa Macovescu nee Radian, who was a s
the Decedent.

B. Gabriela Ichim Radian) A sister of the Decedent.

Dated this 5th day of February, 2024.

ENTERED

Judge James Patrick Murphy

/s/ Judge 1933

Feb 05, 2024

IRIS Y MARTINEZ

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL

Attorney Name Daniel Kaminski

Firm Name Kogut & Associates

Attorney for Ronald E. Zygmunt, Attorney-In-Fact for
Alexandru Macovescu

Firm Address 600 West 22nd Street, Suite 302, Oak Brook, IL 60523

Firm Phone (630) 472-2060

Attorney No. 55940

Email Daniel@KogutLaw.Net

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF COOK COUNTY
FIRST DISTRICT – PROBATE DIVISION

IN RE THE ESTATE OF)
DANIELLA LEINWAND) Case No. 2020P007524
DECEASED)

This matter coming to be heard on October 13, 2021, on (a) Gabriela Radian's Motion for Leave to File Sur Reply to Dinu Radian's Reply to His Petition for Objections to Heirship and Motion to Stay Matter Pending a Declaratory Judgment from the Tribunal in Bacau, Romania and David Kaufman and Associate's Motion to Withdraw as Counsel for Sam Theodore, all parties present and the Court being fully advised in the premises.

IT IS HEREBY ORDERED:

1. Gabriela Radian's Motion for Leave to File Sur Reply to Dinu Radian's Reply to His Petition for Objections to Heirship'; Gabriela Radian's Motion to Stay Matter Pending a Declaratory Judgment from the Tribunal in Bacau, Romania are entered and continued to January 21, 2022;
2. David Kaufman and Associate's Motion to Withdraw as Counsel for Sam Theodore will be addressed in a separate order;
3. This matter is set for case management on January 21, 2022, at 11:30am via zoom;
4. The zoom credentials for the Honorable Judge Murphy are as follows:

Meeting Id: 989-0553-5582

Password: 887-675