

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

Nedra Ward,)	
)	
Plaintiff,)	
)	
v.)	No. 20 L 1484
)	
Donna M. Wilkinson,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

The purpose of a motion to reconsider is to bring to the circuit court’s attention a change in the law, an error in the circuit court’s previous application of existing law, or newly discovered evidence that was not available at the time of the prior hearing or decision. *Peng v. Nardi*, 2017 IL App (1st) 170155, ¶ 1; *Hachem v. Chicago Title Ins. Co.*, 2015 IL App (1st) 143188, ¶ 34; *Emrikson v. Morfin*, 2012 IL App (1st) 111687, ¶ 29; *Belluomini v. Zaryczny*, 2014 IL App (1st) 122664, ¶ 20. Generally, any legal theories or factual arguments not previously made are forfeited. *River Plaza Homeowners Assoc. v. Healey*, 389 Ill. App. 3d 268, 280 (1st Dist. 2009). A circuit court “should not permit litigants to stand mute, lose a motion, and then frantically gather evidentiary material to show that the court erred in its ruling.” *Gardner v. Navistar Int’l Transp. Corp.*, 213 Ill. App. 3d 242, 248 (4th Dist. 1991).

Here, Ward has not presented any newly discovered evidence or changes in the law. The crux of Ward’s motion is that she was unaware of William’s death, but upon discovering that information moved with reasonable diligence to comply with Code of Civil Procedure section 13-209(c). 735 ILCS 5/13-209(c). Ward offers exhibit A in support. Yet Ward had the information contained in exhibit A prior to filing her initial complaint: “SSN belongs to a person reported as deceased.” Ward, therefore, had to have been aware that William had died; consequently, section 13-209(c) is inapplicable.

Ward also re-argues that her suit against Wilkinson is permitted as an amendment to the original complaint against William under the relation-back doctrine. See 735 ILCS 5/2-616(d). Absent any new evidence or law, Ward's argument fails to satisfy the statutory requirement of section 5/2-616(d).

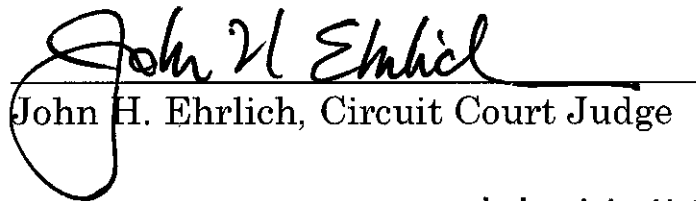
Ward also argues that her failure to provide a draft order or attach a death certificate to her motion pursuant to the requirements of Rule 361(b)(2) entitles her to reconsideration. See Ill. Sup. Ct. R. 361(b)(2). Ward phrases this as an error by this court. Ward fails, however, to point to any case law supporting her assertion that she is entitled to reconsideration.

Finally, this court is not persuaded by Ward's public policy argument that does not present any new evidence, changes in law, or errors by this court.

Conclusion

For the reasons presented above, it is ordered that:

Ward's motion to reconsider is denied.


John H. Ehrlich, Circuit Court Judge

Judge John H. Ehrlich

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Circuit Court 2075