

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

Marquette Bank,

Plaintiff,

v.

Lisette Medina, Marquette Bank, 4242 S. Vincennes  
Condominium Association, NFP, Unknown Owners and  
Nonrecord Claimants,

Defendants.

No. 12 CH 31712

**MEMORANDUM OPINION AND ORDER**

A court may grant a motion to reconsider if it presents evidence unavailable at an earlier hearing. When this court granted Marquette Bank's dispositive motions, this court did not know that the bank had previously requested and obtained from another judge an order withdrawing those motions. With this information now available, Medina's motion to reconsider is entirely appropriate and this court's orders must be vacated.

**FACTS**

On January 14, 2013, Marquette Bank filed motions for default, summary judgment, judgment for foreclosure and sale, and to dismiss unknown owners. The bank planned to present these motions on April 16, 2013. The record is unclear why the parties appeared on February 6, 2013, but Judge Jean Prendergast Rooney entered an order providing that: "THIS MATTER coming before the court on Plaintiff's Motion for Default Judgment of Foreclosure IT IS HEREBY ORDERED THAT Plaintiff's motions are hereby withdrawn without prejudice."

The record is also unclear why Marquette Bank appeared on April 16, 2013 and requested that orders of default, summary judgment, and judgment for foreclosure and sale be entered. The bank had failed to provide any additional notice; consequently Medina's attorney was not in court. This court, unaware of Judge Rooney's prior order granting Marquette Bank's request to withdraw its motions, granted the bank's motions and entered orders of default, summary judgment, and judgment for foreclosure and sale.

On May 10, 2013, Medina filed a motion to reconsider, which the court heard on August 22, 2013 and transferred, in error, to Judge Rooney. This court has now being fully apprised of Judge Rooney's February 6, 2013 order.

## ANALYSIS


A motion to reconsider brings to a court's attention newly discovered evidence not available at the time of the first hearing, a change in the law, or errors in the court's application of the law. *River Village I, LLC v. Central Ins. Cos.*, 396 Ill. App. 3d 480, 492 (1st Dist. 2009), *citing* cases. Based on that legal principal, Medina's argument has merit. Medina's attorney was understandably not present on April 16, 2013 and, therefore, could not inform this court that Marquette Bank had previously requested and been granted an order by Judge Rooney withdrawing its motions without prejudice. It may even be true that Marquette Bank's attorney was unaware of Judge Rooney's February 6, 2013 order, which might explain why the bank's attorney came to court, but that possibility is of no moment to this analysis.

Marquette Bank should not benefit from its failure to provide proper notice. Should the bank wish to re-file its motions, it may do so for another day.

It is, therefore, ordered that:

1. Medina's motion to reconsider is granted; and
2. this court's April 16, 2013 orders of default, summary judgment, and judgment of foreclosure and sale are vacated.

Dated: 5 September 2013

  
John H. Ehrlich  
Circuit Court Judge

Judge John H. Ehrlich

SEP 05 2013

Circuit Court 2075