

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

MB Financial Bank, N.A., as successor-in-interest to
Broadway Bank,

Plaintiff,

v.

Ronald Rooding, Terri Sween, Chicago Title Trust Company,
as successor trustee to LaSalle Bank National Association,
as successor trustee to American national Bank & Trust Company,
as trustee u/t/a dated May 25, 1999 as trust number 125087-0-1,
State of Illinois, City of Chicago, U.S. Food Services, Inc.,
Unknown Owners and non-Record Claimants,

Defendants.

No. 11 CH 21687

MEMORANDUM OPINION AND ORDER


At a June 24, 2013 hearing, the court deemed admitted Rooding and Sween's Rule 216 requests to admit because MB Financial had failed to respond to those requests in a timely fashion. At that hearing, neither party informed the court that: (1) Rooding and Sween had, in fact, filed their Rule 216 requests to admit on April 23, 2013; and (2) MB Financial had, in fact, timely responded to those requests to admit on May 20, 2013. Based on this and other information, MB Financial filed a motion to reconsider, asking the court to vacate its June 24 order. The relevant filing dates came to light only after MB Financial attached a copy of its Rule 216 response to its motion to reconsider. The court had previously not known of this filing because the clerk failed to scan that document into the electronic docket system where the court would have discovered the pleading.

A motion to reconsider brings to a court's attention newly discovered facts not previously available, changes in the law, or errors in the court's prior application of the law. *River Village I, LLC v. Harleysville Lake States Ins. Co.*, 396 Ill. App. 3d 480, 492 (1st Dist. 2009), *citing Gardner v. Navistar Int'l Transp. Corp.*, 213 Ill. App. 3d 242, 248 (4th Dist. 1991), and *Weidner v. Midcon Corp.*, 328 Ill. App. 3d 1056, 1061 (5th Dist. 2002). Based on the information now available to the court, it is plain as a matter of fact and law that MB Financial timely responded to Rooding and Sween's Rule 216 requests to admit; therefore, the court's prior order cannot stand.

It is, therefore, ordered that:

1. MB Financial's motion to reconsider is granted; and
2. the portion of the court's June 24, 2013 order deeming Rooding and Sween's Rule 216 requests as admitted is vacated.

Dated: 22 July 2013


John H. Ehrlich
Circuit Court Judge

Judge John H. Ehrlich

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Circuit Court 2075