

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Cook COUNTY		<b>MOTION</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the names of the people and businesses sued as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	Marilyn Longwell incorrectly named as "& Associates, P.C." <b>Plaintiff / Petitioner</b> (First, middle, last name)  V.  Daniel Stratton  <b>Defendants / Respondents</b> (First, middle, last name, or business name)		17 M1 108676 <b>Case Number</b>

In **1**, title your *Motion*. Explain in a few words what you are asking the judge to do. This should match the title you wrote in **1** on the *Notice of Court Date for Motion*.

In **2**, check if you are the Plaintiff/Petitioner or Defendant/Respondent.

**1. Motion to:** Declare Vd. Default Judgment Vd. ab initio 735 ILCS5/2-1401

**2. Motion by:** ☐ Plaintiff/Petitioner ☒ Defendant/Respondent

**3. Write what you are asking the judge to do and the reasons why the judge should agree with you:**

Defendant-Petitioner Daniel Stratton moves this Honorable Court to declare its void default judgment, entered on February 18, 2018, void ab initio pursuant to 735 ILCS 5/2-1401.

Plaintiff-Respondent Marilyn Longwell, subsequent to the filing of her Complaint and without adding Marilyn Longwell & Associates, P.C., as a party, was granted a default judgement against Defendant-Petitioner Daniel Stratton. The void default judgment was entered without this Honorable Court having personal jurisdiction over Defendant-Petitioner Daniel Stratton.

Attached to this Motion to Declare Its Void Default Judgment void ab initio pursuant to 735 ILCS 5/2-1401 entered without personal jurisdiction are Exhibit A the Affidavit of Defendant-Petitioner Daniel Stratton and Exhibit B, the affidavit of non-party witness Ralph W. Applegate.

- ☐ I need more room to explain and I have listed additional information on the attached *Additional Motion* form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**I certify that everything in the *Motion* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.**

/s/ Alphonse A. Talarico

*Your Signature*

707 Skokie Boulevard #600

*Street Address*

Alphonse A. Talarico

*Print Your Name*

Northbrook, Illinois 60062

*City, State, ZIP*

(312) 808-1410

*Telephone*

contact@lawofficeofalphonsetalarico.com

*Email*

6184530 Cc53293

*Atty # (if any)*

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

## PROOF OF DELIVERY

### 1. I am sending the *Motion*

#### a. To:

Name: Cody

Lello

*First*

*Middle*

*Last*

Address: 73 W. Monroe St. #230

Chicago Illinois 60603

*Street, Apt #*

*City*

*State*

*ZIP*

Email address: nathan@lollis-law.com

#### b. By:

☒ An approved electronic filing service provider (EFSP)

☐ Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

☐ Personal hand delivery to:

☐ The party

☐ The party's family member who is 13 or older, at the party's residence

☐ The party's lawyer

☐ The party's lawyer's office

☐ Mail or third-party carrier

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you are sending the document.

c. On: 12/03/2023 at: 4:00 ☐ a.m. ☒ p.m.  
*Date Time*

In **2**, if you are sending the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

**2. I am sending this document:**

a. To:

Name:

*First*

*Middle*

*Last*

Address:

*Street, Apt #*

*City*

*State*

*ZIP*

Email address: \_\_\_\_\_

b. By:

☐ An approved electronic filing service provider (EFSP)

☐ Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

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☐ The party's lawyer

☐ The party's lawyer's office

☐ Mail or third-party carrier

c. On \_\_\_\_\_ at: \_\_\_\_\_ ☐ a.m. ☐ p.m.  
*Date*

☐ I have completed an *Additional Proof of Delivery* form.

In **c**, fill in the date and time that you are sending the document.

If you are sending your document to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

**I certify that everything in the *Proof of Delivery* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ Alphonse A. Talarico

*Your Signature*

707 Skokie Boulevard Suite 600

*Street Address*

Alphonse A. Talarico

*Print Your Name*

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