No._____

IN THE SUPREME COURT OF ILLINOIS

| | | |
|---|---|---|
| PETER MATT<br><br>Plaintiff-Appellee,<br><br>v.<br><br>MEGAN MATT n/k/a Megan Mason<br><br>Respondent/Defendant-Appellant. | ) | Petition for appeal as a matter of right (Rule 317) and, if not granted,petition for leave to appeal (Rule 315)<br><br>Appellate Court 1st Judicial District, Case No. 1-22-1405<br><br>Circuit Court of Cook County Case 2016 D 9534<br><br>Hon. Robert Johnson, Trial Judge Presiding |

PETITION FOR APPEAL

Megan Mason, Appellant Pro Se
[redacted]

ORAL ARGUMENT IS REQUESTED

## Petition for Relief Under Rule 317

I bring this appeal as a matter of right to The Supreme Court of Illinois under Illinois Supreme Court Rule 317. Rule 317 is appropriate here because the trial judge specifically violated The Fourteenth Amendment of The United States Constitution, 750 ILCS 5, "The Illinois Marriage and Dissolution of Marriage Act", sections 506, 602.10, 602.5 (e), 602.7 (c), 603.5, 603.10 (a)., 603.10 (b) and 604.10 (b) by asserting jurisdiction to modify a duly enacted parenting plan in a manner not allowed by Illinois law and by terminating my parental rights without basis in law or fact through post-decree judicial order. The Appellate Court violated my protected parenting rights by denying me jurisdiction to appeal by asserting without basis that the order was interlocutory and not final.

The trial judge also violated my First Amendment right to free speech, and the specific Illinois rule 602.7 (c) requiring judges not to consider facts unrelated to the parent-child relationship in determining parental decision making rights, when it allowed the original motion to terminate my parental rights - which resulted in the order under appeal - to proceed to trial though supported by only one document, which primarily included quotations of my public testimony in another hearing, none of which testimony related to my minor children. The Appellate Court erred and perpetuated the violation by upholding the trial judge's denial of my motion to dismiss Mr. Matt's action.

The Appellate Court also directly violated my First Amendment right to petition my government by issuing an order that I not file future appeals. It ordered me not to appeal until the case is closed but because there is no underlying case I have been in effect

permanently denied my First Amendment Right to petition my government. In its written argument The Appellate Court of The First District writes:

> *"we hope that we will not see a third untimely interlocutory appeal"*
> And that
> *"such appeals not only waste time, but also might delay the underlying litigation and a resolution for these two children".*

As a pro se litigant, I received this as an order and a threat that I my children and I will suffer if I attempt to access my right to appeal in the future.

I believe it is critical that this court also understand that it is important to all families and children in Illinois that this petition be heard under Rule 317. As will be detailed further below, at the core of The Appellate Court's denial of jurisdiction was the argument that the order terminating my parental rights as previously codified in a duly enacted parenting plan was not a final order because the trial judge considered me to be involved in litigation, though no evidence of a lawsuit can be found because there is none. Such broad latitude in judicial authority makes exploitation of litigants not only possible but inevitable.

Because the order under appeal references the involvement of a court ordered Guardian Ad Litem, Michael Bender, who was ordered on June 6, 2019, his involvement is illustrative. Michael Bender was appointed as GAL because petitioner Peter Matt asked the trial judge to appoint a GAL four years ago, but at that time we had been divorced for over a year, were bound by a duly enacted, unchallenged parenting plan and there were no parentage matters before the court other than the motion to appoint the GAL, disposed of at the time of his appointment. At the time of Mr. Bender's appointment I did not know what a response was, how to write one or where to find the free Legal Aid Form to draft a response. I also genuinely did not understand that there

are specific laws restricting or allowing appointments of professionals such as GALs by judges post-decree. I just knew that I should do as the judge told me to do or bad things could happen to me. I did have a sense that this was an unconstitutional impingement of my civil rights because it didn't feel right, so I verbally objected to the appointment of a GAL and told the trial judge that I felt it was a reduction of my rights and I did not support it. Nevertheless, the trial judge appointed Michael Bender against my objection in an act that I now know to be a clear violation of Illinois law. At that time there were no motions before the court, and so there was no proceeding.

It is now four years later and Michael Bender is still GAL. He has still written no report. There is no timeline for when the underlying proceeding will end because no proceeding exists. This trial court now claims this means that litigation is ongoing and The Appellate Court accepts this assertion, in violation of logic and law. This is incredibly dangerous and I beg this court to help me and those unrepresented litigants who cannot speak for themselves, who fear speaking for themselves, or who, like me, don't really understand they have a right to speak for themselves until their trial judge has drifted so far away from official judicial acts that it feels impossible to return to "normal". Please help me. Please help us.

**Prayer for Relief Under Rule 315**

Should this court determine that my petition does not qualify for hearing according to Illinois Rule 317, I beg this court to please grant me leave to appeal under Rule 315. For the reasons detailed above, this matter is of general importance to the people and judiciary of Illinois. For the reasons detailed above, it is apparent that the Supervisory Authority by this court is warranted in order to force lower Illinois courts to follow and

abide by 750 ILCS 5, particularly in sensitive issues of parental rights. It is also appropriate and necessary for this court to consider whether my claim that the order terminating my parental rights was final, as I claim, or temporary as The Appellate Court asserted. Rather, the question should be whether, as a divorced litigant, I should be "presumed innocent" of being involved in a lawsuit, as I believe most people would expect and which would mean that post-decree motions are final when ruled upon unless there is an identifiable "case" in progress, or whether a trial judge may claim that I am engaged in ongoing litigation "because he says so" and therefore designate me as permanently unable to access my right to appeal.

**Points Relied Upon for Review of Judgment of The Appellate Court**

1. The Appellate Court dismissed my appeal for lack of jurisdiction and erred in doing so because it indicated, without basis in The Record before it, that the order was temporary and therefore not subject to Rule 301. The Appellate Court erred because the order was final in form and spirit, regardless of the use of the word "temporary" by the trial judge:
    a. First, it is my understanding that the trial judge's jurisdiction, in this case, is limited to the authorities granted under 750 ILCS 5, "The Illinois Marriage and Dissolution of Marriage Act" (IMDMA)which does not to my knowledge allow for the temporary revocation of parental rights post-decree. The order in question was entered five years after both parties voluntarily entered into a mutually agreed upon parenting plan which granted me 50% parenting time and 50% decision making in all areas, and which was accepted without objection by this court in 2017 (A1).

The only statute in the IMDMA that allows for temporary orders to modify parenting rights, that I am aware of, is 750 ILCS 5/603.5, which states, "A court may order a temporary allocation of parental responsibilities in the child's best interest **before** the entry of a final allocation judgment." Five years after entry of a final allocation judgment is not before judgment. The trial court did not have jurisdiction to enter a temporary order modifying my parental rights under Illinois law.

b. I do not accept that the order was temporary in form and spirit even though I admit the word "temporary" was used. The order was entered with "temporary" handwritten in blue ink on a carbon copy of an order form. It is not possible to know who, when or why the word temporary was added (A62).

c. There was no expiration date or clearly stated method by which I may end the " temporary" order so it was not in form temporary. It has been six months since I've had access to my parental rights in the form of any parenting time or parental decision making authority. Of course, there is no way for this court to know if the previous sentence is true based on The Record for this order, but there is also nothing in the order to indicate that it would not be not true when the order was written, which is the issue at hand, is it not?

2. The Appellate Court argued that this order was temporary because it quoted language in the order that suggests there might be a method to restore my parental rights suggested in the language of the order, arguing:

> "the order explains why it is only temporary. The motion is granted only 'until the conclusion of a Section 604.10(b) report"

This analysis is wrong, and indeed deeply troubling, for a multitude of reasons:

a. First, this order clearly and obviously violates the basic concept in our justice system that courts consider evidence before ruling, they do not generate evidence in order to justify prior rulings. By terminating my parental rights "until" an investigation into facts related to my rights occurs, this court violated the fundamental concept of justice.

b. Second, by their own words, the trial judge and The Appellate Court clearly reference Illinois 750 ILCS 5/604.10(b), by the use of the term "604.10(b) report" and yet this very rule requires that the custody evaluator present his final report sixty days before a hearing on allocation of parental responsibilities. The order revoking my parental rights clearly states that it was issued after parties "completing their cases in chief and the Court being advised". After parties have completed their cases in chief is not sixty days before the hearing.

c. Third, and I must remind this court this is a matter concerning the rights of vulnerable children to have their mom, and for whom even one month can seem an eternity, there is nothing in this order that suggests there ever will be a custody evaluator report and I have no reason to believe there ever will be.

Dr. Gerald Blecham was appointed as custody evaluator under Rule 604.10(b) on May 25, 2021 (20) and I was ordered to pay him $2,500 at considerable personal expense. Dr. Blechman conducted multiple tests, multiple interviews and served as an evaluator for over a year. Dr. Blechman never submitted a final report. As stated, Michael Bender was appointed in 2019 (A17) and has never submitted a report.

d. Because The Appellate Court created controversy by asserting without basis that the reference to a 604.10(b) evaluation made this a legitimate interlocatory order, I would also like to introduce evidence that the custody evaluator appointment was also not based in law and not related to an underlying motion. In fact it was entered against my objection for this reason. On May 25, 2021 I reviewed the proposed 604.10(b) order and told opposing counsel that I thought, like my pending motion for allocation of parental decision making rights, the evaluation should be confined to the decision making issue. Opposing counsel wrote: "I do not agree to any language providing scope to Dr. Blechman. He will have the pleadings and access to Mr. Bender as to the issues" (A156). Notably, this was the last mention of my motion. It is not pending, it was disposed of.

e. The Appellate Court's finding and analysis also assumes it is possible for me to have access to a Custody Evaluation under 604.10(b). As stated I paid Dr. Blechman at considerable personal expense and as the trial court order literally referenced, in the language of this order, the trial judge knew that I was engaged in bankruptcy proceedings at the time of this ruling (A62). In fact I am in bankruptcy because I cannot meet the cost of paying court appointees or the debt payments for debt incurred from legal expenses, including Dr. Blechamn's fee. And yet, following Dr. Blechman's resignation, without a report submitted, the court ordered a new custody evaluation at my expense, which I could not and cannot afford. I should not have to pay for my parental rights, which this court had no jurisdiction to take in the first place, and I should not be punished

for my inability to do so. The order also required me to pay a visitation supervisor, which amounted to $200 per hour for any time spent with my children. This is unconscionable as well as a violation of law.

3. The Appellate Court argued that this order was not final because it suggested, without basis in fact, that it was an interlocutory order. This is factually untrue for three reasons.

   a. First, in paragraph 6 of its brief, The Appellate Court restates the trial court's order in question itself, quoting the trial judge, "both parties completing their cases in chief and the Court being advised". If the court has considered the case in chief and ruled, the order is final.

   b. Second, according to 750 ILCS 5/602.10 which governs parenting plans, "The agreement is binding upon the court" unless, at the time of entry, the court objects, which it did not do in 2017 when the mutually agreed upon parenting plan was allowed. And so parentage has been established by binding agreement, through a final order, five years ago. Any post-decree action must therefore be considered and disposed of on an individual basis, not as part of "the divorce case", "the divorce case" having been closed.

   As a lay person, I have always understood my parenting plan to be "the law" for my family and it is my understanding that laws matter and are not subject to change at the whim of a trial judge, which is why the methods by which a parenting plan may be modified are so narrowly confined. It is my belief this is why we have the lengthy IMDMA as opposed to a statute that says, "Judges get to do whatever they want to divorced peoples' parenting rights". The trial judge violated the premise of

750 ILCS 5/602.10 that parenting plans are binding on the court in drafting this order.

c. I agree that this particular trial judge exuberantly and frequently issues orders from the bench and has repeatedly ordered appointments of costly personnel, over my objection in every instance. However I do not agree that judicial action constitutes a legitimate or identifiable case before the court. Judicial actions without a case just suggest to me that all of those other judicial actions are violations of law. Judicial error does not in itself provide immunity from appeal for future judicial errors, which is what seems to be suggested by The Appellate Court.

4. In addition to Rule 301, I am indeed entitled to relief under Rule 304, despite assertions to the contrary by The Appellate Court in its brief for the reasons stated above. I also believe The Appellate Court directly and cynically denied me expedited hearing under Rule 311, even going so far as to allow Mr. Matt's attorney an extension of time to file a response. Clearly the people and legislature of Illinois do not want courts destroying families and want swift, accessible ways to resolve legitimate questions over abuse and to sort baseless proceedings like Mr. Matt's from legitimate questions.

5. The Appellate Court did not directly address my duly filed Motion to Dismiss which I filed in The Circuit Court of Cook County on July 18, 2022 and which was denied in the order under appeal. However The Appellate Court erred in tacitly upholding the trial judge's decision to allow the action to proceed, in violation of my First and Fourteenth Amendment rights and the specific statutes of 750 ILCS 5. In my motion to dismiss the motion for allocation of parental responsibilities and a petition Mr. Matt

filed to have me sanctioned for my testimony under Rule 137, I stated that both actions:

> *"ought to be dismissed and stricken because none is supported by facts or evidence. a. None of the pleadings before this court on behalf of Petitioner Peter Matt are supported by legitimate evidence or statement of fact and all are on the face of it substantially insufficient in law. b. None of the pleadings state an actual fact which would form the basis for profound financial penalties, sanctions and destruction of parental rights. In these documents there are inferences and generalizations but no actual fact to support the serious claims. c. None of the pleadings are legitimate or worthy of Court time and resources."*

Parental rights are sacrosanct, barring serious and demonstrated harm to the children according to long-standing precedent. In Duchesne v. Sugarman, 566 F.2d 817, 825 (2d Cir. 1977). The Second Circuit held "[T]he right of the family to remain together without the coercive interference of the awesome power of the state . . .encompasses the reciprocal rights of both parent and child." The court explained that children have the constitutional right to avoid dislocat[ion] from the emotional attachments that derive from the intimacy of daily association with the parent.".

Because the rights of children and parents are so sacred to the values of our nation, the requirement must be for anyone wishing to modify parental rights to meet a high burden of proof. This does not just include final actions by the state in the form of judicial orders, but also my right to not have to "go to court" to be a mom unless there is a basis in law and fact and unless the court has jurisdiction to order me to appear. Regardless of what happened at the trial to revoke my parental rights. Regardless if an order issued after a trial was called temporary. The trial ought not to have happened. State intervention in family rights includes the right to not have to litigate one's established parenting rights, outside the narrowly and specifically defined circumstances codified by the people and legislature of Illinois.

This right is protected specifically in Illinois laws 750 ILCS 5/603.10 which allows restriction of parental responsibilities only after the court finds “by a preponderance of the evidence” that it is appropriate. Likewise modification of a parenting plan is allowed under 750 ILCS 5/610.5 but only if a “preponderance of the evidence” supports it. The trial judge, The Appellate Court, and this court can clearly see that Mr. Matt’s motion did not meet the standard of proof to proceed to trial, rendering every subsequent, related action by the court void.

What’s more, the standard of considering a preponderance of evidence also clearly envisions a process of discovery that did not occur. In fact Mr. Matt’s April 28, 2022 motion was filed instanter, which prevented notice and discovery as envisioned in seemingly every judicial action to modify parental rights detailed in 750 ILCS 5, “The Illinois Marriage and Dissolution of Marriage Act”.

6. The Appellate Court erred in upholding the trial court’s violation of Rule 750 ILCS 5/604.10b which governs court ordered custody evaluations and in so doing violated my parenting rights as protected by the First and Fourteenth Amendment and the statute itself. It did so in two way, first by upholding the trial court’s consideration of a piece of evidence that violated this statute and, second, The Appellate Court argued that the trial judge's reference to Rule 750 ILCS 5/604.10b in his order made this order temporary, even while it is obvious in any number of ways that the trial judge was in violation of that same rule in issuing the order.

   a. First, although custody evaluator Gerald Blechamn quit a year and a half after his appointment without filing a report, Mr. Matt had presented to the court an unsigned letter attributed to Dr. Blecham as the sole evidence in support of his

motion that led to the loss of my parental rights. The letter was not supported by affidavit, was not submitted under penalty of perjury and Dr. Blechman was not available for testimony and cross examination at the time at which time Mr. Matt's motion was ruled upon. The letter attributed to Dr. Blechman is dated February 7, 2022:

i. Although as stated, Dr. Blechman never submitted a Custody Evaluation in court, this letter has come to be called the "Preliminary Custody Evaluation" (A53). I use that term for coherence but I do not believe there is such a thing as a "Preliminary Custody Evaluation" allowed under rule 604.10(b). In fact, the people and legislature put in a timeframe for the Custody Evaluator's Report and standards for such a report for very good reasons. Clearly the statute serves to limit the scope of the government and to provide a fair framework for review. The fact that the report is subject to review and ought to be submitted two months before a trial on parental allocation according to 604.10(b) clearly precludes a "Preliminary Custody Evaluation" that can be considered. The trial judge ought not to have set aside these fundamental rules and The Appellate Court ought not to have sanctioned this action.

ii. Further, the statue states:

*"The professional's report must, at a minimum, set forth the following: (1) a description of the procedures employed during the evaluation; (2) a report of the data collected; (3) all test results"*

The unsigned document contains none of the statutory requirements.

iii. Because it is not a Custody Evaluation, not an affidavit, and not recognizable as a document under the IMDMA, this document should not have been considered.

But worse, it is hearsay. At least one page of the document contains text that the writer of the unsigned letter attributes to an email from Mr. Matt at some time and date. The body of that text, attributed to an email from Mr. Matt, purports to be testimony from me at the trial for my prior motion to substitute judge for cause.

Of specific concern is my quoted testimony at the hearing on my motion to substitute judge. One example of demonstrated bias I had documented in that SOJ occurred when my prior attorney had engaged in a fraud against me over the course of four months by hiding a contempt of court allegation and multiple court appearances. The reviewing judge for the SOJ had asked me why my former attorney's fraud demonstrated bias by the trial judge, I had answered:

*"my understanding of a judge's role in an American courtroom is that it is a sacred duty to uphold the judicial process in that court And so, Mr. Trowbridge's (her former lawyer) malfeasance only matters here because Judge Johnson, Mr. Wehrman, and Mr. Bender observed it over the course of four months, and did nothing to intervene. "[…]"I think the appointment of Michael Bender without any legal proceeding (sic) was an illegal appointment. And I believe it was related to Judge Johnson's bias against women, perhaps, against divorced women."*

Testimony is constitutionally protected speech. Rule 750 ILCS 5/602.7 (c) states:

*"In allocating parenting time, the court shall not consider conduct of a parent that does not affect that parent's relationship to the child"*

A cursory reading of "The Preliminary Custody Evaluation" demonstrates that it does not document any of my conduct other than my testimony. This violates my First Amendment right to free speech as well as Illinois law. Again, this is not one of many documents. It was the only evidence submitted to revoke my parenting rights. The Appellate Court erred by not reversing the trial judge's

denial of my just motion to dismiss, which would have prevented the cavalcade of civil rights abuses that have followed.

7. The Appellate Court erred in basing some of its analysis and conclusions on facts not in The Record. In its brief, The Appellate Court stated facts that are untrue and therefore not in the record in support of its ruling. The Appellate Court also raised as an issue the fact that I had filed a previous appeal in this court. For this reason the Appellate Court's ruling to deny me jurisdiction to appeal and its instruction that I file no more appeals, were based on false premises and denied me a hearing based on the merits of the case.

   a. First, The Appellate Court states:

   *"After several years of litigation in which both parents, at various times, sought to limit the other parent's decision making authority or parenting time, the trial court entered the order on September 13, 2022, that is the basis of this appeal."*

   This is not true and suggests an unwholesome exuberance to legitimize trial court actions by supporting the premise of this being an interlocutory order by adding facts that are not true.. Mr. Matt never filed a motion to modify allocation of parental responsibilities or parenting time prior to the motion that was filed April 28, 2022, heard on September 13, 2022 ruled upon, and which was appealed. In the five years after our divorce, I filed two motions, neither of which proceeded from the pleading stage to discovery. The first was a hastily drafted motion two years ago to allocate parental responsibilities which I had created using the wrong Legal Aid form. I withdrew that motion formally and by agreement with opposing counsel and filed the motion to withdraw, so that was clearly disposed of.

b. Then, in the spring of 2021, I filed a motion to modify only parental decision making responsibilities. That motion was disposed of in two ways. First, the trial judge has instructed me that Mr. Bender's role as permanent GAL is to review any pleading and decide if it's worthy of court time. Mr. Bender always decides my pleadings are not worthy of court time and decided my motion to modify decision making rights was not worth court time. It was "disposed of", literally, two years ago. It's not fair to call it ongoing litigation.

c. More pointedly, the trial judge specifically issued a standing order that no pleadings would be heard or ruled upon before the completion of the 604.10(b) evaluation, which has never ended. I was bound by this order, but Mr. Matt was allowed to proceed.

In the body of the SOJ that led to the order I first appealed to The Appellate Court ("The First Appeal"), my petition for a substitution of judge, I had included examples of ex parte communication as evidence of the trial judge's bias. As it happens, one such ex parte exchange included Mr. Matt's attorney's email to the trial judge by way of his clerk, KayeMason, asking that my trial dates be canceled, saying,*"Kaye: When we were before the Judge on Monday, he appointed a 604 evaluator and set everything for status on July 13, 2021. I do not believe Judge Johnson is having any hearings on this case at this time."* (A142). That same day Kaye Mason verbally relayed Mr. Wehrman's message to the trial judge and emailed us back to say she had canceled my hearings. She wrote: *"I just spoke with Judge Johnson and he has indicated he will not be hearing any other issues on this case until he has heard from the custody evaluator".* (A144)

The reason I call this a standing order is because Mr. Wehrman, the trial judge and Judge Matthew Link, who ruled on my petition to substitute judge and denied it, have all told me that I don't know what ex parte communication is. They have told me that emails from Mr. Wehrman to the clerk that exclude me and private messages to the judge, who at no point considers my position, are not ex parte communications. I don't agree, but I'm not in charge. So if it wasn't an ex parte communication, and it was a message from a judge telling me not to to do something and binding me to do it, it must have been an order.

d. Secondly, The Appellate Court stated that my prior attempt to Appeal in The First District "waste(s) time", which is a negative value judgment that assumes an analysis of my prior appeal and this one as frivolous. I still don't believe that I should have been denied jurisdiction on the first appeal because the order followed a motion for an SOJ under Rule 725 ILCS 5/114-5 which, by assigning the matter to a new judge, suggests a separate action resolved separately from any other action. I believe that the denial of my SOJ was a final, appealable ruling. I have included that petition (A22), the ruling by Judge Link (A41) and The Appellate Court's first denial of jurisdiction (A42). I believe that there are many inferences to be made but I don't think one of them is that I am insincere or without a just basis as a litigant. I would like to add that I don't think Ad Hominem attacks, especially "punching down" to pro se litigants, are helpful.

The Appellate Court created unnecessary controversy over two issues: whether litigation is indeed ongoing and whether I am a frivolous, ignorant woman who wastes the time by filing interlocutory appeals. For this reason I have

supplemented the record here to demonstrate the facts of the actual case, or more pointedly, the facts of the non-case.

**Statement of Facts**

Mr. Matt and I, the parties, were married on January 24, 2007 in New York. We had two children during the marriage, A[redacted] who is fourteen and T[redacted] who is eleven. We were divorced on September 25, 2017 in The Circuit Court of Cook County and entered into a mutually agreed upon Allocation Judgment Parenting Plan ("The Parenting Plan"), which we had drafted by agreement through mediation, was approved and entered on that same date. The Parenting Plan was accepted without issue by the court and remained unchallenged for four years. Per this parenting plan I am entitled to fifty percent parenting time and fifty percent decision making rights. On June 6, 2019, with no proceeding before the court, Michael Bender was ordered as Guardian Ad Litem. He is now the permanent GAL. According to the unique customs of The Circuit Court of Cook County Michael Bender has, since his appointment, reviewed and decided on all matters before the court to determine if they should proceed to trial and how the judge should rule in the event that they proceed. Since his appointment in 2019, according to the unique customs The Domestic Relations Division in Chicago, Mr. Bender has provided an alternative means of disposing of actions brought on a post-decree basis. At various times I have sought court intervention, in the form of filed motions and petitions, to stop violations of the parenting plan or to make modifications in the children's best interest. Mr. Bender has been assigned to review every action and disposed of each, and therefore I have no "pending" matters before the court. From a practical view, any action I have brought is "closed".

On May 25, 2021 the trial judge appointed Gerald Blechman as custody evaluator. Shortly before this time I had filed and presented a motion for allocation of parental responsibilities that solely sought to modify parenting decision making rights and specifically, using the Legal Aide form "checkbox" (A145), waived controversy over parenting time. The trial judge assigned my motion on allocation of parental decision making rights to the permanent GAL Michael Bender for private review, who has disposed of it in the manner of all my pleadings, by deeming it not worthy of court time. It has not been mentioned in two years and is not "pending".

I have witnessed and observed irregular behaviors at various times by various court personnel and appointees, including the trial judge and his clerk, and documented a large volume of acts by this trial judge indicative of bias against me. For this reason I moved for a substitution of judge in November, 2021, which was denied at hearing on January 6, 2022. I appealed this ruling and my case was dismissed by The Appellate Court. I believe the Appellate Court erred but did not file an appeal due to limited resources. On April 28, 2022, Peter Matt filed a motion instanter to revoke my parental rights. I first filed an affidavit in opposition to this motion, because I was worried the action would be ruled upon before I would have a chance to draft a response, having been filed instanter. Later I filed a motion to dismiss Peter Matt's motion to terminate my parental rights. On September 13, 2022, the trial judge denied my motion to dismiss and severely curbed my parenting rights. I appealed this ruling on November 4, 2022. It was finally dismissed under Rule 23 on March 10, 2022. Since his September 13, 2022 order this trial judge has revoked all parenting rights, even with a custody supervisor, ordered a Section 215 Examination at my expense, issued a temporary order of protection

preventing me from contact with my children and most recently issued a permanent order of protection barring me from any contact with my children until 2025. The Record reflects no evidence, such as a police report, a witness statement, or a specific alleged example of harm to my children that could be interpreted as abuse. Mr. Bender has pending a motion to have me incarcerated for willfully refusing to pay fees which will be ruled upon on May 2, 2023. Also pending are almost $100,000 in sanctions on top of those that have bankrupted me. All sanctions are for my testimony about crimes I allege to have witnessed.

## Argument

What I have presented is a textbook for exploitation of litigants in a dysfunctional lower court, one aspect of which is the tolerance of The Appellate Court and a willingness to turn a blind eye to obvious abuses in judicial authority which The Appellate Court had the authority to stop on two occasions but declined to do, even going so far as to warn me not to speak up again. This is wrong. The only thing I ever wanted in life was to be a mom and I'm an excellent, loving, devoted mother. The trial judge took my life away and he did not have a right to do so. I am in agony, I am without hope, and I feel utterly alone. My little boys miss their mom. They want to come home. Please let my children come home to me.

## Conclusion

Wherefore, Petitioner Megan Mason (formerly Megan Matt), pursuant to Supreme Court Rule 317 respectfully prays that this court overturn the ruling of The Appellate Court of The First District, entered on March 10, 2023 and grant my motion to vacate I also ask that this court please order the trial court to vacate all orders entered by the trial

judge subsequent to the September 13, 2022 order as inextricably linked to this order under appeal. Having been made aware of the extrajudicial appointment of Michael Bender in 2019, which enabled the matter before the court at this time to occur and whose involvement is documented in the order under appeal, I would also ask this court to vacate the order appointing Michael Bender as GAL on June 6, 2019 and, being inextricably linked, to vacate all subsequent orders by this trial judge. I would also like to please have my case assigned to a new trial judge.

Judges and appointees in Chicago must be made to follow the law. In the summer of 2020 the people of Illinois learned that former Chicago Guardian Ad Litem David Pasulka used his authority as GAL to attempt to force a mother to have sex with him. David Pasulka hand selected all GALs for twenty years, including Michael Bender. He used the court as a weapon for rape. But the people and legislature of Illinois did not give him that power. The IMDMA empowered him to write a report. It was the customs of The Domestic Relations Division that gave him absolute power over every aspect of a parenting case, including the power to take a mother's children away. He did take away the children of the woman who reported him. I have documented how such abuse happens. Please make this stop. Please help mothers and children in Chicago however you can.

Respectfully Submitted,

/S/Megan Mason

Megan Mason, Appellant Pro Se

[redacted]

IN THE SUPREME COURT OF ILLINOIS

| | | |
|---|---|---|
| PETER MATT<br><br>Plaintiff-Appellee,<br><br>v.<br><br>MEGAN MATT n/k/a Megan Mason<br><br>Respondent/Defendant-Appellant | ) | Petition for appeal as a matter of right (Rule 317) and, if not granted,petition for leave to appeal (Rule 315)<br><br>Appellate Court 1st Judicial District, Case No. 1-22-1405<br><br>Circuit Court of Cook County Case 2016 D 9534<br><br>Hon. Robert Johnson,<br>Trial Judge Presiding |

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words continued in the Rule 341(d) cover, the Rule 341 (h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service and those matters to be appended to the brief under Rule 342 (a), is 20 pages.

/S/Megan Mason
Megan Mason, Appellant Pro Se

**Appendix**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**
**COUNTY DEPARTMENT-DOMESTIC RELATIONS DIVISION**

| | | |
|---|---|---|
| **IN RE THE MARRIAGE OF:** | ) | |
| **PETER MATT,** | ) | |
| **Petitioner,** | ) | |
| | ) | **No. 2016 D 9534** |
| **And** | ) | |
| | ) | |
| **MEGAN MATT,** | ) | |
| **Respondent.** | ) | |

**PARENTING PLAN**

This Parenting Plan made and entered into on 9/27, 2017, by and between PETER MATT and MEGAN MATT:

**WITNESSETH**

Two children were born to the parties during the marriage, namely A[redacted] now age 8, and T[redacted] now age 5. No other children were born to or adopted by the parties.

PETER MATT has filed a Petition for Dissolution of Marriage in the Circuit Court of Cook County, Illinois, Domestic Relations Division, entitled *In re the Marriage of PETER MATT and MEGAN MATT*, Case No. 16 D 9534, which cause is pending and undetermined.

MEGAN MATT and PETER MATT consider it to be in their best interest and the best interests of their Minor Children to agree between themselves upon the provisions to be made with respect to parental responsibilities (including parenting time and significant decision-making responsibilities). Specifically, the provisions that follow shall be deemed the parties' Agreed Parenting Plan pursuant to 750 ILCS 5/602.10 (the "Parenting Plan"), and both parties agree that said Parenting Plan is in the best interests of their Minor Children and that said Parenting Plan is not unconscionable.

NOW THEREFORE, in consideration of the mutual covenants and agreements of the parties, and for other good and valuable consideration set forth herein, MEGAN MATT and PETER MATT hereby covenant and agree as follows:

**ALLOCATION OF DECISION-MAKING RESPONSIBILITIES**

1. Allocation of Significant Decision-Making Responsibilities. The parties agree that, from time to time, decisions will need to be made regarding the following issues of long-term importance of the Minor Children (the "Significant Issues"):

a. Education (including choice of schools and tutors);

The parties agree that the children will attend school in the current school district in Wilmette, Illinois. Any change of schools shall require the written agreement of both parties.

b. Health (including all decisions relating to the medical, dental, and psychological needs of the child and to the treatments arising or resulting from those needs);

The parties shall continue using the same medical care providers for the children, unless there is a written agreement in advance to change doctors.

c. Religion (including choice of religion or denomination of religion, religious schooling, religious training, or participation in religious customs or practices);

d. Extra-curricular activities (including choice of activities); and/or

e. Any other issues of long-term importance in the life of a child.

MEGAN MATT and PETER MATT shall both be allocated decision-making responsibility for the above Significant Issues. Accordingly, the parties agree to discuss any decisions regarding any of the above Significant Issues prior to any decision being made.

The parties agree that, in the event that they cannot agree on any decision regarding any of the above Significant Issues, then said dispute shall be resolved pursuant to Paragraph 16 below.

2. Allocation of Routine and Emergency Decision-Making Responsibility. A parent shall have sole responsibility for making routine decisions with respect to the Minor Children and for emergency decisions affecting the Minor Children's health and safety during that parent's parenting time as allocated below in this Parenting Plan. For purposes of this Paragraph 2, an "emergency" shall be defined as a situation, issue, or circumstance that presents a serious, immediate, and imminent threat to a child's health or safety such that sole responsibility for addressing such an issue or circumstance is absolutely necessary to avoid such a threat.

In the event of an emergency, or any other significant child-related issue that takes place during his/her parenting time, the parent with parenting time shall notify the other parent of said emergency or significant child-related issue as soon as possible.

For all other medical decisions, if the parties do not agree on a proposed choice of medical intervention, the parties shall make the decision with the children's medical provider making the final determination if the parties are otherwise in dispute. This includes the use of a primary care physician, child psychiatrist, or family therapist.

3. The parties agree that the minor children will be raised in an agreed upon faith.

4. The parties agree that they can enroll the minor children in extracurricular activities during their parenting time and to inform the other party of the dates/times of classes/activities. The parties further agree to give consideration to the minor children's preferences and desire to participate in extracurricular activities.

**PARENTING TIME**

1. **Regular Parenting Times**: During the weekends, PETER MATT shall have parenting time with the children on alternate weekends from Friday after school through Monday drop off at school. MEGAN MATT shall have parenting time with

the children on alternate weeks from Friday after school through Monday drop off at school.

2. During the weeks, the parties shall have parenting time with the children on alternate weeks from Sunday at 9:00 a.m. through Wednesday at 1:00 p.m. in the first week and Wednesday at 1:00 p.m. through Sunday at 9:00 a.m. on the second week.
3. The parties agree that the children shall be in school or appropriate childcare from 9:00 a.m. to 5:00 p.m. Accordingly, the pick-up and drop off times identified in Paragraph 2 shall include camp, after care, and extracurricular activities in addition to school.
4. If a party is not with the children for an overnight period during their parenting time, the other party shall have the option to watch the Children. The parent with the Children will provide advance notice by email and/or text, and if the other party does not respond within one hour, the right of first refusal shall be lost for that instance. This right of first refusal shall not apply to scheduled sleep-over of a child at a friend's residence.
5. Holiday Parenting Time.

| HOLIDAY | MEGAN MATT | PETER MATT |
|---|---|---|
| HALLOWEEN (3:00 PM UNTIL 8:00 PM) | EVEN YEARS | ODD YEARS |
| THANKSGIVING (9:00 AM UNTIL THE DAY AFTER THANKSGIVING AT 9:00 AM) | ODD YEARS | EVEN YEARS |
| MOTHER'S DAY (SUNDAY 9:00AM TO 8:00PM) | ALL YEARS | |

| | | |
|---|---|---|
| **FATHER'S DAY (SUNDAY 9:00 AM TO 8:00PM)** | | **ALL YEARS** |
| **EASTER**<br><br>**(7:00 PM SATURDAY UNTIL 8:00 PM SUNDAY)** | **ODD YEARS** | **EVEN YEARS** |
| **INDEPENDENCE DAY**<br><br>**(9:00 AM UNTIL 9:00 AM ON JULY 5)** | **EVEN YEARS** | **ODD YEARS** |

5. Vacation Parenting Time. The parties shall have the following Vacation Parenting Time with the Minor Children:

A. Winter Vacation. The parties shall divide the Winter Break with PETER MATT having the children after school through Christmas Eve at 8:00 p.m. MEGAN MATT shall have the children for her Winter Break from Christmas Eve at 8:00 p.m. through January 1 at 10:00 a.m.

B. Spring Break. The parties shall each have alternating uninterrupted parenting time for the week of Spring Break with MEGAN MATT in ODD years and PETER MATT in EVEN years. The week of Spring Break shall be 8 consecutive days, beginning on Saturday at 9:00 a.m. on the first date of the break and continue through day eight (8) at 7:00 p.m.

C. Summer Break. Each parent shall have vacation time with Minor children during each summer consisting of seven (7) days of consecutive or non-consecutive days between the months of July-August of uninterrupted parenting time. Each parent will provide at least thirty (30) days' notice to the other parent of that parent's intended summer vacation period with Minor children and shall provide a travel itinerary as soon as reasonably possible.

PM MM

The parties shall meet no later than February 28 of each year to establish a summer vacation schedule, and will resolve any differences that may arise in accordance with Article VII of this Agreement. In the event of a conflict in the selection of the two weeks of summer vacation time, MEGAN MATT shall have the first choice in odd years and PETER MATT first choice in even years.

6. Conflicts/Priority. Unless otherwise indicated above, to the extent Regular, Holiday, and/or Vacation parenting time conflicts:

a. Holiday Parenting Time shall take priority over Vacation and Regular parenting time; and

b. Vacation Parenting Time shall take priority over Regular Parenting Time.

7. Right of First Refusal. In the event a party intends to leave the Minor Children with a substitute-child care provider (specifically, anyone other than the party himself/herself) for 3 or more consecutive hours during his/her parenting time (excluding times when the Minor Children are in school/camp/extra-curricular activity), that party must first offer the other party an opportunity to personally care for the Minor Children. Each of the parties shall agree to notify the other at least 4 days in advance (or as soon as he or she learns of the same) if he or she intends to leave the Minor Children with such a substitute-child care provider for 3 or more hours. The other party shall be entitled to have parenting time with the Minor Children, if he or she desires to do so, during the time in which the party who intends to be gone is away so long as said other party responds to the offering party within 24 hours after receiving notice. The parent exercising said right of first refusal shall further be required to pick up the Minor Children from, and return the Minor Children to, the other parent's residence in connection with

said time. If a parent declines to care for the Minor Children during the offering party's absence, it will remain the responsibility of the offering parent to secure childcare.

8. Transportation. The parties shall agree as to the transportation for the children for the pick ups and drop offs for each exchange. If, however, the parties are unable to come to an agreement, PETER MATT shall be responsible for pick-up transportation at the beginning of PETER MATT's parenting time, and MEGAN MATT shall be responsible for pick-up transportation at the beginning of MEGAN MATT's parenting time.

5. Travel and Itinerary. Either of the parents may take the Minor Children outside of Illinois on vacation trips or other leisure excursions without the consent of the other parent, including international travel. However, in advance of said travel, the parties shall provide each other with a written itinerary for all out-of-state travel with the Minor Children, which at a minimum shall set forth the travel destination, addresses and telephone numbers of any travel destination, the names of all persons who will be traveling with the Minor Children, and the timetables for such travel. The aforementioned notice shall be at least 30 days in advance of travel. Also, for all travel by air, the aforementioned itineraries shall include the names of the airline on which the party and Minor Children are traveling, as well as flight numbers and scheduled departure and arrival times. Each party shall notify the other immediately if changes are made to the itinerary submitted to the other. The parties agree that the children may have telephone and electronic communication and contact with the non-traveling parent when vacationing. The parties agree that the children shall be enrolled in a swimming program prior to the children traveling internationally.

**OTHER PROVISIONS**

9. Parents' Contact Information.

MEGAN MATT's personal address and telephone number:
423 Linden, Apt. 2E
Wilmette, IL 60091
(917) 518-1808

MEGAN MATT's employment information:
423 Linden, Apt. 2E
Wilmette, IL 60091
(917) 518-1808

PETER MATT's personal address and telephone number:
246 Maple Ave.
Wilmette, IL 60091
(646) 417-0618

PETER MATT's employment information:
246 Maple Ave.
Wilmette, IL 60091
(949) 240-0597

In the event that either parent intends to change his or her personal address, he or she shall provide at least 60 days written notice to the other parent, unless such notice is impracticable or unless otherwise ordered by the court. If such notice is impracticable, then written notice shall be given at the earliest date practicable. At a minimum, the notice shall set forth the following:

a. The intended date of the change of residence; and

b. The address of the new residence.

Each parent shall otherwise keep the other informed of his or her current home telephone number, cellular telephone number, and employment telephone number.

Both parents shall update the other parent in writing of any changes of the individuals living in their residence as soon as such an arrangement is known.

Each party will keep the other informed of the current cell number of any person residing with the party and any childcare provider of the minor children. Or, in the alternative the party

must acquire a cell phone for the minor children that will be used by any childcare provider of the minor children when in their care. That party will inform the other party of the current cell phone number for the minor children.

10. Child's Address. The parties contemplate exercising equal parenting time with the Minor Children. For purposes of school enrollment only, the Minor Children's residential address shall be 423 Linden, Apt. 2E Wilmette, IL 60091, which is MEGAN MATT's current address, who is hereby designated as the parent with "the majority of the parenting time" for purposes of Section 606.10 of the Illinois Marriage and Dissolution of Marriage Act. This designation does not affect the parents' rights and responsibilities under this Parenting Plan and is simply included as a requirement under the Illinois Marriage and Dissolution of Marriage Act. Unless the parties agree otherwise, in the event either party intends to change addresses, the issue of school selection shall continue to be an issue governed by Paragraph 1 of this Agreement, and the designation of the parent with "the majority of the parenting time" as well as the Minor Children's residential address for purposes of school enrollment shall be reserved to be decided either upon written agreement of the parties or order of court upon proper petition of either party. Any court review of the designation of the parent with "the majority of the parenting time" or the Minor Children's residential address for purposes of school enrollment shall be made on a *de novo* basis.

11. Telephone/Electronic Communication. Each party shall have reasonable telephone/Skype/Facetime contact with the Minor Children whenever the other party is caring for the Minor Children and the party with whom the Minor Children is present shall facilitate such contact, including delivering messages requesting that the Minor Children speak, promptly returning calls and giving correct telephone numbers where the Minor Children can be reached.

12. Provisions Regarding Miscellaneous Education, Medical, and Activity Issues. Each party shall:

a. have unrestricted access to all of the Minor Children's school records, and equal and independent authority to obtain and receive all information pertaining to a Minor Children's grades, homework, and progress at school, including but not limited to copies of report cards, class schedules, evaluations and attendance records, and to inspect the Minor Children's school records, and to communicate with teachers, school personnel, and school counselors to discuss the Minor Children's standing and progress;

b. cooperate to ensure that the schools and/or other authorities are authorized to tender directly to both parents any and all information pertaining to the Minor Children's grades and progress, including but not limited to, these materials identified in Paragraph 11.A above;

c. instruct the schools to furnish both parents with copies of report cards, calendars, important communications from teachers, administration or staff concerning the Minor Children's academic performance, social or behavioral problems, if any, emotional condition and health, notices of school events, meetings or parent/teacher meetings, test results and other important documents that are forwarded to parents. Each parent shall advise the other in a timely fashion with all information he or she receives regarding functions, activities or other school information that is sent home with the Minor Children unless otherwise provided to a parent directly by the school;

d. authorize the other to inspect the Minor Children's school, medical, and extra-curricular activity records and to communicate with teachers, school personnel, counselors

and physicians to discuss the Minor Children's standing and progress (subject to the Mental Health and Developmental Disabilities Act);

e. cooperate in advising the school to notify both parties of programs and activities open to parents. In the event that a party receives notice of a school-parent-teacher conference, that party shall communicate that date to the other party as soon as known and in sufficient time to allow the other party to attend or to schedule his or her own conference. The parties shall attempt to schedule any school-parent-teacher conferences so that both may attend;

f. inform the schools and health care professionals to provide each party with duplicate mailings and notices;

g. be listed as persons to contact in case of emergency with both the school and all children's medical professionals;

h. assist and supervise the Minor Children in the completion of homework assignments, practicing musical instruments, if applicable, and studying for examinations during his or her time with the Minor Children to ensure that assignments are properly done and turned in on time, and also that the Minor Children is adequately prepared for examinations or lessons. Both parents recognize the importance of facilitating the Minor Children's academic performance in school;

i. be allowed and invited to attend and participate in any routine or non-routine events or performances at the Minor Children's school or in connection with their participation in athletics, arts, music, dance, or other extracurricular activities in which any of the Minor Children participate.

j. ensure that an adult is present when the children visit with the paternal grandfather.

k. allow the grandparents to communicate with the children, regardless of the grandparent and the parties' parenting time.

l. will notify the other party prior to introducing the children to a significant other.

13. Relocation.

For purposes of this Paragraph 12, "relocation" shall be defined as follows:

a. a parent's change of residence from the parent's current address (as set forth in Paragraph 9) to a new residence within this State that is more than 25 miles from the parent's current address (as set forth in Paragraph 9);

b. any change of residence that would cause the children to no longer reside in the school district in which the children are attending school at the time the relocation is requested.

In the event either party intends a relocation, then said "relocating parent" must comply with the terms of this Paragraph 13 and Section 609.2 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/609.2).

Specifically, the relocating parent must provide the non-relocating parent with written notice of the intended relocation by sending the non-relocating parent the notice attached herein as Exhibit A via e-mail or US Mail, and a copy of said notice shall be filed with the clerk of the Circuit Court of Cook County (the "Relocation Notice"). Said Relocation Notice shall be at least 60 days' before the relocation unless such notice is impracticable (in which case the Relocation Notice shall be given at the earliest date practicable) or unless otherwise ordered by the court. At a minimum, the Relocation Notice must set forth the following:

(1) the intended date of the parent's relocation;

(2) the address of the parent's intended new residence if known;

(3) the length of time the relocation will last, if the relocation is not for an indefinite or permanent period;

(4) the names of any individuals who will live at the address of the parent's intended new residence.

Within 30 days of the relocating parent's filing of the Relocation Notice, the non-relocating parent shall respond to, and sign, the Relocation Notice and return to the relocating parent. If the non-relocating parent consents to relocation, then the relocating parent shall file said response to the Relocation Notice with the Clerk of the Circuit Court of Cook County, at which point the relocation shall be allowed without further court action.

If the non-relocating parent fails to respond to the notice within the aforementioned 30 days, or the non-relocating parent objects to the relocation, then the relocating must file a petition seeking permission to relocate. The Court shall then decide the issue of relocation in accordance with Section 609.2 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/609.2).

14. Rules of General Conduct. The parties further agree as follows:

a. The parties shall refrain from discussing the conduct of the other party in the Minor Children's presence except in a positive, encouraging manner;

b. The parties shall not unreasonably question the Minor Children regarding the activities of the other party;

c. The parties shall not initiate discussions about disputed issues between the parties or make extensive inquiries into the activities of the other party with the Minor Children;

d. Neither party shall use the Minor Children as a source of information about the other or denigrate the other party in front of the Minor Children;

e. Each party shall respect the other party's primary role as the Minor Children's mother and father;

f. Each parent shall have primary responsibility for the Minor Children while exercising parenting time with the Minor Children. Neither party will allow third parties to make any decisions or exercise any authority as to the religion, social, education or healthcare (except in cases of emergency) of the Minor Children which is a parental function. Neither party shall allow his or her spouse or significant other to inflict any corporal punishment on the Minor Children.

g. In the event of remarriage, the parties agree that they will make known to their new spouse the conditions and guidelines as set forth above and both agree that they will encourage their new spouses to act in accordance with said conditions and guidelines. Furthermore, the Minor Children shall continue to be known by the surname of regardless of whether MEGAN MATT changes her name or remarries. Only in the event of a remarriage shall a party's new spouse be referred to as the minor children's stepmother or stepfather by the party, minor children, or others. The minor children will address any significant other or spouse of the party by their given name.

h. **Overnight Stays.** If a parent spends an overnight with Minor children or if Minor children spends the night at a location other than the parent's primary residence (hotel, grand parent, family member, etc.), that parent shall provide the other parent with the destination, itinerary and telephone number where that party and Minor children can be reached.

15. Agreement to Meet. In order to ensure that the terms of this Parenting Plan continue to meet the needs of the parties and the Minor Children, the parties shall review the terms of the Parenting Plan, including the parenting schedule, on an informal basis at the start of each school year and as necessary.

**MEDIATION PROVISION**

16. Mediation. In the event the parties disagree concerning the children, any aspects of the Parenting Plan, including, but not limited to, its interpretation or meaning, or if there are disputes or alleged breaches, proposed changes, either temporary or permanent, changes of circumstances, or other difficulties or disagreements, the parties shall first make every effort to resolve any disputes regarding the children amongst themselves. In the event the parties cannot resolve a dispute between themselves, the parties shall next seek out a family therapist to attempt to resolve the dispute (the parties can also use the children's doctors or therapists). If the family therapy fails, the parties shall jointly choose a mediator in an attempt to reasonably resolve their differences before filing an action with a court of competent jurisdiction. The parties shall equally pay for the cost of mediation.

The aforementioned notwithstanding, if there is an emergency or a situation where – due to no fault of either party – an agreement cannot reasonably be mediated before action must be taken by either party on an issue, either party may request a court of competent jurisdiction to resolve the dispute upon proper notice, petition and hearing without attending mediation.

**GOVERNING LAW, SUBSEQUENT CHANGES, AND INCORPORATION**

17. Governing Law. This judgment shall be construed and interpreted under the laws of the State of Illinois, without regard for the later domicile or residence of the other party or the parties' children.

18. Changes to Agreement. The parties agree that they may make any additions or changes to the parenting schedule set forth in this Parenting Plan that they mutually agree upon on a case-by-case basis. Further, each party preserves the right to petition a court of competent jurisdiction to modify this Parenting Plan as expressly permitted by 750 ILCS/610.5.

19. Effective Date. This Parenting Plan shall be effective immediately upon its incorporation into an Allocation Judgment.

PETER MATT

MEGAN MATT

SWANSON, MARTIN & BELL, LLP
Attorneys for PETER MATT
330 N. Wabash #3300
Chicago, IL 60611
T 312 321 9100
F 312 321 0990

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Peter Matt

v.

Megan Matt

No. 16 D 9534

Cal. 23

ORDER

This matter coming before the Court for a continued hearing on Peter Matt's 11/19/18 Petition for Rule to Show Cause and hearing on Peter Matt's Motion to Appoint a Guardian Ad Litem, Peter Matt appearing with counsel and Megan Matt appearing pro se, the Court taking evidence and hearing arguments,

IT IS HEREBY ORDERED:

(1) Megan Matt is found to owe Peter Matt $2,499.91 for reimbursement for health insurance premiums & school placement therapy;

(2) Megan Matt's failure to pay is not found to be willful and contumacious;

(3) Peter's motion for a GAL is granted. Michael Berdon is appointed by seperate order.

(4) The parties shall exchange Financial Affidavits within 28 days and submit same to the court for further allocation and additional payment of GAL retainer on 7/25/19 at 9:30 a.m.

(5) Megan shall pay $1000 to Peter as and for the attorney's fees in paragraph 1 within 120 days. The balance to be addressed on 7/25/19.

Attorney No.: 29558

Name: C. Wolverton/Brian Mitt & Bell

Atty. for: Petitioner Peter Matt

Address: 330 N. Wabash #3300

City/State/Zip: Chicago IL 60611

Telephone: 312/321-9100

ENTERED:

Dated: _____, _____

_____

Judge Judge's No.

ENTERED
Associate Judge Robert W. Johnson-2156
JUN 06 2019
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE: ☐ Marriage ☐ Civil Union ☐ Legal Separation ☐ Allocation of Parental Responsibilities
☐ Visitation (Non-Parent) ☐ Support ☐ Parentage of:

Peter Matt
**Petitioner**

**and**

Megan Matt
**Respondent**

**No.:** 2016 D 9534

**Calendar:** 23

☐ Prejudgment
☒ Post Judgment - Enforcement
☐ Post Judgment - Modification
☐ Other

## ORDER APPOINTING CHILD'S REPRESENTATIVE, GUARDIAN AD LITEM OR ATTORNEY FOR MINOR CHILD(REN)

On motion of Peter Matt and pursuant to 750 ILCS 5/506 and the inherent power of the Court, the Court being fully advised in the premises FINDS THAT:

A. There are issues within the family affecting the minor child(ren):

| Child(ren)'s Name(s) | Date of Birth | Resides with | Child(ren)'s Name(s) | Date of Birth | Resides with |
|---|---|---|---|---|---|
| [redacted] | | both | | | |
| [redacted] | | Both | | | |

B. It is in the best interest of the child(ren) to have a legal representative appointed to protect and preserve their interests.

**IT IS HEREBY ORDERED THAT:**

1. Name: Michael Bender
   Address: 150 N. Michigan, Suite 2130 Chicago IL 60601
   Telephone: 312/236-1560 Facsimile:
   Email: mbender@caesarbenderlaw.com
   is appointed ☐ CHILD'S REPRESENTATIVE ☒ GUARDIAN AD LITEM ☐ ATTORNEY FOR THE MINOR CHILD(REN)
   Issues: Medication, extracurricular activities, international travel, communication, therapy, and school selection.

2. During the proceedings the court may appoint an additional attorney to serve in another of the enumerated capacities on its own motion or that of a party only for good cause shown and when the reasons for the additional appointment are set forth in specific findings.

3. Within seven (7) days of the entry of this order, attorney for ☐ Petitioner ☐ Respondent ☐ other _____ shall send the child's representative, guardian ad litem, or the attorney for the minor child(ren) copies of this order, and all notices, pleadings, orders and reports relative to this cause.

4. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be kept fully informed by counsel for all parties as to the status of this cause and shall have the full assistance of counsel in obtaining any waivers (e.g. for school or medical records, etc.) appropriate to the representation of the minor child(ren).

4234

5. ☒ An appearance shall be filed on behalf of the minor child(ren) within seven (7) days of receipt of this order and any appropriate pleadings within twenty-eight (28) days from the date of this order.

6A. The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall serve pro bono; OR

4636

6B. ☐ The child's representative, guardian ad litem, or the attorney for the minor child(ren) shall be entitled to reasonable temporary and permanent fees and costs pursuant to statute. Without prejudice to the right of either party for an accounting and an apportionment among the parties, the parties shall pay to the child's representative, guardian ad litem, or the attorney for the minor child(ren) as and for temporary prospective fees, within 7 days, the following amounts:

Hourly Rate: _____

Petitioner: $ 500 Respondent: $ 500

Other: $ _____

7A. ☐ This appointment shall terminate thirty (30) days after entry of final judgment without further order of court; OR

7B. ☐ This appointment shall terminate only upon further order of court.

8. "Unless otherwise ordered by the court at the time fees and costs are approved, all fees and costs payable to an attorney, guardian ad litem, or child's representative under this Section {750 ILCS 5/506} are by implication deemed to be in the nature of support of the child and are within the exceptions to discharge in bankruptcy under 11 U.S.C.A.523. The provisions of Section 501 and 508 of this Act shall apply to fees and costs for attorneys appointed under this Section." {750 ILCS 5/506}

9. Next Court Date: 7/25/19 at 9:30 a.m.

Petitioner's Name: Peter Matt

*Address: (Home) 246 Maple Ave, N. Wmette, IL 60091 Telephone: (Home) 646/417-0618

*Address: (Work) _____ Telephone: (Work) _____

Petitioner's Attorney: C. Wehrman/Swanson Martin & Bell Primary Email: cwehrman@smbtrials.com

Address: 330 N. Wabash #3300, Chicago IL 60611 Secondary Email: _____

Telephone: 312/321-9100 Other: _____

Facsimile: 312/321-0990

Respondent's Name: Megan Matt

*Address: (Home) [redacted] Telephone: (Home) [redacted]

*Address: (Work) [redacted] Telephone: (Work) _____

Respondents Attorney: _____ Primary Email: _____

Address: _____ Secondary Email: _____

Telephone: _____ Other: _____

Facsimile: _____

***If a party has not disclosed an address, that party shall designate an alternative address for the purpose of notice.**

Atty. No.: 31558

Name: C. Wehrman/Swanson Martin & Bell

Atty. for: Petitioner

Address: 330 N. Wabash #3300

City/State/Zip Code: Chicago IL 60611

Telephone: 312/321-9100

Primary Email: cwehrman@smbtrials.com

Secondary Email: _____

Other Email: _____

ENTERED:

ENTERED
Associate Judge Robert W. Johnson-2156
JUN 06 2019
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Dated: _____

_____ Judge Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

| | | |
|---|---|---|
| IN RE: THE MARRIAGE OF | ) | |
| PETER MATT, | ) | |
| Petitioner, | ) | |
| | ) | Case No. 2016 D 9534 |
| and | ) | |
| | ) | |
| MEGAN MATT, | ) | |
| Respondent. | ) | |

ENTERED
Judge Robert Johnson-2156
MAY 25 2021
IRIS Y. MARTINEZ
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

**ORDER**

This cause coming before the Court for a continued case status hearing and report of the GAL report and agreement on use of 604.10(b) evaluator, status on Peter Matt's Motion to Quash Subpoena to Swanson, Martin & Bell, and status of responses on Megan Matt's i) Motion to Modify Custody; ii) Petition for Rule to Show Cause as the childcare and safety; iii) Petition for Rule to Show Cause as to harassment iv) Petition for Rule to Show cause as to use of residence, both parties appearing remotely, Peter Matt appearing with counsel, and the Guardian Ad Litem appearing, and the Court hearing argument and further being advised,

**IT IS HEREBY ORDERED:**

4234
4606
4233
4406

1. Dr. Gerald Blechman (1751 South Naperville Road, Suite 206, Wheaton, IL 60189, 630/664-0525) is appointed as a 604.10(b) evaluator. The parties shall contact Dr. Blechman within seven (7) days to retain him for same. The parties shall each pay 50% of Dr. Blechman's retainer as required by Dr. Blechman.

2. Peter Matt has leave to file his motion for 508(b) fees. Megan Matt has until June 21, 2021 to file a response.

3. The parties' parenting scheduled is modified to reflect the current schedule used by the parties as follows:

   i. Parenting time shall rotate with PETER MATT having parenting time the first week on Wednesdays beginning at 1:00 pm until Saturdays at 3:00 p.m. MEGAN MATT shall pick up the children from PETER MATT's residence on Saturday at 3pm. The following week, PETER MATT shall have parenting time from Wednesdays at 1:00 p.m. until Sundays at 10:00 a.m. with PETER MATT dropping the children off at MEGAN MATT's residence at 10:00 am on Sundays.

   ii. MEGAN MATT shall have the remaining parenting time not herein identified.

4. Except for the change in parenting time identified above, the Allocation Judgment remains in full force and effect.

5. This matter is set for status on the GAL's investigation and status of 604.10(b) evaluation on July 13, 2021 at 10:00 a.m.

Counsel for Petitioner: cwehrman@smbtrials.com
Counsel for Respondent: [redacted]
GAL: mbender@caesarbenderlaw.com

ENTERED:

JUDGE

#29558
Christopher D. Wehrman (cwehrman@smbtrials.com)
Swanson, Martin & Bell, LLP
330 N. Wabash #3300
Chicago, IL 60611
312/321-9100

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

| | | |
|---|---|---|
| IN RE THE FORMER MARRIAGE OF: | ) | |
| | ) | |
| PETER MATT, | ) | |
| | ) | |
| *Petitioner*, | ) | Case No. 2016 D 009534 |
| | ) | |
| and | ) | |
| | ) | |
| MEGAN MATT, | ) | |
| n/k/a MEGAN MASON, | ) | |
| | ) | |
| *Respondent*. | ) | |

## PETITION TO SUBSTITUTE JUDGE FOR CAUSE

On December 6, 2021 I intend to present this petition at Zoom Court before Judge Robert Johnson at 10 am via (Zoom ID: 934 9022 2003; Password 543296). As will be detailed herein, I am fearful that this pleading will go unheard and I am fearful of retaliation, and submit this as a potential whistleblower, given the volume of irregular events that have transpired. I am therefore also requesting that The Honorable Grace Dickerson ensure that I am granted a hearing by an objective judge not related to this case.

### Summary

I pray that The Honorable Judge Robert Johnson be substituted for cause on the basis of judicial bias against me, Megan Matt (NKA Mason), Respondent, acting pro se in this case.

> *Section 5/2-1001 of the Code of Civil Procedure governs substitution of judges. 735 ILCS § 5/2-1001.* ***Motions for substitution of a judge may be made for involvement in the action, cause, as a matter of right, or in contempt proceedings.*** *Id. § 5/2-1001(a).* ***A party may move for substitution for cause at any time by filing a petition that asserts the specific allegations that justify substitution****. Id. § 5/2-1001(a)(3).*
>
> ***Each party is entitled to move for substitution as a matter of cause.*** *735 ILCS § 5/2-1001(a)(3)(i). To move for substitution as a matter of cause, a party must file a petition setting forth the cause for substitution and praying for a substitution of judge. Id. § 5/2-1001(a)(3)(ii). The petition must be verified by the affidavit of the moving party. Id. § 5/2-1001(a)(3)(ii). A judge who is not named in the petition will conduct a hearing to determine whether cause for substitution exists. Id. § 5/2- 1001(a)(3)(iii).*

In support thereof, I state as follows:

1. Judge Robert Johnson's demonstrated bias against me is grounds for substitution for cause.

2. Judge Johnson's bias has been witnessed and documented extensively.

3. Specifically: Judge Johnson's bias against me has been demonstrated by: repeated ex parte communications; repeated denial of due process; and a contempt finding against me not based in fact.

**Overview**

4. On September 27, 2017, the parties were divorced and the Court entered an Allocation Judgment.

5. Two children were born of the marriage, namely A[redacted]nd currently age 13; and, T[redacted]and currently age 9.

6. On February 19, 2019, Mr. Matt, petitioner, moved that a guardian ad litem be appointed.

7. I, Megan Mason, Respondent, opposed this appointment.

8. On June 6, 2019, Judge Johnson selected and ordered the appointment of Michael Bender as Guardian Ad Litem, two years post decree with no underlying legal proceeding pending.

9. Subsequently Mr. Bender has requested and was granted by Judge Johnson the appointment of Dr. John Palen as Parenting Coordinator on September 25, 2020..

**Ex Parte Communications**

10. *Ill. Sup. Ct. R. 63,(5)* ***A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that: (a) Where circumstances require, ex parte communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits are authorized****; provided:*
***(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and***
***(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication*** *and allows an opportunity to respond*

11. Judge Johnson has allowed and indirectly participated in inappropriate ex parte communication via emails with opposing counsel to and from his clerk, Ms. Kaye Mason, on at least two occasions.

12. On December 5, 2020, Dr. John Palen, parenting coordinator, accidentally copied me on an email including Mr. Bender; Mr. Christopher Wehrman, opposing counsel; and Ms. Kaye Mason, Judge Johnson's clerk.

    a. This email was one of a seeming thread of emails discussing this case. It appears there are other emails between these parties because Dr. Palen uses no address (eg "Hi John"), but rather writes a statement as if in response to prior discussion.

    b. I was excluded and no attorney representing me has been included in this or other email threads between these individuals and Ms. Kaye Mason.

    a. I happened to receive this one email unintentionally when Dr. Palen accidentally copied me because I share Ms. Kaye Mason's last name.

    b. This email is evidence of inappropriate ex parte communication wherein all parties in this case, except me, are given access to communicate with each other and with Judge Johnson via his clerk, on an ongoing, secretive basis.

    c. This private email thread almost certainly gives the opposing parties in this matter a tactical advantage. This is on the face of it evidence of profound bias and prejudice toward me.

    d. The contents of this particular email are particularly troubling. In this email, Dr. Palen wrote, **"I want to be paid. It is as simple as that".**(**Exhibit A** "I want to be paid" email)

    e. At this time Dr. Palen had been paid in full and was still being compensated by funds drawn from his positive retainer balance. No fee motions were pending or even contemplated.

    f. It's implausible to regard this email as part of a routine scheduling matter.

    g. Further, Dr. Palen lied about the nature of this email, suggesting guilt. Specifically, Dr. Palen, upon realizing he had accidentally copied me, wrote, "Sorry- this was meant for another case. I had not noticed Ms. (Megan) Mason on the list of recipients." (**Exhibit B** "Sorry this was meant for another case" email)

    h. No reasonable person would believe this was meant for another case or that Mr. Wehrman, Mr. Bender and Judge Johnson happen to be involved in another case with Dr. Palen, as evidenced by the fact that no counterparty attorney was copied.

i. If by some stretch of the imagination this could be considered appropriate ex parte communication, there would necessarily be an attorney for both the Petitioner and the Respondent copied. There was not, except by accident.

j. The discussion of personal remuneration in an ex parte communication, not intended to be read by one party, is deeply troubling. Any reasonable person would have to question the credibility of court proceedings after becoming aware of such behaviors.

k. No party has ever informed me of the other emails in the chain, much less acted promptly to notify me of the substance of the ex parte communication

l. By allowing such practices in his court, Judge Johnson has created an atmosphere that is inherently untrustworthy and imbalanced unfairly against me.

13. The second instance of ex parte communication observed by me occurred on May 27, 2021 when, having duly followed procedures and guidelines for Cook County Domestic Relations Division under Covid protocols, I scheduled a hearing on three petitions.(**Exhibit T** *PETITION FOR RULE TO SHOW CAUSE AND MOTION TO COMPEL RE: STRANGE ADULTS IN CHILDREN'S HOME*; **Exhibit U**: *PETITION FOR RULE TO SHOW CAUSE AND MOTION TO COMPEL RE: FAILURE TO PROVIDE CHILDCARE FOR CHILDREN AND FAILURE TO ADDRESS CHILDREN' S SAFETY;* and **Exhibit V:** *PETITION FOR RULE TO SHOW CAUSE AND MOTION TO COMPEL RE: HARASSMENT AND FAILURE TO ADHERE TO PARENTING PLAN WITH REGARD TO PARENTING TIME.)*

(**Exhibit C** Please may I have a hearing date email)

a. These pleadings all contain matters that seriously impact the well being of the children.

b. The pleadings are supported by more than fifty pieces of documentary evidence including: a police report, an email from a police officer stating that the parenting time violations ought to be addressed by a judge, an email from the parenting coordinator stating that some matters need to be brought before the judge and multiple threatening emails from Mr. Matt to me and staff members at my church.

c. On May 27, 2021 I emailed Ms. Kaye Mason, Judge Johnson's clerk, to schedule my hearing on the matters (**Exhibit C** Please may I have a hearing date email).

d. As is protocol, I copied Mr. Wehrman, Petitioner's attorney, and Mr. Bender, GAL.

e. Ms. Mason followed Cook County Domestic Relations Division protocols and scheduled my court appearance (**Exhibit D** "The first available date" email).

f. Mr. Matt did not want these pleadings brought to court because they contain voluminous evidence of his ongoing violations of the parenting plan and other misconduct.

g. Mr. Matt had been given the opportunity to provide a written response to the pleadings and did so.

h. Mr. Matt, via Mr. Wehrman, responded to the pleadings and provided no evidence that the claims made therein were in any way false. Mr. Matt provided no explanation for the serious misconduct disclosed therein nor did Mr. Matt indicate he intended to stop any of the misconduct.

i. On May 27, 2021 Mr. Wehrman requested Ms. Mason ask Judge Johnson to deny me a hearing on these matters . Mr. Wehrman emailed Ms. Mason,

> "Kaye: When we were before the Judge on Monday, he appointed a 604 evaluator and set everything for status on July 13, 2021. I do not believe Judge Johnson is having any hearings on this case at this time." (Exhibit E "I do not believe Judge Johnson is having hearings" email).

j. Ms. Mason then wrote that she would accommodate Mr. Wehrman's request by verbally communicating his wish to cancel my hearing to Judge Johnson (**Exhibit F** "I will verify with the judge" email).

k. As a basis for his special treatment Mr. Wehrman suggests that because Judge Johnson appointed a custody evaluator no matters should be heard. This is simply unimaginable.

l. A custody evaluation can be long and protracted and parents ought to at no time be barred from accessing due process to address urgent matters relating to their children's well being.

m. Further, as is the case of financial allocation, not all matters related to domestic relations are addressed by a custody evaluation and there is no reason that such a process should displace normal court functioning.

n. Ms. Mason agreed to follow Mr. Wehrman's instructions and set aside Cook County Domestic Relations Division policies in order to see if Judge Johnson would grant Mr. Wehrman his favor of blocking the hearing (**Exhibit F** "I will verify by the end of the day" email)

o. According to an email from Ms. Mason, without any reference to a legal basis, Judge Johnson verbally approved this favor to Mr. Wehrman and ordered her to cancel my duly scheduled hearing date. (**Exhibit G** "I just spoke with the judge" email).

p. Ms. Mason's reference to the fact that she received an email request form Mr. Wehrman and then "just spoke the judge" firmly establishes that she is in the habit of using email as a way to brazenly facilitate ex parte dealings and she must therefore in all her communications be seen as a proxy for Judge Johnson.

q. On the face of it these events demonstrate an unequal relationship wherein Petitioner's counsel is allowed to seek and receive favors outside of open court to my detriment.

r. Ms. Kaye Mason had previously rebuked me via email to, "Please do not include me (Coordinator) in correspondence between counsels and litigants" (**Exhiibt H** "Please do not include me").

s. Because Petitioner is given the ongoing opportunity to discuss any number of matters with Judge Johnson via his clerk on an ex parte basis and I have been strictly rebuked for any communication to Ms. Kaye Mason that is not routine scheduling, which is to say legally allowable, there is an inherent imbalance.

t. Particular scrutiny should be given to the fact that I was at this time pro se and, Judge Johnson did not utilize the leniency afforded to judges to *Ill. Sup. Ct. R. 63, (4)* to "*make reasonable efforts, consistent with the law and court rules, to* ***facilitate the ability of self-represented litigants to be fairly heard****"*.

u. In fact, contrary to the above statute, Judge Johnson has consistently held me to a higher standard in order to access judicial process than the standard an attorney must meet. This is simply an impossible situation for a litigant.

v. This imbalance is evidence of overwhelming bias against me.

18. In denying me hearing dates for various urgent matters I have attempted to bring to his attention, Judge Johnson deprived me of my legally protected right to due process.

19. My right to due process is protected by the Fifth Amendment of the Constitution of the United States of America and explicitly by *Ill. Sup. Ct. R. 63, (4) which* reads, ***A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.*** *A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard*

20. In a further attack on my constitutional right to due process, I have also been denied notice and the right to participate in hearings in my own case on multiple occasions. .

a. In the first instance, on November 19, 2018 Mr. Matt filed a Petition for Rule to show cause against me.

b. On December 3, 2018 I was found in contempt without having received notice. In fact I received a US postal service mailed notice the evening of Dec. 3, 2018 informing me of the hearing earlier that day at which I was found guilty by default. Curiously Mr. Matt's attorneys emailed me the ruling. (**Exhibit X** First Contempt Ruling Without Due Process).

c. Pro se at that time I was forced to use my entire $5,000 savings to retain counsel in order to have this overturned.

d. On March 10, 2020, unbeknownst to me, Mr. Matt filed a Petition for Rule to Show Cause alleging that I was in contempt of court for various matters.

e. Mr. Matt, through counsel, served this petition via email on my attorney at the time, Brad Trowbridge, on March 10, 2020, but I would not learn of this matter until over four months later.

f. Mr. Matt is a vexatious litigant who has been in the habit of filing motions and petitions intended to harass me and inflict financial harm on me since I separated from him and our divorce proceedings began in 2016.

g. Because he is a vexatious litigant, I had followed up with my then attorney Brad Trowbridge periodically and on April 22, 2020 specifically wrote,

> *"I hope you're well and your clients are not suffering too badly from the quarantine. I'm personally* ***quite pleased that no motions are being filed right now, a nice break =)****".* .(**Exhibit I,** "No motions are being filed" email).

h. Mr. Trowbridge did not tell me at that time that there was a scheduled court appearance or that a PRTSC had been served on me and a contempt allegation made against me. In fact he affirmed that there was no litigation, writing:

> ***"Megan. Yes, unfortunately, it took a pandemic to stop Peter's legal abuse of you!" (*****Exhibit J** "It took a pandemic to stop Peter's abuse of you!" email)

i. Around this time someone logged into the court filing system and changed my mailing address from 423 Lind**en** Ave. **Wilmette** to 423 LInd**a** Ave., **Chicago**.

j. In June of 2021 I personally spoke to a clerk in the Domestic Relations Division and was told the change was made by someone logging in purporting to be me, not due to transcription or computer error.

k. I had received mail without issue at this address for four years and after this notices were returned undeliverable (**Exhibit K** “Actual Docket” pdf).

l. In April, 2020 there was a scheduled court appearance related to the PRTSC. I was never informed by Mr. Trowbridge. I was never informed by Michael Bender, GAL. I was never informed by opposing counsel. I was never informed by court mailing due to the address change.

m. This date was postponed due to COVID.

n. On July 6, 2020 there was a court appearance with all parties but me or anyone representing me in attendance. I was never informed by Mr. Trowbridge. I was never informed by Michael Bender, GAL. I was never informed by opposing counsel. I was never informed by mailing due to the aforementioned address change.

o. On July 20, 2020, according to Court Docket, it appears there was to be a third scheduled date. Nobody informed me of this.

p. I have no way of knowing what might have been discussed at the July 6th court hearing.

q. Nobody informed me or followed up to ask why I wasn’t at the July 6th, 2020 court appearance, including Michael Bender who serves as my children’s Guardian Ad Litem and would presumably be curious why the mother of the children he is tasked with advocating skipped a court hearing.

r. On July 12, 2020 I received a bill from Mr. Bender’s office indicating he had attended court for my case. On this same date I wrote to Brad Trowbridge: “Zoom court? What?” (Exhibit L “Zoom court what?” email).**<u>At this time Mr. Trowbridge still did not inform me that a PRTSC had been served on me</u>**, writing:

> *“We had a zoom court date of July 6 that I had on my calendar as July 7.* ***That could have only have been for a short time. I also don't know how much preparation there could have been. It looks like a lot of activities have been lumped into one line item.*** *The next zoom date is July 20 at 9 AM.* ***Anything I need to know?”***

s. Mr. Trowbridge has a close professional and personal relationship with Mr. Bender, GAL, and frequently has cause to speak to him. During the preceding seven months, according to Mr. Trowbridge, Mr. Bender repeatedly indicated to Mr. Trowbridge that he would be ending his assignment. He had written on January 22, 2020:

"*Bender already told the judge this would be his last request"* (**Exhibit N** "Bender told the judge this would be his last appearance" email)

t. Because Mr. Bender does not speak to me or my children, I had no way of knowing he was still acting as a Guardian Ad Litem, so I assumed the court appearances were an opportunity for him to step down.

u. On July 22, 2020, still unaware of any PRTSC allegedly served on me on March 10, 2020, I specifically asked Mr. Trowbridge if Mr. Bender had finally stepped down and if anything had been filed against me, writing:

" *Hi Brad, Did Michael make a motion to be removed? Anything filed against me?"* (**Exhibit O**"Anything filed against me?" email)

v. On July 22, 2020 Mr. Trowbridge finally informed me of the PRTSC served on March 10, 2020. This was four months after the fact and after multiple scheduled court appearances. Mr. Trowbridge wrote:

*"Peter filed this and it was supposed to be up in April when the courts were closed*" (**Exhibit M** "Peter filed this" email).

w. Mr. Trowbridge actually received this pleading, as certified by Mr. Wehrman's notification of filing, on March 10, 2020 via email. Mr. Trowbridge clearly read this pleading in March, 2020 as I would only later realize, when I reviewed his invoice for this period. He billed me for reading it. (**Exhibit P** Trowbridge Invoice)

x. Nevertheless Mr. Trowbridge still refuses to provide me with the email or NOF that he received with the PRTSC and maintains a curious fallacy that he did not get the PRTSC, claiming, "I didn't receive anything" on June 11, 2021. (**Exhibit Q** "I didn't receive anything" email).

y. As in the case of Dr. Palen, when a party in this case commits malfeasance and then lies about doing so, it only intensifies the way their misconduct damages the entire credibility of proceedings before Judge Johnson.

z. Clearly Mr. Trowbridge either willfully failed in his duties as my attorney or was somehow profoundly impaired.

aa. Judge Johnson can not necessarily be blamed for Mr. Trowbridge's misconduct.

bb. However it is the responsibility of Judge Johnson to ensure officers in his court and other court professionals operate ethically and decently and to see that they are mentally and physically able to perform the important duties of advocating for parents and children.

cc. In fact Mr. Bender, Mr. Wehrman and Judge Johnson, are all, as officers of the court, expected to report misconduct or unfitness they witness in other attorneys.

dd. One can imagine any number of scenarios - physical calamity, addiction, illness, even death - where an officer of the court might be unable to serve.

ee. It is the responsibility of all officers of the court to act vigilantly when another officer of the court might appear to be impaired or unable to serve the client.

ff. As a lay person I would have thought it unusual for an attorney and his client not to file a response or appear at court for four months after a serious allegation of contempt was made and I remain curious as to why no one ever contacted me during this period.

gg. By not ensuring that I had been notified and given the opportunity to participate in hearings in my own case, Judge Johnson has allowed a profound violation of my rights that suggests he is deeply biased against me.

**Contempt ruling not based in fact**

21. One further demonstration of bias is a finding of willful contempt of court that is not based in fact. Namely, Judge Johnson ruled that I had violated his November20, 2019 order that, "Parents shall continue ABA Therapy". (**Exhibit R** November 20, 2019 ABA Order; **Exhibit W** Aug 21, 2020 Contempt Order).

a. As part of his pattern of vexatious litigation, Mr. Matt has long made the claim that I interfere with our older child receiving Applied Behavioral Analysis (ABA) Therapy.

b. ABA therapy is a kind of hands-on behavioral therapy for individuals with autism and other developmental disabilities.

c. In fact, though ABA therapy has never been ordered or recommended by a medical doctor, I have enrolled our older child in this therapy and participated many times in this therapy since he was four years old. He's now thirteen.

d. The basis of Mr. Matt's claim that I interfere with ABA therapy stems from his history of financial abuse and vexatious litigation and my attempts to protect myself in response. Notably:

    i. On one occasion Mr. Matt committed in writing to pay the full $14,000 for ABA therapy for that year because I was unemployed at the time and had no money to contribute. Later Mr. Matt brought a motion before Judge Johnson to sue me for the fees he'd previously committed to pay.

ii. On another occasion I lost my job and emailed the ABA provider that day to tell her I needed to pause therapy until we could set up COBRA. Mr. Matt has used this in court as an example of me aggressively “blocking” ABA therapy because I was in financial distress.

e. I maintain the alleged conflict is a ruse for abusive litigation. There has never been an “Issue” with ABA therapy.

f. Nevertheless, onNovember 20, 2019, based only on instructions from Michael Bender, GAL, Judge Johnson entered an order that “The parties shall continue ABA therapy”.

g. We have done so.

h. In October, 2019 I enrolled my son in after school care on Monday and Tuesday afternoons so that I could work.

i. As a result of work I am able to feed and house my children. I receive no maintenance or child support.

j. I asked the after school program director to allow ABA therapists to push in therapy on Monday and Tuesday afternoons. The school staff said they could not accommodate this as it is a public school program and they cannot allow outside providers.

k. ABA usually requires a minimum of three hours and it was impossible to fit in on the days I worked, but our son was continuing every other day of the week, subject to therapist availability.

l. Mr. Matt has aggressively sought to sabotage my career as part of his ongoing emotional and financial abuse as well as to aggressively control my parenting time, contrary to the duly enacted parenting plan.

m. In November of 2019, Mr. Matt threatened me with litigation for not doing ABA on Mondays and Tuesdays because of employment.

n. Mr. Trowbridge, my then attorney, told me I had nothing to fear because the order was that ABA therapy continue, with no number of days or hours, no location, and no specific parental involvement mandated in the order. I was made to understand that the standard of proving contempt is (theoretically) very high and this could not possibly rise to that standard since ABA was continuing and any reasonable family law judge believes parental employment is good for children.

o. Mr. Matt never raised this issue again, nor did Michael Bender serving as GAL. I would not learn there was an allegation of a problem until July, 2020, eight months later.

p. At the time that the PRTSC alleging that I violated the order that "ABA shall continue" was filed on March 10, 2020 (without my knowledge), the entire state was locked down due to COVID. During Illinois's COVID lockdown no parent, including Mr. Matt himself, could possibly have been expected to continue an in-person therapy.

q. In fact, on June 5th, 2020, Mr. Matt texted me:
"Are you ok with me getting a new ABA provider? They continue dragging their feet providing services because of covid, while many other providers work"(**Exhibit S** "Are you ok with me getting a new ABA provider?" Text).

r. During COVID lockdown some providers did offer Zoom therapy but this is not an approved or appropriate methodology for people who, due to developmental disabilities or cognitive impairment, lack the ability to regulate themselves and focus for sustained periods.

s. Our older son has severe ADHD and struggles very much with sitting in front of a screen.

t. Our older son reported to me in spring of 2020 that Mr. Matt was dragging him, kicking him and physically holding him down in a chair to force the Zoom therapy.

u. This violence was also reported to me by my younger son who is neurotypical.

v. I am a former teacher with a Masters Degree in Early Childhood Education and a trained mandated reporter.

w. I recognized this behavior by Mr. Matt as abusive and reported this behavior to my older son's school, to DCFS and to Michael Bender, GAL in the spring and summer of 2020.

x. In the spring of 2020 my older son's school offered us access to an ABA software called TeachTown which I was using with my son to provide ABA therapy modified for COVID lockdown.

y. In an effort to try to reduce violence from his father and my son's mistreatment I wrote to the ABA provider that we didn't need the Zoom therapy because the school was providing software that was more appropriate for children of my son's ability than a video conferencing tool.

z. I had no way of knowing that there was anything wrong with this because, between March and July, 2020, nobody told me there was a contempt allegation or, more pointedly, nobody suggested there was an underlying issue that would necessitate a contempt allegation.

aa. As a lay person it is my understanding that the purpose of a contempt finding is to ensure parties comply with judicial orders, not to inflict harm on individuals one does not like.

bb. I believe I ought to have been able to explain that my employment and wish to prevent child abuse factored into my decisions and that I had every reason to believe I was in compliance with the order.

cc. On August 21, 2020 we appeared before Judge Johnson for a hearing but Mr. Trowbridge did not speak, specifically he did not present any points from the response we drafted.

dd. No evidence was presented by Mr. Matt to prove that I willfully violated the order that "ABA shall continue".

ee. I do not believe Judge Johnson fulfilled his duty to review the facts of the case.

ff. On August 21, 2020 Judge Johnson found, "Megan Matt willfully and contumaciously failed to participate in the court ordered ABA therapy for Angus". This is untrue.

i. In order for me to have willfully defied the order I would have needed to know I violated it.

ii. In order to be contumacious, one must necessarily know they are in violation and stubbornly persist, which implies at least knowing at one time. I did not at any time know this.

gg. On the face of it, I still maintain I was in compliance with an order that "Parents shall continue ABA therapy" as, barring lockdown and employment constraints, ABA was continuing.

hh. Because the finding was so utterly unsupported by fact, Mr. Trowbridge told me upon ruling that he would immediately file a motion to reconsider.

ii. Mr. Trowbridge did not file a motion to reconsider.

jj. Mr. Trowbridge stepped down as counsel forty days after the ruling, citing ongoing "computer issues" in the court system as one reason he could not continue.

kk. Judge Johnson's baseless contempt ruling was not based on fact and can therefore only be based on his bias.

22. One factor that has contributed to rulings not based in fact and the denial of due process by Judge Johnson is the appointment of Michael Bender as Guardian Ad Litem.

A. Mr. Bender was appointed at the request of Peter Matt, who wished to control and harass me but was unable to find a legal basis to modify the parenting plan or to claim I was in non-compliance.

B. To my understanding, having been divorced for two years, with no court motions pending, there was not a legal basis to diminish my parental rights in any way.

C. Divorced women are not a separate class of citizens. We are entitled to the same rights as any other citizen and I ought to have been allowed to exercise my right to parent without state intervention, barring legitimate court proceedings.

D. Having been appointed in the role of GAL, Mr. Bender has demonstrated a shocking inability or disinclination to advocate for my children.
    a. In two years he has never spoken to my older son's developmental pediatrician, who is a faculty member of the University of Chicago and serves on many boards of the American Academy of Pediatrics.

    b. In two years he has never spoken to any of my children's teachers or other school staff.

    c. In two years he has never spoken to my older son's long term ABA therapist.

    d. He does not respond to my emails or calls.

    e. In two years he had never spoken to my children's doctors until my older son's pediatrician tried to reach Mr. Bender for two weeks in order to report to him a sealed visit note containing reports of child abuse. A court appearance occurred in this period, once the appearance was made and he had "nothing to report", he finally returned her call.

E. Because of my concerns about Mr. Bender's commitment to his duty, it is therefore doubly concerning that Judge Johnson has frequently set aside my due process rights and assigned Mr. Bender, as GAL, to investigate, assess and form judgement on all matters relating to my case.

    a. In early spring of 2021 I moved that a post-decree parenting evaluation be conducted (604.10 b) for a variety of reasons, but most significantly Mr. Matt's firm opposition to psychiatric medication, which has severely damaged our older son's well being and access to education as well as Mr. Matt's use of his medical decision right to incur excessive medical expenses in order to repeatedly sue me and cause harm.

    b. Judge Johnson denied my motion and firmly stated that there was no basis or issue with parentage to warrant an investigation.

c. At this time I told Judge Johnson that there were serious issues, such as Mr. Matt's tenement scheme and failure to supervise the children.

d. At this time Judge Jonson told me, "If that's true, you need to file something or I can't do anything about it".

e. I filed multiple Petitions, included here (Exhbits T, U, V).

f. When I attempted to present these in court, Judge Johnson did not address me but spoke to Mr.Wehrman and said, "Mr. Wehrman, I suggest you talk to Mr. Bender and agree to a 604.10B or she's just going to keep doing this".

g. On the face of this, Judge Johnson is obviously prejudiced against me if he had already decided my pleadings were a waste of time, as implied.

h. During discussions to which I was not privy, Mr. Bender proffered to Mr. Wehrman a custody evaluation, with a custody evaluator hand selected by Mr. Bender, in exchange for denying me due process.

i. Mr. Wehrman agreed and drafted the order for a custody evaluation.

j. I beseeched Mr. Wehrman to limit the scope to my prior motion. Mr. Wehrman insisted on filing an order for an evaluation with no scope.

k. I saw then and see now, that this custody evaluation is not in any way intended for my children's well being but just another example of individuals in this case seeking to silence my legitimate claims.

l. At our next court appearance I attempted to get Judge Johnson to hear my motion for financial allocation with regard to Mr. Bender's fees; an allocation actually ordered by Judge Johnson himself at the time of Mr. Bender's appointment.

m. Mr. Trowbridge stated, "Your honor, Bender said if we agreed to the custody evaluation we wouldn't have to deal with these".

n. I also attempted Judge Johnson to rule on a motion I had filed to compel a subpoena related to the aforementioned financial allocation motion.
    i. I had subpoenaed from Mr. Wehrman his record of payment from Mr. Matt.
        1. Mr. Matt had stated in his most recent financial affidavit related to the matter of allocation that he earns $27,000 per year and has one bank account with $1,000.

2. Mr. Matt uses a bank account he shares with his father, into which his father deposits gifts and loans, as well as profits from multiple international businesses which Mr. Matt refuses to disclose in tax or court filing.

3. Mr. Matt also uses his business accounts for personal expenses, thereby managing to report losses in the US on his own personal spending.

4. I simply wanted to show these accounts are available to Mr. Matt to pay Mr. Bender's fees.

5. Because the allocation motion was for financial means to pay an attorney, it was appropriate to subpoena Mr. Wehrman's receipts from Mr. Matt.

ii. Mr. Wehrman said, "Your honor, she just wants to show I'm laundering money for my client".

iii. I believe this was a joke.

iv. I am actually trained quarterly on anti money laundering law and a licensed financial advisor so I cannot be seen to joke or make light of financial activities that may be criminal.

v. Such interchanges are typical since Mr. Bender's appointment. I presented documentary evidence of wrongdoing. This documentary evidence was blocked by Mr. Bender and Mr. Wehrman. Then Mr. Wehrman and Mr. Bender later use my true statements as evidence of fancy or hysteria. Jokes at my expense are frequent in Judge Johnson's court.

1. Mr. Wehrman in particular is in the habit of spewing long monologues at every status hearing in which he disparages me and uses disrespectful language.

2. Mr. Wehrman degrades me by typically referring to me as "this woman" or "that woman".

3. Mr. Wehrman makes generalized, untrue, disparaging statements not related to the proceedings such as "That woman lies", "This woman doesn't care about her children", "That woman can't be trusted", "That woman doesn't want to take care of her kids".

4. It is very obviously part of Mr. Wehrman's strategy to attempt to provoke an emotional reaction or outburst by tyrading against me. If this is obvious to me, it would seem obvious to a judge.

5. I have attempted to stop this by doing what I see on tv and saying, "Your honor, I object. Please ask Mr. Wehrman to speak to me respectfully".

6. Judge Johnson has never indicated to Mr. Wehrman that I should be addressed politely or that he should refrain from monologuing on alleged character flaws.

23. An unfortunate outcome of the irregularities in my case is that is a challenge for me to find counsel willing to represent me.

A. At least four attorneys have told me in the last year that they will not work with me due to the negative regard with which the Judge and GAL regard me.

B. This further supports my fear of bias.

C. I retained Alexandra Brinkmeier in the summer of 2021 as counsel.

D. On November 8th I emailed Ms. Brinkmeier a summary of reports of suspected crimes in my case.

E. On November 11th, three days after I explicitly stated that I suspected and had reported crimes, Ms. Brinkmeier moved to end the engagement against my objection, citing philosophical differences.

F. I pleaded with Judge Johnson to not allow her to resign and described why this would do me material harm as a client.

G. I did not know how or what to legally file to stop her motion, so I filed an affidavit and served it on parties. (**Exhibit Y** Affidavit Stating Objection)

H. Ms. Brinkmeier was granted her request to quit and I am pro se.

24. The totality of events here are a basis for substitution of Judge Johnson for cause due to his overwhelming bias against me.

WHEREFORE, Respondent prays that the Court enters an order that:

A. This case and all pending matters be immediately reassigned to a new judge in the Domestic Relations Division of Cook County Circuit Court.

B. Mr. Bender's appointment as Guardian Ad Litem be immediately terminated..

C. Any order entered in this case after the appearance of Bradley Trowbridge as my attorney on July 5, 2019 be overturned.

D. That I be allowed to have clergy from Lake Street Church of Evanston and members of the Lake Street Church Peace and Justice Committee to be present to serve as civil rights observers in any future court appearances or meetings with court professionals.

Respectfully Submitted,

Megan (Matt) Mason
Pro Se Respondent

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

| | | |
|---|---|---|
| IN RE THE FORMER MARRIAGE OF: | ) | |
| | ) | |
| PETER MATT, | ) | |
| | ) | |
| *Petitioner,* | ) | Case No. 2016 D 009534 |
| | ) | |
| and | ) | |
| | ) | |
| MEGAN MATT, | ) | |
| n/k/a MEGAN MASON, | ) | |
| | ) | |
| *Respondent.* | ) | |

**AFFIDAVIT OF MEGAN MATT N/K/A MASON IN SUPPORT OF PETITION TO SUBSTITUTE JUDGE FOR CAUSE**

I, MEGAN MATT n/k/a MASON, hereby submit this affidavit under penalties provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure and certify that the statements set forth in this affidavit are true and correct.

1. I am the Respondent in this matter.

2. I have personal knowledge of the matters stated in my PETITION TO SUBSTITUTE JUDGE FOR CAUSE and they are true and correct except as to those matters stated on information and belief, which are believed to be true.

3. I hereby restate and incorporate by reference the allegations contained in my Petition as if the same were set forth here verbatim.

Megan Mason, Pro Se Respondent

[redacted]

SUBSCRIBED AND SWORN TO BEFORE ME this 29 day of November, 2021.

OFFICIAL SEAL
GLENN J BURNS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 12/30/21

Notary Public

**IN THE CIRCUIT COURT OF COOK COUNTY**
**COUNTY DEPARTMENT-DOMESTIC RELATIONS DIVISION**

| | | |
|---|---|---|
| IN RE: THE FORMER MARRIAGE OF: | ) | |
| | ) | |
| PETER MATT, | ) | |
| Petitioner, | ) | |
| | ) | Case No. 2016 D 009534 |
| and | ) | |
| | ) | |
| MEGAN MATT, | ) | Judge Matthew Link |
| n/k/a MEGAN MASON, | ) | |
| | ) | JAN 11 2022 |
| Respondent. | ) | Circuit Court - 2173 |

**ORDER**

This cause coming before the Court on January 11, 2022 for hearing via Zoom videoconference on Respondent's Petition for Substitution of Judge Robert Johnson for Cause, the Petitioner appearing in person and through counsel Christopher Wehrman, the Respondent appearing self-represented, and Michael Bender appearing in his capacity as Guardian Ad Litem, the Court having reviewed the pleadings and exhibits and having heard arguments of the parties and being fully advised in the premises:

**FINDS AS FOLLOWS:**

A. Respondent failed to meet her burden to demonstrate actual prejudice.

B. Respondent failed to meet her burden to establish a high probability of the risk of actual bias on the part of Judge Johnson.

**NOW THEREFORE, IT IS HEREBY ORDERED:**

1. Respondent's Petition for Substitution of Judge Robert Johnson for Cause is denied.

2. This case is returned to Judge Johnson pursuant to separate order.

January 11, 2022

s/Matthew Link #2173

JUDGE

No. 1-22-0079

Order filed May 13, 2022

Sixth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

| | | |
|---|---|---|
| *In re* MARRIAGE OF | ) | Appeal from the |
| | ) | Circuit Court of |
| PETER MATT, | ) | Cook County. |
| | ) | |
| Petitioner-Appellee, | ) | No. 2016 D 9534 |
| | ) | |
| and | ) | Honorable |
| | ) | Robert Johnson, |
| MEGAN MATT n/k/a Megan Mason, | ) | Judge, Presiding. |
| | ) | |
| Respondent-Appellant. | ) | |

JUSTICE SHARON ODEN JOHNSON delivered the judgment of the court.
Justices Harris and Mikva concurred in the judgment.

**SUMMARY ORDER**

¶ 1 Respondent Megan Matt n/k/a Megan Mason filed a *pro se* petition for substitution of Judge Robert Johnson for cause pursuant to section 2-1001(a)(3) of the Code of Civil Procedure (Code) (735 ILCS 5/2-1001(a)(3) (West 2020)). Judge Matthew Link heard arguments on respondent's motion and denied the motion in a written order on January 11, 2022. Judge Link declined to add any Rule 304 (Ill. S. Ct. 304 (eff. Mar. 8, 2016)) language to the order, having

stated during the hearing that such order was interlocutory and not final and appealable. Respondent appeals, claiming appellate jurisdiction under both Rule 304 and Rule 307 (eff. Nov. 1, 2017). We dismiss the appeal for a lack of jurisdiction.

¶ 2 Briefly stated, the parties were divorced on September 27, 2017, and a marital settlement agreement and parenting agreement were entered as part of the divorce proceedings. However, the litigation between the parties continued, mainly on issues involving the parties' minor children and financial matters. As a result of various rulings of the trial court, including a contempt finding, respondent filed a petition to substitute the judge for cause on November 30, 2021. In her motion, respondent alleged that Judge Johnson should be substituted for cause on the basis of judicial bias against her, including engaging in *ex parte* communications with petitioner's attorney and the guardian *ad litem* which she was not privy to. On December 6, 2021, the matter was transferred for hearing on respondent's motion and a hearing was set for January 11, 2022, before Judge Matthew Link.

¶ 3 At the hearing, respondent objected to what she characterized as petitioner's attorney "testifying" to matters that had previously occurred in the case. Petitioner's attorney also argued that no *ex parte* communications took place and that all communication took place through the judge's court coordinator. The court explained to respondent several times that petitioner's attorney was arguing against her petition, and that she could respond in rebuttal. When questioned by Judge Link whether she had any proof of actual bias of Judge Johnson, respondent replied that she did not believe she was required to demonstrate actual bias but that a ruling should be made based on the appearance of bias. At the close of the hearing, Judge Link found that despite her motion and "voluminous exhibits," respondent failed to meet her burden to demonstrate actual

prejudice or to establish the high probability of the risk of actual bias by Judge Johnson. Judge Link then entered a written order denying respondent's petition and noted that he would not include any Rule 304(a) (eff. Mar. 8, 2016) language because it was not an interlocutory matter. Respondent filed a notice of appeal on January 14, 2022, seeking reversal of the order denying her petition for substitution of judge for cause.

¶ 4 Petitioner notified this court on April 21, 2022, that he would not be filing a brief on appeal. On April 22, 2022, on its own motion, this court elected to consider the appeal on respondent's brief only pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 5 On appeal, respondent contends that the circuit court's decision denying her petition for substitution of judge for cause was against the manifest weight of the evidence. She also contends that the circuit court abused its discretion in allowing petitioner's attorney to testify as a witness during the hearing without agreeing to testify under oath and further by considering the attorney's testimony in making its ruling. Respondent also seeks transfer of this case to Lake County in the interest of justice.

¶ 6 Before we address the merits of respondent's appeal, we must first determine whether this court has jurisdiction. *In re Marriage of Morgan*, 2019 IL App (3d) 180560, ¶ 9. "A reviewing court must ascertain its jurisdiction before proceeding in a cause of action, and this duty exists regardless of whether either party has raised the issue." *Inland Commercial Property Management, Inc. v. HOB I Holding Corp.*, 2015 IL App (1st) 141051, ¶ 17. Our jurisdiction is limited to review of appeals from final judgment unless otherwise permitted under Illinois Supreme Court Rules or by statute. *Id.* An order is final for purposes of appeal if it disposes of the rights of the parties,

either on the entire case or some definite and separate part of the controversy, and, if affirmed, the only task remaining for the trial court is to proceed with execution of the judgment. *Brentine v. DaimlerChrysler Corp.*, 356 Ill. App. 3d 760, 765 (2005).

¶ 7 In the jurisdiction section of her brief, respondent contends that this court has jurisdiction pursuant to both Rule 304 and Rule 307. Under Rule 304, respondent sates that the ruling ended only part of a civil case but is one of the judgments listed in Rule 304(b), such as a child custody order. Under Rule 304, respondent states that the judgment did not end any part of a civil case but is one of the judgments listed in Rule 304, such as a termination of parental rights or a restraining order. Additionally, respondent's brief states that "the parties were divorced and there were no motions pending before the trial court, in that sense this ruling was 'final.'" We shall examine each in turn.

¶ 8 Rule 304 governs appeals from final judgments that do not dispose of an entire proceeding. Rule 304(b)(6) (eff. Mar. 8, 2016) addresses judgments and orders appealable without special finding, namely a custody or allocation of parental responsibilities judgment or modification of such judgment. Here, we note that Judge Link specifically stated at the hearing that he would not add any Rule 304 language to the order because it was an interlocutory order. Respondent attempts to circumvent the rule by trying to characterize the court's order as one related to custody or parental responsibilities. While it is true that the petition for substitution of judge was raised incident to a dissolution of marriage case, neither the petition nor the court's ruling concerned any matters directly related to the minor children. Accordingly, we find that we do not have jurisdiction over respondent's appeal under Rule 304(b).

¶ 9 We now turn to Rule 307, which governs interlocutory appeals as of right. Specifically, Rule 307(a)(6) (eff. Nov. 1, 2017) provides that an appeal may be taken to the appellate court form an interlocutory order of the court terminating parental rights. However, as noted above, neither the petition or the circuit court's denial order concerned any matters directly pertaining to the minor children or respondent's parental rights. Thus, we do not have jurisdiction under Rule 307.

¶ 10 Additionally, this court has previously held that the denial of a motion for substitution of judge is an interlocutory order and is not final for purposes of appeal. *Marriage of Morgan*, 2019 IL App (3d) 180560, ¶ 14; *Inland*, 2015 IL App (1st) 141051, ¶ 19 (for cause); *In re Marriage of Nettleton*, 348 Ill. App. 3d 961, 969 (2004) (as of right). Rather, such interlocutory order is appealable on review from a final order. *Inland*, 2015 IL App (1st) 141051, ¶ 19. It is clear from the record in this case that the order denying respondent's motion for substitution of judge was not a final order. Although the parties' dissolution of marriage judgment was entered on September 27, 2017, the parties continue to engage in post-decree matters related to ongoing parental and allocation issues. Indeed, respondent requests that the matter be transferred to Lake County, thus indicating that she knows the parties' disputes are not fully resolved.

¶ 11 For these reasons, we find that this court lacks appellate jurisdiction over respondent's appeal from the denial of her motion for substitution of judge for cause. We, therefore, must dismiss her appeal.

¶ 12 Appeal dismissed.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

| | | |
|---|---|---|
| IN RE THE MARRIAGE OF: | ) | |
| PETER MATT, | ) | |
| Petitioner, | ) | |
| | ) | No. 2016 D 9534 |
| And | ) | |
| | ) | |
| MEGAN MATT, | ) | |
| Respondent. | ) | |

**MOTION TO MODIFY PARENTING TIME**
**AND ALLOCATION OF PARENTAL RESPONSIBILITY**

NOW COMES the Petitioner, PETER MATT, individually and by and through his counsel from the law firm of KATZ, GOLDSTEIN & WARREN, and pursuant to Sections 610.5, 602.5, 602.7 and other provisions of the Illinois Marriage and Dissolution of Marriage Act, respectfully requests that the Court adjust and modify parenting time and allocation of parental responsibilities. In support of his motion, PETER MATT states as follows:

1. The parties were married on January 24, 2007 in New York.

2. As a result of their marriage, two children were born to parties, namely: A[redacted] born [redacted] 2008; and T[redacted] 2012.

3. On September 27, 2017 a Judgment for Dissolution of Marriage (Judgment), incorporating a Marital Settlement Agreement, was entered in this matter, thereby dissolving the bonds of matrimony between the parties. A copy of the Judgment is attached hereto and incorporated herein *by reference only* as **Exhibit "A."**

4. On September 27, 2017, an Allocation Judgment and Joint Parenting Agreement (JPA) was also entered in this matter allocating parenting time and joint decision-making authority amongst the parties. A copy of the JPA is attached hereto and incorporated herein *by reference only* as **Exhibit "B."**

5. The parties' eldest child, Angus, has been diagnosed with mental health disabilities requiring medical care and court ordered ABA Therapy.

6. The parties long standing post-decree litigation has caused the appointment of a GAL, parenting coordinator, and Section 604.10(b) evaluator.

7. Megan Matt has alleged that Peter Matt has committed child abuse (which has not been supported by the GAL or the 604.10(b)), has been held in contempt of court for failure to participate in ABA Therapy for Angus (on multiple occasions), and refuses to co-parent with Peter Matt (as to Angus's ABA Therapy and Theodore's extra-curricular activities).

8. In an attempt to manipulate the Court, Megan Matt has gone so far as to allege that Theodore is suicidal (which was unfounded by Theodore's medical provider and the 604.10(b) evaluator).

9. Paragraph 1 of the Allocation of Parental Responsibilities Judgment section titled ALLOCATION OF DECISION-MAKING RESPONSIBILITES provides the parties with joint decision making over the children.

10. Paragraph 1 of the Allocation of Parental Responsibilities Judgment section titled PARENTING TIME provides the parties with a parenting schedule, which was updated by agreement in a court order on May 25, 2021.

11. Pursuant to Section 610.5 of the IMDMA, an allocation of parental responsibilities may be modified upon a showing that a substantial change in circumstances has occurred since the entry of the plan and modification is necessary to serve the children's best interests. 750 ILCS 5/610.5.

12. Section 602.5 of the IMDMA governs the allocation of decision-making

responsibilities amongst the parents, including those significant decisions related to the child's health, education, religion, and extracurricular activities. Section 602.5 provides that decision-making responsibilities shall be allocated in accordance with the children's best interests and sets forth specific factors for the court's consideration, including a "catch-all" provision encouraging consideration of any other factor the court finds to be relevant. See 750 ILCS 5/602.5(a),(b),(c)(1)-(15).

13. Section 602.7 of the IMDMA governs the allocation of parenting time amongst parents and similarly states that parenting time shall be allocated in accordance with the child's best interests. Section 602.7 also delineates specific factors for the court's consideration, including a "catch-all" provisions of any relevant factor. See 750 ILCS 5/602.7.

14. Since the entry of the Allocation of Parental Responsibilities Judgment, a substantial change in circumstances has occurred which would warrant a modification of the current parenting schedule as well as a modification of legal custody/allocation of parental responsibility, including but not limited to the following:

    a. MEGAN MATT does not communicate with PETER MATT except for when she wants something related to the children reducing the efficacy of the parties' ability to co-parent.

    b. MEGAN MATT has engaged in a pattern of abuse towards PETER MATT preventing the parties' from co-parenting.

    c. MEGAN MATT undermines the ABA Therapy and will not allow it to occur during her parenting time at a time that the therapists are available.

    d. MEGAN MATT has caused multiple ABA therapists to be unable to work

with Angus.

e. MEGAN MATT has caused multiple changes in medical providers unminding the efficacy of medical care for Angus.

f. MEGAN MATT undermines PETER MATT in the selection and participation of extra-curricular activities for Theodore, including convincing Theodore to claim extra educational activities was causing him to be suicidal.

g. MEGAN MATT caused the court appointed parenting coordinator, Dr. John Palen, to cease working with the parties.

h. MEGAN MATT has refused to complete working with the Section 604.10(b) evaluator to allow the final report and recommendations to be tendered to the court.

i. Dr. Blechman (the Section 604.10(b) evaluator) prepared a preliminary report on February 7, 2022 recommending that PETER MATT be the sole decision maker for Angus's treatment for the foreseeable future. A copy of the Dr. Blechman's February 7, 2022 recommendations are attached hereto and incorporated herein as **Exhibit "C."**

j. Dr. Blechman further believes that PETER MATT should have sole decision making for Theodore.

15. PETER MATT is a fit and proper parent to have additional parenting time with the children.

16. PETER MATT is a fit and proper parent to have sole allocation of parental responsibilities over the children.

17. It would be in the best interests of the children to adjust the existing parenting schedule to provide for additional parenting time with PETER MATT.

18. It would be in the best interests of the children to provide PETER MATT with sole allocation of parental responsibilities.

19. It would protect the emotional health of the children to adjust parenting time, and have the children's primary residence be with PETER MATT.

20. It would protect the physical and emotional health of the children to give PETER MATT sole allocation of parental responsibilities.

WHEREFORE, the Petitioner, PETER MATT, respectfully prays as follows:

A. That the Court grant to PETER MATT sole allocation of parental responsibilities over the children;

B. That the Court grant to PETER MATT permanent residential possession, and parenting time with an adjustment to parenting time schedule for the children; and,

C. For such other relief as this Court deems equitable and just.

Respectfully submitted,

PETER MATT

Christopher D. Wehrman (cwehrman@kgwlaw.com)
Katz, Goldstein & Warren
410 N. Michigan Ave., Ste. 400
Chicago, Illinois 60611
(847) 317-9500
#35921

## ATTORNEY'S STATEMENT

I, the undersigned, state that I am one of the attorneys employed by the firm of KATZ, GOLDSTEIN & WARREN and representing the party who has signed the foregoing pleading. I certify that I have read the foregoing pleading and that to the best of my knowledge, information and belief, formed after reasonable inquiry of my client, said pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that said pleading is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

KATZ, GOLDSTEIN & WARREN

By: _____
One of the attorneys for PETER MATT

## CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing pleading. I further state that this pleading is being filed with my consent and as part of my attorney's required duties in representing me. I further state that my attorney has explained to me that by signing this pleading and this verification, I am acknowledging that my attorney is acting with my consent and at my direction and that my attorney has based his statement on the factual information provided to him by me, as well as upon his investigation thereof.

_____
PETER MATT

Christopher D. Wehrman (cwehrman@kgwlaw.com)
Katz, Goldstein & Warren
410 N. Michigan Ave., Ste. 400
Chicago, Illinois 60611
(847) 317-9500
#35921

**GERALD A. BLECHMAN, Ph.D.**
**CLINICAL PSYCHOLOGIST**
**1751 SOUTH NAPERVILLE ROAD, SUITE 206**
**WHEATON, ILLINOIS 60189**
**(630) 664-0525**

February 7, 2022

Michael Ian Bender, Esq.
150 North Michigan Avenue, Suite 2130
Chicago, Illinois 60601

Re: Former Marriage of Matt and Mason

Dear Mr. Bender:

I am the 604.10 (c) Evaluator in the above named case. On January 11, 2022. I received an emailed letter from Megan Mason which I believe also copied you. That email made it clear that Ms. Mason was refusing to cooperate further with the evaluation until "the Appeal on the substitution of judge for cause is ruled upon…" She made clear her notion that there were no parentage issues to deal with. She noted various resources we could utilize if we had concerns about parenting of either A[redacted]r Te[redacted] I do have concerns about parenting issues with both children which I express here in letter form rather than a 604.10(c) Report.

I had occasion to observe A[redacted] and T[redacted]on Saturday, February 5, 2022. Before that observation, Mr. Matt emailed the following:

"Megan's motion to substitute the judge was denied and she is now appealing that. To do this she needs to file a bystander report. She wants to do this with the help of a recording she did or one of her fellow church members, who observed the hearing, did. I feel this can backfire on her, since it is illegal to record a court hearing. During the hearing I was a little frightened to hear how her mind works these days. She was saying things like: "…you know, first of all, I love democracy. And January 6, 2020 (sic), I saw people storming the Capital (sic). So, I feel spiritually and emotionally called to protect democracy, And my understanding of a judge's role in an American courtroom is that it is a sacred duty to uphold the judicial process in that court And so, Mr. Trowbridge's (her former lawyer) malfeasance only matters here because Judge Johnson, Mr. Wehrman, and Mr. Bender observed it over the course of four months, and did nothing to intervene. "[…]"I think the appointment of Michael Bender without any legal proceeding (sic) was an illegal appointment. And I believe it was related to Judge Johnson's bias against women, perhaps, against divorced women? I don't know. I don't really have to prove

that. I just know, I am an American citizen, and a mother with a divorce agreement and guardian ad litem was appointed. And I see it as bias."

Due to the completion of her motion we now have a judge (the former one) again for our case. Now my lawyer can file something because A[redacted] still doesn't have ABA. Megan doesn't allow ABA because she doesn't like that the therapist is unvaccinated and she doesn't like the therapist's work in general. Megan is held in contempt for not allowing ABA so I am wondering what happens next. Fact is finding a new ABA will take time. Onboarding in regular circumstances can already take 3 months. I know this because we have been bouncing around between therapists many years now. By now we have gone through around a dozen evaluation and onboarding processes.

T[redacted]s not allowed to go to soccer practice during her time, because Megan thinks he does enough soccer with me. The back and forth between Megan's opinion about soccer is frustrating to T[redacted]I can imagine. He is a great player and he has the dream to become pro and certainly has the opportunity. He is willing to put in the work, but he needs to be allowed to do so. Last week Teddy scored a 91% in the national MAP test for reading and 77% for math. i.e. is doing great academically. He is very proud of this but doesn't agree with me that it might be due to his work with the Northwestern Gifted Program. He likes to work hard, but sometimes his initial reaction is "I rather watch TV"

A[redacted] has no ABA and I believe he is a bit regressing due to that. He moved from regular PE to adaptive PE, and he regularly spitting, hitting, kicking smashing windows, disrobing and toileting issues i.e. stool on clothes. I think this is worse than last year. The school says he needs to sleep more, but the medicine (Strattera) makes him anxious, etc., which also impacts his sleep. I will request a meeting with the school and with the psychiatrist to discuss. When only Megan and me are discussing with the psychiatrist she will get opposing views (maybe out of principle). The meds also have some impact on his overall participation in Special Olympics, which he is doing with me. He has been swimming 3 times per week, but one team doesn't allow his participation anymore, because he has gotten too weak and doesn't swim the whole pool length consistently. I guess this is mainly due to the increased anxiety and drowsiness, which probably is the medicine side effect.

Regards,
Peter

When I saw T[redacted]on February 5th, he was under good control as opposed to the time I saw him with his mother. He was not anxious and not running around the room saying bizarre things about how unable he thought himself to be. He was proud of doing well in school, but, as many children, resented that he had to spend extra time going to school. In general, I saw a very bright boy who appeared perfectly normal.

Angus was obviously anxious, intolerant of being in my office and had a number of tics and peculiar behaviors. He only related to his father and not to me.

This is an interim report with interim recommendations.

Megan apparently sees no problem with her parenting but I think keeping her autistic child out of the appropriate therapy is a form of child abuse. Therefore, I recommend that her decision making about Angus' treatment be modified so that Peter Matt is the sole decision-maker for the present and foreseeable future.

Similarly, T[redacted] is doing well and even though he dislikes the extra education at the Northwestern Program is thriving. Importantly, I did not see the obviously disturbed kid I saw last summer with his mother. Therefore, I think father should have sole decision making for T[redacted] well. If Megan attempts to interfere with either A[redacted] or T[redacted] treatment, her parenting time should be curtailed.

If you have further questions, don't hesitate to call.

Respectfully,

Gerald A. Blechman, Ph.D.
Licensed Clinical Psychologist
Nationally Certified Custody Evaluator

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

| | | |
|---|---|---|
| IN RE THE MARRIAGE OF: | ) | |
| | ) | |
| PETER MATT, | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| and | ) | No. 16 D 9534 |
| | ) | |
| MEGAN MATT n/k/a MASON, | ) | |
| | ) | |
| Respondent. | ) | |

**AFFIDAVIT OF MEGAN MATT N/K/A MASON IN OPPOSITION TO PETER MATT's MOTION TO REVOKE MY PARENTING RIGHTS INSTANTER**

I, MEGAN MATT n/k/a MASON, hereby submit this affidavit under penalties provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure and certify that the statement set forth in this affidavit are true and correct:

I am writing this letter in response to the pleadings filed yesterday by Mr. Wehrman instanter. I know that as I write this I am probably "too late" to participate in what could only be considered a show trial. The only document called evidence is a letter from Dr Blechman that is hearsay of hearsay and not legally allowable evidence. It contains Dr. Blechman's quote of an email from Mr. Matt, in turn quoting me, as I describe your acts of conspiracy along with Mr Bender and Mr. Wherman in relation to Mr. Trowbridges fraud activity. In this sense it is clearly retaliatory.

There is no basis for an emergency action. I have been and always will be an excellent mother. I have never neglected or harmed my children in any way. I am not under investigation for any crimes. Both my children want to live with me full time. All the children's doctors, teachers and past therapists believe I am a competent, good mother and should have the majority of decision making authority. We all know Mr. Matt to be a low functioning adult, guilty of at least thirty aggravated felonies against the government, with multiple reports by doctors and police of his abusive, harassing behaviors. He has had the children ordered out of his home by their doctor.

Any actions taken to harm me or my children, and it is an unbearably cruel harm to separate me from my children, are retaliatory actions for my whistleblowing activity. I ought not be punished for reporting the crimes of you and your conspirators. Please recuse yourself as law demands. Please follow Illinois law in matters of allocation of parental responsibility and allow a fair hearing of facts. Do not grant Mr.Wehrman's motion to destroy my family in retaliation for my true statements about crimes.

As I am finishing my federal complaint, in which you are named as a co-conspirator in multiple RICO claims and Section 1983 claims, I am fully aware of judicial immunity. But this immunity does not extend to criminal behavior. And where there is extreme negligence and wantonness toward the well being of minor children, there is further potential liability.

You have known for at least a year, based on my motion for allocation of fees, that Mr. Matt is guilty of ongoing aggravated felonies toward the federal government. As a green card holder, Mr. Matt faces imminent and permanent deportation. He cannot be my children's guardian because he cannot parent them from a federal prison or from Germany. You also know, based on the same filing, that Mr. Matt is independently wealthy and prone to crime. You also know he has a history of domestic violence. You know putting the children in his care is dangerous and you are liable for any harm that comes to them as a result of your misconduct.

You cannot undo what has been done but you can and must stop escalating this abuse of judicial authority. You cannot ever make me stop telling the truth but you can be decent and stop hurting my children. Stop. Deny the motion to destroy my children's lives.

Megan Mason

MEGAN MATT n/k/a MASON

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

| | | |
|---|---|---|
| IN RE THE FORMER MARRIAGE OF: | ) | |
| | ) | |
| PETER MATT, | ) | |
| | ) | |
| *Petitioner*, | ) | Case No. 2016 D 009534 |
| | ) | |
| and | ) | |
| | ) | |
| MEGAN MATT, | ) | |
| n/k/a MEGAN MASON, | ) | |
| | ) | |
| *Respondent*. | ) | |

**MOTION TO DISMISS PLAINTIFF'S: MOTION TO MODIFY PARENTIING TIME; RULE 137 PETITION FOR SANCTIONS; MOTION FOR QMSO; MOTION FOR RULE 215 EXAM AND ANY OTHER PENDING MATTERS PENDING BY PETITIONER**

I, Megan Mason, acting as defendant pro se in this matter, move to dismiss the three pleadings filed in the Circuit Court of Cook County in this matter on April 28, 2022 entitled Motion to Modify Parenting Time and Allocation of Parental Responsibilities; Rule 137 Petition for Sanctions and Motion for Qualified Medical Suppport Order. I also move to dismiss a motion called Motion for Rule 215 Exam which I received by email on June 28, 2022.

I also move to dismiss any other pending matters brought by Mr. Wehrman and/or Mr. Klein to this court.

**Basis to Dismiss all Pleadings**

1. There is a profound conflict of interest between plaintiff's counsels Mr. Christopher Wehrman and Mr. Steven Klein and myself, defendant, my minor children, A[redacted]d T[redacted], and in fact between parties and Plaintiff Peter Matt. Mr. Wehrman and Mr. Klein are defendants in federal suit 1:22-CV-2315 (Exhibit A) in which both individuals are personally alleged to have committed multiple acts of fraud against me and the minor children A[redacted]and T[redacted]
    a. Both individuals have known that I am suing them for several months and reference my suit at the federal level in their pleadings.

b. All pleadings were drafted with the cynical and exclusive purpose of intimidating me as a federal witness against them.

c. These same two individuals are under investigation by federal law authorities for multiple acts of fraud and corruption and it is my understanding that they have both been questioned by federal law enforcement regarding these matters. Therefore, they know they are criminal suspects as well as civil defendants, in a suit in which I and my children are named as victims.

d. On the face of it these two individuals ought not to be acting as attorneys in a lawsuit in state court wherein a party, myself, is also the victim named in a federal lawsuit and active litigation is proceeding in the federal lawsuit.

e. It would be impossible to determine if any of these individual acts in the form of pleading are in personal service to hide alleged crimes and to intimidate me as a federal witness or if they are legitimate legal acts.

f. Therefore, any pleading before this court brought by plaintiff ought to be dismissed until such time as plaintiff can obtain counsel in accordance with the legal and ethical requirements of an Illinois attorney.

2. Mr. Wehrman committed fraud in many of these documents and in his communications related to these pleadings. They ought to be dismissed en masse because where fraud has occurred it is impossible to discern what is legitimate in a document. Namely, since about February, 2022, Mr. Christopher Wehrman has used a fraudulent mailing address in court filings and communications with me.

    a. In the affidavit affixed to Plaintiff's MOTION TO DISMISS PLAINTIFF'S: MOTION TO MODIFY PARENTIING TIME; RULE 137 PETITION FOR SANCTIONS and MOTION FOR QMSO, Mr. Wehrman drafted a business address, 410 N. Michigan Ave., Suite 400 in Chicago, that he has never used, which is to say fraudulent.

b. In his email signature Mr. Wehrman has indicated for five months that his business address is 410 N. Michigan Ave., Suite 400 in Chicago. This is not true and has never been true.

c. Mr. Wehrman knew he had no business address at 410 N. Michigan when he drafted this email signature and did so fraudulently.

d. In these pleadings Mr. Wehrman also stated under threat of perjury that his address is 410 N. Michigan Ave., Suite 400, while knowing that he has never used this address for legitimate businesses. It was at the time of these filings the address of Oil Dri, a mineral company.

3. All pleadings before this court brought by plaintiff ought to be dismissed and stricken because none is supported by facts or evidence.

a. None of the pleadings before this court on behalf of Petitioner Peter Matt are supported by legitimate evidence or statement of fact and all are on the face of it substantially insufficient in law.

b. None of the pleadings state an actual fact which would form the basis for profound financial penalties, sanctions and destruction of parental rights. In these documents there are inferences and generalizations but no actual fact to support the serious claims.

c. None of the pleadings are legitimate or worthy of Court time and resources.

4. Illinois law regarding parentage is clear and thorough and none of the pleadings are in accordance with Illinois law.

a. Mr. Michael Bender, also named as a defendant in the federal civil suit and also, to my understanding, being actively questioned and investigated by federal law enforcement agents, has worked as a Guardian Ad Litem to minor children and federal plaintiffs Angus Matt and Theodore Matt for three years.

b. Mr. Bender was tasked to provide a report to the court on the minor children three years ago and has still not done so.

c. Mr. Bender also instructed the Court to order his friend Gerald Blecham, also a federal civil and criminal defendant, appointed as custody evaluator. Dr. Blechman has served as Custody Evaluator for a year and has still not submitted his report.

d. Both parties were required to submit their reports in accordance with Illinois law with which this court is well familiar and to then be available for cross-examination, alternate expert witnesses and other acts that would signify a trial of fact in a legitimate court of law. Pleadings related to parentage and custody should not be considered in advance of such time.

e. One document, a letter from Dr. Gerald Blechman, also named as a defendant and co-conspirator and also under federal investigation for the crimes named in federal suit 1:22-CV-2315, has been offered as evidence for some of the pleadings. This document is called a "preliminary report" from a custody evaluator. Illinois law is clear about what is required in a custody evaluator report and this bizarre document does not meet those standards and is wholly comprised of inadmissible hearsay.

Therefore I ask that this court:

1. Dismiss and strike all pleadings by Mr. Matt presently before this court;
2. Immediately disqualify Mr. Christopher Wehrman and Mr. Steven Klein as attorneys in any case in which Megan Mason, Angus Matt, Theodore Matt or Peter Matt are litigants;
3. Order that Michael Bender be removed as Guardian Ad Litem effective immediately;
4. Order that Gerald Blecahman be removed as Custody Evaluator, effective immediately.

Respectfully Submitted by,

/S/Megan Mason

Megan Mason, Defendant Pro Se

[redacted]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Peter Matt

v.

Megan Matt

No. 2016 D 9534



TEMPORARY ORDER

This matter coming before the Court for continued hearing on Peter Matt's Motion for Modification of Parenting Time and Allocation of Parental Responsibilities, the parties being in Court in person, Peter Matt with counsel, and the GAL being present, both parties completing their cases in chief, and the Court being advised,

IT IS HEREBY ORDERED:

(1) Megan Matt's motion to dismiss the Motion to Modify is Denied.

(2) Peter Matt's Motion to Modify Parenting Time and Allocation of Parental Responsibilities is Granted, on a ~~temporary~~ temporary basis and until the conclusion of a Section 604.10(b) report, subject to the following:

Attorney No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Dated: _____, _____

_____

Judge Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Pete Matt

v.

Megan Matt

No. 2016 D 9534



ORDER

a) Megan Matt's parenting time is restricted ~~based~~ upon the Court's finding ~~order~~ serious endangerment.

b) Megan Matt's parenting time shall be supervised by a supervisor agreed to by the parties or recommended by the GAL. Any costs of supervision shall be paid by Megan Matt.

c) Megan Matt's parenting time schedule shall remain the same so long as a supervisor is present. The supervisor's availability to supervise shall be tendered to the GAL and parties at least seven (7) days in advance.

d) Pete Matt needs temporary allocation of all parental responsibilities.

Attorney No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

ENTERED:

Dated: _____, _____

_____

Judge Judge's No.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Pete Matt
v.
Megan Matt

No. 2016 D 9534



ORDER

(2) The GAL Petition For Rule to Show Cause is stayed subject to the bankruptcy filing.
(4) All other pending motions contained within the July 19, 2022 order are ordered and continued unless otherwise indicated herein
(5) The GAL's motion to substitute an in of 604.10(b) Evaluator is set for hearing via Zoom on September 26, 2022 at 9:00 a.m.

Attorney No.: 35921
Name: C Wahrman / Katz Goldstein & Warren
Atty. for: Pete Matt
Address: 410 N. Michigan Ave. Ste 400
City/State/Zip: Chicago IL 60611
Telephone: 847/314-9500

ENTERED:
Dated:

ENTERED
Judge Robert Johnson-2156
SEP 13 2022
IRIS Y. MARTINEZ
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

Judge Judge's No.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

| Instructions ▾ | |
|---|---|
| Keep this cover page white. | ☑ **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).** |
| Check the box to the right if your case involves custody, visitation, or removal of a child. | |
| Enter the Appellate Court case number. | **Appellate Case No.:** 1-22-1405 |
| Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed. | **IN THE APPELLATE COURT OF ILLINOIS**<br>FIRST **District** |
| If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee"). | **In re** Marriage of Megan and Peter Matt<br>Peter Matt<br>**Plaintiff/Petitioner** *(First, middle, last names)*<br>☐ **Appellant** ☑ **Appellee**<br>v.<br>Megan Matt (nka Megan Mason)<br>**Defendant/Respondent** *(First, middle, last names)*<br>☑ **Appellant** ☐ **Appellee** |
| To the far right, enter the trial court county, trial court case number, and trial judge's name. | **Appeal from the Circuit Court of** Cook **County**<br>**Trial Court Case No.:** 2016 D 9534<br>Robert Johnson<br>**Judge, Presiding** |

## APPELLANT'S BRIEF

| | |
|---|---|
| Enter your complete address, telephone number, and email address, if you have one. | **Your Information**<br>Name: Megan Elizabeth Mason<br>*First Middle Last*<br>Address: [redacted]<br>*State ZIP*<br>Phone:<br>Email: |
| Check "Requested" if you want oral argument OR check "Not Requested" if you do not want oral argument. See *How to File an Appellant's Brief* for a discussion of oral arguments. | **Oral Argument**<br>☑ Requested ☐ Not Requested |

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

You may have to complete the Argument section before completing the Points and Authorities section.

State the title of your 1st argument here and list the page where the argument starts later in the brief.

## POINTS AND AUTHORITIES

[Refer to Illinois Supreme Court Rule 341(h)(1)]

Page of Brief

1. The ☑ trial court or ☐ jury *(check one)* made a mistake by _____

revoking appellant's parental rights five years after an agreed marital settlement agreement (divorce) and parenting plan were duly entered into by both parties and approved by The Circuit Court of Cook County Illinois, with no basis or facts presented to support the revocation of these rights . At no time did appellee submit a piece of evidence or state a fact in support of his motion to revoke appellant's rights. Without any evidence presented to the court it is impossible that this revocation of parental rights was based on a preponderance of evidence .

In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 1st argument, in order of their importance, and the pages on which they will appear.

Authorities:

750 I CS 5 10.5(C)

Illinois Evidence Rule 802.

You may have to complete the Argument section before completing the Points and Authorities section.

If you have a 2nd argument, state the title of your 2nd argument here and list the page where the argument starts later in the brief. If you don't have a 2nd argument, remove this page.

2. The ☑ trial court or ☐ jury *(check one)* made a mistake by allowing appellee to present an unsigned document to the court in clear violation of guidelines for post-decree custody evaluation procedures as codified in rule 750 LCS 5/604.10(b). In support of the annihilation of appellant's parental rights a single document, purportedly provided by custody evaluator Gerald Blecahman, was presented to the court in violation of Illinois Evidence Rule 802. This document was called a "Preliminary Custody Evaluation" but it did not disclose the results of tests conducted by Dr. Blechman or the results of a year and a half of his activities described as and billed as a custody evaluation. Dr. Blechman was not present to testify or be available for cross examination. A custody evaluation was not available to appellant 60 days before a hearing on her parental rights and she was given no opportunity to to present an alternative custody evaluation in a hearing on her parental rights.

Authorities:

In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 2nd argument, in order of their importance, and the pages on which they will appear.

750 ILCS 5/604.10(b)

Illinois Evidence Rule 802.

You may have to complete the Argument section before completing the Points and Authorities section.

If you have a 3rd argument, state the title of your 3rd argument here and list the page where the argument starts later in the brief. If you don't have a 3rd argument, remove this page.

3. The ☑ trial court or ☐ jury *(check one)* made a mistake by ruling on a matter impacting appellant while the case was presided over by Judge Robert Johnson, after Robert Johnson knew appellant to be acting as a witness against him in an ongoing federal criminal investigation. At the time of this ruling and as of this filing, Robert Johnson is also, personally, a defendant in federal civil right suit 1:22-CV-2315 in which case appellant is plaintiff and in which Robert Johnson was at the time of his ruling represented by States Attorney Erin Walsh, who is still representing him. Robert Johnson ought to have disqualified himself after any number or obvious signs that he has a more than a *de minimis* interest in the outcomes of his judicial actions impacting appellant.

Authorities:

In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 3rd argument, in order of their importance, and the pages on which they will appear.

Illinois Code of Judicial Conduct, Rule 63

If you are making more than 3 arguments, fill out and insert 1 or more *Additional Points and Authorities* forms after this page.

You may have to complete the Argument section before completing the Points and Authorities section.

Number your next argument, state the title here, and list the page where the argument starts later in the brief.

## ADDITIONAL POINTS AND AUTHORITIES

[Refer to Illinois Supreme Court Rule 341(h)(1)]

Page of Brief

4 The ☑ trial court or ☐ jury *(check one)* made a mistake by allowing hearing on a motion presented by appellee on an instanter basis, without proper notice to appellant, with no basis for an emergency motion given, and in which motion appellee's attorney had attested to false statements, specifically providing a fraudulent business address for his service contact.

In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your argument, in order of their importance, and the pages on which they will appear.

Authorities:

Cook County Circuit Court Local Rule 22.7 (b)

Ill. Sup. Ct. R. 137



Print Form Save Form Reset Form

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

## NATURE OF THE CASE

[Refer to Illinois Supreme Court Rule 341(h)(2)]

State the kind of case that was in the trial court (e.g., "This case was filed in the trial court to recover damages caused by the alleged negligence of the defendant in driving his automobile.").

This case was filed in the trial court to modify a parenting plan voluntarily entered into by appellant and appellee in this same trial court in 2017.

Check boxes to designate:
(1) whether or not the judgment you are appealing was based on a jury's verdict;
(2) whether the judgment was in favor of the plaintiff/petitioner or the defendant/respondent; and
(3) whether or not the judgment said there was a problem in the pleadings (meaning the complaint or petition). If the judgment did find a problem, describe the problem.

(1) The trial court judgment was based on a jury verdict

☐ Yes ☑ No

(2) The trial court entered a judgment in favor of

☑ Plaintiff/Petitioner ☐ Defendant/Respondent

(3) A question is raised on the pleadings

☑ Yes ☐ No

If a question is raised on the pleadings, describe it: At various times in the last five years appellee, Judge Johnson and various employees of Iris Martinez, Clerk of The Circuit Court, have referred "temporary" and "interlocatory" rulings in case 2016 D 9534, a divorce case. Parties voluntarily ended proceedings in their divorce by mutual agreement when they entered into a marital settlement agreement and parenting plan on September 27 2017. A question before this court is whether a judge may have permanent authority to issue rulings in a divorce case on a temporary or interlocatory basis with no actual legal proceedings before him. Appellant believes that as a divorced woman in 2022 she is entitled to the same protections under the law as any other citizen and parent. If a married or single parent may not have his or her children taken without due process, then why does a divorced woman not have the same rights? I assert the right to appeal under Rule 301 and seek clarification for divorced litigants as to when, if and how they may have a "final" ruling in a divorce proceeding if they are already divorced.

Starting with this page, number the pages of your brief 1, 2, 3, etc. (This page is numbered for you.)

## ISSUES PRESENTED FOR REVIEW

[Refer to Illinois Supreme Court Rule 341(h)(3)]

In **1**, state the title of your 1st argument as you wrote it in the Points and Authorities section above.

1. Whether ☑ the trial court or ☐ the jury *(check one)* made a mistake by revoking appellant's parental rights five years after an agreed marital settlement agreement (divorce) and parenting plan were duly entered into by both parties and approved by The Circuit Court of Cook County Illinois, with no basis or facts presented to support the revocation of these rights . At no time did appellee submit a piece of evidence or state a fact in support of his motion to revoke appellant's rights. Without any evidence presented to the court it is impossible that this revocation of parental rights was based on a "preponderance of evidence".

If you are making more than 1 argument, use **2** and **3** (if necessary) to state the titles of those arguments. If not, leave the rest of this section blank.

2. Whether ☑ the trial court or ☐ the jury *(check one)* made a mistake by allowing appellee to present an unsigned document to the court in clear violation of guidelines for post-decree custody evaluation procedures as codified in rule 750 LCS 5/604.10(b). In support of the annihilation of appellant's parental rights a single document, purportedly provided by custody evaluator Gerald Blecahman, was presented to the court in violation of Illinois Evidence Rule 802. This document was called a "Preliminary Custody Evaluation" but it did not disclose the results of tests conducted by Dr. Blechman or the results of a year and a half of his activities described as and billed as a custody evaluation. Dr. Blechman was not present to testify or be available for cross examination. A custody evaluation was not available to appellant 60 days before a hearing on her parental rights and she was given no opportunity to to present an alternative custody evaluation in a hearing on her parental rights.

3. Whether ☑ the trial court or ☐ the jury *(check one)* made a mistake by ruling on a matter impacting appellant while the case was presided over by Judge Robert Johnson, after Robert Johnson knew appellant to be acting as a witness against him in an ongoing federal criminal investigation. At the time of this ruling and as of this filing, Robert Johnson is also, personally, a defendant in federal civil right suit 1:22-CV-2315 in which case appellant is plaintiff and in which Robert Johnson was at the time of his ruling represented by States Attorney Erin Walsh, who is still representing him. Robert Johnson ought to have disqualified himself after any number or obvious signs that he has a more than a *de minimis* interest in the outcomes of his judicial actions impacting appellant.

If you are making more than 3 arguments, fill out and insert 1 or more *Additional Issues Presented for Review* forms after this page.

## ADDITIONAL ISSUES PRESENTED FOR REVIEW

[Refer to Illinois Supreme Court Rule 341(h)(3)]

Number your next argument and state the title as you wrote it in the Points and Authorities section.

4 Whether ☑ the trial court or ☐ the jury *(check one)* made a mistake by allowing hearing on a motion presented by appellee on an instanter basis, without proper notice to appellant, with no basis for an emergency motion given, and in which motion appellee's attorney had attested to false statements, specifically providing a fraudulent business address for his service contact.



Print Form Save Form Reset Form

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

## JURISDICTION

[Refer to Illinois Supreme Court Rule 341(h)(4)(ii)]

In **1**, state the Illinois Supreme Court Rule under which the appellate court has jurisdiction, and explain why the trial court's judgment is appealable under that rule.

1. This court has jurisdiction under Illinois Supreme Court Rule

☑ 301, because the trial court's judgment ended a civil (non-criminal) case.

☐ 304, because the trial court's judgment

☐ ended only part of a civil (non-criminal) case but included a special finding of appealability under Rule 304(a).

☐ ended only part of a civil (non-criminal) case but is one of the judgments listed in Rule 304(b), such as a child custody order.

Specifically, the judgment _____

☐ 307, because the trial court's judgment did not end any part of a civil (non-criminal) case but is one of the judgments listed in Rule 307, such as a termination of parental rights or a restraining order.

Specifically, the judgment _____

☑ Other: If not allowed jurisdiction under Rule 301 appellant asks for a ruling from this court under Rule 304(b).

In **2**, **3**, **4**, and **5**, referring to the pages of the common law record where the documents appear, fill in the dates of the documents that show that the appeal is timely.

Specifically, fill in the date of the judgment, the dates of any post-judgment motions, the dates of the rulings on those motions, and the date of the *Notice of Appeal (Civil)*.

2. On September 27, 5017 (*Enter Date*), the trial court entered the judgment (C 534-551). (*Enter page(s) of record*)

3. On April 28, 2022 (*Enter Date(s)*), post-judgment motion(s) was/were filed (C 1983-1991). (*Enter page(s) of record*)

4. On 9/13/2022 (*Enter Date(s)*), the trial court ruled on the post-judgment motion(s) (C 2338-2340). (*Enter page(s) of record*)

5. On 9/15/2022 (*Enter Date*), the *Notice of Appeal (Civil)* was filed (C 2341-2344). (*Enter page(s) of record*)

## STATUTES (LAWS) INVOLVED

[Refer to Illinois Supreme Court Rule 341(h)(5)]

If the case involves the meaning or validity of a statute (law), constitutional provision, treaty, ordinance, or regulation, provide the language and the number (for example, 735 ILCS 5/2-615) for each.

If the case does not involve a statute (law) or other provision, leave this page blank.

**750 ILCS 5/610.5(C) Modification of Parenting Time**

"(c) Except in a case concerning the modification of any restriction of parental responsibilities under Section 603.10, the court shall modify a parenting plan or allocation judgment when necessary to serve the child's best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a modification is necessary to serve the child's best interests."

**750 ILCS 5/604.10(b) Custody Evaluator**

"(b) Court's professional. The court may seek the advice of any professional, whether or not regularly employed by the court, to assist the court in determining the child's best interests. The advice to the court shall be in writing and sent by the professional to counsel for the parties and to the court not later than 60 days before the date on which the trial court reasonably anticipates the hearing on the allocation of parental responsibilities will commence. The court may review the writing upon receipt. The writing may be admitted into evidence without testimony from its author, unless a party objects. A professional consulted by the court shall testify as the court's witness and be subject to cross-examination. The court shall order all costs and fees of the professional to be paid by one or more of the parties, subject to reallocation in accordance with subsection (a) of Section 508.

The professional's report must, at a minimum, set forth the following:

(1) a description of the procedures employed during the evaluation; (2) a report of the data collected; (3) all test results; (4) any conclusions of the professional relating to the allocation of parental responsibilities under Sections 602.5 and 602.7; (5) any recommendations of the professional concerning the allocation of parental responsibilities or the child's relocation; and (6) an explanation of any limitations in the evaluation or any reservations of the professional regarding the resulting recommendations."

**Illinois Code of Judicial Conduct, Rule 63, Disqualification**

"C. Disqualification. (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where: (a) the judge has a personal bias or prejudice concerning a party ....(d) the judge knows that he or she, individually or as a fiduciary, or the judge's spouse, parent or child wherever residing, or any other member of the judge's family residing in the judge's household, has an economic interest in the subject matter in controversy or in a party to the proceeding, or has any other more than de minimis interest that could be substantially affected by the proceeding..."

**Illinois Evidence Rule 802 Hearsay Rule**

"Hearsay is not admissible except as provided by these rules, by other rules prescribed by the Supreme Court, or by statute as provided in Rule 101"

**Cook County Circuit Court Local Rule 22.7 (b) Emergency Motions**

"Emergency motions, except petitions and motions for emergency orders of protection. Facts identifying the nature of the sudden or unforeseen circumstances which give rise to the emergency and the reason(s) the matter should take precedence shall be stated with particularity in an verified motion or an accompanying affidavit. "

**Ill. Sup. Ct. R. 137 Truthfulness of pleadings signed by attorneys**

"(a) Signature requirement/certification. Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact"

If you need more room, fill out and insert 1 or more *Additional Statutes (Laws) Involved* forms after this page.

## STATEMENT OF FACTS

[Refer to Illinois Supreme Court Rule 341(h)(6)]

Tell the story of what happened in the trial court, with references to the specific pages of the record where each fact appears. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]." For example, "On January 2, 2015, the plaintiff filed his complaint. C 1."

1. On September 27, 2017 Appellee Peter Matt and Appellant Megan Mason (formerly Megan Matt) were divorced by filing a mutually acceptable Marital Settlement Agreement. At this same time the parties entered into a Parenting Plan which they had drafted through court ordered mediation. (C-C 534-C 551 (Volume 1))

2. On September 27, 2017 a judgment for dissolution of marriage was entered and the divorce and parenting plan were in effect for the next five years. (C 552-C 572 (Volume 1))

You should describe the following:

- what was said in the complaint or petition,
- anything relevant that happened in court before the trial,
- the testimony of all witnesses,
- how the judge ruled, any findings by the jury, and anything that happened in court after the trial.

Refer to the specific pages of the record where each fact appears.

3. In 2018 the finalized divorce case 2016 D 9534 was transferred to Judge Robert Johnson.

4. On June 6, 2019 Michael Bender was appointed as Guardian Ad Litem against Appellant's objection, two years post-decree and with no motions or other proceedings before the court, and has since this date served as permanent guardian ad litem. (C 725-C 726 (Volume 1))

Tell the story correctly and fairly. Do not make arguments or comments here.

5. Mr. Bender decides all matters related to this case and instructs Robert Johnson, who has described Mr. Bender as his personal mentor, in all orders and rulings in this case

6. On May 25, 2021 Dr. Gerald Blechman was appointed by order of Judge Johnson to conduct a Custody Evaluation under 750 ILCS 5/604.10(b) based on the stated wishes of Appellee and Mr. Bender. Appellant was not consulted or asked if she approved. At the time of Dr. Blechman's appointment the court was not considering any motions to modify the parenting plan. Dr. Blechman was paid $4,000 and conducted more than four standardized psychological examinations on parties and extensive interviews with parties and their minor children over the course of a year. (C 1341 V2-C 1342 V2)

87. On April 28, 2022 Appellee Peter Matt filed a motion instanter to revoke Appellant's parental rights and completely revoke her parenting time, which had been 50% for the previous five years per mutually agreed parenting plan. This action was supported by one unsigned document called "Exhibit C", which the motion describes as a letter from Gerald Blechman and referred to as a "Preliminary Custody Evaluation". (C 1983 V2-C 1991 V2)

8. On May 2, 2022 Appellant Megan Mason filed an affidavit in opposition to the revocation of her parental rights. (C 1993 V2-C 1994 V2)

9. On May 12, 2022 Appellant Megan Mason filed federal complaint 1:22-CV-2315 which is ongoing and in which Robert Johnson, presiding judge in this case, is named as a defendant.

10. On July 8, 2022 Dr. Gerald Blechman quit on the advice of counsel representing him in ongoing federal criminal and civil litigation. He has refused to tender to the parties the results of his $4,000 in billed services including multiple standardized mental health assessments performed on both parties, notes from hours of interviews of the parties and their children, or anything else associated with an evaluation. (C 2249 V3-C 2251 V3)

11. On July 8, 2022 Erin Walsh filed an appearance as counsel for Robert Johnson in case 1:22-CV-2315 in which she is still the lead attorney of record.

12. On July 18 Appellant filed a motion to dismiss Appellant's motion to modify parenting time (C 2297 V3-C 2313 V3).

13. On September 13, 2022 a hearing was held to rule on Appellee's April 28, 2022 motion to revoke Appellant's parental rights, including all parenting time. (C 2338 V3-C 2340 V3)

14. Appellant had not been previously informed that she would be called by the Appellee asa witness. At this hearing she was called to the stand by Appellee's attorney, Christopher Wehrman, who handed her around twenty documents and asked her to read them aloud. Appellant said she would not.

15. On multiple occasions Appellant stated, "No exhibits were submitted in support of this motion. I believe I should have a chance to review any documents before trial. I can't be expected to read them, verify their authenticity, and testify about facts without notice. I will not discuss these documents."

16. On multiple occasions, Appellant asked Judge Johnson, "Your honor, I believe discovery laws mean I should see documents before court. May I ask a point of law? Is it fourteen days before trial that I'm supposed to see evidence?" Robert Johnson ignored Appellant and did not respond.

17. At one point Judge Johnson ordered parties to take a break. After the break, Appellant was ordered to the stand. As she was approaching the stand Judge Johnson said, "Ma'am, when opposing counsel hands you something you have to read it or I'm going to strike your testimony". Appellant said, "Ok you can strike me testimony". Judge Johnson said nothing.

18. Christopher Wherman continued to hand Appellant documents and appellant continued to place them face down and refuse to read them.

19. At one point Michael Bender, Judge Johnson's mentor who was appointed as permanent Guardian Ad Litem in 2019, was called as a witness.

20. Michael Bender stated that Appellant should have her parental rights revoked.

21. Appellant had the opportunity to cross-examine Michael Bender. She asked him to name one fact, with a specific location, event and basis to construe that she is an unfit parent. Michael Bender said there were lots of facts, too many. Appellant asked Michael Bender to name one fact. He did not name one fact that indicates unfit or abusive parenting by Appellant.

22. Judge Johnson ordered Appellant's parental rights revoked. When the handwritten order was entered someone used a pen to write "temporary" on the order.

23. Appellant lost all parental rights on September 13, 2022. No time constraint or means of ending the revocation was given and appellant has no reason to believe her rights will be restored during her children's childhood.

24. On September 15, 2022 Appellant filed her notice of appeal for this ruling. (C 2341 V3-C 2344 V3).

## ARGUMENT

[Refer to Illinois Supreme Court Rule 341(h)(7)]

State the title of your 1st argument here as you wrote it in the Points and Authorities section above.

1. The ☑ trial court or ☐ jury *(check one)* made a mistake by revoking appellant's parental rights five years after an agreed marital settlement agreement (divorce) and parenting plan were duly entered into by both parties and approved by The Circuit Court of Cook County Illinois, with no basis or facts presented to support the revocation of these rights . At no time did appellee submit a piece of evidence or state a fact in support of his motion to revoke appellant's rights. Without any evidence presented to the court it is impossible that this revocation of parental rights was based on a "preponderance of evidence".

Standard of review (*Check all that apply to your 1st argument*)

☑ The trial court made a mistake in applying the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);

☑ The trial court or the jury made a mistake in deciding the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);

☑ The trial court made a mistake in conducting the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or

☐ other:

Authority for standard of review: de novo

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Explain your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. *(Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.)* Appellee moved to terminate appellant's parental rights without presenting evidence or facts to the court in support of his action. On the face of it, the motion was insubstantial under law and ought to have been dismissed or vacated on the basis that it would be impossible to consider a preponderance of evidence in support of modification of parental rights in the absence of evidence to support a change of parental rights.

State the title of your 2nd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 2nd argument, remove this page and the following argument pages.

2. The ☑ trial court or ☐ jury *(check one)* made a mistake by allowing appellee to present an unsigned document to the court in clear violation of guidelines for post-decree custody evaluation procedures as codified in rule 750 LCS 5/604.10(b). In support of the annihilation of appellant's parental rights a single document, purportedly provided by custody evaluator Gerald Blecahman, was presented to the court in violation of Illinois Evidence Rule 802. This document was called a "Preliminary Custody Evaluation" but it did not disclose the results of tests conducted by Dr. Blechman or the results of a year and a half of his activities described as and billed as a custody evaluation. Dr. Blechman was not present to testify or be available for cross examination. A custody evaluation was not available to appellant 60 days before a hearing on her parental rights and she was given no opportunity to to present an alternative custody evaluation in a hearing on her parental rights.

Standard of review (*Check all that apply to your 2nd argument*)

☑ The trial court made a mistake in applying the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);

☑ The trial court or the jury made a mistake in deciding the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);

☑ The trial court made a mistake in conducting the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or

☐ other:

Authority for standard of review: de novo

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Explain your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. *(Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.)* A preliminary reading of the single document submitted to the court by Appellee as Exbhibit C, a letter from Geral Blechman, shows that the document is inadmissible as evidence. It is an unsigned document, with no witness or attestation to the truthfulness of the statements by Dr. Blechman who refused to testify or be available for cross examination at the proceeding. The majority of text is text that the letter writer, presumably Dr. Blechman, describes as an email from Appellee, which in turn describes Mr. Matt's statements

about statements by Appellant. This is to say it is hearsay of a person, presumably Dr. Blechman quoting what he says is hearsay quoted by Appellee.

The document describes no legitimate facts to suggest a modification of a five year old plan and, even if it did state facts of this nature, hearsay is not an acceptable form of evidence in any trial of fact, particularly one that impacts the well being of young children.

This document also indirectly references and invokes authorities given to custody evaluators under 750 ILCS 5/604.10(b) while directly violating the provisions of 750 ILCS 5/604.10(b). Dr. Blechman was employed as a custody evalutor for more than a year and conducted mutlple interviews and psychological tests. He abruptly resigned from this role on the advice of his own criminal defense attorney after Dr. Blechman, like Robert Johnson and others presently engaged in Illinois Case 2016 D 9534, was informed by federal investigators that he is a target in ongoing federal criminal investigations.

A de novo review of the motion in question and "Exhibit C" would demonstrate to an unbiased court that the letter is not admissable under Illinois law or standards of legal conduct in general and that, with no evidence in support of his claim, appellee's motion to modify the parenting plan was insubstantial under law and ought to have been dismissed by the court.

Appellant was denied rights specifically enumerated and described in 750 ILCS 5/604.10(b. She was not given a report of data collected, specifically the results of psychologica tests conducted on herself and on Appellee by Dr. Blechman, despite repeated requests.

A custody evaluation was paid for and never provided to the court, much less 60 days before revocation of appellant's parental rights. Appellant had no opportunity to provide her own custody evaluation as allowed under law. It would be unconscionable for any court to simultaneously invoke the authority of 750 ILCS 5/604.10(b) to terminate parental rights - the only theoretical authority for this ruling - while also ignoring the most essential guidelines and protections codified in this law.

State the title of your 3rd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 3rd argument, remove this page and the following argument pages.

3. The ☑ trial court or ☐ jury *(check one)* made a mistake by ruling on a matter impacting appellant while the case was presided over by Judge Robert Johnson, after Robert Johnson knew appellant to be acting ~~as a witness against him in an ongoing federal criminal investigation. At the time of this ruling and as of this~~ filing, Robert Johnson is also, personally, a defendant in federal civil right suit 1:22-CV-2315 in which case ~~appellant is plaintiff and in which Robert Johnson was at the time of his ruling represented by States~~ Attorney Erin Walsh, who is still representing him. Robert Johnson ought to have disqualified himself after ~~any number or obvious signs that he has a more than a de minimis interest in the outcomes of his judicial~~ actions impacting appellant.

Standard of review (*Check all that apply to your 3rd argument*)

☑ The trial court made a mistake in applying the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);

☑ The trial court or the jury made a mistake in deciding the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);

☑ The trial court made a mistake in conducting the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or

☐ other:

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Authority for standard of review: de novo

Explain your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. *(Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.)*

On July 8, 2022 Ms. Erin Walsh filed an appearance for defendant Robert Johnson in case 1:22-CV-2315 which is ongoing in The Northern District of Illinois. Ms. Walsh is still engaged as attorney for Robert Johnson, who is named personally in the suit. Megan Mason, apellant, is plaintiff in this suit. At a minimum any ruling made by Robert Johnson impacting appellant, subsequent to Ms. Walsh's appearance , is invalid, illegal and must be swiftly vacated in the

interest of protecting the integrity of Illinois courts.

## ADDITIONAL ARGUMENT

[Refer to Illinois Supreme Court Rule 341(h)(7)]

Number your next argument and state the title as you wrote it in the Points and Authorities section.

4 The ☑ trial court or ☐ jury *(check one)* made a mistake by allowing hearing on a motion presented by appellee on an instanter basis, without proper notice to appellant, with no basis for an emergency motion given, and in which motion appellee's attorney had attested to false statements, specifically providing a fraudulent business address for his service contact

Standard of review (*Check all that apply to your argument*)

☑ The trial court made a mistake in applying the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);

☑ The trial court or the jury made a mistake in deciding the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);

☑ The trial court made a mistake in conducting the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or

☐ other:

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Authority for standard of review: de novo

Explain your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. *(Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.)*

The motion by Appellee to revoke Appellant's parental rights was filed without notice or opportunity for Appellant to respond. It was presented to the court to be ruled instanter but provided no basis or indication that the motion should be heard on an emergency basis. On the face of it, this motion ought to have been dismissed and Appellee ordered to file a motion with notice and opportunity for Appellant

to respond.

Appellee's attorney, Christopher Wehrman, indicated a fraudulent business address in the pleading. In prior communications and filings before the court appellant had asked Mr. Wehrman to stop using a fraudulent business address and stated that she knew this office to be the office of Oil Dri corporation. Knowing the pleading to contain a fraudulent business address, Mr. Wehrman violated Illinois Rule 137 when he signed this document. The court was informed in Appellant's motion to dismiss the pleading that it contained fraudulent information and the court ought to have dismissed the motion and ordered Appellee and counsel to comply with Rule 137 in court filings.

## CONCLUSION

[Refer to Illinois Supreme Court Rule 341(h)(8)]

State what you want the court to do. You may check as many as apply.

The appellant respectfully requests that this court:

☐ reverse the trial court's judgment *(change the judgment in favor of the other party into a judgment in your favor)* and ☐ send the case back to the trial court for any hearings that are still required;

☑ vacate the trial court's judgment *(erase the judgment in favor of the other party)* and ☐ send the case back to the trial court for a new hearing and a new judgment;

☐ change the trial court's judgment to say: _____

☑ order the trial court to: vacate any orders issued by Robert Johnson, in the role of presiding judge in case 2016 D 9534, subsequent to Erin Walsh filing an appearance on July 8, 2022 to represent Mr. Johnson in federal case 1:22-CV-2315 in which. appellant is plaintiff.

☑ other: order Robert Johnson to transfer case 2016 D 9534 to Grace Dickler, Presiding Judge of The Domestic Relations Division of The Circuit Court of Cook County Illinois, or any other judge in her stead, for immediate reassignment to a new trial judge.

and grant any other relief that the court finds appropriate.

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

Respectfully submitted,

/s/ Megan Mason
*Signature*

Megan Mason
*Print Name*

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

Rule 341(a) governs the form of briefs, and Rule 341(b) governs the length. Unless a motion to file a longer *Brief* is granted, the *Appellant's Brief* (not counting the pages listed) must contain no more than 50 pages OR no more than 15,000 words.

If your *Brief* is within the page limit, add the number of pages in your *Brief* (not counting the pages listed).

If your *Brief* is not within the page limit, but is within the word limit, add the number of words in your *Brief* (not counting the pages listed).

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

**CERTIFICATE OF COMPLIANCE**

[Refer to Illinois Supreme Court Rule 341(c)]

I certify that this *Brief* conforms to the requirements of Supreme Court Rules 341(a) and (b). The length of this *Brief*, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 17 pages or words.

/s/ Megan Mason
*Signature*

Megan Mason
*Print Name*

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

**PROOF OF SERVICE** ***(You must serve the other party and complete this section)***

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

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 sent the document.

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

1. I sent this document:
   a. To:
      Name: Annette M. Fernholz
      *First* *Middle* *Last*
      Address: 211 West Wacker Dr., Suite 1100 Chicago, IL 60606
      *Street, Apt #* *City* *State* *ZIP*
      Email address: annette@amf-familylaw.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

   c. On: Friday, Nov 4th
      *Date*
      At: 12:45 ☐ a.m. ☑ p.m.
      *Time*

2. I sent this document:
   a. To:
      Name: Michael Bender
      *First* *Middle* *Last*
      Address: 150 N. Michigan Ave., Suite 2130 Chicago, IL 60601
      *Street, Apt #* *City* *State* *ZIP*
      Email address: mbender@caesarbenderlaw.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

   c. On: 11/4/2022
      *Date*
      At: 12:45 ☐ a.m. ☑ p.m.
      *Time*

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 by hand and print your name.

**I certify that everything in the Proof of Service 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/ Megan Mason
*Your Signature*

Megan Mason
*Print Your Name*

# APPENDIX

[Refer to Illinois Supreme Court Rule 342(a)]

This is a Table of Contents for the Appendix.

- In addition to the materials listed, list any other materials from the record that are relevant to the appeal. Do not list materials that are not in the record.
- Add those materials to the end of the Appendix, in the order in which you list them.
- Number the pages of the Appendix A-1, A-2, A-3, etc.
- Fill in the appropriate page numbers on the Table of Contents.

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

# INDEX TO THE RECORD

## Common Law Record ("C")

[Refer to Illinois Supreme Court Rule 321]

Rule 321 discusses the common law record. List the title of each document in the common law record (the documents filed in the trial court), the date on which each document was filed, and the page of the record on which each document begins.



If you need more room, fill out and insert 1 or more *Additional Common Law Record* forms after this page.

E-FILED
Transaction ID: 1-22-1405
File Date: 12/12/2022 8:33 AM
Thomas D. Palella
Clerk of the Appellate Court
APPELLATE COURT 1ST DISTRICT

THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)

**No. 1-22-1405**

---

# *Appellate Court of Illinois*

*First Judicial District*

---

IN RE THE MARRIAGE OF:

PETER MATT

*Petitioner-Appellee,*

and

MEGAN MATT n/k/a Megan Matt

*Respondent-Appellant.*

---

Appeal from the Circuit Court of Cook Circuit, Domestic Relations Division
No. 2016 D 9534
The Honorable Robert Johnson, Judge Presiding

---

## APPELLEE'S BRIEF & SUPPLEMENTAL APPENDIX

Annette M. Fernholz
Law Offices of Annette M. Fernholz, P.C.
211 W. Wacker Drive, Suite 1100
Chicago, IL 60606
(312) 683-0308
Annette@amf-familylaw.com
*Attorney for Petitioner-Appellee*

## TABLE OF CONTENTS AND POINTS AND AUTHORITIES

## NATURE OF THE CASE

This case is a post-decree dissolution matter which focuses on parental decision-making and parenting time. The crux of the issues concern the treatment and therapy for the parties' 14 year-old son who is autistic and has severe behavioral issues which result in schooling and ancillary problems.

Appellant Megan Mason ("Megan") appeals the trial court order of September 13, 2022. (Supp App 1-3, C2338-39 V3) The order which is labeled a "temporary" order restricted Megan's parenting time by requiring supervised visitation after making a finding of serious endangerment. The endangerment was occasioned by Megan's repeated failure to take the parties' eldest son to court-ordered therapy and treatment. The circuit court order further temporarily transferred sole decision-making for the parties' two children to Appellee Peter Matt ("Peter") pending the conclusion of the parties' expert Section 604.10(b) report. 750 ILCS 5/604.10(b)(West 2022)

Peter contends this court lacks jurisdiction pursuant to Supreme Court Rules 301 and 304. Additionally, in her Notice of Appeal, Megan alleges this court has jurisdiction under Supreme Court Rule 306. Megan did not petition for leave to appeal pursuant to this rule.

## STATEMENT OF FACTS

The parties were divorced in Cook County, Illinois on September 27, 2017. (C552-72) In addition to the dissolution judgment, an Allocation of Parental Responsibilities Judgment and Parenting Plan ("Allocation Judgment") was entered by the court regarding the parties' two minor children, A[redacted]2008, and T[redacted]

born in 2012. (C534-551) The parties were awarded joint decision-making and equal parenting time. (C537-39)

On January 14, 2019, Megan filed an Emergency Petition to Enforce Allocation Judgment asserting that Peter was not providing the minor child A[redacted] with appropriate prescribed medication. (C624-654) A[redacted] suffers from autism and severe behavioral issues. (C625)

Thereafter, on February 19, 2019, Peter filed a Motion to Appoint a Guardian *ad Litem* regarding A[redacted] medications, therapists and Megan's discontinuation of therapeutic services for A[redacted] (C669) Megan was in opposition to this motion. (C705) On June 6, 2019, the court appointed Michael Bender as guardian *ad litem* for the minor children regarding medication, extracurricular activities, international travel, communication, therapy and school selection. (C725-26)

On September 25, 2020, the court appointed Dr. John Palen as a parenting coordinator for the parties. (C800-801)1 Then in January 2021, Megan filed a motion to dismiss the guardian *ad litem.* (C1019-1023) Peter's response sought denial of the motion to discharge. (C1049-1052) On March 4, 2021, the trial court denied the motion to discharge the guardian *ad litem.* (C1091 V2)

On April 19, 2021, Megan filed a Motion to Modify Allocation of Parental Responsibilities seeking to be awarded full decision-making responsibilities of the children. (C1250-1278 V2) In Peter's response, he requested denial of Megan's motion. (C1313-18 V2)

---

1 Although the court order designates Dr. James Palen, the record reflects that that the parenting coordinator was actually named Dr. John Palen. (C1535 V2).

Thereafter, on May 25, 2021, the trial court appointed Dr. Gerald Blechman as a 604.10(b) evaluator. (C1341-42 V2) On December 23, 2021, Megan filed a motion to terminate the guardian *ad litem*'s appointment. (C1499-1511 V2) On January 14, 2022, Megan filed a Notice of Interlocutory Appeal regarding the denial of her motion for substitution of judge. (C1551-54 V2) [A summary order was entered by this court on May 13, 2022 dismissing appeal 1-22-0079 for lack of jurisdiction (C2253-59 V3)].

On April 4, 2022, Megan was held in contempt of court for her failure to take the minor child A[redacted] court-ordered ABA therapy in violation of the Allocation Judgment. (C1956-57 V2) On April 28, 2022, Peter filed a Motion to Modify Parenting Time and Allocation of Parental Responsibility alleging *inter alia* that Megan has failed to participate in A[redacted] ABA therapy. (Supp App 4-19,C1983-88 V2) Accompanying the motion was an interim report from the parties' 604.10(b) evaluator, Dr. Gerald Blechman who recommended that Megan's decision-making regarding Angus' treatment be modified. (Supp App 10-12, C1989-91 V2) Megan filed an Affidavit in opposition to Peter's motion. (Supp App 13-14, C1993-94 V2) On June 28, 2022, Peter also filed a Motion for a Supreme Court 215 examination of Megan. (C2023-28 V2) On July 5, 2022, Megan filed a motion to dismiss both above-mentioned petitions and other pleadings filed by Peter. (C2150-53 V3)

On July 5, 2022, the trial court commenced hearing on all pending pleadings. It denied Megan's motion to dismiss. (Supp App 15-16, C2237-48 V3)

On July 18, 202, Megan filed a separate Motion to Dismiss Defendant's Motion for Supreme Court Rule 215 Examination. (C2260-64 V3) On the same day, she filed a motion to dismiss Peter's motion to modify parenting time and parental responsibilities.

(Supp App 17-21, C2297-2301 V3) On July 19, 2022 the court commenced an evidentiary hearing on Peter's motion to modify parenting time and decision-making. (Supp App 22-23, C2314-15 V3)

On September 13, 2022 the trial court entered an order denying Megan's motion to dismiss Peter's motion to modify parenting responsibilities. (Supp App 1-3, C2338 V3) The order further temporarily granted Peter's motion and restricted Megan's parenting time due to a serious endangerment based on Megan's failure to take the minor to therapy or treatment; Megan's parenting time was ordered to be supervised until conclusion of the 604.10(b) report. The order also granted Peter temporary allocation of all parenting responsibilities. (C2340 V3) On September 15, 2022, Megan filed a Notice of Interlocutory Appeal pursuant to Supreme Court Rule 306(b). (Supp App 24-27, C234144 V3)

## ARGUMENT

### I. This Court Lacks Jurisdiction to Render a Decision

#### A. This Court Lack Jurisdiction Pursuant to Supreme Court Rule 301

In her brief Megan asserts that that this court has jurisdiction to hear the appeal pursuant to Supreme Court Rule 301 and Rule 304(b). Illinois Supreme Court Rule 301 states:

> Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding. Ill. S.Ct. R. 301

The September 13, 2022 order was not a final order. Not only was it labeled a "temporary order," but paragraph 2 states:

> Peter Matt's Motion to Modify Parenting Time and Allocation of Parental Responsibilities is granted on a **temporary** basis and until conclusion of the

604.10(b) report…(emphasis added) (Supp App 1, C2338 V3)

The order further states:

d) Peter Matt has **temporary** allocation of all parental responsibilities. (emphasis added) (Supp App 2, C2340 V3)

A judgment is the final decision of the court resolving the dispute and determining the rights and obligations of the parties. *Dept. of Health Care and Family Services v. Cortez*, 2012 IL App (2d) 120502 ¶ 9. Since the trial court is awaiting the completion of the Section 604.10(b) report to conduct a final heating, the orders entered thus far are not final. As the September 13, 2022 order is not a final order, this court has no jurisdiction for review under Rule 301.

B **This Court Lacks Jurisdiction Pursuant to Supreme Court Rule 304(b)**

Megan maintains alternatively that this court has jurisdiction pursuant to Illinois Supreme Court Rule 304(b)(6) which states in pertinent part:

> Rule 304. Appeals from Final Judgments That Do Not Dispose of an Entire Proceeding…
>
> (b) Judgments and Orders Appealable Without Special Finding. The following judgments and orders are appealable without the finding required for appeals under paragraph (a) of this rule:
>
> ***
>
> 6) A custody or allocation of parental responsibilities judgment or modification of such judgment entered pursuant to the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et. seq.)* or Illinois Parentage Act of 2015 (750 ILCS 46/101 *et. seq.).* Ill. S.Ct. R 304(b)(6).

The Committee Comments to Rule 304 state that the term "custody judgment" refers to "the trial court's permanent determination of custody entered incident to the dissolution of marriage, as distinguished from any temporary or interim orders of

custody" under the Illinois Marriage and Dissolution of Marriage Act. Ill. S.Ct. R. 304, Committee Comments. See also *Dept. of Health Care and Family Services v. Cortez*, 2012 IL App (2d) 120502 ¶ 11. Clearly, the trial court's order regarding the temporary nature of parenting time and parental decision-making pending a further report from a court-ordered expert does not fall under the ambit of a final "custody judgment" under Rule 304(b)(6). Therefore, this court has no jurisdiction to address this appeal under this Rule.

C. **Supreme Court Rule 306 Procedures Not Followed**

In her Notice of Appeal, Megan states this court has jurisdiction pursuant to Illinois Supreme Court Rule 306. (C2341 V3) The rule states in pertinent part:

> (a) Orders Appealable by Petition. A party may petition for leave to appeal to the Appellate Court from the following orders of the trial court:...
>
> > 5) from interlocutory orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated minors or the relocation (formerly known as removal) of unemancipated minors, if the appeal of such orders is not otherwise specifically provided for elsewhere in these rules.... Ill. S.Ct. R. 306

Although the September 13, 2022 order is an interlocutory order, Megan failed to petition this court to seek permission to file a brief under this provision of the statute. Therefore, she forfeited this argument. See *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23.

## II. Megan's Brief Must be Stricken as it Fails to Comport with Supreme Court Rule 341

### A. Statement of Facts

Peter maintains that Megan's Statement of Facts should be stricken. (Appellant's

Brief, pages 6-9) Her brief fails to comport with Illinois Supreme Court Rule 341(h)(6) which requires that an Appellant provide a Statement of Facts. This section "shall contain the facts necessary to attain an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate references to the pages in the record on appeal...." Ill. S.Ct. R. 341(h)(6)

Most of Megan's Statement of Facts contain no citation to the record. Paragraphs #3, #5, #9, #11, and paragraphs #14 through #23 provide absolutely no citation to the record on appeal. Even those paragraphs with a citation include extraneous "facts" that are not contained in the pages cited. For example, in paragraph #6 Megan notes Dr. Blechman's cost and refers to four psychological examinations which do not appear on the pages cited (C1341-42 V2) and should be stricken.

Further, in paragraph #4, Megan claims that Michael Blender was appointed as guardian *ad litem* with no other motions or proceedings pending before the court. The record is multi-volumed and reflects that it is was Megan herself who initiated post-decree litigation with regards to the children one month prior to Mr. Bender's appointment. (C624-654)

Similarly, in paragraph #10, Megan states that Dr. Blechman refused to tender test results and alleges that on the advice of counsel he quit the case. The pages cited do not reflect any of this information. (C2249-52 V3)

For the above-stated reasons, Megan's Statement of Facts should be stricken entirely.

B. **Argument**

Peter contends that Megan's Arguments should be stricken for failure to adhere to

Supreme Court Rule 341(h)(7). (Appellants' Brief, pages 10-16) Her brief fails to adhere to Rule 341(h)(7) which requires that an appellant provide contentions and reasons accompanied by citations of authorities and pages of the record relied on. Ill. S.Ct. R. 341(h)(7) As discussed below Megan has failed to provide an adequate record to support her contentions and has also failed to cite any case law in support of her arguments.

On pages 10-12 of her brief Megan claims that the temporary order was entered without any evidence. She asserts that Dr. Blechman did not testify but his "Preliminary Custody Evaluation" was submitted to the court. She further argues that the custody evaluation was not available to her 60 days prior to the temporary hearing. On page 11 of her brief she then alleges that a letter from Dr. Blechman was admitted into evidence and was hearsay. Then Megan asserts on pages 12 and 13, without substantiation or citation to the record, that Dr. Blechman and Judge Johnson are under federal criminal investigation.

A point not argued or supported by citation to authority also fails to satisfy the requirements of Supreme Court Rule 341(h)(7). *Vancura v. Katris*, 238 Ill.2d 352, 370 (2010) Both argument and citation to relevant authority are required. "An issue that is merely listed or included in a vague allegation of error is not 'argued' and will not satisfy the requirements of the rule." *Id.* Failure to develop an argument and cite relevant authority results in forfeiture of the issues on appeal. *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23. See also *In re Marriage of Gabriel and Shamoun*, 2020 IL App (1st) 182710 ¶ 74. "The well-established rule is mere contentions without argument or citation to authority do not merit consideration on appeal." *People v. McCarthy*, 213 Ill.App.3d

873, 884 (1991) Contentions supported by some argument but by absolutely no authority do not meet the requirements of Supreme Court Rule 341. *Id.*

From the incomplete record, there is no indication if Dr. Blechman testified, if the guardian *ad litem* testified or what the parties' testimony was. "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant,* 99 Ill.2d 389, 392 (1984).

For her second argument on page 15, Megan asserts she was denied her due process rights and "the motion by Appellee to revoke Appellant's parental rights was filed without notice or opportunity for the Appellant to respond." (Appellee's Brief, page 15) First, Megan's parental rights were not terminated; her parenting responsibilities have been modified due to her failure to maintain treatment for their son. Second, Megan actually responded no less than three times to Peter's motion. On April 28, 2022, Peter filed his Motion to Modify Parenting Time and Allocation of Parental Responsibility. (Supp App 4-9, C1983-88 V2) Megan filed an Affidavit in opposition to Peter's motion. (Supp App 13-14, C1993-94 V2) On July 5, 2022, Megan filed a motion to dismiss all pleadings filed by Peter. (C2150-53 V3) On July 5, 2022, the trial court commenced hearing on all pending pleadings. It denied Megan's motion to dismiss. ((Supp App 15-16, C2237-48 V3) On July 18, 202, Megan filed another motion to dismiss Peter's motion to modify parenting time and parental responsibilities. (Supp App 17-21, C2297-2301 V3) On July 19, 2022 the circuit court commenced an evidentiary hearing on Peter's motion to modify parenting time and decision-making. (Supp App 22-23, C2314-15 V3) The hearing concluded on a temporary basis on September 13, 2022 after both parties presented their cases-in-chief according to the pre-decretal portion of the order.

(Supp App 1-3, C2338 V3) Megan's contention that she was denied due process is not supported by the record and is factually inaccurate.

Finally on page 16 of her brief, Megan argues Peter's trial attorney fraudulently used a business address. There is no mention of this in the record; the argument further lacks any citation to the record or appropriate authority and must be forfeited. See *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23.

C. **The Record is Inadequate to Review the Issues Raised by Megan**

If this Court does not dismiss the instant appeal for lack of jurisdiction, the trial court's order should be affirmed as Megan does not provide an adequate record for review. Megan has the burden to provide the court with a report of proceedings from the trial as required by Supreme Court Rule 321. Ill. S.Ct. R. 321. Nor has Megan provided an acceptable substitute such as a Bystander's Report as provided in Rule 323(c). Ill. S.Ct. R. 323(c). She also has not submitted any evidence to the clerk of the circuit court to include in the record on appeal. The appellant has the burden to present a sufficiently complete record of the proceedings to support the claim of error, and in the absence of such a record, it will be presumed that the order entered by the trial court was in conformity with the law and had sufficient factual basis. *Foutch v. O'Bryant,* 99 Ill.2d 389, 391-92 (1984).

In addition to not providing any report of proceeding or bystander's report, Megan fails to include any exhibits admitted into evidence at trial. The record indicates that the circuit court conducted a hearing and completed their cases-in-chief was noted in the pre-decretal portion of the September 13, 2022 order. (C2238 V3)

Megan's failure to cite any authority in support of her due process claim and her

claim that evidence was improperly before the court is not supported by the record on appeal.

D. **Standard of Review**

If the court were to review any argument raised by Megan, the appropriate standard of review is manifest weight of the evidence and not *de novo* as claimed by Megan. A circuit court's determination concerning the allocation or modification of parental responsibilities will not be disturbed unless it is against the manifest weight of the evidence. *In re Marriage of Lonvik*, 2013 IL App (2d) 120865, ¶ 33. "A judgment is against the manifest weight of the evidence when the opposite conclusion is apparent or when the findings appear to be unreasonable, arbitrary, or not based on the evidence." *Id.*

Considering the lack of appellate record, it is difficult to maintain the position that the trial court acted against the manifest weight of the evidence when Megan has failed to include the testimony and evidence heard by the trial court. In the absence of [a sufficiently complete] record on appeal, it is presumed that the order entered by the trial court was inconformity with the law and had a sufficiently factual basis. *Foutch,* 99 Ill.2d at 392.

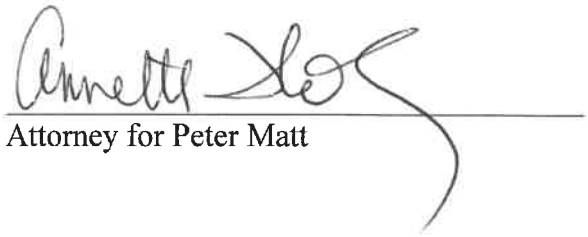
Based on the foregoing, Megan's requested relief must be denied.

## III. CONCLUSION

Petitioner-Appellee Peter Matt submits that this court should dismiss Megan Mason's appeal for lack of jurisdiction. Alternatively this court should affirm the orders of the trial court because Appellant has failed to properly adhere to Supreme Court Rule 341(h).

Respectfully Submitted,

Law Offices of Annette M. Fernholz, P.C.



Attorney for Peter Matt

Law Offices of Annette M. Fernholz, P.C.
Attorney for Appellee
211 W. Wacker Drive Suite 1100
Chicago, IL 60606
312-683-0308
Annette@amf-familylaw.com

THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)

No. 1-22-1405

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

| | | |
|---|---|---|
| IN RE: THE MARRIAGE OF: | ) | |
| | ) | Appeal to the Appellate Court- First District |
| PETER MATT, | ) | from the Circuit Court of Cook County |
| Petitioner-Appellee, | ) | Domestic Relations Division |
| | ) | |
| and | ) | Trial Court. No. 2016 D 9534 |
| | ) | |
| MEGAN MATT n/k/a MEGAN MASON | ) | The Hon. Robert Johnson, Presiding |
| Respondent-Appellant | ) | |

## CERTIFICATE OF COMPLIANCE

I, Annette Fernholz, an attorney, certify that this Appellant's Brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rules 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 12 pages.

Law Offices of Annette M. Fernholz, P.C.

Annette Fernholz, Attorney for Appellee

Law Offices of Annette M. Fernholz, P.C.
Attorney for Appellee
211 W. Wacker Drive, Suite 1100
Chicago, IL 60606
(312) 683-0308
Annette@amf-familylaw.com

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

| Instructions ▾ | |
|---|---|
| Make this cover page light yellow. | |
| Check the box to the right if your case involves custody, visitation, or removal of a child. | |
| Enter the Appellate Court case number. | |
| Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed. | |
| If the case name in the trial court began with "In re" (e.g., "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee"). | |
| To the far right, enter the trial court county, trial court case number, and trial judge's name. | |

☑ **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**

**Appellate Case No.:** 1-22-1405

**IN THE APPELLATE COURT OF ILLINOIS**

First **District**

**In re** Marriage of Peter Matt and Megan Matt

Peter Matt
**Plaintiff/Petitioner** *(First, middle, last names)*

☐ **Appellant** ☑ **Appellee**

v.

Megan Mason (formerly Megan Matt)
**Defendant/Respondent** *(First, middle, last names)*

☑ **Appellant** ☐ **Appellee**

**Appeal from the Circuit Court of** Cook **County**

**Trial Court Case No.:** 2016 D 534

Robert Johnson
**Judge, Presiding**

# APPELLANT'S REPLY BRIEF

Add your:
1) Name;
2) Address;
3) Phone number; and
4) Email address.

**NOTE**: insert your email address only if you agree to receive court documents by email.

**Your Information**


Name: Megan Elizabeth Mason
*First* *Middle* *Last*

Address: [redacted]

Phone:

Email:

## Response to Extraneous Arguments by Appellee

As a pro se appellant I was confused by Appellee's Brief because it does not conform in form and content to what I understand an Appellee's Brief to contain. This is particularly true of the extensive expository detail offered in narration unrelated to the Appellant Brief previously submitted to this court. For this reason, my response is two part. First I've addressed to the best of my ability the morass of extraneous arguments and assertions Appellee submitted to this court which I believe to be outside of a response to the arguments before the court. Then, to the best of my ability, I have attempted to discern Appellee's responses to the arguments presented in my Appellant's brief and the second part of my response is according to my understanding of the factors that are relevant to the matter under appeal.

## Appellee's Claims Regarding Case Law and Standard of Review are Without Merit

I do not agree with Appellee's assertion that a lack of reference to case law in the Appellant Brief has any bearing on its merits. While I do agree that often caselaw is referenced in matters on appeal, it is not necessary when the matter before the court involves an obvious failure by the trial court judge to apply the law. For this same reason, this case is subject to a de novo standard of review. The matter before this court is not whether the trial judge failed to make an appropriate determination of facts. He failed to follow the law, which prevented the facts from being justly heard in this matter.

## Appellee Cannot Dispute Record Per Ill. Sup. Ct. R. 329

Appellee failed to respond in his Appellee's brief by coherently addressing the facts and arguments cogently described in the Appellant Brief. What's more, Appellee has blatantly disregarded Illinois Supreme Court Rule 329 by attempting to dispute The Record on Appeal which Appellant duly requested from The Circuit Court of Illinois and which was presented to Appellee in October, 2022.

Rule 329 clearly states, "*The record on appeal shall be taken as true and correct unless shown to be otherwise and corrected in a manner permitted by this rule….Any controversy as to whether the record accurately discloses what occurred in the trial court shall be submitted to and settled by* ***that*** *court and the record made to conform to the truth."* Appellee had the right to raise any issues about the accuracy or content of The Record on Appeal with the trial court. Appellee did not. Rule 329 does not allow Appellee to claim now that The Record is inadequate, much less to assert that evidence was submitted at trial that is in neither the Docket of the Circuit Court of Cook County or in the Record. Page 10 and any related arguments must be disregarded.

**Response to Appellee's Novel Argument Regarding Jurisdiction**

In his expository statements, Appellee introduced the novel argument that this court lacks jurisdiction. It ought to be disregarded and my appeal heard. Appellee has clearly waived any right to argue jurisdiction having both failed for months to file a motion to dismiss under jurisdictional grounds and having filed multiple pleadings in this case. This court has the legal authority and the moral responsibility to rule here.

Appellee also demonstrated this court's jurisdiction by writing: THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSAL UNDER RULE 311(a) on the first line of this same brief. Appellee also wrote, THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSAL UNDER RULE 311(a), ironically on a prior motion for extension of time.

Appellee has stated multiple times that this appeal is subject to Rule 311(a) which states that expedited appeals shall apply to *"appeals from final orders in child custody or allocation of parental responsibilities cases"* and to *"interlocutory appeals in child custody or allocation*

*of parental responsibilities cases".* We both agree that this appeal relates to allocation of parental responsibilities. The people and legislature of Illinois agree that matters of parental responsibility are vitally important and must be subject to appeal. I believe I am entitled to ruling under Rule 301 but concede that this might be a matter of legal question. Having raised a legal question, I do not waive my right to a ruling under the less stringent Rules 304 and 306 which would necessarily be contingent on whether a case is final or not.

**Basis for Rule 301, and significance of question of law.**

As of this filing there is no parental allocation motion being considered by Judge Johnson. He ruled on Mr. Matt's motion for allocation of parental responsibilities, under appeal here, on September 13, 2022. The divorce was finalized by mutual agreement on September 25, 2017. A final order was entered in this case. A final order was entered in response to Mr. Matt's prior motion for parental allocation, with the word "temporary" added. No motions are pending.

If Judge Johnson may issue bench orders revoking my rights or otherwise infringing upon my constitutional rights, without a case before him, why may not any judge simply call any citizen into their court in order to seize his or her property, impede his or her rights or otherwise harass a citizen from the bench? It is not enough to say that at one time I filed and prevailed in one post-decree motion three years ago to argue this case is "ongoing". When Judge Johnson ruled on *that* motion, the case was again final.

When Judge Johhnson ruled on September 13, 2022 *that* order was final. I am still divorced, still a signer to a mutually agreed upon Allocation Judgment Parenting Plan with absolutely no motions pending before this court to modify it. It is not enough to write the word

"Temporary" on the order to isolate it from review any more than a judge might issue a legally baseless order and write "By the way this is unappealable" .

Because there are no motions being considered by this court and I am divorced, the question of Rule 301 applicability is important for the rights of divorced people. If there is some question as to whether divorced citizens have the same rights under the law in Illinois, which is what it would mean if we consider all rulings post-divorce-decree "interlocutory" or "pending", I would like that question of law addressed. I believe that I have the right to consider my divorce final and post-decree actions final when a ruling has been entered and no motions are pending.

**My children's right to a mother are protected by Rules 304 and 306**

In considering Appellee's further arguments to this court to not rule on a matter as important and sensitive as my children's right to their mother, I would first ask this court to be guided by a sincere wish to comply with Illinois Code of Judicial Conduct Canon 3, which requires that judges, *"accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard."*

Canon 3 clearly requires this court to dispense with any cynical effort to prevent just ruling on my appeal that clearly relates to the well being of minor children, which the legislature of Illinois has obviously and repeatedly codified as subject to appeal on an expedited basis.
If this court wishes to deny ruling under 301, it should be granted under Rule 304(b).
Appellee falsely claims that Rule 304(b) does not apply, pointing out that during a divorce or parentage hearing such appeals will not be heard. There is no pending divorce or parentage

hearing. There is no pending motion to modify parenting time and so this cannot be considered interlocutory.

Appellee has already delayed ruling on this vitally important matter and it is nothing short of splitting hairs to suggest that it should go unheard because of the specific protocols of Rule 306 and one pro se woman's alleged failure to fill out a form. My children have been deprived of their mother for far too long already.

**Response to Novel Argument to Strike Appellant's Brief**

Appellee has asked this court to strike my duly entered Appellant Brief which I prepared carefully, diligently and honestly in accordance with Rule 341. Again, I ask this court to act with common human decency and specific deference to Canon 3 of The Illinois Code of Judicial Conduct and make reasonable effort to have me be fairly heard.

Rule 341(g)(h) requires "appropriate reference to the pages of the record on appeal". As a lay person I take this to mean that the statements of fact are supported by the record on appeal. It does not state that I must cite The Record on Appeal in every word written as fact. It does not state that I must cite The Record on Appeal in every sentence, or every paragraph. If there is a clear statute that requires a ratio of citations to facts, for example, it should be made available through Legal Aide or written in an Illinois law. I know of no such specific requirement. If there is no strict requirement, this court ought to again act with human decency and Cannon 3 of the Illinois Code of Judicial Conduct and allow my statement of facts, setting aside any facts it deems extraneous.

I ask this court to reject Appellee's omnibus request to reject my statement of fact and to instead, if necessary, use the obvious legal skill and professionalism of this body to disregard those facts which it regards as legally irrelevant.

In specific response to Appellee's specific grievances regarding my statement of facts:

- Paragraph 3, "In 2018 the finalized divorce case 2016 D 9534 was transferred to Judge Robert Johnson". I was not notified when there was a new judge assigned. I can only see a docket entry at his first appearance. Appellee does not seem to dispute this fact. Judge Johnson is our judge, he replaced Raul Vega who left in 2018, and in 2018 Judge Johnson became our judge. Unless Appellee does not think Judge Robert Johnson was assigned to our case in 2018, the reference to the record is irrelevant.
- Paragraph 4 is a statement of fact, as reflected in the record. There were no motions pending when Michael Bender was appointed. It is actually against the laws of physics as well as the laws of Illinois to reference any legal activity *after* Michael Bender was appointed. Appellee references the record (C624-654) to point out that about a month before Michael Bender was appointed there was final ruling on a motion to have Mr. Matt comply with doctor's orders, in which I prevailed. It was not pending when Michael Bender was appointed, it was ruled upon. It remains a fact, as supported by the record, that Michael Bender was appointed three years ago as a guardian ad litem to our minor children and there was no case before Judge Johnson to support it. He remains Guardian Ad Litem to our minor children with no parentage cases before The Circuit Court of Cook County.
- Paragraph 5, "Mr. Bender decides all matters related to this case and instructs Robert Johnson, who has described Mr. Bender as his personal mentor, in all orders and rulings in this case". This is supported by the entire record since Mr. Bender's appearance. Appellee was present in court when Judge Johnson told me that "Michael

Bender is not just a judge, he's my mentor". Appellee does not seem to dispute this fact under affidavit.

- Paragraph 9, " On May 12, 2022 "Appellant Megan Mason filed federal complaint 1:22-CV-2315 which is ongoing and in which Robert Johnson, presiding judge in this case, is named as a defendant." I am genuinely not clear if litigation in another court, in the public record, can be included or not. I leave it to this court to determine whether or not to consider the statement, but Appellee does not seem to dispute this fact.
- I would apply the same argument to Paragraph 11 which describes Judge Johnson retaining counsel while he was my judge in federal case 1:22-CV-2315.. I think this is a particularly nuanced point because I maintain that any judge in Illinois is required under the Illinois Code of Judicial Conduct to recuse himself when there is more than a de minims interest in a party before him. It is a fact in public record that Erin Walsh filed an appearance on behalf of Judge Johnson in July, 2022, two months before his order to take my children away. Judge Johnson was named as a defendant in a civil suit in which I accused him of extensive civil rights violations against me and my minor children and conspiracy to commit multiple federal crimes. I believe in this case it doesn't matter so much that this court knows that I'm a federal witness and whistleblower against Judge Johnson. It matters that he knows. I would suggest that Judge Johnson be called as a witness for oral testimony if this is an area of confusion.
- Paragraphs 14-23 include my straightforward, spare recollection of the facts that occurred at trial. There was no court reporter at this time and I could not ask Judge Johnson to approve a bystander report because he punishes me for speaking out

> against him and I do not believe him to be honest and free from personal, criminal motivations in his interactions with me. For this reason I included the sparest of details, reasoning that Appellee could dispute the facts in this court. Appelle does not seem to dispute any of the facts under affidavit. I leave it to this court to determine if these facts should be considered.

I disagree strongly with Appellee's vague criticisms about the Statement of Facts laid out in the Appellant's Brief. But I maintain that even if this court were to set aside some or all of the facts as stated, the September 13, 2022 ruling to revoke my parental rights ought to be vacated. This trial should not have occurred according to Illinois law. What happened during the trial is secondary, so tainted were any proceedings following Mr. Matt's original motion and the trial judge's failure to summarily dismiss it.

What's more, the quality of Mr. Matt's actions relates directly to the paucity of the evidence here. I believe there are good reasons that there are laws guiding how litigants are notified about trials. How exactly does one schedule a court reporter for a motion instanter, as this case was filed? How exactly does one schedule witnesses? It would be profoundly disturbing to hold me accountable for Mr. Matt's improper pleadings because improper pleadings prevent the proper functioning of the court.

I ask that the morass of attempts to deny me justice in this court on supposed jurisdictional grounds be summarily rejected. I further ask this court to ignore Appellee's "Statement of Facts" as not relevant to the appeal and I further ask this court to ignore any and all of Appellee's expository claims or arguments related to matters not before this court.

To that end I ask that this court confine its ruling to the Appellant Brief Before it and the one and a half pages of Appellee's Brief that contain actual arguments related to the matter under appeal.

**Response to Appellee's Brief as Relates to The Appeal Before this Court**

## ARGUMENT

[Refer to Illinois Supreme Court Rule 341(h)(7)]

State the title of your 1st argument here as you wrote it in your original *Appellant's Brief*.

1. The ☑ trial court or ☐ jury *(check one)* made a mistake by revoking appellant's parental rights five years after an agreed marital settlement agreement (divorce) and parenting plan were duly entered into by both parties and approved by The Circuit Court of Cook County Illinois, with no basis or facts presented to support the revocation of these rights . At no time did appellee submit a piece of evidence or state a fact in support of his motion to revoke appellant's rights. Without ~~any evidence presented to the court it is impossible that this revocation of parental rights was based on a "preponderance of evidence".~~

Do not repeat your original argument. Instead, explain why the appellee's response to your original argument is wrong. To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."

Appellee filed an Appellee Brief on December 12, 2022 which presented omnibus objections to Appellant's right to appeal but no specific or discernible response to this argument. Nevertheless I have attempted to respond below:

Mr. Matt filed a motion to modify parental allocation in violation of Rule Appellee contends in his brief that, because there were hearings scheduled on Mr. Matt's motion to modify parental responsibilities it was allowable. In response I contend that any controversy about subsequent court activity, or controversy about the facts related to that activity is irrelevant. Mr. Matt's motion ought to have been dismissed and because it did not meet the standard of a pleading for such a serious action as revoking parental rights Judge Johnson lacked jurisdiction to conduct a trial into this matter and issue an order revoking my parental rights following the trials.

Starting with this page, number the pages of your brief 1, 2, 3, etc. (This page is numbered for you.)

Appellant clarifies here that in my original argument "at no time did appellee submit a piece of evidence or state a fact in support of his motion to revoke appellant's rights" to mean, as a lay person, I meant at no point in his motion to revoke parental rights

did he state or present a fact in support of his claim. His motion was accompanied by no allowable evidence in support of his claim. Alleged events or facts after Mr. Matt's motion for a trial was allowed to proceed, such as testimony by a court appointee, are not sufficient to support the decision to allow those events to occur.

Appellee refers to the order granting his motion to modify parenting time as temporary in his reply brief, but his motion was titled, "Motion to Modify Parenting Time and Allocation of Parental Responsibility" (C 1983 V 2) , in which motion he asserts jurisdiction under IMDMA 750 ILCS 5/610.5 (C 1984 V2), Rule 602.7, and Rule 602.5.

Clearly the trial judge had no jurisdiction to allow hearing on a motion under Rule 602.7 and Rule 602.5. These rules relate to allocation of parental responsibilities during a divorce or parentage proceeding. We were divorced and had entered into a parenting plan five years before Mr. Mat's motion. Both rules clearly state that the trial judge has authority, "Unless the parents otherwise agree in writing on an allocation of significant decision-making responsibilities, or the issue of the allocation of parental responsibilities " We had as Mr. Matt referenced in Exhibit B of his motion for modification of this same parenting plan (C 1983 V2). This motion ought to have been dismissed for falsely invoking rules that do not apply.

The only relevant rule in a motion to modify a parenting plan is IMDMA 750 ILCS 5/610.5 which allows such changes,

> *"when necessary to serve the child's best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a modification is necessary to serve the child's best interests."*

Mr. Matt does not describe any changes in circumstances in support of this claim but he does

list generalizations and grievances (C 1985 V2,- C 1986 V2). It is simply not enough to say, for example as Mr. Matt pleads in paragraph 14b of page C 1985 V2, "Megan Matt has engaged in a pattern of abuse towards Peter Matt preventing the parties from co-parenting". Mr. Matt describes no event or fact in support of this demeaning and serious assertion, much less does he submit a piece of evidence in support of his claim. This is true of all the claims in Mr. Matt's motion which, in addition to falsely claiming the trial judge had authority under Rules 602.7 and 610.5, does not state any fact in support of his claim or provide any evidence in support of his claim (C 1983 V2-C 1987 V2).

As a lay person, it is my understanding that the purpose of a trial is to decide a controversy in facts before the court but Mr. Matt clearly did not properly assert any facts that support the incredibly serious generalizations about my character and parenting. Essentially Mr. Matt argues, "Megan Mason is a bad person and a bad mother" (C 1985 V2 and C 1986 V 2). It is not enough to generally disparage someone to the court to have the court order a trial on the merits of the case. This motion ought to have been dismissed without merit.

State the title of your 2nd argument here as you wrote it in your original *Appellant's Brief*.

If you don't have a 2nd argument, remove this page and the following argument pages.

2. The ☑ trial court or ☐ jury *(check one)* made a mistake by

allowing Appellee to present an unsigned document to the court in clear violation of guidelines for post-decree custody evaluation procedures as codified in rule 750 LCS 5/604.10(b). In support of the annihilation of appellant's parental rights a single document, purportedly provided by custody evaluator Gerald Blecahman, was presented to the court in violation of Illinois Evidence Rule 802. This document was called a "Preliminary Custody Evaluation" but it did not disclose the results of tests conducted by Dr. Blechman or the results of a year and a half of his activities described as and billed as a custody evaluation. Dr. Blechman was not present to testify or be available for cross examination. A custody evaluation was not available to appellant 60 days before a hearing on her parental rights and she was given no opportunity to to present an alternative custody evaluation in a hearing on her parental rights.

Do not repeat your original argument. Instead, explain why the appellee's response to your original argument is wrong. To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."

Appellee filed an Appellee Brief on December 12, 2022 which presented omnibus objections to Appellant's right to appeal but no specific or discernible response to this argument. Nevertheless I have attempted to respond below:

Other that the divorce agreement and parenting plan incorporated by reference in of his Motion to Modify Parenting Plan as Exhibit A and Exhbit B (C 1983 V2), Mr. Matt's motion was supported by one document, purportedly from a man named Dr. Blechman, who was appointed by a bench order to conduct a Section 604.10 b examination. Mr. Matt states, Dr. Blechman "prepared a preliminary report on February 7,2022 recommending that PETER MATT be the sole decision maker for Angus's treatment for the foreseeable future" and includes a letter from Dr. Blechman as Exhbit C (C 1984 V2).

Rule 604.10b has strict requiredment for the inclusion of a custody evaluator report in determining parental rights, specifically the rule states:

> "*The professional's report must, at a minimum, set forth the following: (1) a description of the procedures employed during the evaluation; (2) a report of the data collected; (3) all test results"*

Exhibit C does not contain any information described in Rule 750 ILCS 5/604.10, so it is patently false to call it a "Preliminary Evaluation" as no such evaluations are allowed under law.

This document also lacks credibility because it is unsigned and not submitted under affidavit (C 1991 V2). It is clearly not a Custody Evaluator's Report but it is also not a statement that a Custody Evaluator was willing to make under penalty of perjury. It should have been disallowed by the trial judge and clearly was insubstantial to support the very serious claims in Mr. Matt's motion. Mr. Matt cannot invoke 604.10 (b) to ascribe authority to Dr. Blechman, without requiring that Dr. Blechman submit his findings transparently, formally and as required by rule 604.10(b).

~~The content of the document described as a "Prelimary Evaluation" renders it utterly inadmissible. The letter, supposedly from Dr. Blechman, is composed almost entirely of text that the writer claims is copied from an email from Mr. Matt, in which, the writer claims, Mr. Matt, claims, he is quoting me. This is hearsay in violation of~~ Illinois Rule of Evidence.

Without this "Preliminary Report", Mr. Matt's motion, which contained no facts, was supported by no evidence.

State the title of your 3rd argument here as you wrote it in your original *Appellant's Brief*.

If you don't have a 3rd argument, remove this page and the following argument pages.

3. The ☑ trial court or ☐ jury *(check one)* made a mistake by ruling on a matter impacting appellant while the case was presided over by Judge Robert Johnson, after Robert Johnson knew appellant to be acting as a witness against him in an ongoing federal criminal investigation. At the time of this ruling and as of this filing, Robert Johnson is also, personally, a defendant in federal civil right suit 1:22-CV-2315 in which case appellant is plaintiff and in which Robert Johnson was at the time of his ruling represented by States Attorney Erin Walsh, who is still representing him. Robert Johnson ought to have disqualified himself after any number or obvious signs that he has a more than a de minimis interest in the outcomes of his judicial actions impacting appellant.

Do not repeat your original argument. Instead, explain why the appellee's response to your original argument is wrong. To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."

Appellee filed an Appellee Brief on December 12, 2022 which presented omnibus objections to Appellant's right to appeal but no specific or discernible response to this argument. Nevertheless I have attempted to respond below:

Appellee claims that I provided no evidence that I have publicly witnessed and testified against Judge Robert Johnson, who served as trial judge in the ruling under appeal before this court. I defer to this court as to whether it can consider this fact because it is public record that Robert Johnson retained Erin Walsh as his attorney and that Ms. Walsh filed an appearance on July 7, 2022 in Federal District Court. I believe that there is not controversy as to whether Judge Johnson is aware of this and Mr. Matt is aware of this. Mr. Matt did not dispute this fact under affidavit. However, it is not true that there is no record of my allegations of Judge Johnson's misconduct, specifically my testimony about Judge Johnson's crimes.

In fact, the aforementioned document described as a "Preliminary Report" from Dr. Blechman specifically and pointedly describes my public testimony that Robert Johnson

engaged in criminal acts of conspiracy to commit wire fraud and tax evasion . In this document presented by Mr. Matt, he references a January, 2022 hearing before Judge Matthew Link on a Potion to Substitute Judge Robert Johnson for cause filed in November, 2021 (CC 1423 V2-C 1441 V2). In this petition a main point I made was that in March, 2020, my then attorney Bradley Trowbridge received a Petition for Rule to Show Cause filed by Mr. Matt. Mr. Trowbridge not only failed to inform me of this filing but committed, as documented in the Petition (CC 1423 V2-C 1441 V2) eight acts of fraud to hide the petition from me, including at least one court status date at which Mr. Matt appeared via counsel and Judge Johnson was present while I did not know there was any action before me in the court.

Mr. Matt included quotes from my response to Judge Link who asked me why it demonstrated bias on the part of Judge Johnson and I replied:

> *"My understanding of a judge's role in an American courtroom is that it is a sacred duty to uphold the judicial process in that court. And so, Mr. Trowbridge's (her former lawyer) malfeasance only matters here because Judge Johnson, Mr. Wehrman, and Mr. Bender observed it over the course of four months, and did nothing to intervene"*. (C 1989 V2)

~~The events described and documented in the November, 2021 describe Bradley Trowbrid~~ge ~~engaging in acts in violation of Federal Rule 18 U.S. Code § 1343 - Fraud by wire, radio~~, or television. I alleged Judge Johnson to have committed acts in conspiracy in violation of 18 U.S.C. § 371 according to myself and Mr. Matt by my statement that, "Judge Johnson observed it over the course of four months, and did nothing to intervene" (C 1989 V2).

This court has not been tasked with adjudicating any allegations I have made, but Appellee raised the question of whether it is a fact on the record that I have made criminal allegations against the trial judge in this case, Robert Johnson. According to his words, I have. Because this ruling was made after that fact was known to the parties in this case, it is grounds to vacate his September 13, 2022 ruling terminating my parenting rights.

## ADDITIONAL ARGUMENT

[Refer to Illinois Supreme Court Rule 341(h)(7)]

Number your next argument and state the title here as you wrote it in your original *Appellant's Brief*.

4 The ☐ trial court or ☐ jury *(check one)* made a mistake by allowing hearing on a motion presented by appellee on an instanter basis, without proper notice to appellant, with no basis for an emergency motion given, and in which motion appellee's attorney had attested to false statements, specifically providing a fraudulent business address for his service contact.

Do not repeat your original argument. Instead, explain why the appellee's response to your original argument is wrong. To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C [page]." Refer to pages of the report of proceedings as "R [page]."

Appellee filed an Appellee Brief on December 12, 2022 which presented omnibus objections to Appellant's right to appeal but no specific or discernible response to this argument. Nevertheless I have attempted to respond below:

Appellee argues that because I participated in hearings related to the order revoking my parental rights, proper notice was given. This is not sufficient to argue that the trial judge did not make an error in allowing the motion to proceed, having been filed without proper notice. For no stated reason, the Motion to Modify Allocation of Parental Responsibilities filed by Mr. Matt was not filed with time alloted to respond, and time alloted for Mr. Matt to respond to my response, with time for discovery. It was filed Instanter as stated in Mr. Matt's Notice of Motion (C 1992 V2) in which he stated:

> *"I shall appear via Zoom Conference (ID: 934 9022 2003, Password: 543296) before the Honorable Judge Robert Johnson, or any judge sitting in his stead, in courtroom number 2108 at the Richard Daley Center, 50 W. Washington, Chicago,Illinois and will then and there present and ask for hearing instanter"*

This is not proper notice for a profoundly impactful hearing on the allocation of parental rights, as protected by The First Amendment of The Constitution.

It is my understanding that there are times when a matter before the court requires an

emergency ruling and rules of notice are waived. In such situations a party must provide an affidavit in support of an emergency hearing. Mr. Matt did not provide an affidavit in support of an instanter ruling on parental rights, five years post-decree. Notice and "knowing about something" are not, as Appellee seems to argue, the same thing.

As it happens, because of the trial judge's failure to enforce rules of notice, there was a taint of uncertainty and confusion. So, the second point about the fraudulent statements included in the Mr. Matt's motion and notice of motion, were not addressed. I did state clearly in my Motion to Dismiss Mr. Matt's Motion to Modify Parental Allocation:

> *"Plaintiff's counsel filed this pleading using a fraudulent business address, stating in his affidavit that his place of business is 410 N. Michigan Avenue, Suite 400 in Chicago, which is not his business address and never has been. This violates Illinois Code of Civil Procedures Rule 131 d (C 2299 V3)*

I submitted this statement under affidavit and maintain it to be true. Like so many actual facts in this case, the problem is that the violations of procedure had prevented an orderly process, such as a motion filed with notice, a response, and then a response to the response, whereby such controversies should be addressed. I spoke the truth and continue to speak the truth, and the court's responsibility is to provide opportunities for controversies to be transparently and justly resolved. It failed to do so here. I should not be punished for such failures.

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

Rule 341(a) governs the form of briefs, and Rule 341(b) governs the length. Unless a motion to file a longer *Brief* is granted, the *Appellant's Reply Brief* (not counting the pages listed) must be no more than 20 pages OR no more than 6,000 words.

If your *Brief* is within the page limit, add the number of pages in your *Brief* (not counting the pages listed).

If your *Brief* is not within the page limit, but is within the word limit, add the number of words in your *Brief* (not counting the pages listed).

**CERTIFICATE OF COMPLIANCE**

[Refer to Illinois Supreme Court Rule 341(c)]

I certify that this *Brief* conforms to the requirements of Supreme Court Rules 341(a) and (b). The length of this *Brief*, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(c) certificate of compliance, and the certificate of service, is 19 pages or words.

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

/s/ Megan Mason
*Signature*

Megan Mason
*Print Name*

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

**PROOF OF SERVICE**

[Refer to Illinois Supreme Court Rule 11]

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

1. I sent this document:

a. To:

Name: Annette Fernholz
*First* *Middle* *Last*

Address: 211 West Wacker Drive, Suite 1100 Chicago, IL 60606
*Street, Apt #* *City* *State* *ZIP*

Email address: annette@amf-familylaw.com

b. By:
- ☐ Personal hand delivery
- ☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

*Address of Post Office or Mailbox*

- ☐ Third-party commercial carrier, with delivery paid for at:

*Name (for example, FedEx or UPS) and office address*

- ☐ The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
- ☑ Email *(not through an EFM or EFSP)*
- ☐ Mail from a prison or jail at:

*Name of prison or jail*

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

c. On: December 16, 2022
*Date*

At: 7:15 ☐ a.m. ☑ p.m.
*Time*

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

2. I sent this document:

a. To:

Name: Michael Bender
*First* *Middle* *Last*

Address: 150 N. Michigan Ave., #2130 Chicago, IL 60601
*Street, Apt #* *City* *State* *ZIP*

Email address: mbender@caesarbenderlaw.com

b. By:
- ☐ Personal hand delivery
- ☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

*Address of Post Office or Mailbox*

☐ Third-party commercial carrier, with delivery paid for at:

*Name (for example, FedEx or UPS) and office address*

☐ The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

☑ Email *(not through an EFM or EFSP)*

☐ Mail from a prison or jail at:

*Name of prison or jail*

c. On: December 16, 2022
*Date*

At: 7:15 ☐ a.m. ☑ p.m.
*Time*

In **3**, if you sent the document to more than 2 parties or lawyers, fill in **a**, **b**, and **c**. Otherwise leave **3** blank.

3. I sent this document:

a. To:

Name: _____
*First* *Middle* *Last*

Address: _____
*Street, Apt #* *City* *State* *ZIP*

Email address: _____

b. By: ☐ Personal hand delivery

☐ Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

*Address of Post Office or Mailbox*

☐ Third-party commercial carrier, with delivery paid for at:

*Name (for example, FedEx or UPS) and office address*

☐ The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

☐ Email *(not through an EFM or EFSP)*

☐ Mail from a prison or jail at:

*Name of prison or jail*

c. On: _____
*Date*

At: _____ ☐ a.m. ☐ p.m.
*Time*

If you are serving more than 3 parties or lawyers, fill out and insert 1 or more *Additional Proof of Service* forms after this page.

Enter the Case Number given by the Appellate Court Clerk: 1-22-1405

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 by hand and print your name.

**I certify that everything in the Proof of Service 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/ Megan Mason
*Your Signature*

Megan Mason
*Print Your Name*



PRINT FORM SAVE FORM RESET FORM

2023 IL App (1st)22-1405-U

No. 1-22-1405

March 10, 2023

SIXTH DIVISION



---

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

---

| | | |
|---|---|---|
| IN RE THE MARRIAGE OF: | ) | Appeal from the Circuit Court |
| | ) | of Cook County. |
| PETER MATT, | ) | |
| | ) | |
| Plaintiff-Appellee, | ) | |
| | ) | |
| v. | ) | No. 2016 D 9534 |
| | ) | |
| MEGAN MATT n/k/a Megan Mason, | ) | The Honorable |
| | ) | Robert Johnson, |
| Defendant-Appellant. | ) | Judge, presiding. |

---

JUSTICE ODEN JOHNSON delivered the judgment of the court.
Presiding Justice Mikva and Justice Tailor concurred in the judgment.

**O R D E R**

¶ 1 *Held*: This interlocutory appeal is dismissed for lack of jurisdiction.

¶ 2 Defendant Megan Matt, now known as Megan Mason (Megan) and acting *pro se*, appeals an interlocutory order entered by the trial court on September 13, 2022. However, Megan did

not seek leave of court to file an interlocutory appeal and her appeal is not an appeal as of right. Thus, this court has no option but to dismiss this appeal for lack of jurisdiction.

¶ 3 BACKGROUND

¶ 4 We recite here only the facts necessary to understand why this court lacks jurisdiction and why a dismissal of this appeal is necessary.

¶ 5 The parties divorced in Cook County, Illinois, on September 27, 2017. As part of that divorce, the court entered a parenting plan regarding the parties' two minor children that gave the parents joint decision-making authority and equal parenting time. After several years of litigation in which both parents, at various times, sought to limit the other parent's decision-making authority or parenting time, the trial court entered the order on September 13, 2022, that is the basis of this appeal.

¶ 6 The September 13, 2022, order is entitled a "TEMPORARY ORDER," and states, in full:

> "This matter coming before the Court for continues hearing on Peter Matt's Motion for Modification of Parenting Time and Allocation of Parental Responsibilities, the parties being in Court in person, Peter Matt with counsel and the GAL [Guardian Ad Litem] being present, both parties completing their cases in chief, and the Court being advised,
>
> IT IS HEREBY ORDERED:
>
> (1) Megan Matt's motion to dismiss the Motion to Modify is Denied.
>
> (2) Peter Matt's Motion to Modify Parenting Time and Allocation of Parental Responsibilities is Granted on a temporary basis and until the conclusion of a Section 604.10(b) report, subject to the following:
>
> (3) The GAL Petition for Rule to Show Cause is stayed subject to the bankruptcy filing.

(4) All other pending motions contained within the July 19, 2022 order are entered and continued unless otherwise indicated herein.

(5) The GAL's motion for substitution of 604.10(b) Evaluator is set for hearing via Zoom on September 26, 2022 at 9:00 a.m.

(a) Megan Matt's parenting time is restricted upon the Court's finding serious endangerment.

(b) Megan Matt's parenting time shall be supervised by a supervisor agreed to by the parties or recommended by the GAL. Any costs of supervision shall be paid by Megan Matt.

(c) Megan Matt's parenting time schedule shall remain the same so long as a supervisor is present. The supervisor's availability to supervise shall be tendered to the GALL and parties at least seven (7) days in advance.

(d) Peter Matt has temporary allocation of all parental responsibilities."

¶ 7 On September 15, 2022, Megan filed a notice of appeal. On the form, Megan checked the box indicating that this was an "Interlocutory Appeal" and she listed the date of the judgment appealed from as September 13, 2022. She also checked the box indicating that the relief she sought was to "vacate the trial court's judgment."

¶ 8 In her initial brief to this court, Megan checked the box indicating that this court had jurisdiction pursuant to Illinois Supreme Court Rule 301 "because the trial court's judgment ended a civil (non-criminal) case." Megan added: "If not allowed jurisdiction under Rule 301 appellant asks for a ruling from this court under Rule 304(b)."

¶ 9 In response, Peter argued, among other things, that this court lacked jurisdiction to hear this appeal under Illinois Supreme Court Rules 301 and 304(b), as well as under Rule 306. With respect to these rules, Peter argued that this was not a final judgment, that the trial court had not made a permanent determination of custody, and that Megan had not petitioned this court for leave to hear this interlocutory appeal. In her reply brief, Megan argued: "My

children's right to a mother are protected by Rules 304 and 306." Megan also noted that she had stated repeatedly that "this appeal involves a matter subjected to expedited disposal under Rule 311(a)."

¶ 10 ANALYSIS

¶ 11 In her briefs to this court, Megan asserts that this court has jurisdiction to hear her appeal pursuant to Illinois Supreme Court Rules 301, 304(b), 306 and 311.

¶ 12 Illinois Supreme Court Rule 301 provides, in relevant part, that "[e]very final judgment of a circuit court in a civil case is appealable as of right." Ill. S. Ct. R. 301 (eff. Feb. 1, 1994). An order is final and appealable if it either terminates the litigation between the parties on the merits or disposes of the rights of the parties either on the entire controversy or on a separate definite part thereof. *Habitat Company, L.L.C. v. Peoples*, 201 IL App (1st) 171420, ¶ 28; *Maple Investment & Development Corp. v. Skore*, 38 Ill. App. 3d 654, 655 (1976) ("To constitute a final, appealable order" under Rule 301, "the order must terminate the litigation between the parties to the suit and finally determine, fix and dispose of their rights as to the issues made by the suit.") As we explain below, the order at issue did not dispose of the rights of the parties either on the entire controversy or on a separate definite part thereof.

¶ 13 This order is, by its own language and provisions, not final. While the title of the order states that it is temporary, in making this determination, we look beyond an order's title to its provisions. Although entitled a "Temporary Order," the title of the order is, by itself, not dispositive. *In re Marriage of Harris*, 2015 Il App (2d) 140616, ¶ 17. (although an order was labeled "temporary," the content indicated that the trial court did not intend to change any part, thereby making it final). Unlike the *Harris* case, the order here is consistent with its title. The order provides that Peter's motion is "[g]ranted" only "on a temporary basis," and the order

explains why it is only temporary. The motion is granted only "until the conclusion of a Section 604.10(b) report." The order again stresses that its allocation of parental responsibilities to Peter is "temporary" and states that all other motions are stayed or continued until a later time. Since this order is plainly an interim order and not a final judgment, Rule 301 is not a ground for jurisdiction in this appeal.

¶ 14 Megan also cites Illinois Supreme Court Rule 304(b) (eff. Mar. 8, 2016) which permits the immediate appeal of certain orders without first obtaining an express written finding from the trial court regarding appealability. The orders listed in subsection (b) include: "(6) A custody or allocation of parental responsibilities or modification of such judgment entered pursuant to the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101 *et seq*.) or Illinois Parentage Act of 2015 (750 ILCS 46/101 *et seq*.)." Ill. S. Ct. R. 304(b)(6) (eff. Mar. 8, 2016).

¶ 15 However, the Committee Comments to Rule 304 state that the term " 'custody judgment' " refers to "the trial court's permanent determination of custody entered incident to the dissolution of marriage, as distinguished from any temporary or interim orders." Ill. S. Ct. R. 304, Committee Comments (Feb. 26, 2010);.*In re Marriage of Harris*, 2015 IL App (2d) 140616, ¶ 16 (rule and comments contemplate permanent determinations rather than temporary or interim orders); *Department of Health Care and Family Services v. Cortez*, 2012 IL App (2d) 120502, ¶ 11 (no jurisdiction under Rule 304(b)(6) without a permanent determination). Compare with *In re Marriage of Fatkin*, 2019 IL 123602, ¶ 30 (final order permitting father to relocate out of state with the children was immediately appealable under Rule 304(b)(6)).

¶ 16 Rule 304 is entitled "Appeals from Final Judgments that do not Dispose of an Entire Proceeding," thereby indicating that its drafters contemplated only final orders. Ill. S. Ct. R.

304 (eff. Mar. 8, 2016). When interpreting a supreme court rule, the plain and ordinary meaning of its language is the best indicator of its drafters' intent, and where the language is clear and unambiguous, we must apply that language without resort to further aids of construction. See *People v. Stevenson*, 2020 IL App (4th) 180143, ¶ 16. Rule 304 plainly states that it applies only to "Final Judgments." The order here is simply not a final order, as required by the rule's stated scope. In fact, the order even explains why it is not final: the parties and the court are still waiting for a report. Thus, we do not have jurisdiction under Rule 304(b)(6).

¶ 17 Illinois Supreme Court Rule 306, cited by Megan in her reply brief, provides in relevant part, that "[a] party may petition for leave to appeal to the Appellate Court from *** (5) interlocutory orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated minors." Ill. S. Ct. R. 306(a)(5) (eff. Oct. 1, 2020). Rule 306 then sets forth in its subsection (b) the procedure for petitioning this court under subsection (a)(5). Ill. S. Ct. R. 306(b) (eff. Oct. 1, 2020). However, Megan did not petition this court for leave to appeal, so this rule does not provide jurisdiction. In addition, Megan did not mention Rule 306 until her reply brief; and points not raised in an appellant's initial brief are waived and may not be raised for the first time in a reply brief. Ill. S.Ct. R. 341(h)(7) (eff. Oct. 1, 2020) ("Points not argued" in the appellant's initial brief "are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.").

¶ 18 Lastly, Supreme Court Rule 311 states, in relevant part, that "[t]he expedited procedures in this subpart shall apply to appeals from final orders in child custody or allocation of parental responsibilities cases or decisions allowing or denying relocation." Ill. S. Ct. R. 311(a) (eff. July 1, 2018). This rule is not, in and of itself, a source of appellate jurisdiction; rather, the rule provides for an expedited process for the appeal of "final orders" which are,

already, appealable. Ill. S. Ct. R. 311(a) (eff. July 1, 2018). There must be a final order, first, for this rule to apply; and we do not have a final order here.

¶ 19 We observe that this is the second time that we have dismissed an appeal by this litigant, in this same litigation, as untimely. *In re Marriage of Matt*, No. 1-22-0079 (May 13, 2022) (summary order). In this Rule 23 order, we have set forth the various appeal rules, in the hope that we will not see a third untimely interlocutory appeal which would have to be dismissed again for lack of jurisdiction. Such appeals not only waste time, but also may delay the underlying litigation and a resolution for these two children.

¶ 20 For the foregoing reasons, we dismiss this appeal for lack of jurisdiction.

¶ 21 Appeal dismissed.

Gmail

Megan M <megan42@gmail.com>



# Hearing Date

3 messages

**Megan Mason** [redacted] Thu, May 27, 2021 at 12:16 PM
To: "Kaye Mason (Chief Judge's Office)" <kaye.mason@cookcountyil.gov>
Cc: "DomesticRelDiv Services (Circuit Court)" <domesticreldivservices@cookcountycourt.com>

Hi Ms. Mason,

I would like a date to present three petitions and one motion to Judge Johnson and to schedule a hearing date. Attached are the petitions and motion, responses from OC and my responses to OC. These matters are separate from other issues being brought for status in the near future and related to ongoing, clear violation of the parenting plan, so I would greatly appreciate the opportunity to present them and set a trial in the near future.

Does Judge Johnson have any availability the week of June 7?

Kindly,
Megan Mason
2016 D

**16 attachments**

**PRTSC Strange Adults in Children's home stamped.pdf**
213K

**POS Response to Affirmative Defense PRTSC RE Strange Adults in Children's Home.pdf**
542K

**Matt - response to PRSC re Adults - final (1).pdf**
1861K

**PRTSC Re Failure to Supervise Children.docx - Google Docs (2).pdf**
241K

**Matt - response to PRSC re Childcare - final.pdf**
1736K

**PROOF OF SERVICE FILED Response to Affirmative Defense PRTSC RE Failure to Supervise Chilldren.pdf**
542K

**PRTSC Re Harassment .pdf**
217K

**Matt - response to PRSC re Harassment - final (1).pdf**
2121K

**ANSWERRESPONSEREPLY Response to Affirmative Defense to Megan Mason's PRTSC and Motion to Compel_ RE Failure to provide child care and failure to adress children's safety.docx - Google Docs copy.pdf**
173K

**MotionToModifyAllocation_0.pdf**
684K

**Matt - response to motion to modify - final (1).pdf**
2112K

**POS Response to Affirmative Defense to Megan Mason's Motion to Modify Parenting Responsibility.pdf**
542K

**Response to Affirmative Defense to Megan Mason's PRTSC and Motion to Compel_ RE Strange Adults in Children's Home.docx - Google Docs.pdf**
164K

**PROOF OF SERVICE FILED Response to Affirmative Defense PRTSC RE Failure to Supervise Chilldren.pdf**
542K

**Response to Affirmative Defense to Megan Mason's PRTSC and Motion to Compel_ RE Harassment and Failure to Adhere to the Parenting Plan.pdf**
173K

**Response to Affirmative Defense to Megan Mason's Motion to Modify Allocation of Parental Responsibilities.docx - Google Docs (1).pdf**
137K

---

**Kaye Mason (Chief Judge's Office)** <kaye.mason@cookcountyil.gov> Thu, May 27, 2021 at 12:25 PM
To: Megan Mason <[redacted]>

Good afternoon Ms Mason

Please be guided by the attached Administrative Order for guidelines on requesting dates for newly filed Motions

Best,

Kaye Mason, Coordinator
Calendar 23 - Judge Robert W. Johnson
Domestic Relations Division

**EMAIL COMMUNICATION** to court personnel and judges shall be limited to scheduling and administrative purposes and shall not include information relating to the substantive matters or the issues on the merits. If email communication includes any language that could be construed as impermissible ex parte communication, neither court personnel nor judges will respond to the email.

---

**From:** Megan Mason [redacted]
**Sent:** Thursday, May 27, 2021 12:16 PM
**To:** Kaye Mason (Chief Judge's Office) <kaye.mason@cookcountyil.gov>
**Cc:** DomesticRelDiv Services (Circuit Court) <DomesticRelDivservices@cookcountycourt.com>
**Subject:** Hearing Date



[Quoted text hidden]

---

**AO 2020 D 13 Amended.pdf**
1162K

**Megan Mason** [redacted] Thu, May 27, 2021 at 12:41 PM
To: "Kaye Mason (Chief Judge's Office)" <kaye.mason@cookcountyil.gov>
Cc: Christopher Wehrman <cwehrman@smbtrials.com>, "DomesticRelDiv Services (Circuit Court)" <domesticreldivservices@cookcountycourt.com>

Hi Ms. Mason,

Thanks for your response. I have served OC, OC has responded, I have responded to the affirmative defense. I am copying Mr. Wehrman here as I believe we are at this step:

"After the time to reply expires, the movant shall submit the non-emergency motion and any responses and replies to the Circuit Court (along with all necessary and referenced exhibits) via e-mail transmission with all counsel of record or self-represented parties included as recipients of the e-mail to the following individuals at the date that time to reply expires:
the Court Coordinator for any judge who maintains an individual calendar, or
i. the Division Administrator for any judge who does not have a Court Coordinator, or;
ii. any other method directed by the judge assigned to the matter."

May I please have a date to present the pleadings?

Thanks,
Megan Mason

[Quoted text hidden]

Gmail

**Megan M <megan42@gmail.com>**

# Re: MATT 16 D 9534 Request for Hearing Date

8 messages

**Kaye Mason (Chief Judge's Office)** <kaye.mason@cookcountyil.gov> Thu, May 27, 2021 at 12:56 PM
To: Megan Mason [redacted]
Cc: Christopher Wehrman <cwehrman@smbtrials.com>

Hi again

Please remember to include your case name and number on all submissions to the court.

The first available hearing date is July 27 at 11 am. Kindly advise of your availability

Kaye Mason, Coordinator
Calendar 23 - Judge Robert W. Johnson
Domestic Relations Division

**EMAIL COMMUNICATION** to court personnel and judges shall be limited to scheduling and administrative purposes and shall not include information relating to the substantive matters or the issues on the merits. If email communication includes any language that could be construed as impermissible ex parte communication, neither court personnel nor judges will respond to the email.

---

**From:** Megan Mason [redacted]
**Sent:** Thursday, May 27, 2021 12:41 PM
**To:** Kaye Mason (Chief Judge's Office) <kaye.mason@cookcountyil.gov>
**Cc:** Christopher Wehrman <cwehrman@smbtrials.com>; DomesticRelDiv Services (Circuit Court) <DomesticRelDivservices@cookcountycourt.com>
**Subject:** Re: Hearing Date

**External Message Disclaimer**

This message originated from an external source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hi Ms. Mason,

Thanks for your response. I have served OC, OC has responded, I have responded to the affirmative defense. I am copying Mr. Wehrman here as I believe we are at this step:

"After the time to reply expires, the movant shall submit the non-emergency motion and any responses

Gmail

Megan M <megan42@gmail.com>



# Re: MATT 16 D 9534 Request for Hearing Date

**Christopher Wehrman** <cwehrman@smbtrials.com> Thu, May 27, 2021 at 1:08 PM
To: Megan Mason [redacted] "Kaye Mason (Chief Judge's Office)" <kaye.mason@cookcountyil.gov>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

Kaye:

When we were before the Judge on Monday, he appointed at 604 evaluator and set everything for status on July 13, 2021. I do not believe Judge Johnson is having any hearings on this case at this time.

Chris

Christopher D. Wehrman | Partner

Swanson, Martin & Bell, LLP

330 N. Wabash #3300

Chicago, IL 60611

Office: 312/321-9100

Direct: 312/222-8534

Fax: 312/321-0990

[Quoted text hidden]

Gmail

Megan M <megan42@gmail.com>



# Re: MATT 16 D 9534 Request for Hearing Date

**Kaye Mason (Chief Judge's Office)** <kaye.mason@cookcountyil.gov> Thu, May 27, 2021 at 1:15 PM
To: Christopher Wehrman <cwehrman@smbtrials.com>, Megan Mason <[redacted]>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

The judge is in a hearing but I will verify before the end of the day

Kaye Mason, Coordinator
Calendar 23 - Judge Robert W. Johnson
Domestic Relations Division

**EMAIL COMMUNICATION** to court personnel and judges shall be limited to scheduling and administrative purposes and shall not include information relating to the substantive matters or the issues on the merits. If email communication includes any language that could be construed as impermissible ex parte communication, neither court personnel nor judges will respond to the email.

---

**From:** Christopher Wehrman <cwehrman@smbtrials.com>
**Sent:** Thursday, May 27, 2021 1:08 PM
**To:** Megan Mason <[redacted]> Kaye Mason (Chief Judge's Office) <kaye.mason@cookcountyil.gov>
**Cc:** Michael I Bender <mbender@caesarbenderlaw.com>
**Subject:** RE: MATT 16 D 9534 Request for Hearing Date

[Quoted text hidden]

Gmail

**Megan M <megan42@gmail.com>**



# Re: MATT 16 D 9534 Request for Hearing Date

**Kaye Mason (Chief Judge's Office)** <kaye.mason@cookcountyil.gov> Thu, May 27, 2021 at 2:10 PM
To: Megan Mason [redacted], Christopher Wehrman <cwehrman@smbtrials.com>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

Ms Matt

I just spoke with Judge Johnson and he has indicated that he will not be hearing any other issues on this case until he has heard from the evaluator.

Please be guided accordingly.

[Quoted text hidden]

Domestic Relations

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
Cook COUNTY, ILLINOIS



Peter Matt
_____,
Petitioner,

and

Megan Matt
_____,
Respondent.

No. 2016 D 9534

**MOTION TO MODIFY ALLOCATION OF PARENTAL RESPONSIBILITIES**

I, Megan Mason _____ *(your name),* the ☐ Petitioner / ☑ Respondent *(check one)* in this case, pursuant to 750 ILCS 5/610.5 and/or 750 ILCS 5/603.10, ask this Court to modify (change) the allocation of parental responsibilities in this case. In support of this motion, I state as follows:

**1. Information about me**

| Name | Address |
|---|---|
| Megan Mason | [redacted] |

☐ There is a history of domestic violence and disclosure of my address is not in the best interests of me and/or my child(ren).

**2. Information about Respondent** (the other parent)

| Name | Address |
|---|---|
| Peter Matt | [redacted] |

**3. Our child(ren)**

I am asking the court to modify the allocation of parental responsibilities of the following child(ren) *(list the child(ren) you and the other parent have together for whom you want to change the current allocation or custody order entered in this case)*:

| Name or initials of child | Parent who has the majority of parenting time | Sex | Age |
|---|---|---|---|
| Ar[redacted] | ☐ Me ☐ Respondent ☑ Other 50/50 | M | 12 |
| Th[redacted] | ☐ Me ☐ Respondent ☑ Other 50/50 | M | 12 |
| [redacted] | ☐ Me ☐ Respondent ☐ Other _____ | | |
| | ☐ Me ☐ Respondent ☐ Other _____ | | |
| | ☐ Me ☐ Respondent ☐ Other _____ | | |

**4. Information about the current Parenting Plan and/or Custody/Allocation Order**

a. The current Parenting Plan and/or Custody/Allocation Order was entered in this case on September 27, 2017 *(date)* and is attached. *(Attach a copy of the current Parenting Plan and/or Custody/Allocation Order.)*

b. Mediation: The current Parenting Plan and/or Custody/Allocation Order ☐ does / ☐ does not *(check only one)* require me and the other parent to go to mediation before we ask the court to modify the allocation of parental responsibilities.

*If your current Parenting Plan and/or order requires mediation, check one of the options below.*

☐ Agreement: We went to mediation and reached an agreement. A copy of the agreement or proposed parenting plan ☐ is / ☐ is not *(check only one)* attached.

☐ No Agreement: We went to mediation but did not reach an agreement. A copy of the mediator's report ☐ is / ☐ is not attached.

☑ We did not go to or we did not finish mediation because *(explain why you didn't complete mediation)*: (Attached "Mediation Explanation")

**5. Reason(s) for modification**

Modification is in the best interests of the child(ren) and *(check all that apply, but you must choose at least one option):*

a. ☐ Agreed modification: The other parent and I agree on the modification.

b. ☐ Substantial change – more than two years: It has been at least two years since the current Custody/Allocation Order was entered. There has been a substantial change in the circumstances of the child(ren) and/or either parent since the current Custody/Allocation Order was entered, specifically *(Describe the change. Be specific and attach additional sheets as necessary.)*

c. ☐ Substantial change – less than two years: It has been less than two years since the current Custody/Allocation Order was entered. I believe the child(ren)'s present environment may seriously endanger the child(ren)'s mental, moral, or physical health or significantly impair the child(ren)'s emotional development. I am attaching an Affidavit (sworn statement) with more information. ***(If you choose this option, you must prepare and attach an affidavit**.)* There has been a substantial change in

the circumstances of the child(ren) and/or either parent since the current Custody/Allocation Order was entered, specifically *(Describe the change. Be specific and attach additional sheets as necessary.)* _____

_____

_____

_____

d. ☐ Minor change: I am asking for only a minor modification to the current Parenting Plan and/or Custody/Allocation Order.

e. ☐ Actual arrangements: I am asking to modify the current Parenting Plan and/or Custody/Allocation Order to show the actual care arrangement we have followed for at least the past six months, and the other parent has not objected to this arrangement.

f. ☐ Court did not know about important facts: The other parent and I agreed on the current Parenting Plan and/or Custody/Allocation Order when it was entered, but the court would not have approved it if it had known about certain facts at that time, specifically *(describe facts the court did not know about)* _____

_____

_____

g. ☐ Parenting Plan allows for modification: The Parenting Plan allows for modification when certain events happen and those events have happened, specifically (*describe the events that have happened*): _____

_____

_____

h. ☑ Other parent's conduct harmed the child: The other parent's conduct seriously endangered the child(ren)'s mental, moral, or physical health or significantly impaired the child(ren)'s emotional development and the modification is necessary to protect the child(ren), specifically (*Explain how the other parent's behavior harmed the child(ren). Be specific and attach additional sheets as necessary)* ____

(Attached Explanation for Change in Parenting Responsibility)

_____

i. ☑ Current order restricts parental responsibilities: The current Parenting Plan and/or Custody/Allocation Order restricts the other parent's parental responsibilities and *(choose at least one option below)*:

☐ There has been a change in circumstances since the current order was entered, specifically *(Describe the change. Be specific and attach additional sheets as necessary.)* _____

_____

☑ The court was not previously aware of conduct that seriously endangers the child(ren), specifically *(Describe the conduct. Be specific and attach additional sheets as necessary.)* _____
(Attached Explanation for Change in Parenting Responsibility)

☐ The other parent knowingly used his or her parenting time to allow the child(ren) to have contact with _____ *(name of person)* in violation of a court order.

j. ☐ Sex offender: The other parent plans to live with or marry a sex offender.

k. ☐ Sex crime: The other parent has been convicted of an illegal sex act involving a minor and is currently in prison, on parole, or serving another condition of his or her sentence.

**6. Requested modification to Parenting Plan/Allocation Order**

a. Significant decision-making responsibility *(check only one)*

☐ I am not asking the court to modify significant decision-making responsibility.

☑ I am asking the court to modify significant decision-making responsibility as follows *(Explain specifically how you want the court to change significant decision-making responsibility. Attach additional sheets as necessary):* _____

_____

_____

_____

b. Parenting time *(check only one)*

☑ I am not asking the court to modify parenting time.

☐ I am asking the court to modify parenting time as follows *(Explain specifically how you want the court to change parenting time. Attach additional sheets as necessary.):* _____

_____

_____

**7. Child support** *(check only one)*

☑ I am not asking the court to modify child support.

☐ If the court modifies the allocation of parental responsibilities, I am also asking the court to modify child support.

Under the current child support order, ☐ my / ☐ the other parent's *(check only one)* child support obligation is $ 0 _____ ☐ weekly / ☐ bi-weekly / ☐ twice a month / ☐ monthly / ☐ other: _____ *(check only one)*.

The modification to the allocation of parental responsibilities is a substantial change in circumstances for purposes of child support because _____

_____

_____

**RELIEF REQUESTED**

I am asking the court to enter an order which provides as follows:

**A. Significant decision-making responsibility** *(check only one)*

- ☐ No changes to the significant decision-making responsibility.
- ☑ That significant decision-making is modified as requested above.

**B. Parenting time** *(check one)*

- ☑ No changes to the parenting time.
- ☐ That parenting time is modified as requested above.

**C. Child Support** *(check only one)*

- ☑ I am not asking for a modification to child support.
- ☐ That the child support order in this case is modified.

**D. Any Other Appropriate Relief**

Mr. Matt is a foreign national with significant undisclosed overseas financial assets and a wealthy father who has funded and continues to fund his legal costs to date. Ms. Mason asks that, should the engagement of professionals be necessary for Judgment in the matter - such as a custody evaluator, GAL, PC and other parties - that these parties be paid for fully by Mr. Matt, Petitioner.

**CERTIFICATION**

Under the penalties for perjury provided by Section 1-109 of the Illinois Code of Civil Procedure, I certify that my statements in this document are true and correct.

Signature: Megan Mason Date: 4/19/2021

Print name: Megan Mason

Address: [redacted]

Phone nu[redacted]

**4. b. We did not go to mediation because:**

1. Petitioner (Mr. Matt) is not interested in considering a modification to the Allocation Order.

2. Mr. Matt does not understand or appreciate the grave concerns about the children's well being which these modifications seek to address.

3. Mr. Matt is emotionally unfit to negotiate and participate in significant parenting decisions as demonstrated by a long history of threatening Ms. Mason and other community members, a long history of harassing and abusing Ms. Mason, an incapacity to maintain formal employment, and a pattern of deceit.

4. Mr. Matt is not willing to take input from others. A parenting coordinator, Dr. John Palen, was appointed on September 25, 2020. Since that time, Mr. Matt refuses to follow Dr. Palen's recommendations.

5. Mr. Matt disclosed to Dr. John Palen and me in a zoom meeting on March 10, 2021 that he has been involuntarily hospitalized for psychotic episodes on multiple occasions, including one period where he was found by his parents wandering the streets, refusing to speak. Mr. Matt is not currently under the treatment of a mental health professional. The fact of Mr. Matt's history of untreated psychopathy along with Mr. Matt's erratic and inappropriate behavior have previously caused me to request a psychological evaluation of Mr. Matt in order to determine his fitness to make parenting decisions. It would be inappropriate to engage in mediation if either party is unfit to do so.

4. h. *Other parent's conduct harmed the child: The other parent's conduct seriously endangered the children's mental and physical health and significantly impaired the children's emotional development and the modification is necessary to protect the children,* specifically:

1. The Parties' older child, A[redacted] now 12, has severe ADHD and possible mood disorders and has demonstrated severe emotional and behavioral challenges over the last four years resulting in: physical and verbal aggression on a daily basis, removal from two schools for behavioral challenges, and multiple instances of expressing an interest in killing himself or others. I and many others are concerned about A[redacted], who also has intellectual disabilities, being able to live in a family or group home or have employment if his antisocial behaviors continue. Mr. Matt is opposed to the use of medication in general and specifically opposed to psychiatric medication in all cases and has interfered with A[redacted] mental healthcare with devastating consequences. Specifically:

    a. Mr. Matt doctor shops and impedes the engagement of doctors in order to delay or stop Angus's healthcare.

        i. Both children have seen Dr. Patricia Brunner as their primary care doctor for seven years. Mr. Matt has repeatedly asked to stop seeing Dr. Brunner because she supports the use of medication.

        ii. A[redacted] saw Dr. Peter Smith, developmental pediatrician, for three years. Dr. Smith is on the board of the American Academy of Pediatrics and the faculty of the University of Chicago. Dr. Smith strongly recommended the use of medications to help alleviate Angus's suffering and to improve his ability to live well. Mr. Matt refused, necessitating a Court Order on January 15, 2019 forcing Mr. Matt to give Angus his medication.

        iii. Mr. Matt continually refused to follow Dr. Smith's recommendations. At three consecutive appointments Dr. Smith and I asked Mr. Matt to agree to see another specialist for a second opinion if he was uncomfortable with Dr. Smith's recommendation. Mr. Matt refused, saying on multiple occasions, "All doctors do is give drugs."

        iv. When both Mr. Matt and I shared that A[redacted] was biting when anxious and violent toward his brother, Dr. Smith recommended that we separate the children, with each child alternating time with the other parent. Mr. Matt refused.

        v. After three years of working with Dr. Smith, Mr. Matt claimed that Dr. Smith was biased toward me and claimed he wanted to see another specialist. Though Mr. Matt and I only were introduced to Dr. Smith because he is married to a friend of mine, it was only after Dr. Smith

repeatedly insisted on the importance of medication that Mr. Matt decided he was too biased to provide quality care.

vi. Having agreed to see a new specialist, Mr. Matt then made every effort to stall, delay and stop seeing a specialist.

vii. When Mr. Matt finally agreed to take A[redacted] to see Dr. Mohammad Junaid, psychiatrist, he was so hostile and aggressive with Dr. Junaid's receptionist, Cathy that she called me to ask for help in trying to explain to Mr. Matt that he needed to pay his health insurance premium in order to have his insurance be effective.

viii. Once engaged with Dr. Junaid in A[redacted] treatment, Mr. Matt was bizarrely combative, at one point forcibly removing the children from my home during a telehealth sesion on August 10, 2020.

ix. In a video session with Dr. Junaid, Dr. Palen (PC), Mr. Matt and myself, Dr. Junaid explained that, having examined Angus and heard from both parents about his aggressive behaviors, he had serious concerns for A[redacted]emotional and physical safety if he does not get medication. Dr. Junaid explained that he, Dr. Junaid, is the father of a child with ADHD and from his clinical and well as personal experience, there is no way to get Angus the help he needs through behavioral therapy alone.

x. Dr. Junaid stated to me that he was afraid of being sued by Mr. Matt and would not be able to prescribe the medication he thought Angus needed.

xi. I then reached out to Dr. John Palen, Parenting Coordinator, for permission to see another psychiatrist. He recommended two doctors.

xii. Mr. Matt tried to stop seeing either doctor recommended by the parenting coordinator because "his friend" said one was "awful".

xiii. Mr. Matt tried to stop seeing either doctor recommended by the parenting coordinator using insurance as a pretext.

xiv. Only after Mr. Matt was directly ordered by Dr. Palen, did Peter agree to take Angus to his current psychiatrist, Dr. Catherine Jaselskis.

xv. Mr. Matt continues to try to obstruct, delay and avoid any new medication for Angus. Part of proper psychiatric care to try different doses and combinations, this situation is untenable. Mr. Matt's obstruction is causing profound harm to A[redacted] emotions and overall life potential.

b. Because he is frequently a victim of his brother's outbursts, frequently bit, hit and otherwise harmed, A[redacted]rother T[redacted](9) has been and continues to be harmed by Peter Matt's interference in A[redacted]psychiatric treatment.

c. Mr. Matt acknowledges that A[redacted]as severe ADHD and that there are many medications to treat the symptoms of this condition. However, Mr. Matt, who has no medical training, believes he has an innate knowledge that is superior to that of any doctor, co-parent, teacher or parenting coordinator when it comes to A[redacted] appropriate treatment.

   i. In his communications with and about any healthcare provider, Mr. Matt has a habit of bringing his own lengthy unique research and charts.

   ii. Mr. Matt harassed A[redacted] teachers into recording behavioral data in a new way in an attempt to prove that A[redacted]oes not have behavioral problems. This is despite the fact that A[redacted]s teachers told Dr. Jaselskis that they have grave concerns about A[redacted] behavior interfering with his life potential. In Mr. Matt's mind, other people's opinions don't matter.

   iii. Mr. Matt suggested to Dr. Palen that he, Mr. Matt, has a unique knowledge of the cardiovascular problems associated with a potential drug that, for some reason, Dr. Palen or Dr. Junaid, both medical doctors specializing in psychiatristry, did not understand but that Mr. Matt did understand.

2. Both children were diagnosed with lead poisoning on October 14, 2016, caused by Mr. Matt's unpermitted, uncontained renovations in the family's 246 Maple property. This lead poisoning, along with the general chaos and unsafe conditions of the home, prompted Dr. Brunner to order that the boys not live in the home until it was deemed safe by an inspector. This also demonstrates Mr. Matt's inability to think long-term about the impact of his choices on the children's well being. Having worked with Mr. Matt and myself for several years, Dr. Brunner has expressed to me that she would like to do "anything it takes" to have me given sole medical decision making authority.

4. i. The Current order restricts parental responsibilities: The current Parenting Plan/Allocation Order restricts Megan Mason's parental responsibilities and The Court was not previously aware of conduct that seriously endangers the children, specifically:

1. In order to avoid getting Angus appropriate healthcare, Mr. Matt suggested Angus's teachers stop teaching him, writing to to Dr. Palen on November 6, 2020, "Instead of meds I suggest to reduce the academic goals".

a. Angus is a bright, curious, lovable child despite his challenges due to under-treated psychiatric illness. He can read increasingly well and loves to read books and functional print. He adores animals and vehicles. He is extremely helpful, loving to feel important, included and useful.

b. There are many great programs to help people with intellectual disabilities get job training and find jobs but if A[redacted]behaviors are not contained, he will not be able to fully access these programs. A[redacted] has every right to have a fulfilling role in our community. I can only provide this to him if I have the ability to get him the proper education he deserves.

2. Litigation has been necessary to get A[redacted]just one treatment. I do not have the necessary wealth to litigate every medical and educational decision and the delay caused by such a course of action would harm A[redacted]and Th[redacted]

3. Although we have been assigned a PC, Dr. John Palen, Mr. Matt routinely ignores Dr. Palen's recommendations if he does not agree with them.

4. Dr. Palen agrees that shared medical and educational decisions will not work in the dynamic he's observed between Mr. Matt and myself.

5. I am highly qualified to make medical and educational decisions and impediments to my ability to do so are deeply damaging to the children.

a. Prior to our divorce I made all educational and medical decisions for the children.

b. I have a Masters degree in Education degree and have worked extensively as a head teacher in schools and HeadStart programs, working with special needs and at risk children, where a primary duty was managing and collaborating with therapists, educational specialists, social workers, families and medical providers. I am highly knowledgeable of child development of both neurotypical and special needs children.

c. Lake Street Church leadership asked me to teach Sunday school and to sit on the Religious Education and Childcare committee after observing me as a mother to my own children in regular attendance for several years.

d. In addition to my work as an educator, I have extensive volunteer experience working to support foster children, English language learners and providing workforce opportunities for adults with intellectual disabilities.

6.a. I am asking the court to modify significant decision-making responsibility as follows:

1. I ask that the Court STRIKE the following statement from paragraph 1.:
    a. "MEGAN MATT andPETER MATT shall both be allocated decision-making responsibility for the above Significant Issues. Accordingly, the parties agree to discuss any decisions regarding any of the above Significant Issues prior to any decision being made."

    And replace the above with:

    "Megan Matt (NKA Mason) is allocated full decision-making responsibility for all decisions related to the children's education and healthcare. Both parties shall be allocating decision-making responsibility for extracurricular activities and faith activities during their own parenting time. The parties agree to discuss any decisions regarding the above Significant Issues regularly but not more than monthly. Megan Matt (NKA Mason) agrees to consider Mr. Matt's opinion on all educational and medical decisions, to include him in appointments, to share records and to meet with him regularly, but not more than monthly, to discuss these matters."

Gmail

Megan M <megan42@gmail.com>

# Matt - proposed order

5 messages

**Christopher Wehrman** <cwehrman@smbtrials.com> Mon, May 24, 2021 at 5:27 PM
To: Megan Mason <[redacted]chael I Bender <mbender@caesarbenderlaw.com>

Please find attached the proposed order from this morning's court appearance.

Please advise of your review.

Chris

Christopher D. Wehrman | Partner

Swanson, Martin & Bell, LLP

330 N. Wabash #3300

Chicago, IL 60611

Office: 312/321-9100

Direct: 312/222-8534

Fax: 312/321-0990



**Matt - 5.21.21 proposed order.pdf**
255K

**Megan Mason** <megan42@gmail.com> Tue, May 25, 2021 at 9:35 AM
To: Christopher Wehrman <cwehrman@smbtrials.com>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

Hi Chris,

I think this is a good start. Thank you. I don't understand what point 2 relates to so I can't agree to this. Was this discussed? Can you please explain? I'm available at 312.750.4437.

Kindly,
Megan Mason

[Quoted text hidden]

---

**Megan Mason** [redacted] Tue, May 25, 2021 at 9:48 AM
To: Christopher Wehrman <cwehrman@smbtrials.com>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

Actually, I also think that we have a lot of issues with parties being appointed in this case without any basis or scope so I'm a little concerned about the vague and broad nature of point 1. I have two motions pending - the motion for the appointment of the parenting coordinator and the motion for allocation of parenting responsibilities. Since you do not have anything pending it would seem the appointment should be limited to those matters I've raised and intended to address those concerns.

So I would propose the following

"Dr. Gerald Blechman (1751 South Naperville Road, Suite 206, Wheaton, IL 60189, 630/664-0525) is appointed as a 604.10(b) evaluator to evaluate the current shared allocation of parental responsibility in educational and medical decision making matters to determine which parent ought to have full medical decision making authority and which parent ought to have full educational decision making authority and to evaluate the parents' overall competence and fitness as caregivers and to make recommendations for training, therapy or other remediation where appropriate".

Does that work? I think that's not creating something new, it aligns with what I've asked for and, presumably the order is addressing what I asked for, right?

[Quoted text hidden]

---

**Christopher Wehrman** <cwehrman@smbtrials.com> Tue, May 25, 2021 at 11:35 AM
To: Megan Mason [redacted]
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

I do not agree to any language providing scope to Dr. Blechman. He will have the pleadings and access to Mr. Bender as to the issues.

I will submit the order to the court and you can raise your question for Judge Johnson to address.

Christopher D. Wehrman | Partner

Swanson, Martin & Bell, LLP

330 N. Wabash #3300

Chicago, IL 60611

Office: 312/321-9100

Direct: 312/222-8534

Fax: 312/321-0990

[Quoted text hidden]
[Quoted text hidden]

---

**Megan Mason** <[redacted]> Wed, May 26, 2021 at 7:00 AM
To: Christopher Wehrman <cwehrman@smbtrials.com>
Cc: Michael I Bender <mbender@caesarbenderlaw.com>

Please see my other email. This is entered against my objection.
[Quoted text hidden]