

This Order Is Not Precedential
And Is Not To Be Cited

FILED

AUG 28 2006

No. 2--05--1032

ROBERT J. MANGAN, CLERK
APPELLATE COURT 2nd DISTRICT

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

CHRISTOPHER P. FILLMORE,)	Appeal from the Circuit Court
)	of McHenry County.
Plaintiff-Appellant,)	
)	
v.)	No. 02--LA--45
)	
WILLIAM GRACIK,)	Honorable
)	Michael J. Sullivan,
Defendant-Appellee.)	Judge, Presiding.

RULE 23 ORDER

Plaintiff, Christopher P. Fillmore, appeals from the dismissal of a petition that he brought under section 2--1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2--1401 (West 2002)). In that petition, he asked the court to vacate its dismissal with prejudice of his legal malpractice case against defendant, William Gracik. The court dismissed the petition for lack of jurisdiction because the petition was the second that plaintiff had brought in the same matter under section 2--1401. In dismissing for lack of jurisdiction, the court also noted that it deemed the petition to be insufficient on the merits. As an ancillary matter, defendant asks that we impose sanctions on plaintiff for filing a frivolous appeal. Because we affirm on grounds other than those given by the trial court, we do not view the appeal as so frivolous as to warrant sanctions, and we decline to impose them.

I. BACKGROUND

