

FOURTH DIVISION  
March 23, 2000

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

No. 1-99-1828

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IN THE APPELLATE COURT  
OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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RICHARD WEGNER, and RAGINA WEGNER,	)	Appeal from the
Plaintiffs-Appellees,	)	Circuit Court
	)	of Cook County
v.	)	
HAPAG-LLOYD (AMERICA) INC.,	)	
a corporation,	)	No. 95 L 2797
Defendant/Counterplaintiff-Appellant,	)	(Consolidated with
	)	No. 95 L 2208)
THREE I TRUCK LINE, INC.,	)	
a corporation,	)	
Defendant/Counterdefendant-Appellee,	)	
	)	
G&D TRANSPORTATION, a corporation;	)	Honorable
Defendant/Counterdefendant.	)	Leonard R. Grazian
	)	Judge Presiding
HAPAG-LLOYD (AMERICA) INC.,	)	
Third Party Plaintiff,	)	
v.	)	
DENTON CARTAGE CO., INC.,	)	
Third Party Defendant.	)	

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ORDER

This appeal arises from a judgment entered by the circuit court on a jury verdict awarding damages in the underlying personal injury action on November 19, 1998. After the circuit court disposed of all timely filed post-trial motions, Hapag-Lloyd filed a timely notice of appeal on April

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7, 1999. However, on April 22, 1999, more than 30 days after the circuit court denied all post-trial motions, the circuit court entered an order approving a settlement between the Wegners and Three I Truck Line, Inc. (Three I). The court made a finding that the settlement was in good faith and vacated the judgment entered against Three I and in favor of the Wegners. On appeal, Hapag-Lloyd contends that its timely-filed appeal on April 7, 1999, divested the circuit court of jurisdiction over the matter thereby making the order void, and that the April 22, 1999, order substantively altered its rights which were on appeal in the case styled Vasilion v. Hapag-Lloyd, Nos. 1-99-1303 and 1-99-1298, consolidated.

After a jury trial in the underlying personal injury action, a verdict was returned in favor of the Wegners totaling \$2,612,418 against Three I, Hapag-Lloyd and a third defendant, G&D Transportation, Inc. (G&D). The jury apportioned liability of 55% to Three I, 25 % to Hapag-Lloyd and 20% to G&D. G&D paid \$340,000 to the Wegners in settlement. After post-trial motions were filed by Three I and Hapag-Lloyd, the judgments were reduced by remittitur to \$2,012,418, which the Wegners accepted. Thereafter, Three I and the Wegners agreed to a settlement whereby Three I would pay the Wegners \$1,160,000. That settlement was announced in open court on April 6, 1999.

On April 7, 1999, Hapag-Lloyd filed its notice of appeal. Hapag-Lloyd requests this court to vacate the circuit court's order of April 22, 1999.

Generally, filing an appeal divests the trial court of jurisdiction. In re The Matter of the Estate of Denaro v. Caffazzo, 112 Ill. App. 3d 872, 445 N.E.2d 1308 (1983). The trial court retains jurisdiction to determine matters collateral or incidental to the judgment. Horzely v.

