

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

Yuling Zhan,)
Plaintiff)
V.) No: 04 M1 23226
Napleton Buick Inc,)
Defendant)

**MOTION TO CONFIRM THE NULLITY OF DEFENDANT’S ANSWER OR IN
ALTERNATIVE MOTION FOR LEAVE TO FILE A RESPONSE**

Plaintiff, Yuling Zhan, respectfully submits this motion, and states as follows:

1. On December 21, 2004, plaintiff filed the instant lawsuit, and raised a variety of claims against a car dealership, Napleton Buick Inc. (“Buick”).
2. On November 8, 2005 the Court ordered defendant Buick to file an Answer. See Exhibit 1 at order 2.
3. On November 3, 2005 plaintiff filed a motion for substitution of Judge, which was granted on December 8, 2005. See Exhibit 2. Accordingly, November 8, 2005 Order should be null and void, see *Nunes v. Northwest Hospital*, 253 Ill. App. 3d 337, 625 N. E. 2d 376 (1993), appeal denied 154 Ill 2d 561, 631 N. E. 2d 710, citing *In re Dominique F.*, 145 Ill. 2d 311, 324, 583 N. E. 2d 555 (1991). As a direct result of the December 8, 2005 Court Order entered by Honorable Judge Davis, defendant Buick’s Answer should be nullified as well.
4. Plaintiff has never received an official copy of defendant’s Answer, as the Honorable Court can see, there is no Court date stamp on either the Notice of Filing or on the first page of the Answer. See Exhibits 3 and 4. Such practice should be impermissible in the Court.

5. Plaintiff respectfully moves to confirm the nullity of defendant's Answer, or in alternative, if the Answer is still valid, plaintiff respectfully moves for leave to file a Reply or otherwise respond

WHEREFORE, plaintiff prays the Honorable Court grant this motion.

(Plaintiff's Signature)

(Date)

Yuling Zhan

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