

Yuling Zhan

3121 S. Lowe, Chicago, IL 60616

Tel: 312-225-4401

April 17, 2009

Honorable Justice James F. Smith

Illinois Appellate Court, Fifth Division, 1st District, Chicago, IL 60601

Re: Case 1-07-0088'

Dear Honorable Justice Smith,

As stated in my court filings, there are several clear and fundamental errors in the Order drafted by you ("Order") in the case (No. 1-07-0088). Enclosed please find the first two pages of my operative Complaint filed in the trial court and submitted to the Appellate Court in the record on appeal (See e.g. pages 6 and 7 in the Appendix as RA 006-007) .

After a cursory reading of the above documents, one will be readily convinced that it is plain wrong that the Defendant had suggested and you had assumed that (1) Count IV in the Complaint is Breach of Contract under common law; (2) Count IX alleged violation of State "Odometer Act" only.

As you know very well that under the Magnuson-Moss Act, Illinois Consumer Fraud Act, Illinois UCC 810 ILCS 5/2-608, 810 ILCS 5/2-721 and common law fraud, Revocation of Acceptance is a variable cause of Action or a remedy of violations. It is on the record that for months Defendant argued otherwise in trial court and refused to file an Answer; that was one of the multiple reasons why its motion to dismiss had been stricken on October 20, 2005. Further, as you know very well, Federal Statute and Regulation 49 U. S. C. 32701 et. seq. and 49 C. F. R. § 580.5(c) can not be ignored in the evaluation of the instant case, because these Federal law can not be supplanted by State "Odometer Act."

Defendant's counsel Ms. Elaine S. Vorberg is very familiar with the above documents. Beyond dispute, a lawyer does not have a license to provide deliberate false statements of facts and law in court. And I would be for ever grateful if you can do something about it within your duty and authority.

Sincerely yours.



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Enclosures

Cc: Hon. Justice Margaret O. Frossad; Hon. Justice Michael F. Toomin; Mr. Steven M. Ravid, Clerk of the Court and Defendant's counsel Elaine S. Vorberg