

Yuling Zhan

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April 24, 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"). Enclosed please find an evasive statement from the Dealer (See Supplemental Record at page 50). In fact, at trial, citing phrases from the "counterclaim", Defendant's lawyer demanded \$35160 for storage fees from September 8, 2003 to November 22, 2006. But at page 6 of the Order, you misquoted the dollar figure of the Dealer's "counterclaim" as \$30000. Without question, a normal person can tell the difference between \$5000, \$30000, in excess of \$30000, and \$35160, also any qualified legal professional can figure out what were the monetary jurisdictional limits, in the years of 2005 and 2006, for small claims and other civil actions processed in the Municipal Division of the Circuit Court.

As you know very well, (1) it is a per se violation of Magnuson-Moss Act, Illinois UCC and Illinois Consumer Fraud Act for the Dealer demanding storage fees from the first day it towed back the disable vehicle after the engine abruptly stalled as the car was still moving at highway speed; (2) the Dealer's "counterclaim", on the face of its text, flies in the face of 810ILCS 5/2-515 when asking permission to destroy the evidence; (3) the Dealer admitted the subject vehicle was vandalized immediately after the "counterclaim" was filed. It is on the record that the car key was held or lost by the Dealer's counsel ever since, and I was deprived from any opportunity to conduct any further meaningful inspection, and (4) the Dealer failed to incorporate its "counterclaim" into an Answer as required by 735 ILCS 5/2-608. Therefore, it shall not be allowed to recycle a waived and frivolous issue for the purpose to derail a trial.

Again, beyond dispute, lawyer Elaine S. Vorberg does not have a license to choose judges, to act as an advocate/witness/actor in a case, and 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