2026 IL App (1st) 260083-U
No. 1-26-0083
Order filed August 28, 2026

Sixth Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

U.S. BANK NATIONAL ASSOCIATION, Plaintiff-Appellee, v. GWENDOLYN THOMPSON and ROBERT BARNEY, Defendants-Appellants.	))))))))))	Appeal from the Circuit Court of Cook County. No. 25 M1 702565 The Honorable Pablo F. deCastro, Judge, presiding.

JUSTICE HYMAN delivered the judgment of the court.
Justices Pucinski and Gamrath concurred in the judgment.

ORDER

¶ 1 *Held*: Affirming trial court's eviction judgment.

¶ 2 U.S. Bank, N.A. obtained a judgment of foreclosure against Gwendolyn Thompson and her husband, Robert Barney, after they became delinquent on their loan. The trial court confirmed the judicial sale and entered a deficiency judgment. Barney appealed, and this court affirmed. While the appeal was pending, U.S. Bank filed an eviction complaint against

Thompson and Barney. After a one-day trial, the trial court entered an eviction judgment in favor of U.S. Bank.

¶ 3 Barney appeals *pro se*, arguing (i) the trial court should have stayed the eviction proceedings while his appeal of the foreclosure judgment was pending and (ii) sanctions against U.S. Bank are warranted under Supreme Court Rule 375 (eff. Feb. 1, 1994). We affirm. Absent a motion to stay, the trial court did not err in proceeding with the eviction while the foreclosure appeal proceeded. And his request for sanctions is not supported by the law or the record and is denied.

¶ 4 Background

¶ 5 Gwendolyn Thompson took out a loan from Park National Bank, secured by a mortgage on her home. Thompson's husband, Robert Barney, signed the mortgage solely to waive his homestead rights. U.S. Bank purchased Park National Bank's assets under a FDIC receivership and sued to foreclose when Thompson failed to make timely payments. U.S. Bank obtained a judgment of foreclosure and sale.

¶ 6 Barney appealed, asking this court to dismiss the foreclosure proceeding with prejudice due to a land patent. (No. 1-23-1376). We granted U.S. Bank's motion to dismiss for lack of jurisdiction and denied Barney's motion to vacate the dismissal.

¶ 7 Barney objected to the judicial sale, arguing the case should have been stayed due to the pending appeal. The trial court did not rule on the objection but re-noticed the sale. After U.S. Bank submitted the winning bid, the trial court confirmed the sale and entered a deficiency judgment. Barney appealed *pro se,* arguing the trial court (i) lacked jurisdiction to confirm the foreclosure sale on account of the pending appeal and (ii) failed to follow the Uniform Commercial Court, a federal executive order, and the Land Patent Act. We affirmed finding

(i) Barney's appeal did not divest the trial court of jurisdiction to confirm the judicial sale because the order was neither final nor appealable and (ii) he waived his UCC and executive order arguments by failing to raise them in the trial court. We did not address his sovereign citizen arguments, finding them meritless. *U.S. Bank N.A. v Thompson*, 2026 IL App (1st) 241593-U.

¶ 8 While Barney's appeal of the judicial sale was pending, U.S. Bank filed an eviction complaint against Thompson and Barney. After a one-day trial, the trial court entered an eviction judgment in favor of U.S. Bank. Barney again appealed *pro se*. U.S. Bank moved to dismiss the appeal for lack of jurisdiction, which was denied.

¶ 9 Analysis

¶ 10 Relying on Supreme Court Rule 369(b) (eff. July 1, 1982), Barney asserts the trial court should have stayed the eviction case while his foreclosure appeal was pending. Rule 369(b) is inapplicable. Nothing in that rule requires the trial court stay a case until a mandate issues in a different case involving the same parties. Instead, Rule 369(b) addresses how a trial court should proceed after the appellate mandate issues.

¶ 11 To obtain a stay of the eviction proceedings, Barney needed to file a motion in the eviction case under Supreme Court Rule 305(b (eff, July 1, 2017). Alternatively, he could have filed in this court a motion for a stay showing application to the circuit court was not practical, or that the circuit court had denied an application or failed to afford the relief the applicant requested. *Id*. Having done neither, Barney cannot now complain of error.

¶ 12 Rule 375 Sanctions

¶ 13 Barney asks that we sanction U.S. Bank's attorneys under Supreme Court Rule 375 (eff. Feb. 1, 1994). Rule 375 provides that an appellate court may sanction a party or their attorney

for willfully failing to comply with the Illinois Supreme Court Rules or for other reasons the court deems appropriate. Barney asserts that U.S. Bank violated Rule 369 by filing the eviction case during the foreclosure case appeal. But, as noted, neither Rule 369 nor any other supreme court rule precluded U.S. Bank from filing the eviction proceeding while the foreclosure appeal was pending.

¶ 14 U.S. Bank's motion to dismiss this appeal also does not provide grounds for sanctions. Barney asserts U.S. Bank's attorney falsely represented in their motion that there was no final judgment in the eviction case. This is not so. The motion states that a judgment was entered but that this court lacked jurisdiction because Barney's notice of appeal was untimely.

¶ 15 Affirmed