

2026 IL App (1st) 250433-U

No. 1-25-0433

Order filed October 23, 2026

Sixth Division

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

CHRISTOPHER MANSOORI, Plaintiff-Appellant,

v.

JONATHAN BEDI, DENA SINGER, and
BEDI & SINGER LLP, Defendants-Appellees.

Appeal from the Circuit Court of Cook County.
Honorable Patrick J. Sherlock, Judge, Presiding.
No. 23 L 12448

JUSTICE EVANS delivered the judgment of the court.
Presiding Justice Gamrath and Justice Hyman concurred in the judgment.

ORDER

- ¶ 1 *Held:* Appeal dismissed for lack of jurisdiction where plaintiff neither appealed nor moved to reconsider within 30 days of the final order dismissing his amended complaint, and the circuit court's later order extending his time to move to reconsider was void.
- ¶ 2 Christopher Mansoori appeals the circuit court's dismissal of his amended complaint. We find that we lack jurisdiction to hear this appeal.

¶ 3

I. BACKGROUND

¶ 4 Mansoori was charged in 2019 under three indictments: two for domestic battery and one for six felonies, including armed violence, aggravated unlawful use of a weapon, and possession of cocaine. The third indictment arose from his arrest at a Department of Children and Family Services office in Chicago, after which officers searched his vehicle and found two loaded firearms, ammunition, and crack cocaine. Mansoori was released on bond, but his bond was revoked a month later and he was detained pending trial.

¶ 5 In March 2020, Mansoori retained Jonathan Bedi and Dena Singer, through their firm Bedi & Singer LLP (collectively, Bedi & Singer), to represent him in his criminal cases. Some months later, Bedi and Singer filed a motion to suppress evidence recovered from the search of Mansoori's vehicle. Following a hearing, the criminal court denied the motion to suppress evidence. Mansoori subsequently discharged Bedi & Singer as his counsel.

¶ 6 Two years later and while still detained pending trial on his criminal cases, Mansoori filed a *pro se* complaint against Bedi & Singer. In the operative amended complaint, Mansoori asserted various deficiencies in Bedi & Singer's presentation of his motion to suppress evidence. Among his allegations, Mansoori claimed Bedi & Singer had mailed him a copy of a reply to the State's response to the motion to suppress evidence, but they did not file the reply and misrepresented that they had done so. In addition, Mansoori alleged that, during a police officer's testimony, he passed notes to his lawyers regarding points they could use to impeach the officer. He claimed Bedi & Singer said they would use those points but "willfully" failed to do so.

¶ 7 Mansoori claimed that his motion would have been successful and he would have been discharged if Bedi & Singer had presented the motion as he alleged they should have. Instead, Bedi & Singer "devised a plan to assist the State, while conducting a theatrical performance" at

the suppression hearing. As a result, Mansoori remained in custody pending trial. Based on those factual allegations, Mansoori sought damages under theories of legal malpractice, breach of contract, and fraudulent misrepresentation.

¶ 8 Bedi & Singer filed a motion to dismiss the amended complaint pursuant to section 2-619(a)(9) of the Code of Civil Procedure (Code) (735 ILCS 5/2-619(a)(9) (West 2024)). They argued Mansoori's amended complaint should be dismissed because (1) he failed to allege that he is actually innocent of the criminal charges, (2) the legal malpractice claim was premature since the criminal cases remained pending, and (3) the breach of contract and fraudulent misrepresentation claims were duplicative of the legal malpractice claim. Mansoori filed a response, arguing he was not required to allege actual innocence, the legal malpractice claim was ripe, and the other claims were viable, as they were pled in the alternative.

¶ 9 The circuit court granted Bedi & Singer's motion to dismiss by written order entered September 30, 2024. The court agreed that Mansoori failed to allege actual innocence and that his claim was premature, as his criminal cases were still pending. However, the court stated that its dismissal was "without prejudice" and Mansoori could "refile after his criminal case is resolved, if he believes he is able to plead the elements."

¶ 10 Mansoori requested an extension to file a motion to reconsider on October 23, 2024. On November 7, the court granted the extension and gave Mansoori until December 13 to file. The only copy of the motion to reconsider included in the record reflects it was filed on January 21, 2025. However, Bedi & Singer filed a response to Mansoori's motion to reconsider on December 27, 2024. The court denied the motion to reconsider on February 7, 2025, and Mansoori filed a notice of appeal on March 5, 2025.

¶ 11

II. ANALYSIS

¶ 12 After Mansoori filed his initial appellate brief, Bedi & Singer concurrently filed a motion to dismiss this appeal for lack of jurisdiction and their responsive brief. We took the motion to dismiss with the case. Mansoori addressed the jurisdictional issue in his reply brief.

¶ 13 Bedi & Singer argue we lack jurisdiction to hear this appeal because the circuit court's dismissal of Mansoori's complaint was expressly "without prejudice," making it nonfinal and nonappealable. Mansoori counters that the dismissal order was final, notwithstanding the "without prejudice" language, because the order was final in substance. In support, he cites the Fourth District's decision in *Erickson v. Knox County Wind Farm LLC*, 2024 IL App (4th) 230726, where the court found an order final despite the inclusion of "without prejudice" language.

¶ 14 The Illinois Constitution confers on the appellate court jurisdiction to hear appeals from final judgments or orders entered by the circuit court. *People v. Shinaul*, 2017 IL 120162, ¶ 10; Ill. Const. 1970, art. VI, § 6. A final order "may be one 'which finally determines all the issues presented by the pleadings' or one which constitutes a 'final determination of a collateral matter, distinct from the general subject of the litigation, but which, as between the parties to the particular issue, settles the rights of the parties.'" *People v. Seymore*, 2023 IL 131564, ¶ 26 (quoting *Brauer Machine & Supply Co. v. Parkhill Truck Co.*, 383 Ill. 569, 574-75 (1943)).

¶ 15 In general, an order dismissing a complaint without prejudice is not final and appealable. *J. Eck & Son, Inc. v. Reuben H. Donnelley Corp.*, 188 Ill. App. 3d 1090, 1093 (1989). The label, however, is not determinative. Rather, we must look to the effect of the order to ascertain whether it is final. *In re Tiona W.*, 341 Ill. App. 3d 615, 620 (2003). For purposes of appeal, an order is final if it determines the issues presented by the pleadings and "fixes absolutely and finally the rights of the parties." *Big Sky Excavating, Inc. v. Illinois Bell Telephone Co.*, 217 Ill. 2d 221, 233 (2005).

¶ 16 When the plaintiff retains the right to refile, a dismissal order is generally not final and appealable. *SP Consulting, Inc. v. Exceleo Business Consulting, Inc.*, 2024 IL App (1st) 230995,

¶ 17. This court has recognized a distinction between dismissal due to a technical deficiency and dismissal due to a substantive legal deficiency. *Schal Bovis, Inc. v. Casualty Insurance Co.*, 314 Ill. App. 3d 562, 568 (1999); *Erickson*, 2024 IL App (4th) 230726, ¶ 65. The former are not final and appealable because a technical deficiency can be cured through amendment.

¶ 17 A substantive legal deficiency, on the other hand, cannot be cured through amendment and therefore, is a final, appealable order even if the circuit court’s dismissal is without prejudice. *Schal Bovis*, 314 Ill. App. 3d at 568 (dismissal without prejudice found appealable when circuit court found plaintiffs had not sustained damages); *Erickson*, 2024 IL App (4th) 230726, ¶ 66 (dismissal without prejudice found appealable when circuit court found count seeking injunction was not ripe).

¶ 18 Here, the circuit court found Mansoori’s claim was premature because his criminal cases were still pending; his cause of action had not yet accrued. This was a substantive legal deficiency, which Mansoori could not cure through amendment. The court’s “without prejudice” language preserved Mansoori’s right to refile if he is convicted and the conviction is overturned; it did not invite him to amend a technical defect. We therefore find that the dismissal order was final.

¶ 19 Although the order was final, we find that we lack jurisdiction because the notice of appeal was untimely. “It is always our duty to consider our own jurisdiction, even if the question is not raised by the parties.” *Trutin v. Adam*, 2016 IL App (1st) 142853, ¶ 21.

¶ 20 Illinois Supreme Court Rule 303(a)(1) (eff. July 1, 2017) requires a notice of appeal to be filed within 30 days after the entry of the final judgment appealed from or, “if a timely posttrial motion directed against that judgment is filed, * * * within 30 days after the entry of the order

disposing of the last pending postjudgment motion directed against that judgment or order.” Section 2-1203(a) of the Code (735 ILCS 5/2–1203(a) (West 2024)) provides a 30-day deadline for filing postjudgment motions in nonjury cases:

“In all cases tried without a jury, any party may, within 30 days after the entry of the judgment or within any further time the court may allow within the 30 days or any extensions thereof, file a motion for a rehearing, or a retrial, or modification of the judgment or to vacate the judgment or for other relief.”

Absent a timely filed postjudgment motion, the circuit court will lose jurisdiction over the case 30 days after it enters the final judgment. *Peraino v. County of Winnebago*, 2018 IL App (2d) 170368, ¶ 13.

¶ 21 A party may request an extension to file a postjudgment motion beyond the 30-day deadline. But an extension is only effective if the court grants the extension within 30 days, when the court still has jurisdiction. *In re Estate of Kunsch*, 342 Ill. App. 3d 552, 554-55 (2003) (“when a trial court fails to allow an extension of time to file a posttrial motion within the initial 30-day period, there is no jurisdiction to later grant a plaintiff additional time or to consider a posttrial motion attacking the final judgment”). An extension to file a postjudgment motion after the court loses jurisdiction is void. *Peraino*, 2018 IL App (2d) 170368, ¶ 15.

¶ 22 Thus, to preserve an appeal, a party must either (1) file a notice of appeal within 30 days after the entry of the final judgment, (2) file a postjudgment motion within those 30 days, or (3) obtain an extension from the court, within those 30 days, to file a postjudgment motion, file such motion within the extension period, and file a notice of appeal within 30 days of the denial of the motion.

¶ 23 We recognize that a party cannot control if or when the court grants an extension. But a party seeking an extension to file a postjudgment motion can preserve their ability to appeal by also filing a notice of appeal within 30 days of the entry of the final judgment. If a timely extension is granted, the notice of appeal will not deprive the trial court of jurisdiction to consider the postjudgment motion. The notice of appeal will become effective when the trial court rules on the motion. Ill. S. Ct. R. 303(a)(2) (eff. July 1, 2017) (“a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion, *** becomes effective when the order disposing of said motion or claim is entered.”). But if an extension is not granted within the 30-day deadline, the timely notice of appeal will be effective upon its filing.

¶ 24 Even if a party fails to file a timely notice of appeal or obtain a timely extension to file a postjudgment motion, the party may petition the appellate court for leave to file a late notice of appeal within an additional 30 days. Ill. S. Ct. R. 303(d) (eff. July 1, 2017).

¶ 25 Here, Mansoori did not file a notice of appeal or a postjudgment motion within 30 days after the September 30, 2024, judgment. Although he requested an extension on October 23, the court did not grant the request until November 7, after it had lost jurisdiction. That order was void and did not extend the time to appeal. Mansoori did not petition this court to file a late notice of appeal. *Lowenthal v. McDonald*, 367 Ill. App. 3d 919, 925 (2006) (holding that the trial court lost jurisdiction because the plaintiff neither filed her posttrial motion nor obtained an extension within the time allowed). Accordingly, Mansoori’s March 5, 2025, notice of appeal was untimely. We therefore lack jurisdiction and must dismiss the appeal. *Doe v. Readey*, 2023 IL App (1st) 230867, ¶ 23 (“If we lack jurisdiction, we must dismiss the appeal.”).

¶ 26

III. CONCLUSION

¶ 27 Although the dismissal order was final, Mansoori's notice of appeal was untimely. We therefore grant Bedi & Singer's motion and dismiss the appeal for lack of jurisdiction.

¶ 28 Motion granted.

¶ 29 Appeal dismissed.