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## JUDGMENT

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**CASE #:** 12 CH 41518  
**PLAINTIFF:** YEARWOOD AND ASSOCIATES, LTD.  
**DEFENDANT:** JOE F MCCARTHY  
**LAST KNOWN ADDRESS:** JOE F MCCARTHY  
5814 W OHIO  
CHICAGO, IL 60644

**PIN #:** 16-08-213-001-0000  
**PROPERTY:** 619-621 N MENARD, CHICAGO, IL 60644

#### LEGAL DESCRIPTION:

Lot 91 in Austin's subdivision of the east 1/2 of the north east 1/4 of section 8, Range 13, Township 39, east of the third principal meridian in cook county, Illinois.



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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT—CHANCERY DIVISION

BOARD OF MANAGERS 100-04 SOUTH AUSTIN )  
CONDOMINIUM ASSOCIATION and 100-04 )  
SOUTH AUSTIN CONDOMINIUM ASSOCIATION, )

Plaintiffs, )

v. )

JOE F. McCARTHY and KATIE BIRGE, )

Defendants. )

12 CH 41518  
Hon. Kathleen M. Pantle

ORDER

On November 29, 2017, this Court granted Plaintiffs' Petition for Attorney Fees and awarded Plaintiffs the sum of \$29,300.40. The Court also directed Plaintiffs to file a petition for attorney fees incurred in connection with the Petition for Attorney Fees. Plaintiffs have done so and filed the Association's Second Petition for Fees, Costs, and Expenses. Defendants filed a Response.

Plaintiffs ask this Court to determine the damages owed by Defendants in the form of fees, costs, and expenses incurred by Plaintiffs in the post-trial litigation, *i.e.* since May 19, 2017. Plaintiffs also ask the Court to estimate fees, costs, and expenses after December 14, 2017.

The Court will not estimate fees, costs, and expenses. Such a procedure would be in derogation of well-established case law instruction fee petitioners to present a court with detailed records. *Mercado v. Calumet Federal Sav. & Loan Ass'n*, 196 Ill. App. 3d 483, 493 (1st Dist. 1990); *Kaiser v. MEPC American Properties, Inc.*, 164 Ill. App. 3d 978, 984 (1st Dist. 1987).

Defendants point out that it is not their job or the Court's job to "plow through the plaintiff's counsel's bills, attempt to find pertinent entries, calculate same, and then award plaintiff the amount thus determined." (Resp. pp. 2-3). The Court understands that attorney fees can be awarded in connection with the preparation of the attorney fee petition (*Rackow v. Ill. Human Rights Comm'n*, 152 Ill. App.3d 1046, 1064 (2d Dist. 1987)), but declines to do so here because Defendants are correct. Even if the Court were to "plow through" the entries in an attempt to determine the fees related to the attorney fee petition, the fact remains that it would be doing so without input from either side. This would not be fair to Defendants who would have

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no opportunity to object to the inclusion of certain fee awards. Also, Plaintiffs would not have had the opportunity to respond to any objection.

Finally, the Court needs to assess the damages amount. At closing arguments, Plaintiffs specifically prayed for the amount of \$24,000.00 and acknowledged that Defendants were entitled to a credit of \$2000.00. The basis for the \$24,000.00 is what Defendant Joe McCarthy owed in assessments throughout the years, *i.e.* \$200/month for 105 months and \$250/month for 12 months. The Court finds that these amounts were proved by Plaintiffs. Joint and several liability will be imposed on both Defendants.

### Conclusion

Final Judgment against Defendants Joe McCarthy and Katie Birge is entered as follows:

- (1) \$22,000.00 in actual damages; and
- (2) \$29,300.40 as for attorney fees (in accordance with the Order of November 29, 2017).

This is a final Order disposing of all matters in this litigation.

**DATE: May 15, 2018**

**ENTERED**  
 JUDGE KATHLEEN M. PANTLE-1775  
 MAY 15 2018  
 DOROTHY BROWN  
 CLERK OF THE CIRCUIT COURT  
 OF COOK COUNTY  
 DEPUTY CLERK

*Kathleen M. Pantle*  
 Kathleen M. Pantle

1775

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I hereby certify that the document to which this certification is affixed is a true copy.

Date: **DOROTHY BROWN** **OCT 22 2020**

Dorothy Brown  
Clerk of the Circuit Court  
of Cook County, IL

