

No. 1-07-0088

fabricate evidence, provide deliberate false statement and conceal vital information. They have been involved in a scheme to avoid or change a trial Judge, and solicit Court Order in their favor. Their conduct is egregious. With a cursory glance at documents Defendant produced, conclusion can be made on what role Defendant's counsel have played and what part they will be playing. Plaintiff has good reason to believe that Defendant and its counsel have been involved in a calculated scheme to interfere with the judicial machinery performing the task of impartial adjudication, as by preventing Plaintiff from fairly presenting her case."

Plaintiff's reliance on In re Ingersoll, 186 Ill. 2d 163 (1999), to argue that, "when a party and its counsel are engaged in fraud, which is directed at a tribunal, 'fraud upon tribunal' is a viable cause of action" is unpersuasive. In that case, our supreme court determined that disbarment was appropriate for the respondent-attorney who violated numerous rules of professional conduct. In re Ingersoll, 186 Ill. 2d at 178. Here, although plaintiff's arguments allege fraud perpetrated by defendant's counsel, plaintiff brought the claim against defendant Buick rather than defendant's counsel. Accordingly, the trial court did not err in dismissing the claim.

Evidence Admitted at Trial

Next, plaintiff contends that the trial court erred in allowing particular evidence at trial. Specifically, plaintiff argues that the trial court allowed inadmissible hearsay evidence where it allowed defendant's counsel to admit correspondence sent by defendant's counsel to plaintiff as evidence at trial. We disagree.

Admissibility of evidence is within the discretion of the trial court, and its ruling will not