

No. 1-07-0088

Plaintiff's motion." The case was then assigned to Judge Wayne D. Rhine for trial.

On February 27, 2006, plaintiff filed a motion to transfer the case from small claims court, alleging that small claims court lacked jurisdiction because "the amount in either plaintiff's claim or defendant's counterclaim exceeds the jurisdictional limit for small claims." The court denied the motion.

The case was continued various times and, on June 28, 2006, plaintiff filed her second amended complaint. In that complaint, she asserted the following claims against defendant: (Count 1) violations of the Federal Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (15 U.S.C. § 2301 *et seq.* (West 2002)); (Count 2) breach of warranties; (Count 3) breach of implied warranties; (Count 4) breach of contract; (Count 5) violations of the Consumer Fraud and Deceptive Practices Act (815 ILCS 505/2 *et seq.* (West 2002)); (Count 6) common law fraud; (Count 7) negligent infliction of emotional distress; (Count 8) intentional infliction of emotional distress; (Count 9) violations of the Federal Motor Vehicle Information and Cost Savings Act (49 U.S.C. § 32701, *et seq.* (West 2002)) and section 3-112.1 of the Illinois Vehicle Code (625 ILCS 5/3-112.1 (West 2002)); and (Count 10) fraud upon a tribunal.

Defendant filed a section 2-615 (735 ILCS 5/2-615 (West 2002)) motion to strike and dismiss count 10, fraud upon a tribunal, for failure to state a cause of action upon which relief can be granted. On July 10, 2006, the court granted the motion with prejudice. In August 2006, attorney Elaine Vorberg was granted leave to appear as counsel for defendant in lieu of Childress, Duffy, Goldblatt, Ltd., withdrawn. On September 19, 2006, attorney Todd Carcelli was granted leave to file a trial appearance on behalf of plaintiff.