

4. Upon review of the record on appeal, the Parties identified several inaccuracies with the common law record.

5. First, the record on appeal improperly contains a copy of the Parties “Notice of Confidential Information Within Court Filing” which was filed by the Parties in the Circuit Court pursuant to Illinois Supreme Court Rule 138.

6. Illinois Supreme Court Rule 138 requires parties to redact an individual’s personal identifying information from all court filings. Ill. Sup. Ct., R. 138(c). This includes social security numbers, driver’s license numbers and various financial account information. *Id.* The rule also mandates that any party seeking to file such redactions also file with the court a Notice of Confidential Information containing in complete and unredacted form the personal identifying information which was redacted in the court documents. The Supreme Court of Illinois’ draft form contains explicit instructions that the information contained therein “will not be available to the public and this document will be stored in a separate location from the case file.” Moreover, Illinois Supreme Court Rule 138 provides that the personal identifying information at issue “shall be impounded by the clerk immediately upon filing” and “shall remain impounded.” *Id.* It was, accordingly, a mistake that the Notice of Confidential Information was included in the record on appeal. The Parties seek correction of this mistake to protect the confidentiality of the information contained therein. The Notice of Confidential Information is properly omitted in its entirety from the record on appeal.

7. In addition, the record on appeal, as currently filed, contains material omissions and inaccuracies with regard to the exhibits filed by the Parties in the Circuit Court. Specifically, various pages of the exhibits are missing and are out of order.

8. In particular, the record on appeal contains the Parties' Joint Motion to Substitute Exhibits which was filed in Sangamon County on April 8, 2022. (R. C88-C91). Attached to this motion were a copy of all the exhibits relevant to the issues at hand which the Parties redacted in accordance with Supreme Court Rule 138. These exhibits were attached to the motion and labeled as Group Exhibit A and Group Exhibit B.

9. As currently filed, the record on appeal appends the Group Exhibit B exhibits *before* the Group Exhibit A exhibits. The exhibits should be filed in the same order in which they were filed in the Circuit Court. Moreover, the exhibits in Group Exhibit A are incomplete and mis-ordered such that the exhibits themselves are not a complete or accurate depiction of the record below.

10. Illinois Supreme Court Rule 329 provides that “[m]aterial omissions or inaccuracies or improper authentication may be corrected by stipulation of the parties or by the trial court, either before or after the record is transmitted to the reviewing court, or by the reviewing court or a judge thereof.” Ill. Sup. Ct., R. 329.

11. Accordingly, the Parties seek to correct the record on appeal to accurately reflect the filings below.

WHEREFORE, Relator, Emily Fox and the State of Illinois respectfully pray that this Honorable Court enter an Order directing the clerk of the Circuit Court of Sangamon County to, within 14 days, correct the record on appeal previously filed with this Court on September 20, 2022 by:

- (a) Retracting and excluding the Notice of Confidential Information Within Court Filing currently contained within pages C1024-C1025 of the current record on appeal;

(b) Replacing the current Group Exhibits A and B to the Joint Motion to Substitute Exhibits in their entirety to reflect the manner in which those exhibits were filed by the Parties with the Circuit Court.

Dated: September 30, 2022

Respectfully Submitted,

EMILY FOX, RELATOR

By: /s/ Robert M. Andalman
One of her attorneys

By: /s/ Christopher M. R. Turner
Christopher M. R. Turner

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IN THE APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF)	Appeal from the Circuit Court of the
ILLINOIS ex rel., EMILY FOX,)	Seventh Judicial Circuit, Sangamon
)	County, Illinois
Relator/Appellant)	
)	
v.)	Circuit Court No. 21 L 000053
)	Hon. Adam Giganti
JENNY THORNLEY,)	
)	
Defendant)	

ORDER

This matter coming to be heard on the Parties' Joint Motion to Correct the Record on Appeal, due notice having been given;

IT IS HEREBY ORDERED that the Parties' Joint Motion to Correct the Record on Appeal is GRANTED / DENIED.

The Clerk of the Circuit Court of Sangamon County shall file the corrected Record on Appeal no later than 14 days from the entry of this Order, (a) retracting and excluding the Notice of Confidential Information Within Court Filing, currently contained within pages C1024-C1025 of the current record on appeal; and (b) re-filing Group Exhibits A and B to the Motion for Substitution of Exhibits in their entirety and in the order they were filed in the Circuit Court.

ENTER:

JUSTICE

JUSTICE

JUSTICE

Prepared by:

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CERTIFICATE OF FILING AND SERVICE

I, Robert Andalman, an attorney, certify that on September 30, 2022, I electronically filed the foregoing ***Joint Motion to Correct the Record on Appeal*** with the Clerk of the Court for the Illinois Appellate Court, Fourth Judicial District, by using the Odyssey eFileIL system.

I further certify that on September 30, 2022, the foregoing ***Joint Motion to Correct the Record on Appeal*** was served by email and via the Odyssey eFileIL system on the below named participants:

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