

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MICHAEL APPLEBAUM , Special Administrator)	
of the Estate of JOSEPH APPLEBAUM , deceased,)	
)	
Plaintiff-Appellee,)	
)	
v.)	Appeal No. 06-2709
)	
RUSH NORTH SHORE MEDICAL CENTER ,)	
et. al.,)	
)	
Defendants-Appellants.)	

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING

1. On August 17, 2006 the trial court certified the question for review.
2. On December 18, 2006 this court granted leave to appeal on the certified issue.
3. On January 22, 2007 defendants filed their brief.
4. On February 26, 2007 attorney Applebaum filed his response brief.
5. On March 12, 2007 defendants filed their reply brief.
6. Pursuant to Illinois Supreme Court Rule 367, Attorney Applebaum intends to petition for rehearing.
7. Pursuant to Illinois Supreme Court Rule 367, Applebaum has 21 days in which to file a petition for rehearing.
8. This court issued its decision on September 28, 2007.
9. Twenty-one days from September 28 is October 19, 2007, a date Applebaum will be out of the country, as described below.
10. September 28, 2007 was a religious holiday observed by Applebaum.
11. In observance of the religious holiday, Applebaum was unable to obtain a copy of said opinion on its day of issuance.

12. The opinion was not published on this court's website over the following weekend and therefore unavailable.
13. In observance of religious holidays on Thursday October 04 and Friday October 05, 2007, Applebaum will be unable to work on the petition for rehearing he intends to file.
14. The dates on which religious holidays fall are beyond attorney Applebaum's control.
15. On June 08, 2007 Applebaum mailed opposing counsels a letter informing them of his expected unavailability until November 08, 2006. (see Exhibit A – the contents of the letter)
16. Applebaum expects to be unavailable starting October 08, 2007.
17. Said unavailability, from October 08 – November 08, 2007, is related to Applebaum's being out of state and out of the country.
18. These plans were made well in advance of the date of this court's decision.
19. Forfeiture of funds already paid and cancellation of important meetings would be an extreme hardship to attorney Applebaum.
20. Applebaum will be attending a professional continuing education conference November 25 through and including November 30.
21. The plans for this continuing education conference were made months in advance of this court's decision and fees have already been paid for attendance and continuing education classes.
22. Forfeiture of funds already paid and the inability to attend this conference and continuing education opportunity would be an extreme hardship to Applebaum.
23. Pursuant to Supreme Court Rule 361(f), this motion for an extension of time is accompanied by an affidavit.
24. There has been one prior request for an extension of time, unrelated to a petition for rehearing.
25. Because of the relationship among the dates of this court's decision, the religious holidays and attorney Applebaum's expected unavailability related to his travels outside the state and country, it is a virtual certainty that this court's ruling on this motion will remain unknown to Applebaum until after his return.

WHEREFORE, Applebaum respectfully requests the specific due date of December 04, 2007 for filing his petition for rehearing pursuant to Illinois Supreme Court. Rule 367.

Michael Applebaum

Attorney Number: 6197514

P.O. Box 4952

Skokie, IL 60076-4952

Friday, June 08, 2007

Dear ,

We have a trial court date set for October 17, 2007.

It is my expectation to be unavailable that day.

I intend to move to reschedule our court date for either a Tuesday or Thursday in November.

Except for November 20, I expect to be available Tuesdays and Thursdays in November, beginning November 08.

If you would please let me know if any of those days are NOT acceptable, I will draft my motion to accommodate you.

Kindly inform me in writing by June 18 if there are any Tuesdays or Thursdays that will not work for you.

Thank you.



Michael Applebaum

EXHIBIT A

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

MICHAEL APPLEBAUM, Special Administrator)
of the Estate of **JOSEPH APPLEBAUM**, deceased,)

Plaintiff-Appellee,)

v.)

RUSH NORTH SHORE MEDICAL CENTER,)
et. al.,)

Defendants-Appellants.)

Appeal No. 06-2709

ORDER

Plaintiff-Appellee's Motion For Extension Of Time To File Petition For Rehearing on the specific due date of December 04, 2007 is:

ALLOWED

DENIED

Signed:

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

Appeal No. 06-2709

MICHAEL APPLEBAUM, Special Administrator)
of the Estate of **JOSEPH APPLEBAUM**, deceased,)
)
Plaintiff-Appellee,)
)
v.)
)
RUSH NORTH SHORE MEDICAL CENTER,)
et. al.,)
)
Defendants-Appellants.)

Appeal No. 06-2709

AFFIDAVIT

1. One previous extension of time, unrelated to a petition for rehearing, has been requested.
2. Granted October 13, 2006, that motion was for an extension of time to file respondent's answer because of plaintiff-respondent's unavailability.
3. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER YOUR AFFIANT SAITH NOT.

Michael Applebaum
Attorney Number: 6197514
P.O. Box 4952
Skokie, IL 60076-4952

SUBSCRIBED AND SWORN TO
before me this 03 day of October 2007.

NOTARY PUBLIC

NOTICE OF FILING AND PROOF OF SERVICE

**APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT**

MICHAEL APPLEBAUM, Special Administrator)
of the Estate of **JOSEPH APPLEBAUM**, deceased,)

Plaintiff-Appellee,)

v.)

Appeal No. 06-2709

RUSH NORTH SHORE MEDICAL CENTER,)
et. al.,)

Defendants-Appellants.)

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn, deposes and says that he filed the required number of copies of the Plaintiff-Appellee’s Motion For Extension Of Time To File Petition For Rehearing with the Clerk of the Appellate Court of Illinois, First Judicial District, and that he also served 3 copies of said Brief and Argument on all counsel of record by depositing the same in the United States Mail, before the hour of 5:00 PM on October 03, 2007, properly stamped and addressed to: SEE ATTACHED SERVICE LIST.

Michael Applebaum
Attorney Number: 6197514
P.O. Box 4952
Skokie, IL 60076-4952

SUBSCRIBED AND SWORN TO
before me this 03 day of October 2007.

NOTARY PUBLIC

**APPLEBAUM v. RUSH
SERVICE LIST**

Mr. Robert Smyth
Mr. Nicholas L. Lopuszynski
Donohue, Brown, Mathewson & Smyth
140 S. Dearborn Street
Suite 700
Chicago, IL 60603

Mr. David Hall
Ms. Anna M. Loftus
Hall Prangle & Schoonveld, LLC
200 S. Wacker Drive
Suite 3300
Chicago, IL 60606

Mr. Timothy G. Nickels
Ms. Abosede O. Odunsi
Swanson, Martin & Bell, LLP
One IBM Plaza
330 N. Wabash #3300
Chicago, IL 60611

Ms. Patricia J. Foltz
Mr. Aaron P. Ryan
Anderson, Rasor & Partners, LLP
55 East Monroe
Suite 3650
Chicago, IL 60603

Mr. Scott Nelson
Ruff, Weidenaar & Reidy, Ltd.
222 North LaSalle Street
Suite 700
Chicago, IL 60601

Mr. Spyridon J. Demakis
Mr. Daniel Hronek
Cunningham Meyer & Vedrine, PC
111 West Washington Street
Suite 937
Chicago, IL 60602