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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – DOMESTIC RELATIONS DIVISION**

IN RE: THE MARRIAGE OF)
)
MARIA GUADALUPE MONTERO,)
)
Petitioner/Counter-Respondent,) Case No.: 2022 D 001031
)
and) Cal.: E
)
JORGE LUIS MONTERO,)
)
Petitioner/Counter-Respondent.)

PETITION FOR INTERIM AND PROSPECTIVE ATTORNEYS’ FEES AND COSTS

NOW COMES, the Petitioner/Counter-Respondent, MARIA GUADALUPE MONTERO (“Maria”), by and through her attorneys, CHICAGO FAMILY & IMMIGRATION SERVICES, LLC, pursuant to Sections 501(c-1) and 508 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/501(c-1); 5/508) (“IMDMA”) and petitions this Honorable Court for an award of interim and prospective attorneys’ fees and costs against Respondent/Counter-Petitioner, JORGE LUIS MONTERO (“Jorge”). In support of her Petition, Maria respectfully states as follows:

1. On February 9, 2022, Maria filed her Petition for Legal Separation, which is voluntarily withdrawn.
2. On February 14, 2022, Jorge filed his Petition for Dissolution of Marriage, which remains pending and undetermined.
3. On February 23, 2022, Maria filed her Counter-Petition for Dissolution of Marriage, which remains pending and undetermined.
4. The parties have been married in excess of eighteen (18) years, and they have one (1) minor child who is currently ten (10) years old.

5. Maria is currently fifty-one (51) years old and is currently employed as an Uber driver due to Jorge inappropriately restricting all of Maria's access to the marital accounts and funds. Since around year 2013, Maria has been a successful homemaker raising the parties' minor child.

6. Maria lacks sufficient income and lacks assets and resources to pay for her reasonable and necessary attorneys' fees and costs to participate in these pre-decree dissolution proceedings.

7. On the contrary, Jorge recently retired from the Chicago Police Department as a police officer after a twenty-one (21) year career. Steve is able-bodied and has access to a substantial amount of marital and non-marital funds such as his retirement accounts and pension as well as multiple checking and savings accounts.

8. On or about January 20, 2022, Maria retained Chicago Family & Immigration Services, LLC to represent her in these pre-decree dissolution proceedings and was financially unable to afford an initial retainer. A copy of the retainer agreement is available for *in camera* inspection by the Court upon review.

9. Jason A. Pica II ("Jason") is a Senior Associate at Chicago Family & Immigration Services, LCC principally entrusted with this case. Jason's current standard rate is \$300.00 per hour for office time and \$300.00 per hour for court time. In addition, Chicago Family & Immigration Services, LLC employs the use of trained and skilled partner and associate attorneys and paralegals, which are billed at the rates of \$100.00 to \$400.00 per hour.

10. These rates represent the customary charges for representation in such actions and are fair and reasonable in light of the attorneys' expertise and standards established by custom and usage in the legal community at large.

11. As of November 6, 2021, Anette currently has incurred \$4,775.50 in attorneys' fees and costs. Redacted billing records evidencing said fees and costs are available for *in camera* review by the Court upon request.

12. As of the date of filing this Petition, Maria has been unable to contribute to her attorneys' fees and costs and her counsel has been paid \$0.00.

13. All services rendered by Chicago Family & Immigration Services, LLC on behalf of Maria are reasonable and necessary.

14. In order to represent Maria's interest adequately in this proceeding, Chicago Family & Immigration Services, LLC reasonably anticipates that it will devote a substantial amount of time for preparation and litigation of Maria's case before the pending issues regarding division of marital assets and retirement, temporary and permanent maintenance and marital debts can be fully and finally resolved. Substantial discovery must also be completed.

15. Section 508(a) of the IMDMA allows for an award of interim attorneys' fees and costs and states in pertinent part as follows:

"The court from time to time, after due notice and hearing, and after considering the financial resources of the parties, may order any party to pay a reasonable amount of his own or the other party's costs and attorneys' fees. Interim attorney's fees and costs may be awarded from the opposing party in a pre-judgment dissolution proceeding in accordance with subsection (c-1) of Section 501 and in any other proceeding under this subsection." 750 ILCS 5/508(a).

16. Section 501(c-1) of the IMDMA provides that a party may request an award of interim attorneys' fees and costs from time to time for reasonable fees and costs either already incurred or to be incurred. Furthermore, Section 501(c-1) states that a proceeding for interim attorneys' fees and costs shall be non-evidentiary and summary in nature and scheduled expeditiously. 750 ILCS 5/501(c-1).

17. “The primary purpose of section 508 is to give the court the authority in a dissolution proceeding to equalize the relative positions of the parties before it,” and to “diminish any advantage one spouse may have over the other in the presentation of a case due to a disparity of their respective financial resources.” *In re Marriage of Pagano*, 154 Ill.2d 174, 183, 607 N.E.2d 1242, 1246 (1992).

18. Jorge is well able and capable of paying and defraying all of the costs and expenses necessarily incurred by himself, whereas Maria is without sufficient funds to pay and defray the attorneys’ fees and costs incurred on her behalf.

19. The Court should decide this petition on a non-evidentiary basis as provided by Section 501(c-1) of the IMDMA.

20. In support hereof, the Affidavit of Jason A. Pica II is incorporated herein and attached hereto as **Exhibit A**.

WHEREFORE, the Petitioner/Counter-Respondent, MARIA MONTERO, prays this Honorable Court order as follows:

A. For entry of an order requiring Respondent/Counter-Petitioner, JORGE MONTERO, to pay Chicago Family & Immigration Services, LLC the sum of \$4,775.50 as and for interim fees and costs in connection with its representation of Petitioner/Counter-Respondent, MARIA MONTERO;

B. For entry of an order requiring Respondent/Counter-Petitioner, JORGE MONTERO, to pay Chicago Family & Immigration Services, LLC the sum of \$10,000.00 as and for prospective fees and costs in connection with its representation of Petitioner/Counter-Respondent, MARIA MONTERO; and

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Petitioner/Counter-Respondent.)

**AFFIDAVIT OF JASON PICA II IN SUPPORT OF RESPONDENT'S
PETITION FOR INTERIM AND PROSPECTIVE ATTORNEYS' FEES AND COSTS**

I, Jason A. Pica II under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, certify that the factual statements set forth in this instrument are true and correct except as to matters herein stated to be on information and belief and as to such matters I certified as that I verily believe the same to be true:

1. I am a Senior Associate at Chicago Family & Immigration Services, LLC. and the attorney of record for Petitioner, Maria Montero. I am an attorney admitted to practice in the State of Illinois. I have personal knowledge of the factual matters set forth herein.

2. I am the principal attorney entrusted with this case. My current standard rate is \$300.00 per hour for office time and \$300.00 per hour for court time. The foregoing rates are fair and reasonable in light of my expertise and are in accordance with the usual and customary rates prevailing in the legal community at large.

3. This dissolution proceeding involves division of marital assets and debts, division of retirement, temporary and permanent maintenance as well as contribution to college expenses.

4. Maria is currently unemployed and has been a successful homemaker since year 2013. Maria currently has insufficient income and no available financial resources to financially afford reasonable and necessary attorneys' fees and costs expected to be incurred on her behalf.

5. Upon information and belief, Respondent, Jorge Montero, has substantial assets including real estate, investments, checking and savings accounts, and retirement accounts and pensions.

6. As of the date of filing this petition, Maria has not been able to pay her retainer and has incurred \$4,775.50 in attorneys' fees and costs as of April 19, 2022.

7. I reasonably expect that Chicago Family & Immigration Services, LLC will incur attorneys' fees and costs of at least \$10,000.00 in the investigation, discovery, drafting of pleadings, and litigation in this matter.

FURTHER AFFIANT SAYETH NAUGHT.



JASON A. PICA II