

MAY 17 2010

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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STATE OF ILLINOIS, *ex rel.* BEELER, SCHAD  
& DIAMOND, P.C.,

Plaintiffs-Appellants,

v.

BARNESANDNOBLE.COM, INC., and  
BARNES & NOBLE, INC.,

Defendants-Appellees.

No. 1-09-2555

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ORDER

On motion of the appellees, Barnesandnoble.com, LLC and Barnes & Noble, Inc., to dismiss the appeal and on the counter-motion of the relator-appellant, Beeler, Schad & Diamond, P.C., to consolidate this appeal with an appeal previously filed and bearing a docket number of 07-0096 or alternatively for leave to file an amended notice of appeal, both parties having submitted detailed motions and attachments thereto fully advising the court of the respective merit of their respective motions and this court being fully apprised of the pertinent facts and issues:

It is HEREBY ORDERED that the motion of the appellees to dismiss this appeal is GRANTED by reason of the fact that no appeal is presently pending with regard to the order of the circuit court granting the State's motion to voluntarily dismiss its complaint in the underlying action, rendering this appeal in this cause to be moot.

It is FURTHER ORDERED that the motion of the relator-appellant to consolidate this appeal with an appeal previously filed and bearing docket number 07-0096 is DENIED by reason of the fact that the appeal bearing docket number 07-0096 was remanded to the circuit court in its

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entirety without any retention of jurisdiction over any portion of it by this court and that the appellant has not acted to preserve that appeal or any portion of it.

It is FURTHER ORDERED that the alternative motion of the relator-appellant for leave to amend its notice of appeal is likewise DENIED by reason of the time limit imposed under the provisions of Supreme Court Rule 303(d).

*It is further ordered that defendants-Appellees' motion for extension of time to file their brief is Moot.*

*[Signature]*  
Justice

*[Signature]*  
Justice

*[Signature]*  
Justice

Justice

ORDER ENTERED

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APPELLATE COURT FIRST DISTRICT