

# 1: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020

**Exhibit 12**

Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Barb Smith

Known Labels

All Dated 6-25-2020

All 600%

**Exhibit 1**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-1

**Exhibit 2**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-2

**Exhibit 3**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-3

## 2: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020

**Exhibit 12**

Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Barb Smith

Known Labels

All Dated 6-25-2020

All 600%

**Exhibit 4**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-4

**Exhibit 5**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-5

**Exhibit 6**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-6

### 3: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020

**Exhibit 12**

Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Barb Smith

Known Labels

All Dated 6-25-2020

All 600%

**Exhibit 7**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-7

**Exhibit 8**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-8

**Exhibit 9**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-9

## 4: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020

**Exhibit 12**

Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Barb Smith

Known Labels

All Dated 6-25-2020

All 600%

**Exhibit 10**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-10

**Exhibit 11**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-11

**Exhibit 13**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-13

## 5: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020

**Exhibit 12**

Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Barb Smith

Known Labels

All Dated 6-25-2020

All 600%

**Exhibit 14**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-14

**Exhibit 15**

Witness: Hans Mast  
Date: 6/25/20  
Court Reporter: Barb Smith

K-15

## 6: Font Comparison in the Word "Exhibit" – LETTER "t" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

Labels K-1 THROUGH K-11 AND K-13  
THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF  
THE ABOVE NUMBERED LABELS.

Exhibit

Slanted

Narrower t-bar

Slanted

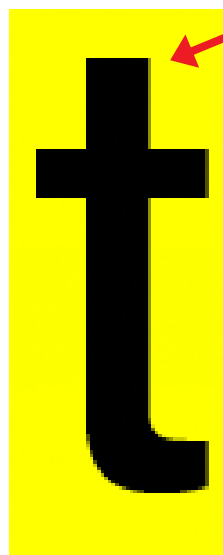


Exhibit

Not slanted

T-bar height is  
deeper on this "t"

Not slanted



# 7: Font Comparison in the Number Set "12" – Numeral "1" – **NOT SIMILAR**

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

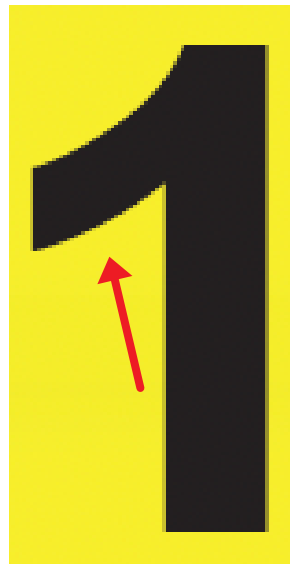
All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

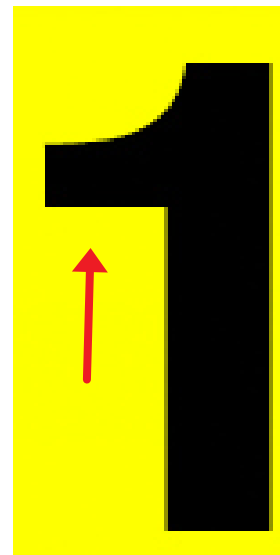
**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



**Curved/ angled**



**Straight**



# 8: Font Comparison in the Number Set "12" – Numeral "1" – **NOT SIMILAR**

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



**Slightly angled and longer than at right**



**No noticeable curve**



**Straight and longer than at left**

**Noticeable curve**



# 9: Font Comparison in the Word "Witness" – LETTER "t" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

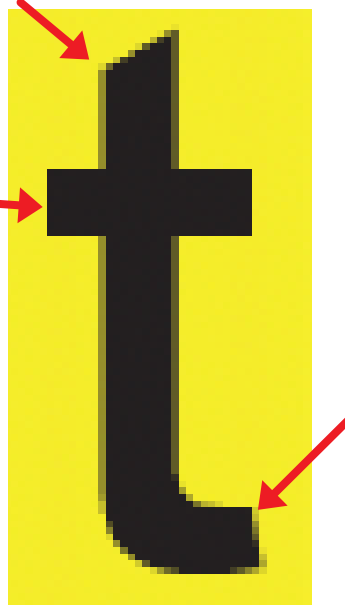
THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.



Slanted

T-bar height is deeper on this "t"

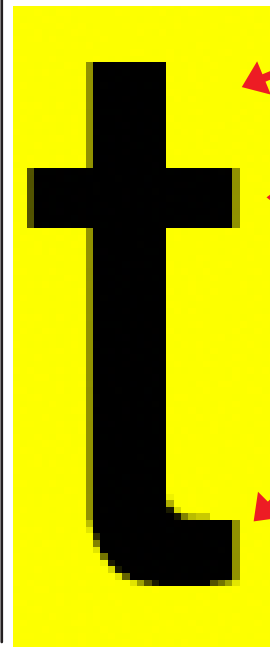
Slanted



Not slanted

Narrower t-bar

Not slanted



# 10: Font Comparison in the Word "Hans" – LETTER "a" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



Sharp corner

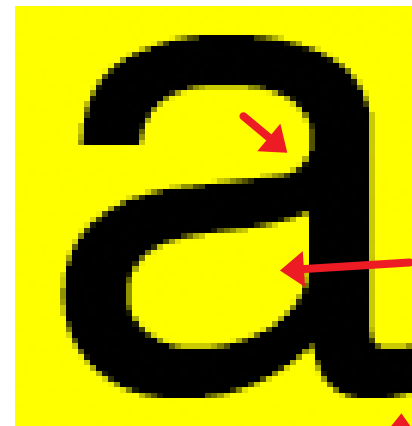
Less space than at right



Ends flat at bottom of letter

Rounded corner

More space than at right

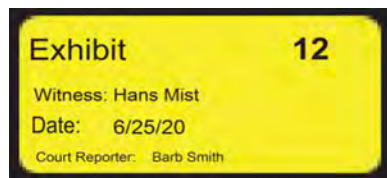


Ending moves toward the right

# 11: Font Comparison in the Last Name — LETTER “t” — NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

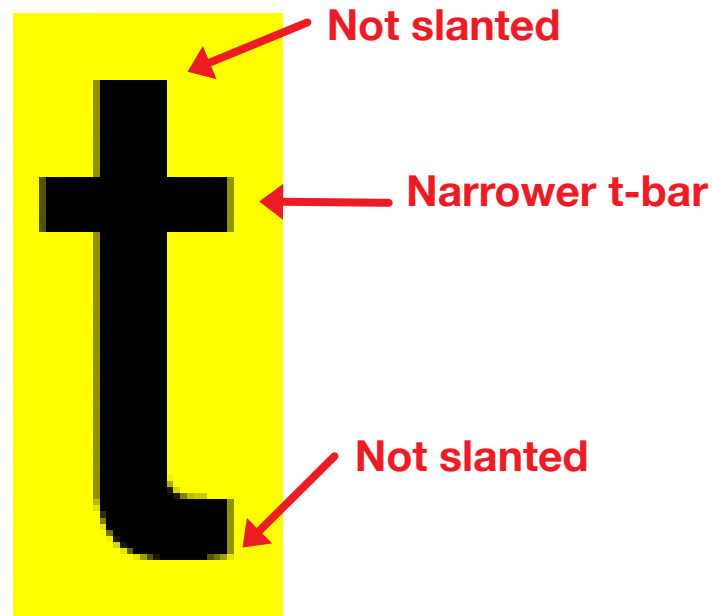
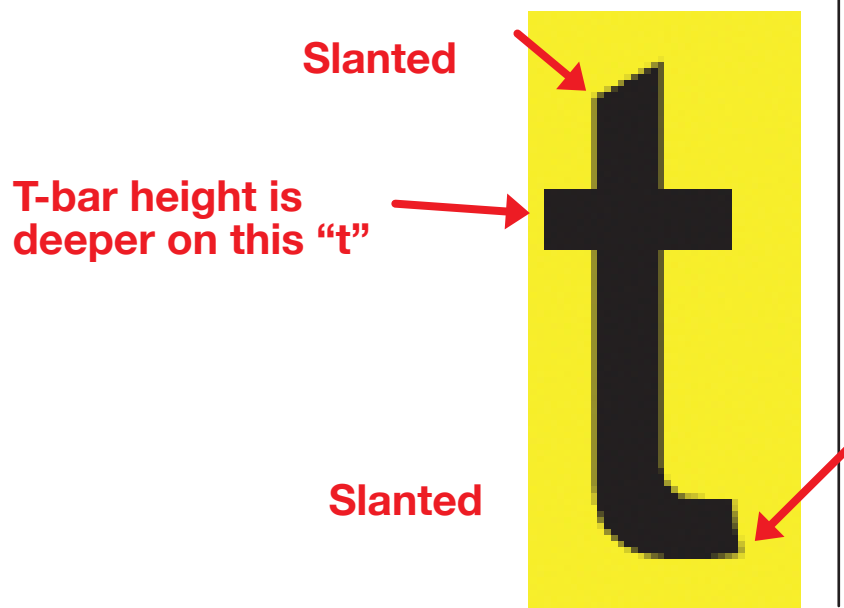
All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.

Mist

Mast



**12: Last Name is Misspelled in Questioned Label #12—NOT SIMILAR SPELLING**

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**

Mist



Mast



# 13: Font Comparison in the Word "Date" – LETTER "a" – **SIMILAR**

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.



Sharp corner  
Same amount of space as at right



Ends flat at bottom of letter

Sharp corner

Same amount of space as at right



Ends flat at bottom of letter

# 14: Font Comparison in the Word "Date" – LETTER "t" – **SIMILAR**

Q-1 Questioned Label #12

Dated 6-25-2020



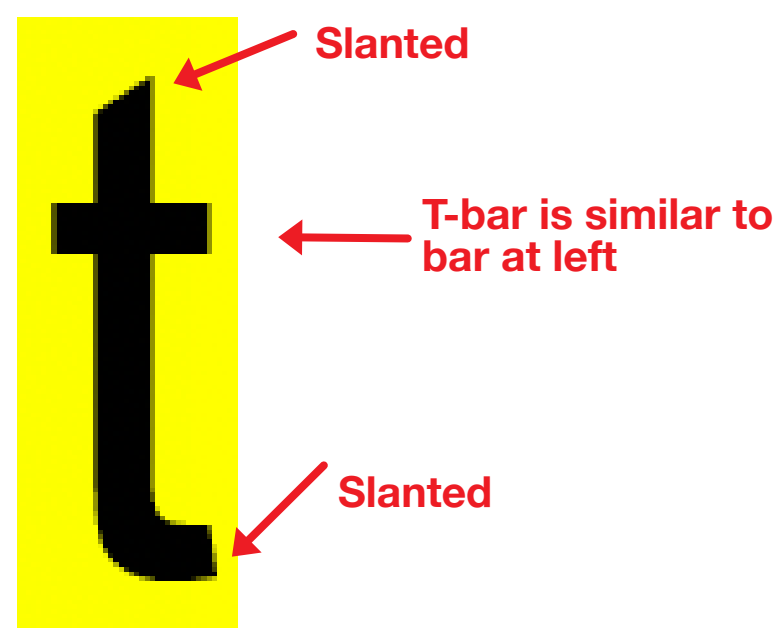
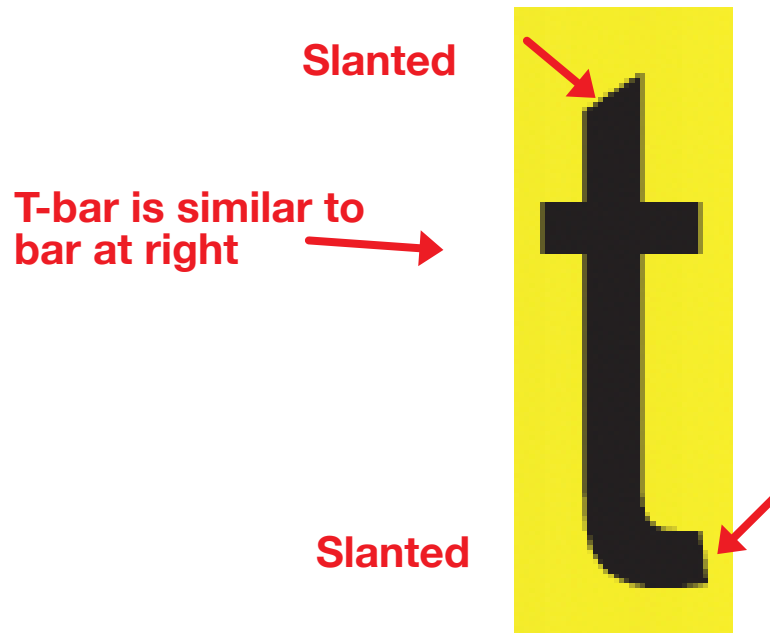
Known Stickers

All Dated 6-25-2020

All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.



# 15: Font Comparison in the Numerals— MOST NOTABLE IS NUMERAL “2” — NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

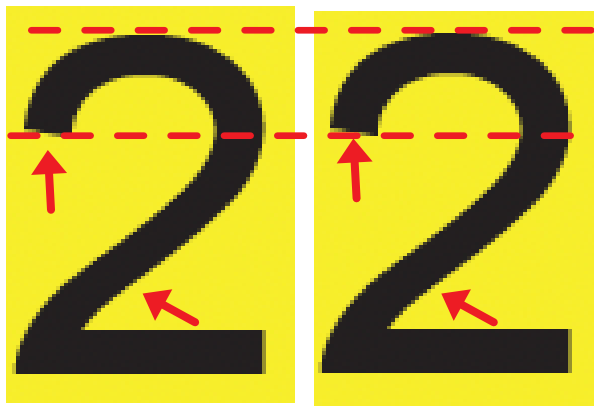
Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.



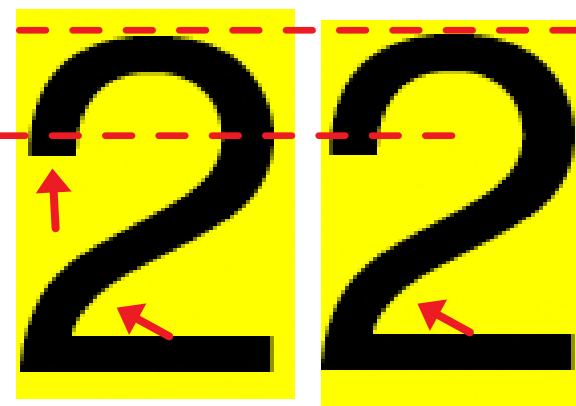
Slanted & shorter than at left

Not curved



Straight & longer than at left

Slightly curved



# 16: Font Comparison in the Word "Court" – LETTER "C" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



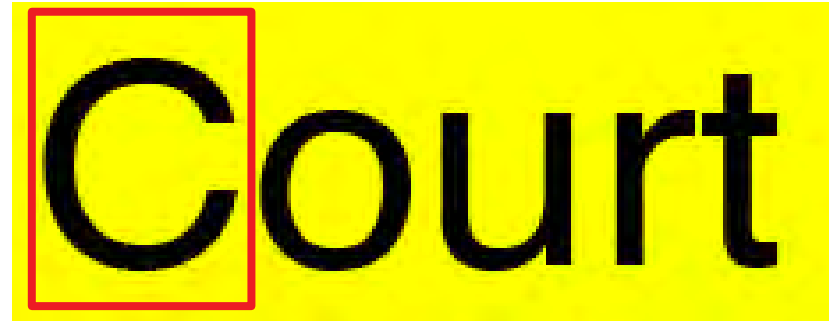
Known Labels

All Dated 6-25-2020

All 600%

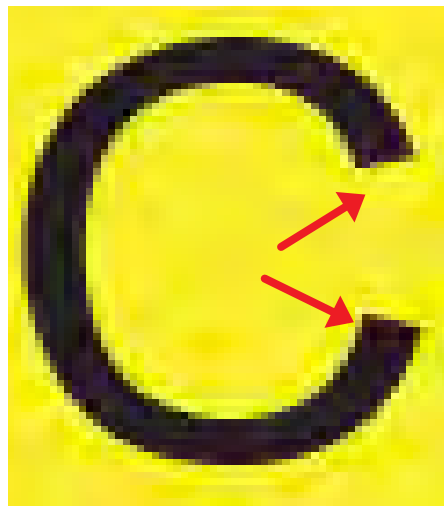
**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



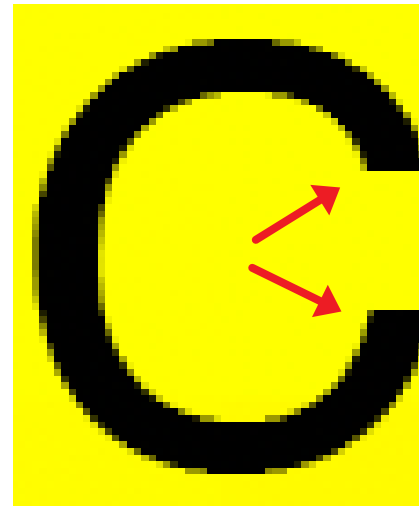
Slanted

Slanted



Straight across

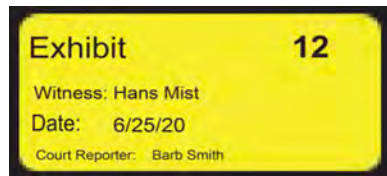
Straight across



# 17: Font Comparison in the Word "Court" – LETTER "r" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

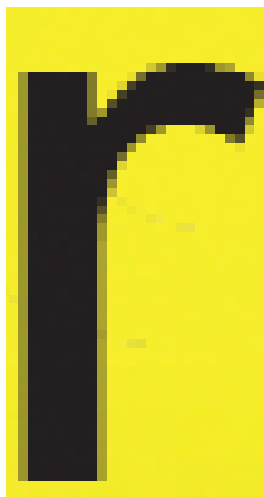
All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

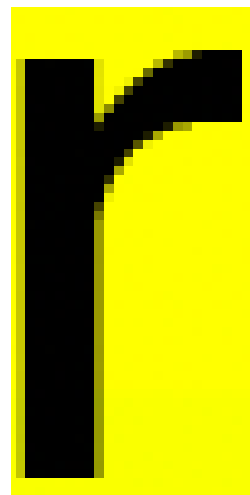
THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.



Slanted at end of stroke and more curved than at right



Not slanted at end of stroke and less curved than at left



# 18: Font Comparison in the Word "Court" – LETTER "t" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

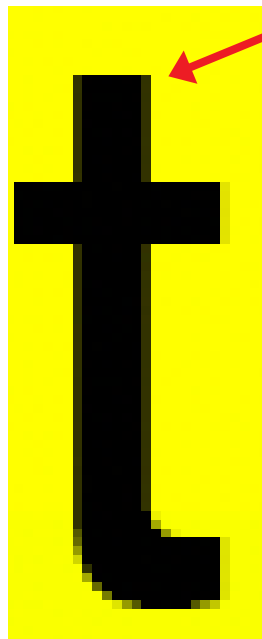
**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



Slanted



Not slanted



# 19: Font Comparison in the Word "Reporter" – LETTER "R" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.

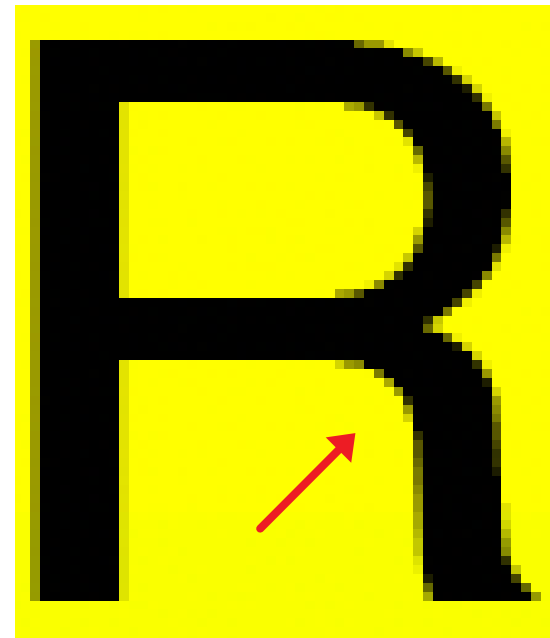
Reporter

Reporter

Straighter than at right



More curved than at left



## 20: Font Comparison in the Word "Reporter" – LETTER "r" – NOT SIMILAR

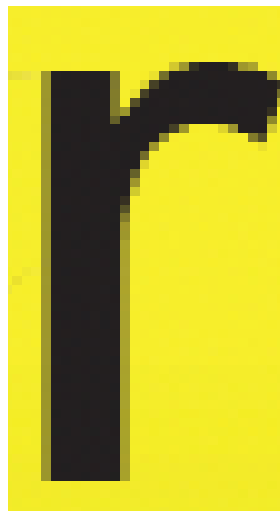
Q-1 Questioned Label #12

Dated 6-25-2020



Reporter

Slanted  
at end of  
stroke  
and more  
curved  
than at  
right



Known Labels

All Dated 6-25-2020

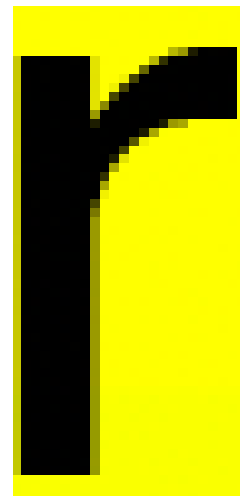
All 600%

Labels K-1 THROUGH K-11 AND K-13  
THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF  
THE ABOVE NUMBERED LABELS.

Reporter

Not  
slanted at  
end of  
stroke  
and less  
curved  
than at  
left



# 21: Font Comparison in the Word "Reporter" – LETTER "t" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

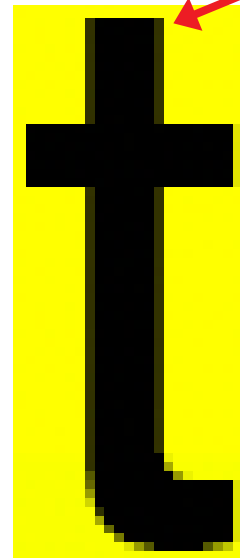
**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



Slanted



Not slanted



## 22: Font Comparison in the Word "Reporter" – LETTER "r" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

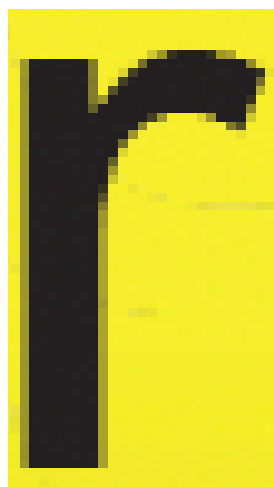
Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.

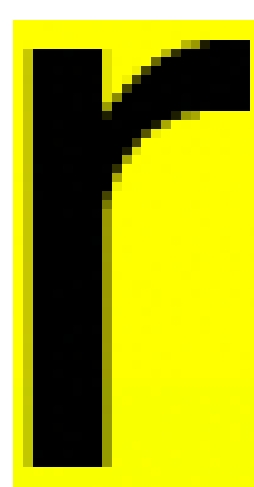
Reporter

Reporter

Slanted at end of stroke and more curved than at right



Not slanted at end of stroke and less curved than at left



## 23: Font Comparison in the Word "Barb" – LETTER "a" – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

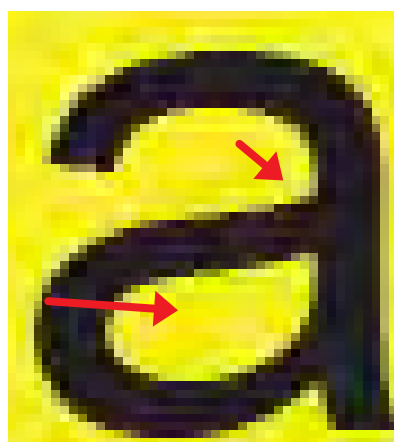
Labels K-1 THROUGH K-11 AND K-13  
THROUGH K-15 ALL HAVE THE SAME FONTS.

THIS REPRESENTS AND APPLIES TO ALL OF  
THE ABOVE NUMBERED LABELS.



Sharp corner

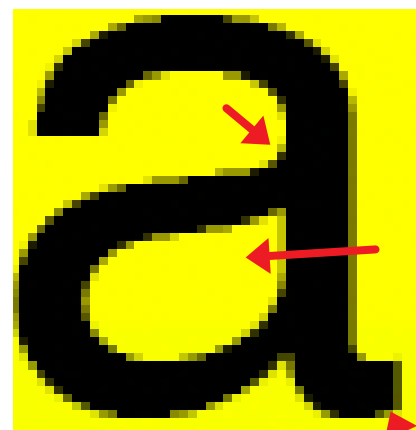
Less space  
than at right



Ends flat at  
bottom of letter

Rounded corner

More space  
than at right



Ending moves  
toward the right

## 24: Font Comparison in the Word “Barb” – LETTER “r” – NOT SIMILAR

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

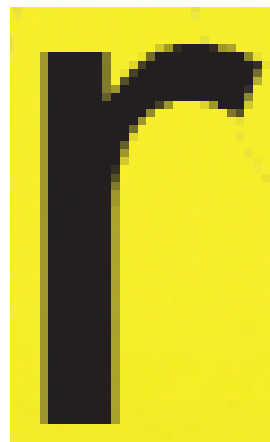
All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

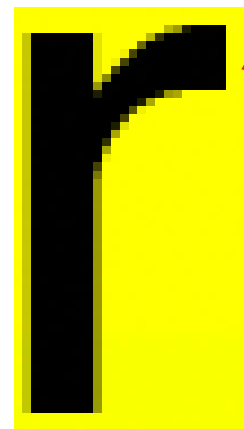
**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**



**Slanted  
at end of  
stroke  
and more  
curved  
than at  
right**



**Not  
slanted at  
end of  
stroke  
and less  
curved  
than at  
left**



## 25: General Comparisons

Q-1 Questioned Label #12

Dated 6-25-2020



Known Labels

All Dated 6-25-2020

All 600%

**Labels K-1 THROUGH K-11 AND K-13 THROUGH K-15 ALL HAVE THE SAME FONTS.**

**THIS REPRESENTS AND APPLIES TO ALL OF THE ABOVE NUMBERED LABELS.**

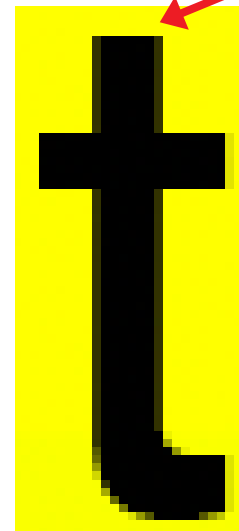
Smith

Smith

Slanted



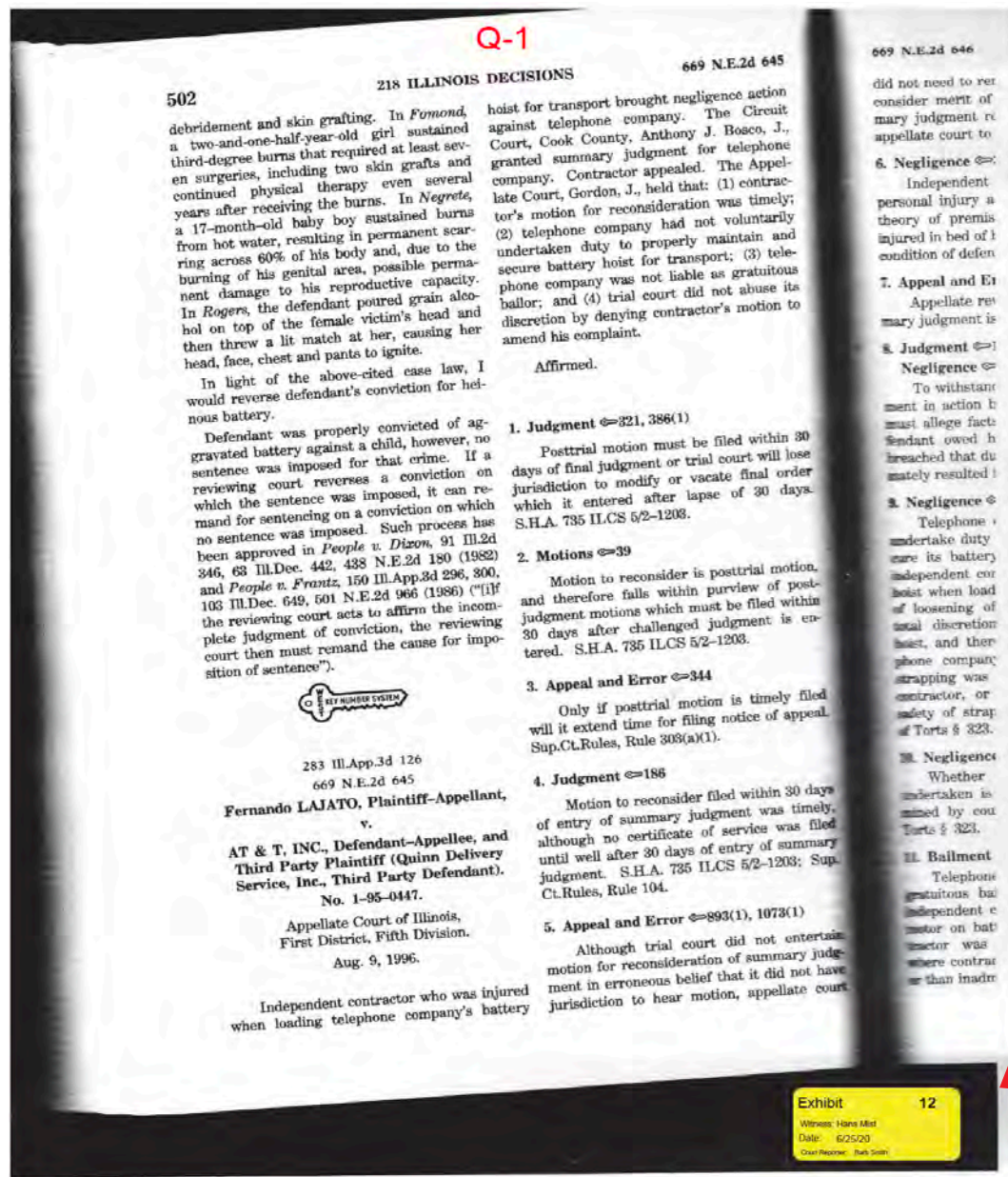
Not slanted



# 26: Q-1 Position of the Label "Exhibit 12" on the Page Shows a Black Background

Q-1 Questioned Label #12

Dated 6-25-2020



Q-1

502

218 ILLINOIS DECISIONS

669 N.E.2d 645

debridement and skin grafting. In *Fomond*, a two-and-one-half-year-old girl sustained third-degree burns that required at least seven surgeries, including two skin grafts and continued physical therapy even several years after receiving the burns. In *Negrete*, a 17-month-old baby boy sustained burns from hot water, resulting in permanent scarring across 60% of his body and, due to the burning of his genital area, possible permanent damage to his reproductive capacity. In *Rogers*, the defendant poured grain alcohol on top of the female victim's head and then threw a lit match at her, causing her head, face, chest and pants to ignite.

In light of the above-cited case law, I would reverse defendant's conviction for heinous battery.

Defendant was properly convicted of aggravated battery against a child, however, no sentence was imposed for that crime. If a reviewing court reverses a conviction on which the sentence was imposed, it can remand for sentencing on a conviction on which no sentence was imposed. Such process has been approved in *People v. Dixon*, 91 Ill.2d 346, 63 Ill.Dec. 442, 438 N.E.2d 150 (1982) and *People v. Frantz*, 150 Ill.App.3d 296, 300, 103 Ill.Dec. 649, 501 N.E.2d 966 (1986) ("If the reviewing court acts to affirm the incomplete judgment of conviction, the reviewing court then must remand the cause for imposition of sentence").



283 Ill.App.3d 126  
669 N.E.2d 645

Fernando LAJATO, Plaintiff-Appellant,  
v.

AT & T, INC., Defendant-Appellee, and  
Third Party Plaintiff (Quinn Delivery  
Service, Inc., Third Party Defendant).  
No. 1-95-0447.

Appellate Court of Illinois,  
First District, Fifth Division.  
Aug. 9, 1996.

Independent contractor who was injured  
when loading telephone company's battery

hoist for transport brought negligence action against telephone company. The Circuit Court, Cook County, Anthony J. Bosco, J., granted summary judgment for telephone company. Contractor appealed. The Appellate Court, Gordon, J., held that: (1) contractor's motion for reconsideration was timely; (2) telephone company had not voluntarily undertaken duty to properly maintain and secure battery hoist for transport; (3) telephone company was not liable as gratuitous bailor; and (4) trial court did not abuse its discretion by denying contractor's motion to amend his complaint.

Affirmed.

### 1. Judgment ¶321, 386(1)

Posttrial motion must be filed within 30 days of final judgment or trial court will lose jurisdiction to modify or vacate final order which it entered after lapse of 30 days. S.H.A. 735 ILCS 5/2-1203.

### 2. Motions ¶39

Motion to reconsider is posttrial motion, and therefore falls within purview of post-judgment motions which must be filed within 30 days after challenged judgment is entered. S.H.A. 735 ILCS 5/2-1203.

### 3. Appeal and Error ¶344

Only if posttrial motion is timely filed will it extend time for filing notice of appeal. Sup.Ct.Rules, Rule 303(a)(1).

### 4. Judgment ¶186

Motion to reconsider filed within 30 days of entry of summary judgment was timely, although no certificate of service was filed until well after 30 days of entry of summary judgment. S.H.A. 735 ILCS 5/2-1203; Sup.Ct.Rules, Rule 104.

### 5. Appeal and Error ¶893(1), 1073(1)

Although trial court did not entertain motion for reconsideration of summary judgment in erroneous belief that it did not have jurisdiction to hear motion, appellate court

669 N.E.2d 646

did not need to re-consider merit of summary judgment re-appellate court to

### 6. Negligence ¶30

Independent personal injury a theory of premises injured in bed of l condition of defen

### 7. Appeal and Error

Appellate re-consideration of summary judgment is

### 8. Judgment ¶31

### Negligence ¶30

To withstand summary judgment in action b must allege facts defendant owed b breached that du mately resulted i

### 9. Negligence ¶30

Telephone contractor undertake duty to secure its battery independent contractor hoist when load of loosening of total discretion hoist, and telephone company strapping was contractor, or safety of strap of Torts § 323.

### 10. Negligence

Whether undertaken is limited by con Torts § 323.

### 11. Bailment

Telephone gratuitous bail independent contractor on battery contractor was where contract re than inadri

Label that is in question is on a black background and edges are not clearly visible at this size

Exhibit 12  
Witness: Hans Mist  
Date: 6/25/20  
Court Reporter: Ruth Smith

## 27: Enlargement of the Label "Exhibit 12" on the Page Showing a Black Background

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Q-1 Questioned Label #12

Dated 6-25-2020



**28: Enlargement of the Label “Exhibit 12” on the Page Shows  
SQUARE CUT EDGE(S) ON THE OUTSIDE OF THE LABEL – NOT SIMILAR**

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**Square-cut corner of outside edge is visible in enlargement**

Q-1 Questioned Label #12

Dated 6-25-2020

**29: Enlargement of a KNOWN LABEL Shows ROUNDED OUTSIDE EDGES  
That Occur on ALL Known Labels**

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Known Label #2

Dated 6-25-2020

**Exhibit**

**2**

Witness: Hans Mast

Date: 6/25/20

Court Reporter: Barb Smith

### 30: Compare White Outline of Squared Corner of Questioned Label #12 to Known Label(s)

Q-1 Questioned Label #12

Dated 6-25-2020

Known Labels K-2

All Dated 6-25-2020

**Squared outside corner**



**Rounded outside corner**



**enlargement**

