

No. 1-10-3778

SHIRLEY BERGE,	)	Appeal from
	)	the Circuit Court
Plaintiff-Appellant,	)	of Cook County
v.	)	
	)	
KUNO MADER and DMG AMERICA, INC.,	)	No. 07 L 12812
	)	
Defendants-Appellees.	)	Honorable
	)	Eileen Mary Brewer,
	)	Judge Presiding.

PRESIDING JUSTICE QUINN delivered the judgment of the court, with opinion.  
Justices Harris and Connors concurred in the judgment and opinion.

**O P I N I O N**

¶ 1 The trial court held that the doctrine of judicial estoppel prevented plaintiff, Shirley Berge, from pursuing a tort action against defendants Kuno Mader and DMG America, Inc., after failing to disclose the case in her bankruptcy petition. Because Berge's contradictory actions met all the elements for invoking judicial estoppel, we find that the trial court did not abuse its discretion in invoking the doctrine and affirm.

¶ 2 **BACKGROUND**

¶ 3 In April 2006, plaintiff, Shirley Berge, filed for bankruptcy under chapter 13. 11 U.S.C. Chapt. 13, *et seq.* The following month, she was involved in an auto accident with a car owned by defendant DMG America, Inc., and driven by DMG's employee, defendant Kuno Mader. Plaintiff filed her negligence complaint concerning this accident in state court in November 2007 which is