

No. 1-11-2421

Notice: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE APPELLATE COURT
OF ILLINOIS
FIRST JUDICIAL DISTRICT

MERDELIN JOHNSON,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County
)	
v.)	
)	
GENERAL BOARD OF PENSION AND HEALTH)	No. 11 L 62043
BENEFITS OF THE UNITED METHODIST CHURCH,)	
a Not-for-Profit Company; AVAYA, INC., a New)	
Jersey Corporation; NICE SYSTEMS, INC., a New)	
Jersey Corporation; BARBARA BOIGEGRAIN; TOM)	Honorable Roger G. Fein,
CALANDRIELLO; HELEN EXARHAKOS; KIMBERLY)	Judge Presiding.
EVANS-VANTREASE; SARAH HIRSEN;)	
ALEXANDRA JUNG; GERTRUDE LIVERNOIS;)	
SHARON MAGGI; DEBBIE REID; MICHELLE BUSH;)	
LARRY LOEPKE; MARLENE IGEL; and MARK)	
BUSBIA, as Individuals,)	
)	
Defendants-Appellees.)	

JUSTICE KARNEZIS delivered the judgment of the court.
Presiding Justice Hoffman and Justice Rochford concurred in the judgment.

ORDER

HELD: The circuit court's order granting a motion to bar plaintiff from contacting defendants except in certain circumstances was not a preliminary injunction and was not appealable as an interlocutory appeal pursuant to Illinois Supreme Court Rule 307(a)(1).

¶ 1 Plaintiff Merdelin Johnson appeals *pro se* from the circuit court's order in favor of defendants General Board of Pension and Health Benefits of the United Methodist Church (The Board), Avaya, Inc., Nice Systems, Inc., Barbara Boigegrain, Tom Calandriello, Helen Exarhakos, Kimberly Evans-Vantrease, Sarah Hirsen, Alexandra Jung, Gertrude Livernois, Sharon Maggi, Debbie Reid, Michelle Bush, Larry Loepke, Marlene Igel, and Mark Busbia, granting their motion to bar plaintiff from telephoning the Board except under certain circumstances. On appeal, plaintiff contends that the circuit court's order granting the motion to bar constituted a preliminary injunction, which the circuit court erroneously granted. For the following reasons, we dismiss the appeal for lack of jurisdiction.

¶ 2 Background

¶ 3 Plaintiff is a former employee of the Board and worked as a customer service representative until her employment was terminated in March 2004. The Board generally recorded customer service representatives' telephone calls for quality control purposes. In September 2010, plaintiff filed a complaint against defendants alleging that they unlawfully recorded her personal telephone calls while she was at work. Plaintiff continued to call her former coworkers at the Board on their general telephone lines and claimed that "new" causes of action were created each time she called the

Board and her call was recorded. In response to plaintiff's actions, certain defendants filed a motion to bar plaintiff from calling the Board, except in limited circumstances. After a hearing, the circuit court granted the motion to bar and entered a written order on July 8, 2011, limiting plaintiff's calls to the Board. The order prevented plaintiff from calling the Board during normal working hours, except in an emergency situation. If an emergency arose, plaintiff was to call the person she wanted to talk to on that person's cell phone or through other electronic means or on a non-recorded courtesy phone at the Board. Plaintiff could also contact the Board's general counsel who would contact her on a non-recorded phone line. The order did not prevent plaintiff from contacting any employee on that person's cell phone or electronic device or in person. Plaintiff filed a timely appeal from the court's order.

¶ 4 Analysis

¶ 5 On appeal, plaintiff maintains that this court has jurisdiction pursuant to Illinois Supreme Court Rule 307(a)(1), which governs interlocutory appeals. She argues that the court's order granted a preliminary injunction, and therefore, the order is appealable as an interlocutory appeal.

¶ 6 Defendants maintain that this court lacks jurisdiction because the court's order did not grant an injunction and cannot be brought as an interlocutory appeal. Defendants point out that their motion to bar was not a motion for an injunction, the motion never used the term injunction and at the hearing, neither of the parties ever mentioned the term injunction.

¶ 7 Illinois Supreme Court Rule 307(a)(1) governs interlocutory appeals from an order granting an injunction. Ill. S.Ct. R. 307(a)(1) (eff. Feb. 26, 2010). An injunction is a judicial process by which a party is required to do a particular thing or to refrain from doing a particular thing. *Stein III v. Krislov*, 405 Ill. App. 3d 538, 541 (2010). The substance of the action, not its form is determinative. *In re A Minor*, 127 Ill. 2d 247, 260 (1989). Court orders that are ministerial or administrative cannot be the subject of an interlocutory appeal. *In re A Minor*, 127 Ill. 2d at 260. An order is ministerial or administrative if it regulates procedural details of the litigation before the court. *In re A Minor*, 127 Ill. 2d at 260. Such an order does not affect the relationship of the parties in their everyday activity apart from the litigation, and are therefore distinguishable from traditional forms of injunctive relief. *In re A Minor*, 127 Ill. 2d at 260.

¶ 8 Here, the court's order granting the motion to bar was not an order granting an injunction. The motion to bar did not seek to entirely prevent plaintiff from calling the Board, rather, it sought to limit her contact with the Board, except in certain circumstances. The order was ministerial or administrative in nature because it regulated plaintiff's conduct as it pertained to her lawsuit. Plaintiff's complaint contained allegations that the Board was unlawfully recording her telephone calls, and, the motion to bar sought to prevent the Board's recording of her calls. The court's order did not prevent plaintiff from contacting her former co-workers at the Board on their personal cell phones or other electronic devices or in person. The order also did not prevent plaintiff from contacting the Board regarding her own personal benefits. Since the order

1-11-2421

did not affect the relationship of the parties in their everyday activities apart from the litigation, it was not an order granting an injunction. As such, the order is not final and not appealable. Therefore, this court lacks jurisdiction to consider the appeal.

¶ 9

Conclusion

¶ 10 Accordingly, we dismiss the appeal for lack of jurisdiction.

¶ 11 Appeal dismissed.