2016 IL App (1st) 142244-U

FIFTH DIVISION
April 22, 2016

No. 1-14-2244

IN THE APPELLATE COURT

OF ILLINOIS

FIRST JUDICIAL DISTRICT

IN RE THE ESTATE OF STEVE J. PANAGIOTIS a/k/a THEOPHANIS PANAGIOTIS,	)	Appeal from the Circuit Court
	)	of Cook County
ARETI PANAGIOTIS, Petitioner-Appellee,	)	
	)	Nos. 11 P 4186
v.	)	61 S 8990
	)	
LYDIA PANAGIOTIS, Respondent-Appellant.	)	Honorable Leida J. Gonzalez-Santiago, Judge Presiding.

JUSTICE BURKE delivered the judgment of the court.[1]
Presiding Justice Reyes and Justice Lampkin concurred in the judgment.

ORDER

Held: The circuit court's judgment is affirmed over the respondent's contentions that (1) the petitioner's motion to vacate the divorce order was moot, (2) the court should have found *laches* applied, and (3) the court erred by admitting certain evidence.

[*]This case was recently reassigned to Justice Burke.

¶ 1 The dispute in this case centers on whether Areti Panagiotis or Lydia Panagiotis is the surviving spouse of Theophanis Panagiotis. Areti and Theophanis were married in Albania in 1946. In 1961, Theophanis filed for divorce from Areti in Cook County and served her by publication. The Superior Court of Cook County entered a divorce order later that year. In 1979, Theophanis married Lydia in Cook County.

¶ 2 Following Theophanis' May 2011 death in Cook County, Areti filed a motion to quash service and vacate the 1961 divorce order, arguing it was void due to invalid service. Lydia filed a memorandum in opposition, arguing *laches* barred Areti's motion. Lydia also raised several evidentiary objections to the various documents Areti attached to her motion.

¶ 3 In August 2013, the circuit court granted Areti's motion. Lydia subsequently filed a motion to vacate the court's order and dismiss Areti's motion to vacate on the grounds of mootness and lack of subject-matter jurisdiction. She also filed a motion asking the court to rule on the objections she had raised, make factual and legal findings as to her claims, and reconsider its decision. In June 2014, the circuit court entered a memorandum opinion and order. The court found Lydia had waived her mootness argument and, even if she had not, the argument lacked merit. The court also made several evidentiary rulings.

¶ 4 Lydia appeals, arguing (1) Areti's motion to vacate the divorce was moot, and the court erred by concluding Lydia waived the issue of mootness and by ordering discovery in the probate court; (2) the circuit court's finding that Areti lacked knowledge of the divorce until 2011 was contrary to the manifest weight of the evidence and the court should have found *laches* barred Areti's claim; and (3) the court erred by admitting certain evidence.

¶ 5 For the following reasons, we affirm.

¶ 6 I. BACKGROUND

¶ 7 A. Initial Pleadings

¶ 8 In July 2011, Marina Foto, the daughter of Theophanis and Areti, filed a petition for letters of administration in the probate division of the circuit court. The following month, Lydia filed an amended petition for letters of administration, claiming that she was Theophanis' surviving spouse. In her amended affidavit of heirship, Lydia stated that Theophanis divorced Areti in 1961 and married Lydia in 1979.

¶ 9 In May 2012, Areti filed a motion to quash service and vacate the 1961 dissolution of her marriage to Theophanis.[2] Areti filed her motion concurrently in the domestic relations and probate divisions of the circuit court. In her motion, Areti alleged that she and Theophanis were married in 1946. In 1947, Theophanis moved to the United States, leaving Areti, who was five months pregnant, in Albania. In 1950, Areti and their daughter Marina were caught by authorities while trying to escape Albania. They spent the next several years in a series of internment camps. The motion alleged that during this time, Theophanis knew Areti was able to send and receive mail.

¶ 10 Areti further alleged that in 1961, she and Marina lived in the Albanian village of Tirana. Theophanis purportedly maintained regular contact with Areti and Marina, sending letters and money until his death. Areti alleged that Theophanis knew she was able to send and receive mail. Areti further alleged that Theophanis filed for divorce from her in 1961. In his affidavit for publication, Theophanis stated that upon diligent inquiry, Areti's place of residence could not be ascertained. Areti alleged that the court then permitted service by publication and eventually granted the divorce in 1961. Areti claimed Theophanis never informed her of the proceedings

[2] Marina testified that Theophanis also used "Steve" as his first name. For consistency, we will refer to him as "Theophanis" throughout this order.

and continued to represent to her and others that he was her husband. Nonetheless, Theophanis then purported to "marry" Lydia Panagiotis. Areti claimed that Theophanis consistently informed Areti that Lydia was his housekeeper. Further, she alleged, she and Theophanis lived together as husband and wife during his visits to Albania, which occurred three times. Areti claimed that she continued to receive Theophanis' social security benefits as his surviving spouse.

¶ 11 Areti argued in her motion that the divorce decree was void because Theophanis improperly or fraudulently procured service by publication. Thus, Areti claimed, she was entitled to the full spousal share of Theophanis' estate.

¶ 12 Areti attached several documents to her motion, including Exhibit C, a letter from Leonidha Foto, a former neighbor of Theophanis' mother; Exhibit D, a letter from Marina; and Exhibit M, purported letters from Theophanis. Those documents are described in greater detail later in this order.

¶ 13 In May 2012, the probate division of the circuit court entered an agreed order stating that because it lacked jurisdiction to consider the motion to quash service and vacate the dissolution of marriage, the motion had to be heard in the domestic relations division.

¶ 14 In October 2012, Lydia filed a memorandum in opposition to Areti's motion. Lydia argued that Areti's motion was barred by *laches*, as Areti knew of Theophanis' remarriage in 1996 when her request for social security benefits was refused and Lydia would be prejudiced by a vacation of the divorce decree in that she would have to repay the survivor's social security benefits that she had received. Lydia attached to her memorandum a May 1996 letter from the Social Security Administration (SSA) to Theophanis. The letter asks Theophanis to call the SSA's office and states as follows. "We have received a claim for benefits on your account. We need to speak to you about your marriage to and divorce from Areti Polios." Lydia argued the

letter could "only mean that [Areti] had raised questions about the divorce decree at issue here with the SSA in 1996." In her memorandum, Lydia also challenged the affidavits and letters on which Areti relied, positing they contained inadmissible hearsay and conclusions and should be stricken.

¶ 15 B. Areti and Marina's Testimony

¶ 16 In January 2013, Areti testified at a hearing before the circuit court, later completing her testimony at an evidence deposition. Areti testified that Marina was born in August 1947, a few months after Theophanis left Albania. Areti was taken into the internment camps in 1950 and was released in 1951. From 1951 through 1956, she lived with her mother-in-law, sister-in-law, and brother-in-law in the same house she had previously shared with Theophanis. She was placed back into an internment camp in 1956 and was ultimately released in 1961. Between 1947 and 1961, Areti wrote and received letters from Theophanis. While at the camp, she was registered under Theophanis' name. After her 1961 release from the camp, Areti lived with Theophanis' brother in Turina.

¶ 17 Areti further testified that Theophanis visited her and his mother for a month in 1987, 1988, and 1990. During those visits, Areti and Theophanis lived like husband and wife. In 1980, 1987, and 1990, Areti received letters from Theophanis. They also spoke over the phone "all the time." In 1996 or 1997, Areti applied for social security as Theophanis' wife. An SSA employee told her that they had to check with Theophanis. Areti denied ever receiving correspondence from the SSA advising her that she was no longer Theophanis' wife. She said she received social security benefits on Theophanis' account and was still receiving those benefits at the time of the hearing. Areti said she first learned that Theophanis had divorced her after his May 2011 death.

¶ 18 Marina testified in an evidence deposition that she first met Theophanis in 1987. During 1987, 1988, and 1990, Theophanis made three month-long visits to Albania, during which time he stayed with his mother for a few days and then with Areti and Marina. While visiting, Theophanis never told Marina that he had divorced Areti. Marina first learned that Theophanis had divorced Areti after his death. When asked whether Theophanis ever had a conversation with Marina expressing that he was trying to find Areti, Marina responded, "Now to tell you—to tell you, he knew where she was because we were altogether with the grandmother, the brother, and his sister in the village. He knew where she was." Lydia's attorney objected as follows: "Objection to what he knew. She's not qualified. She's not a competent witness under Rule 602 to testify what her father knew." At the deposition, Marina was also asked whether Theophanis ever told her that he could not find Areti and had tried to look for her before 1961. Marina responded, "He never asked because it was never an issue about that because he knew." Lydia's attorney raised the same objection he had previously made.

¶ 19 Marina identified exhibit D, which was attached to Areti's motion to vacate the divorce decree, as a letter she wrote in November 2011. In the letter, Marina stated that from 1960 through 1963, she lived in Tirana near her uncle, Sofokli Panajoti. Marina stated that "as far as the year 1961 is concerned that my father Steve Panajoti has told me that he did not know where my mother Areti Panajoti was it is not true, he said that for his own reasons… My father knew very well where my mother was and he had a regular correspondence during all the years and also even during interment where my mother was, he found letters…" Marina also wrote that her uncle, Sofokli, "knew very well" where Areti lived, as he would take Marina to visit Areti, and that Marina's grandmother also knew of Areti's location because she would send items to Areti in the internment camp. Marina stated in the letter that after Areti was released, she returned to

Tirana, near Sofokli. At the deposition and in her memorandum in opposition to Areti's motion to vacate, Lydia raised several objections to Marina's letter and the statements therein. Those objections are discussed in greater detail later in our analysis.

¶ 20 Marina further testified that she lived with Theophanis' brother, Sofoklis, from approximately 1959 through 1963. Areti also lived with Sofoklis after her release from the camp until 1963. Areti's attorney asked Marina whether she knew if Theophanis was aware that Areti was living with Sofoklis after her 1961 release, and Marina responded, "Yes, he did know." Lydia's attorney objected "to what her father knew." Areti's attorney then asked Marina, "How did you know that your dad knew that your mother came to live with you and your uncle?" Marina responded, "We had correspondence. Both us and his brother had communication with father." Lydia's attorney indicated he was raising the "[s]ame objection" and argued that Marina had not "shown *** that the decedent said anything which led her to that conclusion. Actually if the decedent said something, that would be hearsay. He's not a party there."

¶ 21 When asked whether Areti and Theophanis lived as husband and wife when Theophanis visited in 1987, 1988, and 1990, Marina responded, "Together, yes. Visitors would come and everybody knew that they were husband and wife." Lydia's attorney objected to "what everybody knew" on the grounds that Marina could testify only to what she observed through her own personal senses.

¶ 22 Marina further testified that Theophanis supported her while she lived with Sofoklis by sending money. When Areti was released from the internment camp, Marina told Theophanis that she and Areti were moving to Argyrokastro. Marina also wrote him letters regarding her new address and continued corresponding with Theophanis while in Argyrokastro. Marina testified that "it was a lie" for Theophanis to testify in 1961 that he did not know where Areti lived.

Lydia's attorney objected that Marina's testimony was hearsay, as Marina lacked competency as to Theophanis' knowledge and the question called "for an ultimate conclusion of fact which is up for the Judge to decide, not a witness to speculate on."

¶ 23 Marina testified that she visited Chicago in 2004 and met Theophanis at a restaurant. Theophanis brought a woman named "Mrs. Lydia" with him. Theophanis did not tell Marina who the woman was. Marina explained that Theophanis was sick, and she knew he "wanted somebody to be with him because he was sick." She thought that her cousin and her cousin's wife told her that Theophanis was living with Lydia. However, Marina then testified, "I don't know. I didn't ask." Lydia spoke English, but Marina could not. Marina also testified that she once saw Lydia at her cousin's house.

¶ 24 When asked whether she told Areti about Lydia, Marina responded, "I did tell her what I knew, and what I knew was that my father needed somebody to take care of him at that time because he had just gone through an operation." During that period, Theophanis was walking with a cane during his recovery from a "big operation" that involved his throat. Theophanis was also undergoing kidney dialysis. Marina could not remember whether Lydia wore a wedding ring or whether she was wearing a wedding ring when Marina saw her during a subsequent visit to the United States.

¶ 25 The file stamps on Areti's and Marina's depositions reflect that they were filed in the circuit court in May 2013.

¶ 26 In June 2013, the parties filed written closing arguments.

¶ 27 C. The Circuit Court's August 2013 Order and Subsequent Proceedings

¶ 28 In August 2013, the circuit court granted Areti's motion to vacate the divorce decree, finding, *inter alia*, that Theophanis never served Areti with process and, as a result, the court that

entered the divorce never acquired personal jurisdiction over Areti. The circuit court thus quashed service of process and vacated the divorce decree as "void for lack of subject matter jurisdiction." The court held that Areti was Theophanis' sole lawful wife until his death. In October 2013, the court corrected its order to reflect its actual finding that the divorce decree was void for lack of "personal jurisdiction," not "subject matter jurisdiction."

¶ 29 In September 2013, Lydia filed a motion for the court "to rule on objections made to the evidence proffered by [Areti], make findings of fact and conclusions of law on the factual and legal issues raised as defenses and to reconsider and vacate the order of August 23, 2013 due to the rulings on the objections and the findings of fact and conclusions of law."

¶ 30 In October 2013, Lydia filed a motion to vacate the circuit court's August 2013 order and to dismiss Areti's motion to vacate on the grounds of mootness and lack of subject-matter jurisdiction. Lydia argued that Areti's motion to vacate the divorce judgment did not present a justiciable issue because, as Theophanis died before Areti filed her motion, the court could give Areti no relief. Lydia further posited that although Areti could "possibly raise this issue in the probate proceeding, a prerequisite for doing so (and to avoid this mootness argument there) would be evidence of the decedent's assets subject to probate." Lydia asserted that Theophanis' estate had no assets. She attached to her motion an asset inventory form, which listed James Panagiotis, Jr. as the independent executor of Theophanis's estate.

¶ 31 D. The Circuit Court's June 2014 Memorandum Opinion and Order

¶ 32 In June 2014, the circuit court issued a memorandum opinion and order. The court found that because Lydia did not argue mootness in her response to Areti's original motion to vacate, Lydia had waived her argument. Moreover, the court stated, it would have found a justiciable issue still existed upon Theophanis' death, as vacating a divorce decree when a spouse is

deceased is a justiciable issue if the deceased may have assets subject to probate. The court likewise found that Lydia had waived the issue of subject matter jurisdiction and even if she had not, the court had subject matter jurisdiction, as Areti was seeking to have a divorce decree vacated. The court further indicated it believed Areti could potentially recover from Theophanis' estate, "but it is an issue better settled in Probate Court." The court stated that "important consequences" could be connected to its finding that Areti was Theophanis' widow.

¶ 33 The circuit court then found that Areti's testimony regarding Theophanis' statements and actions fell into the exception to the Dead Man's Act (735 ILCS 5/8-201(a) (West 2012)). In support of its finding, the court cited *Vancuren v. Vancuren*, 348 Ill. App. 351 (1952).

¶ 34 Turning to the issue of *laches*, the circuit court found that Lydia failed to prove Areti had knowledge of the divorce prior to 2011, as the letter the SSA sent to Theophanis did not show Areti had constructive knowledge of the divorce, and the court would be engaging in "speculation upon speculation" by finding that Areti knew of the divorce based on any knowledge Marina purportedly had. The court noted Areti's testimony in her evidence deposition that the SSA office told her they would have to check with Theophanis before they could give her benefits. The court stated it found Areti's testimony "highly credible." The court also stated it found Marina's testimony, as well as Areti's testimony regarding Theophanis' ongoing actions of holding himself out as married to Areti, to be "highly credible." In sum, the court found Lydia failed to prove Areti had constructive knowledge of the divorce either through the SSA letter or Marina's alleged knowledge. Thus, the court was left only with Areti's testimony that she did not know of the divorce until the filing of her probate case. Finally, the court indicated that it would have found Lydia presented sufficient proof of prejudice; however, it did not need to make such a determination given its finding that Areti lacked constructive knowledge of the divorce.

¶ 35 In making its *laches* determination, the circuit court also made several evidentiary rulings to objections Lydia raised during Marina's evidence deposition. The court overruled the objections Lydia made based on Illinois Rule of Evidence 602 (eff. Jan. 1, 2011).

¶ 36 The circuit court then addressed the admissibility of certain exhibits attached to Areti's motion to vacate, including exhibit C (Leonidha Foto's letter), exhibit D (Marina's letter), and exhibit M (Theophanis' letters). The court found that Leonidha's letter was hearsay but was admissible under Illinois Rule of Evidence 804(a)(5) (eff. Jan. 1, 2011), as Leonidha lived in Albania and was elderly, ill, and outside the court's jurisdiction to serve with subpoena. Further, the court found, the statements in Leonidha's letter were admissible under Illinois Rule of Evidence 804(b)(4)(B) (eff. Jan. 1, 2011), because Leonidha was a neighbor and friend to Areti and Theophanis' family for 50 years. As to Marina's letter, the court found it did not present an evidentiary issue because Marina testified to "all that [was] encapsulated in" the letter. Finally, the court found that Theophanis' letters were admissible under Illinois Rules of Evidence 804(a)(4) and 804(b)(4)(A) (eff. Jan. 1, 2011), as Theophanis was unavailable to testify and the letters concerned Areti and Theophanis' marriage and child. In addition, the court found, the letters were admissible as statements against interest under Illinois Rule of Evidence 804(b)(3) (eff. Jan. 1, 2011).

¶ 37 In addition to hearsay objections, Lydia also argued the statements in Leonidha and Marina's letters were conclusory and therefore violated the best evidence rule. The circuit court disagreed, explaining the best evidence rule required the production of the original of a writing or record unless a foundation was established to justify not producing it. The court noted that Lydia had not argued the letters were not originals.

¶ 38 E. Notice of Appeal

¶ 39 In July 2014, Lydia filed a notice of appeal from the court's August 23, 2013, and June 23, 2014, orders. Her notice of appeal included both the domestic relations case number and probate case number.

¶ 40 II. ANALYSIS

¶ 41 On appeal, Lydia does not contest the circuit court's finding that Areti was not properly served. However, Lydia argues that (1) Areti's motion to vacate the divorce was moot, and the court erred by concluding Lydia waived the issue of mootness and by requiring the parties to undergo discovery in the probate court; (2) the circuit court's finding that Areti lacked knowledge of the divorce until 2011 was contrary to the manifest weight of the evidence and the court should have found *laches* barred Areti's claim; and (3) the court erred by admitting certain evidence. In response, Areti disputes Lydia's arguments and also raises her own contentions, namely, that (1) Lydia's brief should be stricken for failing to comply with Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013), (2) our court lacks jurisdiction over Lydia's appeal, and (3) this appeal should be dismissed as moot.

¶ 42 A. Lydia's Brief

¶ 43 Initially, we wish to address Areti's contention that Lydia's brief should be stricken based on Lydia's failure to (1) include a statement of whether the pleadings are involved, (2) provide a statement of the issue without detail, (3) set forth a statement of jurisdiction, and (4) provide a statement of facts without argument. See Ill. S. Ct. R. 341(h) (eff. Feb. 6, 2013). "[T]he rules of procedure for appellate briefs are rules, not mere suggestions, and it is within our discretion to strike a brief and dismiss an appeal for failure to comply with the rules." *Freedman v. Muller*, 2015 IL App (1st) 141410, ¶ 22. However, we decline to strike Lydia's brief or dismiss Lydia's appeal in this case. First, we do not find that Lydia's statement of facts is argumentative or her

statement of the issues is overly detailed. Second, Lydia's failure to include a statement regarding whether pleadings are involved does not hinder our review of the case. See *id.* (declining to strike a deficient brief where the brief was adequate in other respects and the deficiencies did not preclude the court's review). Finally, while Lydia did not include a statement of jurisdiction in her opening brief, she has corrected her oversight in her reply brief, fully explaining the basis for our court's jurisdiction. Accordingly, we will not strike her brief or dismiss her appeal. See *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 9 (reviewing the case on the merits where the appellee provided the court with sufficient materials and the appellant attempted to correct some of his opening brief's deficiencies in his reply brief).

¶ 44 B. Areti's Claim That Our Court Lacks Jurisdiction

¶ 45 As it is a threshold issue, we turn next to Areti's claim that our court lacks jurisdiction over this appeal because Lydia's notice of appeal is defective. Areti posits that Lydia has appealed from both the domestic relations and probate proceedings, but no final judgment has been entered in the probate case.

¶ 46 In her reply brief, Lydia suggests three bases for our jurisdiction, one of which is Illinois Supreme Court Rule 304(b)(3) (eff. Feb. 26, 2010). Generally, when an action involves multiple claims, an appeal may be taken from a final judgment as to fewer than all of the claims only if the circuit court makes an express written finding that no just reason exists for delaying enforcement or appeal or both. Ill. S. Ct. R. 304(a) (eff. Feb. 26, 2010). However, Rule 304(b)(3) allows a party to appeal an order granting or denying relief prayed for in a petition under section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2012)) without such a finding. Lydia contends that Areti's motion to vacate was a section 2-1401 motion, as it sought

relief from a void judgment. In support of her contention, Lydia relies on *Sarkissian v. Chicago Board of Education*, 201 Ill. 2d 95 (2002).

¶ 47 We agree with Lydia that, based on *Sarkissian*, we have jurisdiction under Rule 304(b)(3). In *Sarkissian*, the circuit court entered a default judgment against the defendant. *Sarkissian*, 201 Ill. 2d at 98. Approximately seven years later, the plaintiff petitioned to revive the default judgment. *Id.* The defendant then filed a motion to vacate the default judgment as void, claiming that service was defective and the court never acquired personal jurisdiction over the defendant. *Id.* at 98-99. Agreeing that the summons served on the defendant failed to conform with a portion of the Code, the circuit court vacated the default judgment. *Id.* at 99. The plaintiff subsequently appealed, and the defendant moved to dismiss, arguing that the appellate court lacked jurisdiction. *Id.* at 100. The appellate court found the order was a final order and appealable under Illinois Supreme Court Rule 303. *Id.*

¶ 48 The supreme court agreed that appellate jurisdiction existed but found the source of that jurisdiction in Rule 304(b)(3) rather than Rule 303. *Id.* at 101-102. The *Sarkissian* court explained that section 2-1401 of the Code authorizes a party to seek relief from a final judgment more than 30 days after a judgment is entered, and a 2-1401 proceeding is considered a new proceeding, not a continuation of the original proceeding. *Id.* at 101-02. Therefore, a circuit court's ruling on a section 2-1401 petition is a final order that is immediately appealable under Rule 304(b)(3). *Id.* at 102. The supreme court noted that the defendant had filed a motion seeking relief from a final judgment over 30 days after the judgment's entry. *Id.* The supreme court stated that "[r]egardless of the label which the [defendant] gave to its motion, the motion was, in substance, a section 2-1401 motion." *Id.* The *Sarkissian* court also reasoned that the general rule requiring section 2-1401 petitions to be filed within two years did not apply to

petitions based on voidness grounds. *Id.* at 104. In sum, because the defendant petitioned for relief from a default judgment entered more than seven years earlier, and because the defendant alleged the judgment was void due to lack of personal jurisdiction based on defective service, the defendant's petition was a section 2-1404 petition. *Id.* at 105. Accordingly, the supreme court found, the circuit court's order granting the motion to vacate was a final, appealable order pursuant to Rule 304(b)(3). *Id.*

¶ 49 As in *Sarkissian*, here, Areti filed a petition seeking relief from a default judgment more than two years after the entry of the judgment, arguing the judgment was void *ab initio* as the court had no jurisdiction based on improper service. Although Areti labeled her filing a motion to quash service and vacate dissolution of marriage, and although she stated that she was bringing her petition under section 2-301 of the Code, her petition was, in substance, a section 2-1401 petition. See *Sarkissian*, 201 Ill. 2d at 102 (noting that, irrespective of the label the defendant used for its motion, the defendant's motion "was, in substance, a section 2-1401 motion."). The circuit court's ruling on the section 2-1401 petition was thus a final order, appealable under Rule 304(b)(3).

¶ 50 The fact that Areti included the case numbers from both the original divorce proceeding and the probate division on her notice of appeal does not warrant a different outcome.[3] The purpose of a notice of appeal is to put the prevailing party on notice that the other party seeks review of the circuit court's judgment. *General Motors Corp. v. Pappas*, 242 Ill. 2d 163, 176 (2011). A notice of appeal will be deemed sufficient to confer appellate jurisdiction where it fairly and adequately sets out the judgment complained of and the relief sought. *Id.* Here, the notice specified that Lydia was appealing the court's August 2013 and June 2014 orders and that

[3] The domestic relations court's August 2013 order only listed one case number, the original Superior Court case number. However, the domestic relations court's June 2014 order actually listed both the Superior Court case number and the probate division case number. The cases were never consolidated.

she sought to have those orders vacated. Thus, the notice as a whole fairly and adequately informed Areti of the orders Lydia was appealing and the relief that she was seeking.

¶ 51 C. The Parties' Arguments Regarding Mootness

¶ 52 As it is also a dispositive issue, we next address Areti's assertion that this appeal is moot. In doing so, we will address Lydia's assertion that Areti's motion to vacate the divorce decree was moot.

¶ 53 Generally, Illinois courts do not decide moot questions or consider issues where the result will be unaffected regardless of how the issues are decided. *In re Marriage of Donald B. and Robert B.*, 2014 IL 115463, ¶ 32. A cause of action should be dismissed as moot when the issues have ceased to exist and an actual controversy between the parties no longer exists. *Hanna v. City of Chicago*, 382 Ill. App. 3d 672, 676-77 (2008); see also *In re Marriage of Eckersall*, 2015 IL 117922, ¶ 9 ("[a]n appeal is moot if 'no actual controversy exists or if events have occurred that make it impossible for the reviewing court to grant the complaining party effectual relief.' " (quoting *In re Marriage of Peters–Farrell*, 216 Ill.2d 287, 291 (2005)).

¶ 54 We turn first to Areti's argument that Lydia's appeal is moot. Whether an appeal is moot is a question of law that we review *de novo*. *In re James W.*, 2014 IL 114483, ¶ 18. Areti argues that after the circuit court quashed service and vacated the void judgment, it was as though no divorce decree had ever been entered. She further posits that Theophanis cannot refile the divorce action, nor can Lydia obtain a divorce on his behalf. Thus, she maintains, the controversy is no longer live. We disagree. Were we to reverse the circuit court's judgment and find the divorce order was not void, our decision would have the effect of placing the parties back into the position they were before Areti filed the motion to quash and vacate the divorce,

with Lydia as Theophanis' surviving spouse. As Areti herself acknowledges in disputing Lydia's claim that the motion to vacate was moot, the marital status of Areti and Lydia has a "direct impact" on their rights and duties. Accordingly, this appeal is not moot. See *Eckersall*, 2015 IL 117922, ¶ 9 (an appeal is moot if events have occurred making it impossible for our court to grant relief).

¶ 55 Likewise, Areti's motion to vacate the divorce decree was not moot. Initially, we agree that the circuit court erred by finding that Lydia waived her mootness argument. To invoke a circuit court's subject matter jurisdiction, a complaint must allege the existence of a justiciable matter. *In re Luis R.*, 239 Ill. 2d 295, 301 (2010)). A "justiciable matter" means " 'a controversy appropriate for review by the court, in that it is definite and concrete, as opposed to hypothetical or moot, touching upon the legal relations of parties having adverse legal interests.' " *Id.* (quoting *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 335 (2002)). An order entered by a court lacking subject-matter jurisdiction is void *ab initio* and may be attacked at any time. *In re Dar. C.*, 2011 IL 111083, ¶ 60. Thus, given that mootness goes to whether an issue is "justiciable," and a court only has subject-matter jurisdiction over "justiciable" issues, it follows that Lydia could raise the issue of mootness at any time.

¶ 56 The parties dispute our standard of review on the question of whether the trial court erred by finding Areti's motion was not moot. Lydia suggests a *de novo* standard applies. This court employs a *de novo* standard to the question of whether a cause of action should be dismissed based on a lack of justiciability, which encompasses the concept of mootness. *Ferguson v. Patton*, 2013 IL 112488, ¶¶ 22-23. Areti, on the other hand, posits that Lydia's claim should be reviewed for an abuse of discretion where Lydia did not raise her argument in the trial court until after the court had already ruled on the motion to vacate. See *In re Marriage of Bohnsack*, 2012

IL App (2d) 110250, ¶ 8 ("[w]hen reviewing a trial court's denial of a motion to reconsider that was based on new matters, *** this court employs an abuse of discretion standard." (internal quotation marks omitted.)).

¶ 57 We need not resolve the dispute surrounding our standard of review, because under either standard, the trial court did not err. We find meritless Lydia's contention that Areti's motion was moot because Theophanis died and "the court cannot declare that he is married to Areti." Areti's motion did not require the court to "declare" Theophanis was married to her. Instead, Areti's motion presented the question of whether the divorce decree was void, and Theophanis' death did not affect the court's ability to make such a finding. Furthermore, Lydia has cited no case law suggesting the circuit court was required to first ascertain whether Theophanis's estate had assets before determining the validity of his divorce. We decline to find the legal significance of Areti's status as Theophanis' surviving spouse was somehow completely dependent on whether Theophanis' estate had assets.

¶ 58 In so finding, we reject Lydia's claim that the circuit court erred by requiring the parties to "do discovery" in the probate division. First, the court did not order the parties to undergo discovery in the probate court. Instead, in the context of rejecting Lydia's argument that the court lacked subject matter jurisdiction, the court stated that Areti could potentially recover from Theophanis' estate, but the issue was "better settled in Probate Court." Further, because the existence of assets in Theophanis' estate was not dispositive as to whether Areti's case was moot, discovery on the existence of assets was unnecessary. Thus, Lydia's contentions regarding discovery are meritless.

¶ 59 D. Whether The Circuit Court Erred by Rejecting Lydia's *Laches* Defense

¶ 60 We now turn to Lydia's substantive claims. Lydia does not dispute that Areti was not properly served with notice of the divorce. However, Lydia argues that because the evidence showed Areti knew of the divorce prior to 2011, the court should have found the doctrine of *laches* barred Areti's claim. She also alleges that even if Areti did not know of the divorce before Theophanis' death, Areti knew that Theophanis was living with Lydia and was thus on notice to conduct further inquiry. See *Bobin v. Tauber*, 45 Ill. App. 3d 831, 837 (1976) ("[I]t is not necessary that plaintiff have actual knowledge of the specific facts upon which his claim is based. If the circumstances are such that a reasonable person would make inquiry concerning these facts, a party will be charged with *laches* if he fails to ascertain the truth through readily available channels.").

¶ 61 At the outset, the parties dispute whether the doctrine of *laches* applies to void orders. The Second District considered that question in *West Suburban Bank v. Advantage Financial Partners, LLC*, 2014 IL App (2d) 131146, ¶ 26. There, the defendant filed petitions for relief from judgment to set aside judgments entered against it, arguing that service was defective and therefore the court lacked personal jurisdiction. *Id.* ¶¶ 1, 5. On appeal, the plaintiff argued, *inter alia,* that the defendant's jurisdictional challenge was barred by *laches. Id.* ¶ 26. The appellate court found the defendant's argument "curious" because "the principle that a void judgment may be attacked at any time is firmly entrenched in Illinois law." *Id.* However, the appellate court also recognized that *laches* had been held, in some cases, "to interpose a limit on when a void judgment may be collaterally attacked." *Id. T*he court noted that several of those cases involved challenges to adoptions in which the potential harm of undoing an earlier judgment was of heightened concern. *Id.* The appellate court then declined to consider the issue further, as it

concluded the plaintiff had not established the necessary elements for the application of *laches. Id.*

¶ 62 Like the *West Suburban Bank* court, we find it unnecessary to resolve the dispute of whether *laches* applies to collateral attacks on void judgments, as Lydia has not established the elements necessary to support a *laches* defense in this case. "[T]o assert the defense of *laches*, a party must show both that there was unreasonable delay in bringing the action and that the delay materially prejudiced him.' " (Internal quotation marks omitted.) *Id.* ¶ 27. For *laches* to apply, a defendant must establish the following:

> "(1) [C]onduct on the part of the defendant giving rise to the situation of which complaint is made and for which the complainant seeks a remedy; (2) delay in asserting the complainant's rights, the complainant having had notice or knowledge of defendant's conduct and the opportunity to institute a suit; (3) lack of knowledge or notice on the part of the defendant that the complainant would assert the right on which he bases his suit[;] and (4) injury or prejudice to the defendant in the event relief is accorded to the complainant." (Internal quotation marks omitted.) *Osler Institute, Inc. v. Miller*, 2015 IL App (1st) 133899, ¶ 23.

The movant carries the burden of pleading and proving *laches*. *Lozman v. Putnam*, 379 Ill. App. 3d 807, 822 (2008). The determination of whether *laches* applies to a set of facts is left to the circuit court's discretion, and we will not overturn the court's determination absent an abuse of discretion. *Id.* An abuse of discretion occurs where the court's judgment is "palpably erroneous, contrary to the weight of the evidence, or manifestly unjust." (Internal quotation marks omitted.) *Id.*

¶ 63 The circuit court did not abuse its discretion by determining that *laches* did not apply, as the evidence supported the court's finding that Areti lacked knowledge of the divorce prior to 2011. Areti testified that she first learned she was divorced after Theophanis died. She denied receiving correspondence from the SSA advising her that she was no longer Theophanis's wife. She was still receiving social security benefits on Theophanis' account up until the hearing. Areti further testified that when Theophanis visited in 1987, 1988, and 1990, she and Theophanis lived like husband and wife. The court stated it found Areti's testimony "highly credible." Having observed Areti's testimony at the hearing, the court was in a superior position to judge her credibility and determine the weight to give her testimony. See *In re Estate of Bennoon*, 2014 IL App (1st) 122224, ¶ 72 ("As the trier of fact in a bench trial, the court is in a superior position to observe the demeanor of the witnesses while testifying, to judge their credibility and to determine the weight their testimony and the other trial evidence should receive.").[4] Further, Marina testified that she and Areti "continuously" received letters and money from Theophanis and that Theophanis never told her during his visits in 1987, 1988, and 1990 that he had divorced Areti. In light of all of the foregoing, we find no error in the circuit court's determination that the evidence failed to show Areti knew of the divorce before 2011.

¶ 64 Lydia argues at length that the SSA letter advising Theophanis that it needed to speak to him about his "marriage to and divorce from Areti" shows that Areti must have told the SSA about the divorce. However, we find Lydia's argument to be completely speculative. Nothing in the letter shows Areti told the SSA about the divorce.

¶ 65 Lydia's reliance on any purported knowledge that Marina had also does not warrant a different outcome. Lydia posits that Marina knew of the divorce when she visited in 2004, as

[4] Although the circuit court did not observe Areti's testimony at her evidence deposition, it did have the opportunity to observe Areti testify at the hearing. Thus, the court was in a better position than our court, who has not observed Areti at all, to judge Areti's credibility.

Marina met Lydia twice during that visit. However, Marina testified that although Theophanis brought "Mrs. Lydia" to a restaurant, he never told Marina who she was. At the time, Theophanis was sick, and Marina knew that he wanted somebody to accompany him while he was sick. Marina could not speak English. She thought her cousin and his wife may have told her that Theophanis was living with Lydia, but then she said she did not know and did not ask. Marina told Areti "what [she] knew," which was that Theophanis "needed somebody to take care of him at that time because he had just gone through an operation."

¶ 66 Thus, the evidence established only that Marina told Areti that Lydia was taking care of Theophanis. Given Areti's testimony that she and Theophanis lived like husband and wife during his visits and that she continued receiving his social security benefits, Areti would not have been on notice to inquire further into Theophanis' relationship with Lydia simply because Lydia was caring for him. In sum, we find no abuse of discretion in the court's determination that *laches* did not apply, as the evidence failed to show Areti knew of the divorce before 2011.

¶ 67 Based on our finding that Areti lacked knowledge of the divorce, we need not address Lydia's arguments regarding prejudice. See *West Suburban Bank*, 2014 IL App (2d) 131146, ¶ 27 (to sustain a *laches* defense, "a party must show both that there was unreasonable delay in bringing the action and that the delay materially prejudiced him." (Internal quotation marks omitted.)). Further, based on our determination that Lydia failed to establish a claim of *laches*, we need not address Areti's contention that *laches* could not apply because her case involved a statutory action, not a claim for equitable relief.

¶ 68 E. The Circuit Court's Evidentiary Determinations

¶ 69 Finally, Lydia challenges several of the circuit court's evidentiary rulings. Specifically, Lydia asserts the court erred by (1) interpreting *Vancuren* as supporting the admission of Areti's

testimony pursuant to the Dead-Man's Act (735 ILCS 5/8-201 (West 2012)); (2) overruling her objections to Marina's deposition testimony; (3) overruling her objection to Leondihas Foto's letter; (4) finding her objections to Marina's letter were moot and overruling her objections to statements in Marina's and Leondiha's letters; and (5) overruling her objection to the translations of three purported letters from Theophanis.

¶ 70 Generally, we review evidentiary rulings for an abuse of discretion. *Gunn v. Sobucki*, 216 Ill. 2d 602, 609 (2005). Reversal on appeal is required only where an erroneous evidentiary ruling was substantially prejudicial. *Shachter v. City of Chicago*, 2011 IL App (1st) 103582, ¶ 80. The burden of establishing prejudice is on the party seeking reversal. *Id.*

¶ 71 1. *Areti's Testimony And The Dead-Man's Act*

¶ 72 Lydia posits that the circuit court should have found the Dead-Man's Act barred Areti's testimony. She maintains that the court's ruling on the scope of the Dead-Man's Act must be reviewed *de novo*, as it was based on the court's erroneous interpretation of *Vancuren*. See *Naleway v. Agnich*, 386 Ill. App. 3d 635, 647 (2008) ("[W]here the issue on appeal is not whether the trial court properly exercised its discretion to exclude evidence but instead whether the trial court misinterpreted the law in excluding evidence, the question presented on appeal is one of law, and our review is *de novo*."). However, we find the court did not erroneously interpret *Vancuren*, nor did it abuse its discretion in admitting Areti's testimony.

¶ 73 Initially, we note that Areti contends Lydia forfeited her objection by failing to raise it during Areti's evidence deposition. However, we agree with Lydia that she was not required to object at the evidence deposition. Illinois Supreme Court Rule 211(c) provides as follows: "Grounds of objection to the competency of the deponent or admissibility of testimony which might have been corrected if presented during the taking of the deposition are waived by failure

to make them at that time; otherwise objections to the competency of the deponent or admissibility of testimony may be made when the testimony is offered in evidence." As Areti could not have remedied any objection Lydia made on the grounds of the Dead-Man's Act during the deposition, Lydia was not required to object on that basis during the deposition. See *Somers v. Quinn*, 373 Ill. App. 3d 87, 97 (2007) (where the defendant filed a motion *in limine* to exclude portions of a doctor's testimony based on the fact that the doctor lacked a medical license at the time of his evidence deposition, the defendant was not required to raise the doctor's lack of a medical license during the deposition as the plaintiff was "powerless to remedy [the doctor's] lack of a medical license during the deposition."). Further, although Areti takes issue with the fact that Lydia made her objection for the first time during closing arguments, Areti has not identified an earlier opportunity for Lydia to make her objection. The record demonstrates that the evidentiary depositions were filed with the circuit court in May 2013 and that the parties relied on those depositions for the first time when they made their written closing arguments.[5] Thus, the record shows Lydia made her objection at the first time Areti's testimony was "offered in evidence." Accordingly, Lydia did not forfeit her claim.

¶ 74 Forfeiture aside, the circuit court did not err by determining the evidence was admissible. The Dead-Man's Act provides that in a trial of any action in which a party sues or defends as the representative of a deceased party, "no adverse party or person directly interested in the action" may testify on her own behalf as to any conversation with the deceased person or to any event that took place in front of the deceased party. 735 ILCS 5/8-201 (West 2012). However, the Dead-Man's Act also states that "[n]o person shall be barred from testifying as to any fact

[5] We note, parenthetically, that Areti also testified regarding Theophanis' actions during the hearing before the circuit court. It is unclear whether Lydia is also objecting to that testimony. To the extent she is, she has forfeited her objection by failing to make it in the circuit court. See *Haudrich v. Howmedica, Inc.*, 169 Ill. 2d 525, 536 (1996) ("It is well settled that issues not raised in the trial court are deemed waived and may not be raised for the first time on appeal.").

relating to the heirship of a decedent." 735 ILCS 5/8-201(d) (West 2012). As the proceedings in this case related to whether Areti and Theophanis remained married at the time of his death, which in turn affected Lydia's and Areti's ability to collect from Theophanis's estate, the Dead-Man's Act did not preclude Areti's testimony. See *In the Matter of the Estate of Bailey*, 97 Ill. App. 3d 781, 783-84 (1981) (the Dead-Man's Act did not preclude the petitioner from testifying as to her marriage with the decedent in a proceeding between the petitioner and the decedent's mother to establish the proper administrator of his estate).

¶ 75 We also reject Lydia's contention that the circuit court erred in its reliance on *Vancuren*. Lydia maintains that *Vancuren* stands only for the proposition that if a deceased party has testified on a subject, the opponent may do so on the same subject after the party's death. Thus, she contends, *Vancuren* does not allow admission of Areti's testimony regarding Theophanis's actions and statements. However, we fail to see the distinction Lydia draws between *Vancuren* and the facts of her case. In *Vancuren*, the husband filed suit for divorce, charging desertion. *Vancuren*, 348 Ill. App. at 353. He served his wife by publication. *Id.* After the divorce was entered, the wife filed a petition to set aside the divorce decree. *Id.* During subsequent proceedings, the husband died. *Id.* The appellate court concluded the Dead-Man's Act did not prohibit the wife from testifying. *Id.* at 359.[6] The court noted that the husband had testified as to desertion, and the Act provided that when the deposition of a deceased person was entered into evidence at trial, any adverse party could testify as to all matters testified to in the deposition. *Id.* at 358.

¶ 76 The *Vancuren* holding thus supports the circuit court's determination that Areti's testimony was admissible. When he filed for divorce, Theophanis stated in his affidavit for

[6] The *Vancuren* court did not use the title "the Dead-Man's Act," instead referring to the relevant statutory provision as "Chapter 51, Section 2 of the Evidence Act, Ill. Rev. Stats. 1951, c. 51, § 2. *Vancuren*, 348 Ill. App. at 357.

publication that he did not know Areti's residence. Thus, Areti should have been permitted to testify regarding actions and statements Theophanis made reflecting that he did, in fact, know where she lived. Accordingly, the court's reliance on *Vancuren* was not improper.

¶ 77 In any event, we review the determination of the circuit court, not its reasoning, and thus may affirm on any basis appearing in the record. *Antonacci v. Seyfarth Shaw, LLP*, 2015 IL App (1st) 142372, ¶ 21. Given our determination that section 201(d) of the Dead-Man's Act, which was not discussed in *Vancuren*, allowed Areti's testimony, we find no cause for reversal.

¶ 78 *2. Marina's Testimony*

¶ 79 Lydia next posits that the circuit court should have sustained her objections to Marina's testimony based on Illinois Rule of Evidence 602. Ill. R. Evid. 602 (eff. Jan. 1, 2011). Lydia argues the court's rulings were erroneous because "[o]ne witness is not qualified to testify to what someone else knew because what someone else knew is not within the witness' personal senses as required by Ill. Rul. Evid. 602." However, Lydia has cited no case law to support her claim, nor has she developed her argument any further. "It is axiomatic that [a] reviewing court is entitled to have the issues clearly defined and supported by pertinent authority and cohesive arguments." (Internal quotation marks omitted.) *Sexton v. City of Chicago*, 2012 IL App (1st) 100010, ¶ 79. Failure to develop an argument results in forfeiture. *Id.*; *Ramos, M.D. v. Kewanee Hospital*, 2013 IL App (3d) 120001, ¶ 37. Given her lack of cohesive argument and failure to cite any authority supporting her interpretation of Illinois Rule of Evidence 602, we find Lydia has forfeited her claim regarding Marina's testimony.

¶ 80 *3. The Letter From Leonidha Foto*

¶ 81 Next, Lydia asserts that the circuit court should have excluded Leonidha Foto's letter[7], which was attached to Areti's motion to quash service. Lydia contends the court erred by finding the letter was admissible under Illinois Rule of Evidence 804(a)(5) (eff. Jan. 1, 2011), where no evidence was presented showing Areti made a good-faith effort to bring Leonihda to court. In support of her claim that Areti was required to show she made a good-faith attempt to bring Leonihda to court, Lydia cites only to a federal district court case, *United States v. Wrenn*, 170 F. Supp. 2d 604, 607 (2001).

¶ 82 We need not determine whether the circuit court erred by admitting Leonidha's letter because Lydia has not shown how she was prejudiced by the letter's admission, and it is well-settled that we will reverse a circuit court's decision only where an erroneous evidentiary ruling is substantially prejudicial. *Shachter*, 2011 IL App (1st) 103582, ¶ 80. In the letter, Leonidha stated that Theophanis' mother lived with Areti and Marina until 1956. The letter further stated that when Marina was released in 1961, she would visit Theophanis' mother from time to time. Leonidha's letter thus went to the issue of whether Theophanis knew of Areti's whereabouts in 1961, which was relevant to whether Theophanis properly served Areti by publication. Yet, Lydia has never challenged the court's determination that service by publication was improper. Instead, her arguments at the circuit court and on appeal have centered on whether Areti knew of the divorce prior to 2011, such that *laches* barred Areti's claim. Leonidha's letter has no bearing on that issue. Moreover, Leonidha's letter was merely cumulative of Areti's testimony that she lived with her mother-in-law from 1951 through 1956 and Marina's testimony that Theophanis knew of their whereabouts. Thus, even assuming the court erred by admitting the letter, as Lydia

[7] Lydia refers to Leonihda's letter as an affidavit. However, the document does not state that Leonihdas made the statements under oath. Thus, we will refer to the document as a letter. See *Roth v. Illinois Framers Insurance Co.*, 202 Ill. 2d 490, 493 (2002) (stating that "[a]n affidavit is simply a declaration, on oath, in writing, sworn to by a party before some person who has authority under the law to administer oaths." (Internal quotation marks omitted.)).

claims, the outcome of the proceedings would not have been any different absent the letter. Accordingly, reversal on the basis of the letter is not warranted.

¶ 83 4. *Statements in Marina's Letter and Leonidha's Letter*

¶ 84 Lydia also contends that Marina's letter, attached as exhibit D to Areti's motion to quash service, was inadmissible. Lydia quotes the objection that she made in her October 2012 memorandum in opposition to Areti's motion to vacate. That objection is as follows.

> "Exhibit D is supposedly signed by decedent's and Petitioner's daughter. The statements 'my father… told me', 'did not know', 'is not true', 'said that for his own reasons', and 'knew very well' (mentioned twice) are conclusory and hearsay. The phrase 'regular correspondence' is conclusory and violates the best evidence rule. There is no showing of personal knowledge of what her grandmother sent to her mother when her mother was in detention" for all we can tell from this letter, the witness is only repeating what someone told her."

Lydia observes that the circuit court found her objections were moot because Marina testified to the letter's contents in her evidence deposition. Lydia then goes on to state "[t]he Circuit Court was wrong. The letter was used as an exhibit at Marina's evidence deposition and the objection above was basically repeated at the deposition. *** The Circuit Court should have ruled on the objections and sustained them."

¶ 85 In the next section of her brief, Lydia also challenges certain statements in Marina's letter and Leonidha's letter. She argues the circuit court erred when it rejected her arguments that the statements were conclusory and violated the best evidence rule on the basis that she failed to argue Marina's letter and Leonhidas's letters were not originals. Lydia posits that her "best

evidence objection is well-taken because the witness was attempting to testify to the contents of documents which are not of record."

¶ 86 As with her challenges to Marina's deposition testimony, Lydia has failed to present a cohesive argument or adequate citations to support her claims regarding Marina's and Leonidha's letters. Lydia's sole citation to any authority is to Illinois Rule of Evidence 1003 (eff. Jan. 1, 2011), which she cites in the context of disputing the circuit court's citations to Illinois Rule of Evidence 1002 (eff. Jan. 1, 2011) and *Larson v. Commonwealth Edison Co.*, 33 Ill. 2d 316 (1965). Lydia states as follows: "Ill. Rul. Evid. 1003 allows copies to be treated as originals unless a 'genuine issue' is raised as to the accuracy of the copies. In light of Rule 1003, *Larson* is no longer a viable precedent regarding the scope of the best evidence rule."

¶ 87 Our court is "entitled to have issues clearly defined and supported by pertinent authority and cohesive arguments." (Internal quotation marks omitted.)). *Sexton*, 2012 IL App (1st) 100010, ¶ 79. Lydia's failure to present a more complete argument is particularly problematic here because, as the circuit court correctly noted, Lydia never argued that Marina's and Leonidha's letters were not original copies. Based on her undeveloped argument, we cannot understand Lydia's claim regarding the best evidence rule, much less resolve it. In sum, Lydia has forfeited review of her claims regarding the statements in Marina's and Leonidha's letters.

¶ 88 5. *The Purported Letters From Theophanis*

¶ 89 Finally, Lydia challenges the circuit court's ruling with respect to three translated letters, purportedly from Theophanis, which were attached to Areti's motion to vacate. The originals of the translated letters are not included in the attachment. A notarized letter from Lily Huberman is included, in which Huberman attested that Tess Vassiliadous was a professional translator and to

the best of Huberman's knowledge, the translations of the letters from Greek into English were true and accurate translations.

¶ 90 In her brief, Lydia quotes the challenge she made in the circuit court as follows: "Exhibit M is hearsay as the originals of these letters are not part of the record so we cannot determine whether the decedent wrote those originals. The affidavit of Lily Huberman is hearsay: she is supposedly testifying what someone else, the translator, did. Ms. Huberman writes that the translations are accurate but there is no foundation for these statements because the affidavit does not indicate that Ms. Huberman is fluent in Greek and that she compared the translations to the originals we have not seen." The circuit court overruled Lydia's objections based on Illinois Rules of Evidence 804(b)(3) and 804(b)(4)(A) (eff. Jan. 1, 2011).

¶ 91 Lydia maintains that the circuit court ruled on an objection that was not made, as Rules 804(b)(3) and 804(b)(4)(A) have nothing to do with her objection, which was "hearsay due to the absence of the purported letters; double hearsay due to the affiant, who was not available for cross-examination, testifying to what someone else did; and lack of foundation again for the affidavit stating the translations are accurate when there is nothing stated as to whether the affiant is fluent in Greek and whether she compared the translations to the purported originals."

¶ 92 Lydia provides no further argument as to how the circuit court erred. She does not articulate the rationale behind her various objections or cite any case law to support her claims. In her reply brief, Lydia distinguishes the authority on which Areti relies and argues that it supports her claim, but Lydia provides no authority of her own. Accordingly, Lydia has forfeited review of her claim. See *Sexton*, 2012 IL App (1st) 100010, ¶ 79.

¶ 93 III. CONCLUSION

¶ 94 For the reasons stated, we affirm the circuit court's judgment.