2017 IL App (4th) 160558-U

NO. 4-16-0558

FILED
December 22, 2017
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re MARRIAGE OF	)	Appeal from
ROBERT DAMBACHER,	)	Circuit Court of
Petitioner-Appellee,	)	Sangamon County
and	)	No. 10D661
CHERYL DAMBACHER,	)	
Respondent-Appellee	)	Honorable
	)	Esteban F. Sanchez,
(Scott Dambacher and Arthur Dambacher, Appellants).	)	Judge Presiding.

PRESIDING JUSTICE TURNER delivered the judgment of the court.
Justices Harris and Holder White concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err by denying the parties' sons request to intervene postjudgment in the dissolution of their marriage and by ordering the sons to pay respondent mother's attorney fees associated with their request.

¶ 2 In August 2010, petitioner, Robert Dambacher, filed a petition for the dissolution of his marriage to respondent, Cheryl Dambacher. The largest marital asset was 4-D Grain Farms, Ltd. (Family Corporation), an S corporation. In addition to the parties, their sons Scott Dambacher and Arthur Dambacher (Sons), the appellants, were also shareholders in the Family Corporation. During the proceedings, the Sangamon County circuit court entered various orders addressing the operations of the Family Corporation. In its March 2, 2016, dissolution judgment, the court awarded the parties their respective shares in the Family Corporation. However, based on the facts presented, the court found it prudent to require the parties to "voluntarily" dissolve the Family Corporation, liquidate its assets, pay its debts, and divide the proceeds among the

shareholders according to the percentage of stocks owned by each shareholder.

¶ 3 On March 14, 2016, the Sons filed a petition to intervene, seeking to file a motion to vacate temporary orders and the portion of the dissolution judgment that affected the Family Corporation. After a March 31, 2016, hearing, the circuit court denied the Sons' petition. On April 7, 2016, Cheryl filed a petition for attorney fees against the Sons pursuant to Illinois Supreme Court Rule 137 (eff. July 1, 2013). In July 2016, the court ordered the Sons to pay Cheryl's $3,612.50 in attorney fees related to their March 2016 petition to intervene.

¶ 4 The Sons appeal, asserting (1) the circuit court erred by denying their motion to intervene because the court orders regarding the management and dissolution of the Family Corporation are void, (2) they and the Family Corporation are necessary parties, and (3) the court erred by imposing sanctions under Rule 137 on the Sons for attempting to intervene in these proceedings. We affirm.

¶ 5 I. BACKGROUND

¶ 6 Robert and Cheryl married in June 1965. The Sons are the only children born of the marriage. During their marriage, the parties started their own farming operation. Robert primarily worked the fields, and Cheryl kept the books and performed other business-related activities for the farm. At some point after Robert's 1995 diagnosis of Parkinson's disease, the Sons took over Robert's role in the farming operations. In 1997, the parties incorporated their farming business and created the Family Corporation. The parties and the Sons were the only shareholders of the Family Corporation. At the time of the dissolution of marriage, the parties each held 35.02% of the shares of the Family Corporation, and the Sons each held 14.98% of the shares. The Family Corporation owned three farms, farming equipment and machinery, and grain in storage.

¶ 7 Robert's August 2010 petition for dissolution of the parties' marriage sought a fair and equitable division of the marital assets and assignment of debts. The next month, the circuit court entered a temporary order, requiring, *inter alia*, (1) Robert to reinstate Cheryl as an authorized signer on the Family Corporation's checking account at Illini Bank; (2) the parties to continue running the Family Corporation; (3) the parties to not distribute money from the Family Corporation for personal use, except for the salaries of the shareholders and a monthly $1800 distribution to Cheryl (later amended to Cheryl and Robert each receiving a monthly $1000 distribution); (4) Robert to take any actions necessary to return all property to the form of ownership it was in just prior to the dissolution petition; and (5) the parties to keep the Family Corporation and its assets titled in such a manner as to not deprive Cheryl of her marital interest in the Family Corporation. After an October 2010 hearing, the court ordered, *inter alia*, Cheryl to remain an authorized signer on the Family Corporation's account at Illini Bank and the parties to cause a resolution to be approved by the Family Corporation's shareholders and directors that all Family Corporation income must be deposited and all legitimate corporate expenses paid from the account at Illini Bank.

¶ 8 In July 2011, the Sons filed their first petition to intervene in this case, asserting they were owners and shareholders in the Family Corporation, which was part of the marital estate subject to division between the parties. The petition also noted Cheryl had filed motions and pleadings addressing the Family Corporation. After two months, they filed a notice of a hearing on their motion to intervene but then withdrew the hearing notice the next day. In August 2012, the circuit court allowed Scott, as Robert's power of attorney, to sit in on Cheryl's deposition. The next month, Cheryl filed an objection to the Sons' petition to intervene. The objection noted the Sons' attorney had appeared at an April 2012 status hearing and informed the

court he did not know if the Sons would pursue their request to intervene. The court directed the Sons' attorney to notice the petition to intervene for a hearing if the Sons sought to pursue it. The objection further stated the Sons and their attorney had appeared at subsequent status hearings but had not indicated whether they would pursue their request to intervene. Cheryl asserted the petition to intervene was filed for the purpose of harassing her in violation of Rule 137. The circuit court ordered the parties to file responses to the petition to intervene. Robert argued it was not necessary for the Sons to intervene to protect their interest in the Family Corporation as the court had no authority to divide a nonparty's interest in the Family Corporation. At a September 2012 status hearing, the Sons withdrew their petition to intervene.

¶ 9 On Cheryl's petition for interim relief, the circuit court entered an April 2013 order giving Cheryl the rights and powers of the holder of all shares of the Family Corporation held in Robert's name. The court noted that, if the relief was not granted, Cheryl would suffer irreparable harm, and the relief would preserve the status quo of the marital estate. Robert filed a motion to reconsider, which the court denied. Cheryl's attorney sent the Sons a letter referencing the court's April 2013 order and explaining Cheryl now held the rights and powers of Robert's shares.

¶ 10 The Family Corporation continued to be an issue, and Robert filed a December 2013 petition for a temporary restraining order against Cheryl, asserting she was acting in her own self-interest in regard to the Family Corporation and not in the corporation's best interests. The record indicates the court never ruled on this petition. In June 2014, Cheryl filed a motion for additional interim relief, which included a motion for an order clarifying her powers as president of the Family Corporation. In the motion for additional interim relief, Cheryl noted the Sons had filed an action against the parties for claims arising from a trust for which Robert was

the trustee (Dambacher v. Dambacher, No. 13-L-255 (Cir. Ct. Sangamon Co.)). In his reply, Robert noted the Sons had also filed a motion for preliminary injunctions and a temporary restraining order in a separate case (Dambacher v. Dambacher, No. 14-CH-252 (Cir. Ct. Sangamon Co.)). Robert also objected to the motion to clarify because it was directed towards the Sons, and thus the court lacked jurisdiction to grant it. On July 25, 2014, the circuit court entered an order specifying the powers Cheryl could exercise as president of the Family Corporation. Those powers included the ability to take certain actions against the Sons.

¶ 11 In July 2014, Robert sought leave to file an amended petition for dissolution of marriage, which the circuit court allowed. Robert's amended petition for dissolution raised an issue of dissipation. On August 11, 2014, the court commenced the hearing on the dissolution petition, and the parties stipulated to the grounds for the dissolution of their marriage. During opening statements, Cheryl's attorney argued the parties continued "co-involvement" of the parties in the Family Corporation was untenable and asked for the liquidation of the Family Corporation. Robert's attorney asked that, if the court had authority to dissolve the Family Corporation, it not do so.

¶ 12 At the hearing, Robert testified on his own behalf, called Cheryl as an adverse witness, and presented the testimony of the following: (1) Eric Hjerpe, the certified public accountant for the Family Corporation; (2) John Leverenz, a client of Cheryl's; (3) Arthur; (4) Robert Patrick Bell, who traveled with Cheryl; (5) Charles Jessup, executive vice president of United Community Bank; and (6) Erica Dambacher, the parties' granddaughter. Robert also presented numerous exhibits. Cheryl testified on her own behalf; called Robert as an adverse witness; and presented the testimony of Arthur and Barry Hines, Cheryl's attorney in a matter involving the Family Corporation. Cheryl also presented numerous exhibits. In February 2015,

the parties rested, and the court allowed the parties to file written closing arguments.

¶ 13 In his written argument, Robert alleged the circuit court did not have jurisdiction to order the sale of the assets of the corporation and noted the dissolution of the corporation was before a different judge in case No. 14-CH-252. Cheryl asserted the Family Corporation needed to be liquidated to provide the parties with adequate money now and in the future, as the parties were each only receiving $1000 a month per month from the Family Corporation. She also noted the parties' ages and the conflict and litigation related to the Family Corporation that had gone on during the proceedings. Robert filed a reply and again asserted the Family Corporation was before the court in the other case. He further argued Cheryl could sell her shares instead of having the Family Corporation dissolved. Additionally, he argued it would be a due process violation to dissolve the Family Corporation because the Sons did not have an opportunity to be heard and present a defense. In February 2016, Robert filed a motion to vacate the court's April 2013 interim order, which allowed Cheryl to exercise Robert's voting rights in the Family Corporation. Cheryl filed a response objecting to Robert's request. Robert later withdrew his motion to vacate.

¶ 14 On March 2, 2016, the circuit court entered the dissolution judgment. The court awarded the parties their shares of stock in the Family Corporation. The court further found that, "under the circumstances in this case, it is necessary, reasonable, and prudent to require Robert and Cheryl, as majority shareholders, to voluntarily dissolve the corporation and liquidate the corporate assets, pay the debts of the corporation and divide the proceeds among the shareholders according to the percentage of stocks owned by each shareholder." The court explained that, during the course of the litigation, Robert and the Sons had engaged in a course of conduct in relation to the operation and management of the Family Corporation, which the

court believed was to isolate and remove Cheryl from the business and to diminish her financial stake in the Family Corporation and marital estate. The court also noted Robert's and the Sons' relationship with Cheryl, both individually and collectively, is hostile and confrontational. Additionally, the court explained how Robert could have avoided the dissolution of the Family Corporation by using his nonmarital farm as collateral for a loan to purchase Cheryl's shares, but he gave the farm away to the Sons. The court also ordered all temporary orders previously entered regarding the Family Corporation to remain in effect until the Family Corporation is dissolved.

¶ 15 On March 14, 2016, the Sons filed a second petition to intervene. In the petition, the Sons argued the circuit court exceeded its jurisdiction under the Illinois Marriage and Dissolution of Marriage Act (Dissolution Act) (750 ILCS 5/101 *et seq.* (West 2014)) when it ordered the dissolution of the Family Corporation. They sought to file a motion to vacate the temporary orders and judgment, as well as a memorandum in support of the motion to vacate. The memorandum argued the orders related to the Family Corporation were void because the court exceeded its jurisdiction under the Dissolution Act. It is also noted the pending cases involving the Family Corporation, and the fact the judge in this case was removed from case No. 14-CH-252 by a motion for substitution of judge as of right. Cheryl filed a response to the motion to intervene, arguing the Sons' petition was untimely and the court did have subject-matter jurisdiction. She also pointed out the Sons' arguments challenging the dissolution of the Family Corporation had already been raised by Robert. Robert filed a response, asking the court to allow the Sons' petition to intervene.

¶ 16 In March 2016, Robert filed a posttrial motion, asserting, *inter alia*, the circuit court did not have the jurisdiction to dissolve and liquidate the Family Corporation and the

court's doing so was contrary to fact and law, against the manifest weight of the evidence, and an abuse of discretion. Robert also filed multiple motions to vacate the temporary orders and to restore his voting rights in the Family Corporation. Cheryl also filed a posttrial motion.

¶ 17 After a March 31, 2016, hearing, the circuit court denied the Sons' motion to intervene, finding it was not timely filed. The court also noted the Sons' assertion the court lacks jurisdiction was not well taken and not supported by law.

¶ 18 On April 7, 2016, Cheryl filed a petition for attorney fees pursuant to Rule 137 against the Sons, asserting the petition to intervene did not have a good-faith legal basis and was done to cause delay and increase litigation costs. Cheryl noted the Sons had knowledge of the case and had attended court hearings since the case began. She also noted the Sons had filed a petition to intervene in July 2011 but did not pursue it. That same day, Robert filed a motion for injunction prohibiting the dissolution of the Family Corporation.

¶ 19 After an April 22, 2017, hearing, the circuit court denied Robert's posttrial motions and granted in part and denied in part Cheryl's posttrial motions. The court also filed an amended dissolution judgment. In May 2017, the court denied a request to direct the Family Corporation's board of directors and officers to conduct farming operations for 2016. The court noted it was not in a position to direct the day-to-day operations of the Family Corporation. Moreover, the court noted conducting farming operations was contrary to the court's intent to dissolve the Family Corporation and sell its assets as soon as possible.

¶ 20 On July 7, 2016, the circuit court granted Cheryl's petition for attorney fees related to the Sons' petition to intervene and ordered the Sons to pay $3,612.50 for Cheryl's attorney fees. On July 21, 2016, the Sons filed a timely notice of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. Jan. 1, 2015). See *John G. Phillips & Associates v.*

Brown, 197 Ill. 2d 337, 342, 757 N.E.2d 875, 879 (2001) (noting a notice of appeal need not be filed until after the disposition of a motion for Rule 137 sanctions because such a motion is a claim). Accordingly, this court has jurisdiction of the Sons' appeal under Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994). Robert filed a separate appeal from the dissolution judgment. *In re Marriage of Dambacher*, 2017 IL App (4th) 160381-U.

¶ 21 II. ANALYSIS

¶ 22 A. Motion Taken with the Case

¶ 23 Citing Illinois Supreme Court Rules 341(h)(7) and 341(j) (eff. Jan. 1, 2016), Cheryl filed a motion to strike portions of the Sons' reply brief because some of the issues raised by the Sons were not raised in their initial brief and they failed to provide citation to authority for some of the issues. None of the alleged violations of the rules hinder or preclude our review. Accordingly, we deny Cheryl's motion to strike. However, in reviewing their arguments, we will apply the forfeiture provision of Rule 341(h)(7) as warranted.

¶ 24 B. Motion to Intervene

¶ 25 The circuit court denied the Sons' petition to intervene because it was not timely filed. The Sons assert the circuit court's decision was erroneous for a multitude of reasons. Both Robert and Cheryl argue the court did not err and point out the Sons' brief fails to address the timeliness of their petition to intervene. We recognize Robert's position is inconsistent with his position in the circuit court. The Sons contend timeliness is not an issue because the orders affecting the Family Corporation are void. Whether to allow intervention lies within the circuit court's discretion, and thus we will not disturb its decision absent an abuse of that discretion. *Winders v. People*, 2015 IL App (3d) 140798, ¶ 13, 45 N.E.3d 289. "A trial court abuses its discretion when it acts arbitrarily, without conscientious judgment, or, in view of all of the

circumstances, exceeds the bounds of reason and ignores recognized principles of law, resulting in substantial injustice." *In re Marriage of Haken*, 394 Ill. App. 3d 155, 160, 914 N.E.2d 739, 743 (2009).

¶ 26 Section 2-408 of the Code of Civil Procedure (735 ILCS 5/2-408 (West 2014)) provides the general rule for intervention and allows, under certain circumstances, nonparties to intervene in proceedings. "The statute recognizes that intervention may be either permissive or of right, but in either circumstance, a *timely* application to intervene must be made." (Emphasis added.) *MidFirst Bank v. McNeal*, 2016 IL App (1st) 150465, ¶ 15, 52 N.E.3d 378. As stated, the Sons claim they do not need to address timeliness because a void order can be attacked at any time. See *Sarkissian v. Chicago Board of Education*, 201 Ill. 2d 95, 103, 776 N.E.2d 195, 201 (2002). While that legal proposition is true, it does not address the timeliness of the Sons' petition to intervene. In other words, while the motion the Sons wanted to file may be timely because it is asserting a void judgment, it does not necessarily mean their request to intervene was timely filed. The Sons fail to cite any authority stating the timeliness requirement of the intervention statute is negated by an alleged void judgment. Moreover, the Sons' contention is inconsistent with the favor of the finality of judgments. See *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 341, 770 N.E.2d 177, 188 (2002). The facts of this case demonstrate why a void judgment should not eliminate the timeliness requirement for intervention. Here, the Sons were aware of the temporary orders regarding the Family Corporation when the court entered them and knew Cheryl was seeking to have the Family Corporation dissolved in the dissolution proceedings. In fact, they filed a motion to intervene and withdrew it. Despite their knowledge of the proceedings involving the Family Corporation, the Sons chose the strategy of not filing their motion to intervene until after the final judgment.

Accordingly, we find the Sons' motion to intervene was untimely, and the circuit court's denial of the motion was proper.

¶ 27 Even if the Sons' assertion of a void judgment eliminates their need to establish timeliness, the Sons have failed to establish a void judgment based on a lack of subject-matter jurisdiction. Specifically, they argue the dissolution judgment is void due to a lack of subject-matter jurisdiction because a court acting under the Dissolution Act cannot order the dissolution of a corporation subject to the Business Corporation Act of 1983 (Business Act) (805 ILCS 5/1.01 *et. seq* (West 2014)). However, our supreme court has emphasized a court's failure to comply with a statutory requirement or prerequisite does not negate its subject-matter jurisdiction. *People v. Castleberry*, 2015 IL 116916, ¶ 15, 43 N.E.3d 932. Our state constitution dictates a circuit court's subject-matter jurisdiction (*Belleville Toyota, Inc.*, 199 Ill. 2d at 334, 770 N.E.2d at 184) and provides that jurisdiction extends to all "justiciable matters" (Ill. Const. 1970, art. VI, § 9). Thus, to invoke a circuit court's subject-matter jurisdiction, a case must present a justiciable matter. *Belleville Toyota, Inc.*, 199 Ill. 2d at 334, 770 N.E.2d at 184. "Generally, a 'justiciable matter' is 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." *Belleville Toyota, Inc.*, 199 Ill. 2d at 335, 770 N.E.2d at 184. Here, the dissolution of the parties' marriage was a justiciable matter and any alleged statutory violation did not deprive the circuit court of subject-matter jurisdiction.

¶ 28 Additionally, the Sons seem to argue the granting of their motion to substitute the judge in their shareholder action (Sangamon County case No. 14-CH-252), which removed the judge in this dissolution case from presiding over their shareholder action, prohibits the judge in this case from having subject-matter jurisdiction over the Family Corporation in the dissolution

case. While the Sons mentioned the substitution motion in their initial brief, they did not argue it rendered parts of the dissolution judgment void for lack of subject-matter jurisdiction. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016) (an appellant forfeits points not raised in the initial brief and cannot argue them for the first time in the reply brief). Moreover, the Sons' argument is brief and vague as it fails to explain how a substitution of judge in one case would impact the same judge hearing a completely separate case. See *Bartlow v. Costigan*, 2014 IL 115152, ¶ 52, 13 N.E.3d 1216 (noting merely listing an issue or including it in a vague allegation of error does not constitute " 'argued' " and fails to satisfy Rule 341(h)). Accordingly, we find the Sons have forfeited their substitution of judge argument.

¶ 29 C. Necessary Party

¶ 30 For the first time on appeal, the Sons assert they and the Family Corporation were necessary parties to this case. Nonjoinder of a necessary party may be raised for the first time on appeal. *State Farm Mutual Automobile Insurance Co. v. Haskins*, 215 Ill. App. 3d 242, 245, 574 N.E.2d 1231, 1233-34 (1991). Cheryl disagrees with the Sons' contention, asserting the Sons did not have a direct interest in the subject matter of the dissolution of marriage case and any interest they did have was represented by Robert. Robert's brief does not address this issue.

¶ 31 Illinois courts disfavor objections to nonjoinder of necessary parties made after judgment and will reject them "unless the absent party was deprived of material rights without being heard or the absent party's interests are so interconnected with the appearing parties' interests that the presence of the absent party is absolutely necessary." *Emalfarb v. Krater*, 266 Ill. App. 3d 243, 247-48, 640 N.E.2d 325, 328 (1994). The Sons have suggested the aforementioned rule should not apply to them because they seek to challenge a void judgment, which can be attacked at any time. See *Sarkissian*, 201 Ill. 2d at 103, 776 N.E.2d at 201. As

previously stated, while the judgment can be attacked at any time, the Sons fail to cite any authority addressing why the postjudgment necessary party would still not apply. The Sons had been aware of the temporary orders that they now allege are void for a long time before the final judgment, and yet they never raised a necessary party objection. We see no reason to deviate from the aforementioned rule for raising a necessary party objection postjudgment.

¶ 32 In support of their argument the Family Corporation was a necessary party, the Sons cite *Glickauf v. Moss*, 23 Ill. App. 3d 679, 682, 320 N.E.2d 132, 135 (1974), where the reviewing court found the corporation was a necessary party to an action for its dissolution under the Business Act. However, this case involves the dissolution of marriage, not an action for the dissolution of the Family Corporation. The dissolution of the Family Corporation came about in the property settlement and was warranted based on the circumstances of the case. Notably, the parties to the dissolution of marriage case were the majority shareholders of the corporation. Thus, we find distinguishable the Sons' authority for the Family Corporation being a necessary party.

¶ 33 As to the Sons themselves, the Sons fail to establish their appearance was necessary and they were deprived of a material right. A voluntary dissolution of a corporation by a shareholders vote is permissible under section 12.15 of the Business Act (805 ILCS 5/12.15 (West 2014)) and does not require the filing of a lawsuit. Moreover, the dissolution of the Family Corporation under that section does not require the approval of the Sons because the parties hold a majority of the shares. The parties could have dissolved the Family Corporation at any time, and the Sons could not have prevented it. The fact a circuit court ordered the parties to do so does not make the Sons necessary parties.

¶ 34 Accordingly, we find the Sons and Family Corporation were not necessary

parties.

¶ 35 D. Attorney Fees

¶ 36 The Sons also assert the circuit court erred by granting Cheryl's motion for attorney fees under Rule 137. Cheryl asserts the circuit court properly found the Sons' motion to intervene was not well-grounded in law and intended for an improper purpose. A circuit court's decision to grant a motion for sanctions under Rule 137 is reviewed for an abuse of discretion. *Lake Environmental, Inc. v. Arnold*, 2015 IL 118110, ¶ 16, 39 N.E.3d 992.

¶ 37 Rule 137(a) provides, in pertinent part, the following:

> "Every pleading, motion and other document of a party represented by an attorney shall be signed by at least one attorney of record ***. *** The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. *** If a pleading, motion, or other document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee." Ill. S. Ct. R. 137(a) (eff. July 1, 2013).

The rule aims "to discourage frivolous filings, not to punish parties for making losing

arguments." *Lake Environmental, Inc.*, 2015 IL 118110, ¶ 15, 39 N.E.3d 992.

¶ 38 The Sons assert they sought to intervene because their rights were affected by the judgment and they were denied due process. However, the circuit court in its written order points out the Sons were fully aware of the issues related to the Family Corporation, the impact those issue would have on the viability of the Family Corporation, and their right to intervene in the dissolution case. Thus, the court concluded their motion to intervene was either an "ill-conceived strategy" or a strategy designed to harass Cheryl, delay the enforcement of the dissolution judgment, and cause Cheryl to incur more attorney fees. The court's findings are supported by the appellate record. Moreover, in this case, the motion to vacate the Sons sought to file was based on the assertion the circuit court lacked subject-matter jurisdiction to address the Family Corporation in dissolution proceedings. As explained previously, that argument is contrary to well-established case law. See *Belleville Toyota, Inc.*, 199 Ill. 2d at 334, 770 N.E.2d at 184; *Castleberry*, 2015 IL 116916, ¶ 15, 43 N.E.3d 932. Accordingly, we find the circuit court did not abuse its discretion by granting Cheryl's Rule 137 motion for sanctions.

¶ 39 III. CONCLUSION

¶ 40 For the reasons stated, we affirm the Sangamon County circuit court's judgment.

¶ 41 Affirmed.