

Nos. 1-18-1792 & 1-18-2518 cons.

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LISA J. GILLARD,	)	Appeal from the Circuit Court of
	)	Cook County.
Plaintiff-Appellant,)	
)	
v.	)	No. 17 L 6082
)	
CLARENCE LEWIS BURCH,)	
	)	Honorable Clare E. McWilliams
Defendant-Appellee.	)	Judge Presiding.
_____)	_____
)	
LISA J. GILLARD,	)	Appeal from the Circuit Court of
	)	Cook County.
Plaintiff-Appellant,)	
)	
v.	)	No. 17 L 6081
)	
NANETTE COMEAUX-BROOKINS,)	
	)	Honorable Clare E. McWilliams
Defendant-Appellee.	)	Judge Presiding.

PRESIDING JUSTICE DELORT delivered the judgment of the court.
Justices Cunningham and Connors concurred in the judgment.

ORDER

¶ 1 **Held:** We dismiss these consolidated appeals on separate grounds. As to one appeal, this court lacks jurisdiction because appellant failed to specify in her notice of appeal the judgment or orders appealed from in violation of Illinois Supreme Court Rule 303(b)(2). We dismiss the other appeal because appellant’s brief violates Illinois Supreme Court Rule 341 in several ways and does not contain an argument directed at the order appealed.

¶ 2

BACKGROUND

¶ 3 These consolidated appeals are part of a complex web of litigation resulting from an altercation between plaintiff Lisa J. Gillard and a security guard at Northwestern Memorial Hospital. The fallout from that encounter—including multiple civil lawsuits, Gillard’s convictions for criminal battery and harassment by telephone, and almost a dozen appeals before this court—have been discussed at length in this court’s decisions on her other appeals. See *Gillard v. Northwestern Memorial Hospital*, 2019 IL App (1st) 182348, ¶¶ 27-33 (*Northwestern Memorial II*). However, certain facts related to the other appeals are necessary to understand the background of these particular appeals.

¶ 4 The altercation at Northwestern Memorial Hospital led to a criminal bench trial, after which defendant Associate Judge Clarence Burch convicted Gillard of criminal battery and sentenced her to one year of court supervision. *People v. Gillard*, 2018 IL App (1st) 171121-U, ¶ 2. To facilitate Gillard’s appeal of that conviction, defendant Nanette Comeaux-Brookins, a court reporter supervisor, assisted Gillard in obtaining the transcript of the trial. Shortly thereafter, Gillard began repeatedly calling Comeaux-Brookins’s office and leaving voice messages, even after Comeaux-Brookins told her to stop calling. *People v. Gillard*, 2018 IL App (1st) 173036-U, ¶ 4. As a result of Gillard’s incessant phone calls and messages, Comeaux-Brookins sought and received an order of protection against Gillard. *Id.* However, Gillard continued to make phone calls to Comeaux-Brookins. Consequently, Judge Burch signed a warrant for Gillard’s arrest. She was arrested,¹ charged, and convicted of harassment by telephone, and sentenced to 10 days’ imprisonment. *Id.*, ¶ 2. This court dismissed Gillard’s appeal of her conviction. *Id.*, ¶ 19.

¹ Gillard later sued the sheriff’s deputies who arrested her. *Gillard v. Caradang*, 2019 IL App (1st) 181793-U, ¶ 12.

¶ 5 Gillard then initiated the cases underlying these consolidated appeals. She filed two separate complaints, one against Judge Burch and one against Comeaux-Brookins. The general premise of each complaint was that Judge Burch and Comeaux-Brookins had conspired to fabricate the allegations of harassment against Gillard, and to have her “illegal[ly], wrongful[ly] and malicious[ly]” arrested. At the same time she filed her complaints, Gillard also applied for waivers of court fees. Gillard claimed in her applications that she earned no income, had no expenses, and received no financial assistance from the government. The circuit court granted Gillard’s fee waiver applications.

¶ 6 On Gillard’s motion, the circuit court consolidated the two cases. The cases were subsequently dismissed for want of prosecution, reinstated, and reassigned to different judges twice. Eventually, the cases were assigned to Judge Clare McWilliams, whom Gillard would later also sue. See *Gillard v. McWilliams*, 2019 IL App (1st) 182217-U, ¶ 2. The eight-count amended complaint alleged defamation *per se*, intentional infliction of emotional distress, negligent infliction of emotional distress, false light, “civil rights”, conspiracy, and perjury. Gillard sought \$125 million in damages, as well as “the termination of employment” of both Judge Burch and Comeaux-Brookins.

¶ 7 Judge Burch moved to dismiss the claims against him based on sovereign immunity and absolute judicial immunity. On July 31, 2018, the circuit court entered a written order, dismissing the case against Judge Burch based on sovereign immunity and, in the alternative, absolute judicial immunity. Gillard moved for reconsideration of the dismissal order and for substitution of judge. Both motions were denied. On August 3 and 6, the court severed the consolidated cases and entered orders clarifying that the dismissal order of July 31, 2018 was

Nos. 1-18-11792 & 1-18-2518 cons.

“final and appealable.” Gillard initiated appeal number 1-18-1792 by filing a notice of appeal from the July 31, 2018 order on August 17, 2018.

¶ 8 On September 6, 2018, the circuit court *sua sponte* revisited the issue of whether Gillard’s fee waiver applications, including the one in the Comeaux-Brookins case, sufficiently complied with Illinois Supreme Court Rule 298 (eff. Sept. 25, 2014) and section 5-105(a) of the Code of Civil Procedure (735 ILCS 5/5-105(a) (West 2016)). The court found that the applications were insufficient under Rule 298 and section 5-105(a) because Gillard listed a post office box rather than a street address for her residence. The court vacated the existing fee waiver orders and directed Gillard to file an amended fee waiver application by September 20, 2018. The court indicated that, upon review of the amended application, it would determine whether a hearing was required under Rule 298(b).

¶ 9 Rather than file an amended fee waiver application, Gillard filed emergency motions to vacate the September 6 order and to disqualify Judge McWilliams under Illinois Supreme Court Rule 63 (eff. Jan. 1, 2016). The court denied those motions.

¶ 10 On October 10, 2018, the circuit court entered an order extending the deadline for Gillard to file an amended fee waiver application. She did not. Rather, Gillard continued to file emergency motions to vacate Judge McWilliams’s orders and to have the case reassigned.

¶ 11 On October 23, 2018, neither party appeared at a status hearing. Consequently, the court dismissed the case for want of prosecution. Gillard then noticed several motions for presentment before the presiding judge of the law division. The motions requested that the presiding judge reinstate the case and reassign it due to Judge McWilliams’s alleged conflict of interests.² Eventually, the presiding judge of the law division entered an order denying Gillard’s motions

² These motions, like many motions filed by Gillard, were contemporaneously filed in several different cases that she had pending before the circuit court. See, *e.g.*, *Northwestern Memorial II*, 2019 IL App (1st) 182348, ¶¶ 25, 54-56 (affirming the denial of identical motions in another of Gillard’s cases).

Nos. 1-18-11792 & 1-18-2518 cons.

and explaining that “Gillard either must go back before [Judge] McWilliams to file a motion to vacate DWP or file an appeal.”

¶ 12 Within a week, Gillard filed yet another motion seeking to have Judge McWilliams disqualified pursuant to Rule 63. She also filed a section 2-1401 petition (735 ILCS 5/2-1401 (West 2016)), seeking to vacate the dismissal order. On November 29, 2018, the court denied the 2-1401 petition and the motion for substitution of judge. Appeal number 1-18-2518 followed. Over Gillard’s objection, this court granted the appellees’ motion to consolidate these appeals.

¶ 13 ANALYSIS

¶ 14 On appeal, Gillard argues that the circuit court violated her civil and constitutional rights by dismissing her cases against Judge Burch and Comeaux-Brookins. Before we can resolve those issues, however, we must address the issue of jurisdiction. This court has an independent duty to consider its jurisdiction. *Archer Daniels Midland Co. v. Barth*, 103 Ill. 2d 536, 539 (1984).

¶ 15 Illinois Supreme Court Rule 303(b)(2) (eff. Jan. 1, 2015) states that the notice of appeal “shall specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.” “A notice of appeal confers jurisdiction on a court of review to consider only the judgments specified in the notice of appeal.” *Diocese of Quincy v. Episcopal Church*, 2014 IL App (4th) 130901, ¶ 35. “The appellate court does not acquire jurisdiction to review other judgments not specified in the notice of appeal.” *Id.*

¶ 16 In appeal number 1-18-2518, against Comeaux-Brookins, Gillard’s notice of appeal does not specify any judgment or order from which she is appealing, in violation of Rule 303(b)(2). Although Illinois courts liberally construe the form and contents of a notice of appeal, the failure to include *any* order which a party wants to appeal renders the whole notion of a “notice” of

Nos. 1-18-11792 & 1-18-2518 cons.

appeal meaningless. Indeed, Comeaux-Brookins is prejudiced by Gillard's failure to include this information in light of her prolific motions practice before in the circuit court. Comeaux-Brookins cannot be expected to surmise which order or orders Gillard seeks to challenge. In short, Gillard's failure to specify the judgment or orders appealed from precludes this court from retaining jurisdiction over appeal number 1-18-2518. *Id*; see also *Neiman v. Economy Preferred Insurance Co.*, 357 Ill. App. 3d 786, 790 (2005). We must, therefore, dismiss appeal number 1-18-2518.

¶ 17 As to appeal number 1-18-1792, against Judge Burch, Gillard's brief violates Illinois Supreme Court Rule 341 (Ill. S. Ct. R. 341 (eff. May 25, 2018)) in numerous ways. The Statement of Facts, consisting of a single page, contains no references to the record on appeal. The Statement of Facts addresses the main issue in the case—Judge Burch's motion to dismiss—in a most cursory manner, omitting any description of the motion or the court's rationale for granting it.

¶ 18 Like the Statement of Facts, the argument section contains not a single citation to the record. More important, though, is the brief's lack of substantive content. It consists largely of snippets of legal text taken completely out of context. The brief argues for *de novo* review (which is correct) but then discusses irrelevant issues such as the standards for challenging the constitutionality of a statute (even though her complaint did not challenge any statute). The argument simply does not address the circuit court's rationale. Gillard's brief discusses neither sovereign immunity nor judicial immunity, the alternative bases upon which the court dismissed the case.

¶ 19 This court is entitled to be presented with clearly defined issues, citations to pertinent authority and cohesive arguments. This failure to develop and support any viable argument is

Nos. 1-18-11792 & 1-18-2518 cons.

fatal to Gillard’s claim on appeal. See Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) (providing that an appellant’s brief must contain “[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on”); *CE Design, Ltd. V. Speedway Crane, LLC*, 2015 IL App (1st) 132572, ¶ 18 (“The failure to provide an argument and to cite to facts and authority, in violation of Rule 341, results in the party forfeiting consideration of the issue.”). The court “is not merely a repository into which an appellant may ‘dump the burden of argument and research.’ ” *U.S. Bank v. Lindsey*, 397 Ill. App. 3d 437, 459 (2009) (quoting *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993)). The rules of procedure concerning appellate briefs are rules, not mere suggestions, and it is within our discretion to strike a brief and dismiss the appeal for failure to comply with those rules. See *Neiworld v. Fry*, 306 Ill. App. 3d 735, 737 (1999). We therefore strike the brief and dismiss appeal number 1-18-1792. We also note that Gillard’s opening brief in appeal number 1-18-2518 is equally deficient. If we had jurisdiction over appeal number 1-18-2518, we would also dismiss that appeal for violations of Rule 341.

¶ 20 In *Northwestern Memorial II*, we granted a motion for sanctions against Gillard in light of “her pattern of frivolous appeals before this court”. *Northwestern Memorial II*, 2019 IL App (1st) 182348, ¶¶ 67-69 (quoting *Gillard v. Northwestern Memorial Hospital*, 2018 IL App (1st) 180922-U, ¶ 25 (*Northwest Memorial I*)). On July 9, 2019, the Executive Committee of the Illinois Appellate Court, First District entered an order governing Gillard’s filing of any new appeals and further proceedings in any cases currently pending before this court. As these cases illustrate, the sanctions should, and do, remain in place.

¶ 21

CONCLUSION

Nos. 1-18-11792 & 1-18-2518 cons.

¶ 22 The notice of appeal in appeal number 1-18-2518 fails to comply with Rule 303(b)(2); we consequently lack jurisdiction to consider that appeal. In appeal number 1-18-1792, we strike Gillard's brief and dismiss the appeal for failure to comply with Rule 341.

¶ 23 Dismissed.