

No. 1-18-2521

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

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LISA J. GILLARD,)	Appeal from the Circuit
)	Court of Cook County.
Plaintiff-Appellant,)	
)	
v.)	No. 17 L 9668
)	
THOMAS J. DART, in His Official Capacity as Cook County)	
Sheriff,)	Honorable Clare
)	Elizabeth McWilliams,
Defendant-Appellee.)	Judge Presiding.

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

ORDER

¶ 1 **Held:** Plaintiff failed to specify in her notice of appeal the judgment or orders appealed from in violation of Illinois Supreme Court Rule 303(b)(2). Therefore, this court lacks jurisdiction to consider this appeal. In addition, plaintiff’s brief so fails to comply with Illinois Supreme Court Rule 341(h) that her brief should be stricken and her appeal dismissed on that basis, as well.

¶ 2 Plaintiff Lisa J. Gillard filed a three-count *pro se* complaint against defendant Sheriff Thomas J. Dart seeking \$250 million in damages. She pleaded claims for intentional infliction of emotional distress (count I), negligent infliction of emotional distress (count II), and false light

(count III), in which she claimed that on June 23, 2017, she was stalked, detained, and escorted off the premises of the circuit court of Cook County by several sheriff's deputies. After the circuit court determined that Gillard had failed to follow multiple court orders, refused to appear in court, bombarded the court with frivolous motions, and engaged in judicial forum shopping, the court dismissed the action with prejudice. Gillard attempted to reinstate her claim by filing a petition under section 2-1401 of the Illinois Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2016)). The court denied the petition. Gillard appeals.

¶ 3 At the same time she filed her complaint, Gillard also applied for a waiver of court fees. Gillard claimed in her application that she earned no income, had no expenses, and received no financial assistance from the government. The circuit court granted Gillard's fee waiver application.

¶ 4 On December 7, 2017, the Sheriff filed a motion to dismiss Gillard's complaint under Code section 2-615 (735 ILCS 5/2-615 (West 2016)). Judge Daniel Gillespie granted the Sheriff's motion to dismiss, but allowed Gillard leave to file an amended complaint with sufficient facts.

¶ 5 On March 8, 2018, Gillard filed an amended complaint against the Sheriff alleging intentional infliction of emotional distress (count I), false imprisonment (count II), and battery (count III). Judge Gillespie recused himself from the case on March 15, 2018.

¶ 6 On March 19, 2018, Gillard submitted correspondence to Judge James Flannery, the presiding judge of the Law Division, requesting that her case be transferred to Judge Marcia Maras. Judge Flannery entered an order reassigning the case to Judge Maras.

¶ 7 On April 24, 2018, the Sheriff filed a motion to dismiss Gillard's amended complaint under Code sections 2-615 and 2-619(a)(9) (735 ILCS 5/2-619(a)(9) (West 2016)). On April 30,

2018, Gillard filed an emergency motion to substitute judge for cause, arguing that Judge Maras was “neither prepared nor knowledgeable about” the areas of the law involved in her cases, which had been consolidated, and that there was “a willful intent to deny equal access to equal justice against the petitioner.” Judge Maras recused herself and the matter was reassigned to Judge Clare Elizabeth McWilliams on May 3, 2018. After a status hearing before Judge McWilliams on June 5, 2018, Gillard was given 14 days to file a second amended complaint. The court granted Gillard an extension of time until July 31, 2018 to file a second amended complaint.

¶ 8 On July 12, 2018, Gillard filed a motion for a closed hearing based on what she alleged was harassment and stalking by a sheriff’s deputy outside Judge McWilliams’s courtroom. Judge McWilliams denied Gillard’s motion for closed hearing.

¶ 9 On July 16, 2018, Gillard filed a motion for a second extension to file a second amended complaint. On July 30, 2018, she filed a motion for subpoena of Freedom of Information Act records to obtain the records of the sheriff’s deputies that allegedly removed her from the courthouse of June 23, 2017 and of other deputies that allegedly stalked her in the court’s hallways.

¶ 10 On July 31, 2018, the circuit court granted Gillard a final extension to file a second amended complaint. The court ordered Gillard to issue a subpoena to the Cook County Sheriff’s Office by August 7, 2018 to identify potential individual defendants and then file an amended complaint within 21 days after the Sheriff’s Office complied with the subpoena. The order specifically stated that the extension was final.

¶ 11 The next day, Gillard filed a motion for substitution of judge by right, claiming Judge McWilliams was part of a “ring of conspiracy” of judges who allegedly were depriving Gillard

of her constitutional rights. A different circuit judge denied the motion and the case was returned to Judge McWilliams. In a separate order, Judge McWilliams also denied Gillard's motion to substitute her as of right.

¶ 12 On September 6, 2018, the circuit court *sua sponte* revisited the issue of whether Gillard's fee waiver application sufficiently complied with Illinois Supreme Court Rule 298 (eff. Sept. 25, 2014) and section 5-105(a) of the Code of Civil Procedure (Code) (735 ILCS 5/5-105(a) (West 2016)). The court found that the application was insufficient under Rule 298 and section 5-105(a) because Gillard failed to include a specific street address for her residence. Gillard's application only listed a post office box as her address. The order vacated the existing fee waiver order and directed Gillard to file an amended fee waiver application by September 20, 2018. Upon review of the amended application, the court indicated it would determine whether a hearing was required under Rule 298(b).

¶ 13 On the same date, Gillard filed an emergency motion to vacate the circuit court's September 6, 2018 order. The next day, Gillard filed an emergency motion for reassignment under Illinois Supreme Court Rule 63 (eff. Jan. 1, 2016), seeking an order disqualifying Judge McWilliams from determining her case. The motion stated that "[a]fter a series of civil rights deprivations under the federal laws by several county judges," including Judge McWilliams, "material fact evidence *** shows a 'clear and present' civil rights deprivations onto Gillard as a pro se litigant as acts of conspiracy by sitting judges in the Circuit Court of Cook County, Illinois." The motion mentioned lawsuits Gillard filed directly against Judge McWilliams. Gillard claimed that Judge McWilliams was "mentally ill" and therefore "mentally unfit to serve in any capacity of the judiciary in Cook County or any other jurisdiction in North America."

Gillard also argued that Judge McWilliams was harassing and stalking her intentionally “as a form of ‘judicial and absolute immunity’ by the state law.”

¶ 14 On September 27, 2018, Gillard filed a second amended complaint in which she alleged deprivation of civil rights and conspiracy against several sheriff’s deputies. In response, the Sheriff filed a motion to strike the new complaint because Gillard failed to comply with a court-ordered deadline to issue a subpoena by August 7, 2018 and file her second amended complaint by September 17, 2018.

¶ 15 On October 10, 2018, the circuit court entered an order granting Gillard until October 23, 2018 to file an amended fee waiver application. Gillard filed a “second emergency motion to vacate October 11, 2018 court orders,” on October 16, 2018, again requesting that Judge McWilliams be disqualified from determining her case because she was being harassed, stalked, and “terribly threatened by the illegal actions by this court.” Although Gillard references orders entered on October 11, 2018, the record does not contain any court orders entered on that date. On the same date, Gillard filed a separate “emergency motion case reassignments pursuant [to] Illinois Supreme Court Rule 63.” Gillard provided notice for both motions before the presiding judge of the Law Division for two different dates. Judge Irwin Solganick ordered that Gillard’s emergency motion be stricken and “motioned up for motion call.”

¶ 16 On October 23, 2018, the circuit court conducted a hearing on the Sheriff’s motion. Gillard failed to appear for that hearing. The court entered an order granting the Sheriff’s motion to strike the second amended complaint and dismissing the case for want of prosecution.

¶ 17 The next day, Gillard filed a motion to reinstate pursuant to Code section 2-1301(e) (735 ILCS 5/2-1301(e) (West 2016)). On November 1, 2018, Judge Solganick denied Gillard’s

motion to reinstate, referencing the October 23, 2018 order dismissing the case for want of prosecution.

¶ 18 On November 13, 2018, Gillard filed an emergency motion for rehearing on motion to vacate judgment pursuant to section 2-1301. Presiding Judge Flannery entered an order on November 15, 2018 denying that motion, stating that Gillard should return to Judge McWilliams “to file a motion to vacate DWP or file an appeal.” On the same date, Gillard filed a motion to vacate purportedly pursuant to Code section 2-1401 (735 ILCS 5/2-1401 (West 2016)), which she noticed for hearing before Judge McWilliams for November 29, 2018. Four days later, Gillard filed a motion requesting that Presiding Judge Flannery remove Judge McWilliams.

¶ 19 On November 29, 2018, Judge McWilliams denied both Gillard’s motion to recuse and motion to vacate under section 2-1401. The order stated that the circuit court dismissed Gillard’s case against the defendants for want of prosecution based on her failure to appear for status on the amendment of her fee waiver application. Indeed, Gillard never submitted an amended fee waiver application.

¶ 20 The circuit court found that Gillard “demeaned the sanctity of the judicial system and questioned the objective ability of nearly every judge she has appeared for her,” and that she “is attempting to hoodwink the process of fairness and justice” in the court system. The court stated that it “does not answer to the demands or commands of any individual claimant,” and that “[I]tigators cannot threaten and intimidate every individual involved in the justice system to bully their way to continued hearings.”

¶ 21 The circuit court further explained that Gillard had threatened opposing counsel and been physically aggressive towards members of the Cook County Sheriff’s department, as illustrated in a lawsuit she filed against several sheriff’s deputies in *Gillard v. Caradang*, No. 17 L 12098

(Cir. Ct. Cook County), which we have now heard on appeal (*Gillard v. Caradang*, 2019 IL App (1st) 181793-U). Gillard failed to follow court orders on multiple occasions and specifically refused to appear in the circuit court. Instead, she repeatedly “bombarded” Presiding Judge Flannery with frivolous motions to vacate the circuit court’s decisions and remove all cases from the court’s jurisdiction. The court found that she engaged in forum shopping in an attempt “to move herself in front of a judge solely favorable to her position, and willing to cast aside judicial economy to render ‘justice’ as defined by Gillard.” The court concluded that “[t]ime and again Gillard has needlessly consumed the court system’s resources with her meritless litigation.” The court’s order included a finding that its judgment was final and appealable.

¶ 22 On November 30, 2018, Gillard filed her notice of appeal. Although the circuit court provided a pre-typed notice of appeal form, which specifically provided a designation for the order or judgment from which the appeal is taken, she failed to include that information in the form. For relief sought, she requested “reverse, remand, and damages [of] 3 billion dollars.”

¶ 23 ANALYSIS

¶ 24 On appeal, Gillard argues that the circuit court violated her constitutional rights under the due process clause. Before we can resolve that issue, 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).

¶ 25 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.*

¶ 26 In this case, Gillard’s notice of appeal failed to include any specification of the judgment or order(s) appealed from, 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 a party wants to appeal renders meaningless the whole notion of a “notice” of appeal. Indeed, defendant in this case was prejudiced by Gillard’s failure to include this information in light of her “bombardment” of frivolous motions in the circuit court. Defendant cannot be expected to surmise which order(s) Gillard seeks to challenge or the relief sought. In short, Gillard’s failure to specify the judgment or order(s) appealed from precludes this court from retaining jurisdiction. *Id.*; see also *Neiman v. Economy Preferred Insurance Co.*, 357 Ill. App. 3d 786, 790 (2005).

¶ 27 As a secondary reason for dismissing this case, we find that Gillard has displayed a flagrant disregard for complying with Illinois Supreme Court Rule 341(h) (eff. Jan. 1, 2016). She failed to include an introductory paragraph stating the nature of the action and judgment appealed from (Rule 341(h)(2)), a statement of facts that contains the facts necessary to an understanding of this case, with citations to the record on appeal (Rule 341(h)(6), and a proper appendix (Ill. S. Ct. R. 342 (eff. Jan. 1, 2005)). Moreover, reading the entire brief made it difficult to determine the questions or issues raised on appeal.

¶ 28 A *pro se* litigant must comply with the rules of procedure and a court will not apply a more lenient standard to *pro se* litigants. *People v. Adams*, 318 Ill. App. 3d 539, 542 (2001). “[A] reviewing court is not simply a depository into which a party may dump the burden of argument and research.” *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises, Inc.*, 2013 IL

115106, ¶ 56. Compliance with Rule 341 is mandatory for all litigants, and this court has the discretion to strike an appellant's brief and dismiss the appeal for lack of compliance. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 77; see also *Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 25. While we acknowledge Gillard's *pro se* status, we cannot excuse her failure to comply with the rules governing appellate procedures. *Holzrichter*, 2013 IL App (1st) 110287, ¶ 78; *Fryzel*, 2014 IL App (1st) 120597, ¶ 25. As we lack jurisdiction to consider the merits of this appeal, we merely note that Gillard's opening brief is severely deficient in its compliance with Rule 341(h) and, therefore, we would also dismiss her appeal on that basis as well.

¶ 29

CONCLUSION

¶ 30 The notice of appeal in this case fails to comply with Rule 303(b)(2) and, therefore, we lack jurisdiction to consider this appeal. We dismiss this appeal. We address the issue of sanctions in an opinion issued contemporaneously, *Gillard v. Northwestern Memorial Hospital*, 2019 IL App (1st) 182348.

¶ 31 Appeal dismissed.