

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).

2013 IL App (4th) 120905-U

NO. 4-12-0905

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED  
November 7, 2013  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

MIKE ZENGILANI,	)	Appeal from
Plaintiff-Appellee,	)	Circuit Court of
v.	)	Sangamon County
TONY PARKHURST,	)	No. 12OP1016
Defendant-Appellant.	)	
	)	Honorable
	)	Steven H. Nardulli,
	)	Judge Presiding.

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JUSTICE KNECHT delivered the judgment of the court.  
Justices Appleton and Holder White concurred in the judgment.

### ORDER

¶ 1 *Held:* (1) Defendant forfeited consideration of his appeal for failure to comply with the briefing requirements of Supreme Court Rule 341(h) (eff. Feb. 6, 2013).

(2) Sanctions under Supreme Court Rule 375(b) (eff. Feb. 1, 1994), would be appropriate in future if defendant files another frivolous appeal..

¶ 2 In June 2012, the trial court entered a plenary order pursuant to the Stalking No Contact Order Act (Act) (740 ILCS 21/1 *et seq.* (West 2010)), mandating defendant, Tony Parkhurst, have no contact with plaintiff, Mike Zengilani. Parkhurst appeals the order *pro se*, making unintelligible arguments. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 6, 2012, Zengilani filed a verified petition for a stalking no-contact order in the Circuit Court of Sangamon County, seeking protection for himself from contact by

Parkhurst. In his petition, Zengilani alleged Parkhurst may be considered armed, dangerous, and suicidal and appeared at his residence on June 5, 2012. On the lines following "the following occurred," Zengilani wrote: "Calling me, texting me, harassing me. Blocked my # on 6-5. Started calling my work then showed up @ my house twice."

¶ 5 On June 21, 2012, the trial court entered a plenary stalking no-contact order, covering the period of June 21, 2012, through October 21, 2012. The court prohibited Parkhurst from stalking or contacting Zengilani and ordered Parkhurst to stay at least 10 feet away from Zengilani and his residence and place of employment.

¶ 6 Later that same day, Zengilani filed a motion to modify the plenary order. In this motion, Zengilani reported Parkhurst went to Zengilani's place of employment, Café Moxo, and was "banging on [the] window and smiling through the window at" him. Parkhurst was arrested.

¶ 7 The record does not establish how Parkhurst and Zengilani knew each other. In his appellee brief, Zengilani states Parkhurst was fired from his job at Café Moxo. About one month before Parkhurst's firing, Zengilani took Parkhurst out for a drink. Parkhurst became obsessed with Zengilani and believed "the two were more than friends." Zengilani "did not reciprocate those feelings."

¶ 8 This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 Parkhurst's brief on appeal is inadequate. Supreme Court Rule 341(h) (eff. Feb. 6, 2013)) sets forth the requirements for an appellant's brief. Rule 341(h)(6) mandates the "Statement of Facts" contain "the facts necessary to an understanding of the case," as well as "appropriate reference[s] to the pages of the record on appeal." Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6, 2013).

Parkhurst makes no effort to provide a statement of facts, much less citations to the record or a summary of testimony necessary for resolution of this appeal. Rule 341(h)(7) mandates the "Argument" section of the brief shall contain "citation of the authorities and the pages of the record relied on." Ill. S. Ct. Rule 341(h)(7) (eff. Feb. 6, 2013). Parkhurst's argument is unintelligible and indecipherable. It contains no citations to the record and no citations to authority. Parkhurst forfeited his challenge to the court's orders. See *Progressive Universal Insurance Co. of Illinois v. Taylor*, 375 Ill. App. 3d 495, 501-02, 874 N.E.2d 910, 915 (2007).

¶ 11 This is Parkhurst's fourth appeal involving Zengilani. In Case No. 4-13-0321, Parkhurst petitioned for a no-contact order against Zengilani. The trial court denied the petition in July 2012. This court dismissed Parkhurst's appeal in July 2013 on Zengilani's motion. In Case No. 4-13-0322, the trial court granted Zengilani's second petition for a civil no-contact order after the initial one expired. (The order remains in effect until January 2015.) In July 2013, this court granted Parkhurst's *pro se* motion to consolidate the appeals in Nos. 4-13-0321 and 4-13-0322. Later that month, this court granted Zengilani's motion to dismiss the appeals. *Parkhurst v. Zengilani*, Nos. 4-12-0321, 4-12-0322 cons. (July 30, 2013) (dismissed on appellee's motion.) In Case No. 4-13-0093, Parkhurst sought a civil no-contact order against Judge Steven Nardulli, who issued the no-contact order underlying No. 4-13-0321. His petition was dismissed by the trial court in January 2013. His appeal was dismissed in August 2013 because he failed to file a docketing statement. *Parkhurst v. Nardulli*, No. 4-13-0093 (July 19, 2013) (dismissed pursuant to Rule 312 for failure to file a docketing statement).

¶ 12 In this appeal and in the previous appeals before this court, Parkhurst has shown no regard for the rules of appellate practice and has willfully failed to comply with those rules.

His filings are unintelligible and appear unrelated to any justiciable issue. They appear to have been filed for an improper purpose.

¶ 13 For these reasons, sanctions under Supreme Court Rule 375 (eff. Feb. 1, 1994) would be appropriate. If future appeals or filings are deemed to be frivolous and for purposes of harassment, we will proceed under that rule.

¶ 14 III. CONCLUSION

¶ 15 We affirm the trial court's judgment.

¶ 16 Affirmed.