2012 IL App (2d) 111240-U
No. 2-11-1240
Order filed November 20, 2012

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MARRIAGE OF SHERRYL LOEBER	)	Appeal from the Circuit Court of Lake County.
Petitioner-Appellee,	)	
and	)	No. 08-D-1966
CHRISTOPHER LOEBER,	)	Honorable Veronica M. O'Malley,
Respondent-Appellant.	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Hudson and Birkett concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's orders requiring respondent in postdissolution proceedings to pay petitioner's attorney fees incurred in connection with five matters were affirmed where respondent provided an incomplete record on appeal; respondent forfeited any objection to the alleged lack of specificity in petitioner's requests for attorney fees by failing to raise the issue in the trial court; and the court's orders concerning attorney fees were not void for lack of subject-matter jurisdiction.

¶ 2 On March 1, 2010, the trial court dissolved the marriage between petitioner, Sherryl Loeber, and respondent, Christopher Loeber. The judgment of dissolution incorporated the parties' marital settlement agreement (MSA) and joint parenting agreement (JPA). Compliance with the terms of

the MSA and the JPA became a point of contention and, a few weeks after the parties were divorced, they commenced postdissolution litigation. At the conclusion of the litigation, the trial court ordered Christopher to pay the law firm of Berger Schatz, which represented Sherryl, a total of $31,735.90 in attorney fees. On appeal, Christopher challenges $27,735.90 of the fees; however, our ability to review his claims of error is hampered by the incomplete trial court record he has provided. Of the claims that the record permits us to review, we determine that none has merit. We affirm.

¶ 3 BACKGROUND

¶ 4 Sherryl incurred the $27,735.90 in attorney fees at issue in connection with five matters: (1) $4,105.36 in connection with Christopher's "Petition for Retrieval of Property" (the "property petition"); (2) $15,682.04 in connection with her emergency contempt petition arising out of Christopher's phone call to the Illinois Department of Children and Family Services (DCFS) during which he accused Sherryl of abuse and neglect (the "emergency contempt petition"); (3) $3,654.75 in connection with Christopher's motion to reconsider the order in which the court determined that he was liable for attorney fees arising out of the property petition and the emergency contempt petition (the "motion to reconsider"); (4) $3,136.25 in connection with her petition for contribution to attorney fees (the "fee petition"); and (5) $1,157.50 in connection with Christopher's notice to produce filed pursuant to Illinois Supreme Court Rule 237 (eff. July 1, 2005) (the "Rule 237 notice"). We limit our discussion of the postdissolution proceedings to these five matters.

¶ 5 The Property Petition

¶ 6 Christopher filed the property petition on April 19, 2010, alleging that the MSA entitled him to certain property in the former marital residence (awarded to Sherryl in the dissolution) but that Sherryl was being an "obstructionist" by refusing him access to the home. Among the property to

which Christopher alleged he was entitled was his share of the "multitude of remaining debris" which the parties had agreed in the MSA to divide between themselves. Christopher described an incident during which Sherryl called the police after arguing with him over his sorting through boxes. No arrests were made, but, according to Christopher, Sherryl subsequently denied him access to the home.

¶ 7 Sherryl responded to the petition by alleging that she had allowed Christopher "unfettered" access to the former marital residence on at least 10 occasions totaling more than 95 hours. She alleged that she had called the police only after Christopher, while at the home and in Sherryl's presence, set fire to a check which he had given her earlier in the day. She further alleged that Christopher had been verbally and physically abusive during his visits to the home. She asked that the court order Christopher to pay her attorney fees incurred in connection with the property petition.

¶ 8 In his reply, Christopher admitted to burning the check "while holding it under the exhaust fan of the Viking kitchen stove." According to Christopher, he did so in "utter frustration" after Sherryl expressed irritation at the amount of time he was spending sorting through the thousands of items contained in boxes.

¶ 9 On January 6, 2011, the court conducted a hearing on Christopher's property petition and, as discussed below, on Sherryl's emergency contempt petition. The record does not contain a transcript of the hearing. The court's written order entered that day indicates that it heard testimony from at least two witnesses and examined various exhibits. The court resolved the property petition by requiring Christopher to utilize professional movers to remove certain designated property from the residence. The court reserved ruling on Sherryl's request for attorney fees.

¶ 10 On February 1, 2011, the court conducted the hearing on Christopher's liability for attorney fees. Once again, the record does not contain a transcript of the hearing. In a written order, the court ordered that Christopher would be liable for 80% of Sherryl's attorney fees incurred in connection with the property petition. The court expressly found that "Christopher's conduct needlessly increased the cost of litigation."

¶ 11 The Emergency Contempt Petition and Fee Petition

¶ 12 Sherryl filed the emergency contempt petition on July 27, 2010. The petition consisted of five counts, four of which are not relevant to this appeal, as the court awarded fees incurred in connection with only one count of the petition.[1] In the count at issue, Sherryl alleged that the JPA required the parties to raise all concerns related to the children's welfare with a designated parenting coordinator. She further alleged that, following their divorce, the parties had been in touch with the parenting coordinator on a regular basis regarding the children's contact with Sherryl's boyfriend, Terry Fisher, and with Christopher's daughter from a prior relationship, Kayleigh. She alleged that, on July 23, 2010, despite the requirement of contacting the parenting coordinator, Christopher called DCFS and claimed that the parties' children were in imminent danger in Sherryl's care. Christopher made an allegation of physical abuse and told DCFS, among other things, that there were dog feces all over Sherryl's home. The call prompted DCFS to conduct an emergency investigation that involved interviews with the parties and their children. Sherryl alleged that the children were traumatized by the experience and that the DCFS investigator determined that the accusations were

[1]Although only one count of the emergency petition sought an adjudication of contempt, we refer to the petition as the "emergency contempt petition" for sake of simplicity, since the contempt count is the one for which the court ordered Christopher to pay Sherryl's attorney fees.

unfounded. Sherryl contended that Christopher made the call "to harass and intimidate" her and argued that the call was a violation of the JPA for which Christopher should be held in contempt.

¶ 13 On September 20, 2010, Sherryl filed an amended emergency contempt petition which contained minor revisions to the count at issue. Also on that date, Sherryl filed her fee petition. She alleged in the fee petition that Christopher had threatened to "destroy her" by making her expend substantial funds in the litigation until she could no longer effectively participate. She further alleged that the call to DCFS was an example of Christopher's harassing behavior and that, as a result of the call, she had been forced to file the emergency contempt petition. Sherryl cited the report filed by the court-appointed guardian *ad litem* (GAL) in which the GAL opined that Chris's call to DCFS was "unjustified and a blatant attempt to hurt Sherry's relationship with the children." The GAL further reported that "[t]he mental and emotional harm to the girls in having to deal with DCFS and Chris' obsessions with Terry Fisher creates a potential serious endangerment to the children."

¶ 14 In Christopher's responses to the emergency contempt petition and the fee petition, he alleged that he called DCFS due to allegations of physical abuse reported to him by one of the parties' minor children. He further alleged that the call was motivated by a desire to protect his children from further abuse and injury.

¶ 15 As stated above, the court heard Sherryl's emergency contempt petition at the same January 6, 2011, hearing at which it heard Christopher's property petition. Again, the record does not contain a transcript of the hearing. According to its written order, the court declined to find Christopher in contempt because the JPA contained an "ambiguity in the timing for contacting the parenting

coordinator." The court clarified the JPA to require contact within 24 hours of any unresolved dispute involving the children's welfare.

¶ 16 Following the February 1, 2011, hearing on attorney fees for which we also do not have a transcript, the court ordered that Christopher would be liable for 100% of Sherryl's attorney fees incurred in connection with the emergency contempt petition. Again, the court expressly found that "Christopher's conduct needlessly increased the cost of litigation."

¶ 17 The Motion to Reconsider

¶ 18 Christopher timely filed a motion to reconsider the February 1, 2011, order. Christopher cited section 508(b) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/508(b) (West Supp. 2011)) and argued that requiring him to pay attorney fees under that section was unreasonable because Sherryl's "continual resistance" had been the impetus for his filing of the property petition. Christopher further argued that he should not be liable for fees incurred in connection with the emergency contempt petition because he had contacted DCFS in good faith, and because the court had not found him in contempt.

¶ 19 Sherryl argued in response that Christopher had presented no newly discovered evidence or any other basis for reconsidering the court's order. She requested that the court award her attorney fees incurred in connection with Christopher's motion to reconsider.

¶ 20 Based on the record before us, it is unclear on which date the parties conducted the hearing on Christopher's motion to reconsider, as we have no transcript of the hearing. The record does contain the transcript of a hearing on June 28, 2011, however, which began with the court indicating that, at the prior court date, it had been in the middle of ruling on Christopher's motion to reconsider when Christopher interrupted the proceedings by "yell[ing] in a very loud voice." The court

indicated that, after repeated warnings and several more outbursts, it had asked Christopher to leave. Christopher had been "so upset" and had worked himself "up into such a tizzy that at some point in time in the hallway the paramedics were called."

¶ 21 After warning Christopher that it would not tolerate further outbursts, the court resumed its ruling on his motion to reconsider. The court indicated that it had previously found that Christopher's call to DCFS was not made in good faith and that the call violated "the spirit" of the JPA. The court also recounted its earlier findings that the alleged dog feces incident had occurred roughly one year prior the call to DCFS and that any allegations of purported physical abuse were exaggerated. The court reiterated that it had previously found to be credible the GAL's testimony that Christopher's call to DCFS had been an attempt to alienate the children from Sherryl. Relying on its earlier findings, the court denied Christopher's motion to reconsider, concluding that the motion was "merely an attempt to relitigate" issues that the court had previously resolved. The court also noted that it had received evidence that Christopher had "made it clear" to Sherryl that he would continue to litigate the matter in an attempt to increase her attorney fees. On that basis, the court concluded that the motion to reconsider was yet another "attempt to needlessly increase the cost of litigation" and ordered that Christopher would be liable for Sherryl's attorney fees incurred in connection with the motion.

¶ 22 The Rule 237 Notice

¶ 23 The hearing to determine the amount of Sherryl's reasonable attorney fees took place on November 3 and 28, 2011. As discussed above, the trial court had already determined that Christopher was liable for Sherryl's attorney fees incurred in connection with the property petition, the emergency contempt petition, and the motion to reconsider. Nevertheless, Christopher served

a Rule 237 notice to produce on Sherryl's attorney requesting that Sherryl appear at the November 3, 2011, hearing and bring with her "[a]ny and all emails, text messages, correspondence, memoranda, documents and records sent between [her] and Christopher *** regarding Terry Fisher, including but not limited to requests by [Sherryl] to allow Terry Fisher around the minor children." The notice requested the same with respect to anything "regarding the division of personal property."

¶ 24 Sherryl filed a motion to quash the Rule 237 notice, arguing that it was an abuse of the discovery rules because no substantive issues remained pending regarding Christopher's liability for attorney fees. Sherryl further contended that her appearance at the hearing was unnecessary, as the only issue remaining was the amount of her reasonable attorney fees. She requested that the court award her attorney fees incurred in bringing the motion to quash, either under section 508(b) of the Act or as a sanction under Illinois Supreme Court Rule 219(c) (eff. July 1, 2002).

¶ 25 On October 18, 2011, the court conducted a hearing on Sherryl's motion to quash, but the record does not contain a transcript of the hearing. According to its written order, the court granted the motion. In addition, the court found that the Rule 237 notice had been "an attempt to circumvent prior court orders" and ordered that, as a sanction pursuant to Rule 219(c), Christopher would be liable for Sherryl's reasonable attorney fees incurred in connection with the improper Rule 237 notice.

¶ 26 Hearing on Amount of Reasonable Fees

¶ 27 At the conclusion of the fee hearing on November 28, 2011, the court determined the amount of Sherryl's reasonable attorney fees for which Christopher was liable as follows: (1) $4,105.36 for Christopher's 80% share of fees incurred in connection with the property petition; (2) $15,682.04

for the emergency contempt petition; (3) $3,654.75 for the motion to reconsider; (4) $3,136.25 for the fee petition; and (5) $1,157.50 for the improper Rule 237 notice. Christopher timely appealed.

¶ 28 ANALYSIS

¶ 29 On appeal, Christopher argues (1) that the court's awards of attorney fees were not authorized under sections 508(a) or 503(j) of the Act; (2) that Sherryl waived any claim to attorney fees under section 508(b) of the Act; (3) that, if the court did award attorney fees under section 508(b), the court's order is void; and (4) that, if the court did award attorney fees under section 508(b), it abused its discretion. We address each argument in turn.

¶ 30 Ordinarily, attorney fees are the responsibility of the person for whom legal services were rendered. *In re Marriage of Ziemer*, 189 Ill. App. 3d 966, 969 (1989). However, section 508(a) of the Act permits a trial court to order one party to pay the other party's reasonable attorney fees incurred in dissolution or postdissolution proceedings "after considering the financial resources of the parties." 750 ILCS 5/508(a) (West 2010); *In re Marriage of Letsinger*, 321 Ill. App. 3d 961, 969-70 (2001) ("The award may be made when the court determines that one spouse has an inability to pay his or her fees and the other spouse has the ability to pay such fees."). Under certain circumstances, section 508(b) of the Act requires a court to order one party to pay the other party's reasonable attorney fees:

> "In every proceeding for the enforcement of an order or judgment when the court finds that the failure to comply with the order or judgment was without compelling cause or justification, the court shall order the party against whom the proceeding is brought to pay promptly the costs and reasonable attorney's fees of the prevailing party. *** If at any time a court finds that a hearing under this Act was precipitated or conducted for any improper

> purpose, the court shall allocate fees and costs of all parties for the hearing to the party or counsel found to have acted improperly. Improper purposes include, but are not limited to, harassment, unnecessary delay, or other acts needlessly increasing the cost of litigation." 750 ILCS 5/508(b) (West Supp. 2011).[2]

When awarding fees under section 508(b), the relative financial resources of the parties is not relevant. *In re Parentage of M.C.B.*, 324 Ill. App. 3d 1, 4-5 (2001). On appeal, a trial court's decision to award or deny attorney fees under the Act will not be disturbed absent an abuse of discretion. *In re Marriage of Harrison*, 388 Ill. App. 3d 115, 120 (2009). "A trial court abuses its discretion when it acts arbitrarily, acts 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 Pond and Pomrenke*, 379 Ill. App. 3d 982, 987-88 (2008).

¶ 31 Propriety of Fees Under Sections 508(a) and 503(j)

¶ 32 Christopher's argument that Sherryl was not entitled to fees under sections 508(a) or 503(j)[3] of the Act has as its impetus the preamble to Sherryl's fee petition. The preamble indicated that the petition was brought pursuant to "750 ILCS 5/508 [and] 750 ILCS 5/503(j)." While we

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[2]Public Act 96-583 (eff. Jan. 1, 2010) amended section 508(b) of the Act by substituting the word "Act" for the word "Section." Because all relevant conduct occurred after the effective date of the public act, we quote the amended version of the statute.

[3]Section 503(j) of the Act provides certain procedural requirements for seeking a contribution to attorney fees incurred prior to entry of a judgment of dissolution. 750 ILCS 5/503(j) (West 2010); *Blum v. Koster*, 235 Ill. 2d 21, 47 (2009).

acknowledge the preamble as the impetus for Christopher's argument, we nevertheless conclude that the argument misses the mark and elevates form over substance.

¶ 33 The record makes it clear that the two bases for the trial court's fee awards were section 508(b) of the Act and Supreme Court Rule 219(c). While Christopher appeared to ignore this fact in his brief, he conceded at oral argument that these were the bases for the trial court's fee awards. His concession was proper. In its February 1, 2011, order concluding that Christopher was liable for 80% of Sherryl's attorney fees incurred in connection with the property petition and for 100% of her fees incurred in connection with the emergency contempt petition, the court expressly found that Christopher's conduct had "needlessly increased the cost of litigation." This language came directly from section 508(b) of the Act. See 750 ILCS 5/508(b) (West Supp. 2011) (requiring an award of attorney fees where a party precipitates any hearing under the Act for any improper purpose, including to "needlessly increas[e] the cost of litigation"). The same is true regarding Christopher's motion to reconsider. In ruling on that motion, the court found that it was another "attempt to needlessly increase the cost of litigation" before ordering Christopher to pay Sherryl's attorney fees incurred in connection with the motion. Likewise, in its written order concluding that Christopher was liable for Sherryl's attorney fees incurred in connection with the improper Rule 237 notice, the court specifically identified Rule 219(c) as the basis for its decision.

¶ 34 The record also belies Christopher's argument in his brief that "it appears that it [*i.e.*, the fee hearing] was under [s]ection 508(a)." First, it is unclear which fee hearing Christopher is referring to, since the court addressed Christopher's liability for fees at no fewer than six hearings (February 1, June 28, October 18, November 3, and November 28, 2011, as well as the hearing of an unknown date that Christopher interrupted by "yell[ing] in a very loud voice"). Notably, Christopher provided

transcripts of the June 28, November 3, and November 28, 2011, hearings only. At the June 28, 2011, hearing on Christopher's motion to reconsider, the court reiterated its earlier findings that Christopher's call to DCFS had not been made in good faith and that Christopher had attempted to needlessly increase Sherryl's attorney fees, findings which implicated section 508(b) of the Act, not section 508(a). Similarly, at the November 28, 2011, hearing to determine the amount of Sherryl's reasonable attorney fees, when Christopher tried to introduce evidence of his alleged inability to pay, the court responded, "How is that a factor under the 508B [*sic*]?" The court further stated that it was not required to address the issue of Christopher's alleged inability to pay "when these hearings have been precipitated for an improper purpose." Clearly, the court was awarding fees under section 508(b), not section 508(a).

¶ 35 Absence of Specific Requests for Attorney Fees Under Section 508(b)

¶ 36 Christopher next argues that Sherryl waived any claim to attorney fees under section 508(b) because she did not specify that she was requesting fees under that section. Christopher's argument is not well taken. First, Christopher did not challenge the alleged lack of specificity in Sherryl's requests for attorney fees in the trial court, so, to the extent that his argument on appeal is that Sherryl's pleadings were defective, he has forfeited the issue. *Pond and Pomrenke*, 379 Ill. App. 3d at 991 ("[T]he failure to raise an issue in the trial court results in waiver of the issue on appeal."). Second, the record reveals that the parties squarely addressed the issue of Christopher's liability for fees under section 508(b). In a memorandum in support of his response to Sherryl's fee petition, Christopher quoted section 508(b) in full and even acknowledged that Sherryl's request for "attorney fees based upon 750 ILCS 5/508(b) may have had some merit." In particular, he conceded that fees under that section were warranted for his violation of a court order requiring him to pay

homeowners' association dues on the former marital residence.[4] Christopher then offered argument as to why fees under that section were not warranted for the emergency contempt petition or for the property petition. Similarly, in his motion to reconsider, Christopher acknowledged that section 508(b) governed the issue of his liability for fees and again quoted the section in full before offering argument as to why he should not be held liable for fees. Given that Christopher never challenged the lack of specificity in Sherryl's requests for attorney fees and apparently even conceded that section 508(b) governed his liability for fees, we reject his argument that Sherryl waived her claim to attorney fees under that section by failing to reference the section specifically in her pleadings.

¶ 37 Court's Authority to Award Attorney Fees Under Section 508(b)

¶ 38 Related to his last argument, Christopher also argues that, given the lack of specific requests in Sherryl's pleadings for attorney fees under section 508(b), the trial court's orders awarding fees under that section were void. Christopher cites the rule from *In re Marriage of Fox*, 191 Ill. App. 3d 514, 520 (1989), that a court cannot *sua sponte* adjudicate an issue where no pleading presents the court with a "justiciable matter" sufficient to permit the court to address the issue. Because a challenge to a void order is not subject to forfeiture, Christopher's failure to raise this issue before the trial court does not affect our ability to address it.

¶ 39 The rule from *Fox* that Christopher cites has no applicability to this case. While it is true that a court's subject-matter jurisdiction is invoked through the filing of a complaint or petition and that such "pleadings function to frame the issues for the trial court and to circumscribe the relief the court

[4]In its February 1, 2011, order, the court ordered Christopher to pay $4,000 in attorney fees that Sherryl incurred in pursuing a contempt petition arising out of Christopher's failure to pay homeowners' association dues. Christopher does not challenge this fee award on appeal.

is empowered to order" (*Ligon v. Williams*, 264 Ill. App. 3d 701, 707 (1994)), the applicability of this rule does not turn on the degree of specificity of a pleading. Rather, as in *Fox*, the rule finds application where a court *sua sponte* adjudicates an issue (*e.g.*, custody) that is wholly different from the issue raised by the pleadings (*e.g.*, visitation). See *Fox*, 191 Ill. App. 3d at 520 ("Filing a petition for contempt with respect to visitation in a dissolution proceeding does not present to the trial court a 'justiciable matter' sufficient for the trial court to make a child custody determination.").

¶ 40 Here, Sherryl made numerous requests for attorney fees in various petitions, motions, and responses to motions. The record reflects that, for each attorney fee award she ultimately obtained, Sherryl made a corresponding request for fees. The purported lack of specificity in her requests did not deprive the court of authority to award fees under section 508(b) of the Act, since her requests for fees alone were sufficient to present the court with a "justiciable matter." See *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 335 (2002) (defining "justiciable matter" in general terms as "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").

¶ 41 Propriety of Fees Under Section 508(b)

¶ 42 Christopher finally contends that, even if the trial court did have the authority to award fees under section 508(b) of the Act, it abused its discretion in doing so. Christopher's arguments in support of this contention suffer from serious flaws. First, as Sherryl points out, Christopher makes his arguments under the wrong portion of section 508(b). As discussed above, the trial court ordered Christopher to pay Sherryl's attorney fees because it found that Christopher, through his conduct, precipitated certain hearings for an improper purpose, namely, to needlessly increase the cost of

litigation. Thus, the authority for the court's fee awards is found in the last two sentences of section 508(b). See 750 ILCS 5/508(b) (West Supp. 2011) ("If at any time a court finds that a hearing under this Act was precipitated or conducted for any improper purpose, the court shall allocate fees and costs of all parties for the hearing to the party or counsel found to have acted improperly. Improper purposes include, but are not limited to, harassment, unnecessary delay, or other acts needlessly increasing the cost of litigation."). Yet, Christopher argues that the court's fee awards were improper because the court made no finding that Christopher failed to comply with any order. In a section of his brief spanning 10 pages, he purports to examine each of the court's fee awards "to determine whether they involve violations of court orders without 'compelling cause or justification' as required by [s]ection 508(b)." However, such a finding would have been relevant only if the court had based its fee awards on the first sentence of section 508(b). See 750 ILCS 5/508(b) (West Supp. 2011) ("In every proceeding for the enforcement of an order or judgment when the court finds that the failure to comply with the order or judgment was without compelling cause or justification, the court shall order the party against whom the proceeding is brought to pay promptly the costs and reasonable attorney's fees of the prevailing party."). Confronted with arguments that ignore the record, we have no choice but to reject them.

¶ 43 Christopher's arguments suffer from a second serious flaw. Christopher argues that the court abused its discretion in ordering him to pay Sherryl's attorney fees under section 508(b); yet, as mentioned above, he did not include transcripts of the pertinent hearings in the record on appeal. "[A]n appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis."

Foutch v. O'Bryant, 99 Ill. 2d 389, 391-92 (1984). "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch*, 99 Ill. 2d at 392.

¶ 44 Absent from the record are transcripts or bystanders' reports from three key hearings. See Ill. S. Ct. R. 323(c) (eff. Dec. 13, 2005) (authorizing the use of bystanders' reports in lieu of reports of proceedings when the latter are unavailable). We do not have a transcript or bystander's report from the February 1, 2011, hearing at which the court determined that Christopher would be liable for 80% of Sherryl's attorney fees incurred in connection with the property petition and for 100% of Sherryl's fees incurred in connection with the emergency contempt petition. We also do not have a transcript or bystander's report from the hearing (of an unknown date) on Christopher's motion to reconsider; instead, we have only the transcript of the June 28, 2011, hearing at which the court completed its ruling on the motion after having been interrupted mid-ruling at the prior hearing. Neither do we have a transcript or bystander's report from the October 18, 2011, hearing at which the court determined that Christopher would be liable for Sherryl's attorney fees incurred in connection with the improper Rule 237 notice. Although not necessarily vital to our ability to review Christopher's claims of error, also helpful would have been a transcript or bystander's report from the January 6, 2011, hearing on Christopher's property petition and on Sherryl's emergency contempt petition. While Christopher did provide transcripts of the November 3 and 28, 2011, hearings, the only issues addressed at those hearings were the amount and reasonableness of Sherryl's attorney fees, which Christopher does not challenge on appeal. Since we are unable to review the evidence and argument on which the trial court based its decisions concerning Christopher's liability for fees, or to review the trial court's findings made at the hearings, we will presume that the court's orders were in conformity with the law and had a sufficient factual basis. See *Foutch*, 99 Ill. 2d at 391-92.

¶ 45 The record does permit us to address one of Christopher's contentions of error. In its February 1, 2011, order, the court ordered Christopher to pay 100% of Sherryl's attorney fees incurred in connection with "count V of Sherryl's Petition/Amended Emergency Petition to Reappoint Children's Representative *et. al*." Christopher argues that the court committed "reversible error" because, although the order addressed his liability for fees incurred in connection with count V of Sherryl's emergency contempt petition, the order improperly referenced count I of the petition, entitled, "Emergency Petition to Reappoint Children's Representative." Christopher argues that "*et. al.*" is a Latin abbreviation which means "and other persons" or "and elsewhere," so the court could not have intended to reference all five counts of the emergency petition by using the expression. Christopher's argument strains credibility and ignores that the court specifically identified count V as the count for which it was ordering Christopher to pay Sherryl's attorney fees. Read in context, it is apparent that the court employed "*et. al.*" in a colloquial manner to abbreviate the paragraph-long title of Sherryl's five-count emergency petition. We do not consider Christopher's argument, which relies on semantics, to be persuasive.

¶ 46 CONCLUSION

¶ 47 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 48 Affirmed.