

2014 IL App (2d) 120877-U  
No. 2-12-0877  
Order filed April 23, 2014

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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RANDALL J. COPPERT,	)	Appeal from the Circuit Court
	)	of Boone County.
Plaintiff-Appellant and	)	
Cross-Appellee,	)	
	)	
v.	)	No. 09-L-9
	)	
CASSENS TRANSPORT COMPANY,	)	
	)	Honorable
Defendant-Appellee and	)	Brendan A. Maher,
Cross-Appellant.	)	Judge, Presiding.

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PRESIDING JUSTICE BURKE delivered the judgment of the court.  
Justices McLaren and Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* There was no material issue of fact in dispute to preclude summary judgment in defendant's favor; the trial court did not abuse its discretion in finding a violation of Supreme Court Rule 137; however, the trial court did abuse its discretion in awarding the amount of sanctions, as it was not related to the sanctionable conduct; affirmed in part, vacated in part, and remanded.

¶ 2 Plaintiff, Randall J. Coppert, filed a retaliatory discharge suit claiming that he was fired for exercising his workers' compensation rights. Defendant, Cassens Transport Company, filed a motion for summary judgment, arguing that plaintiff was fired for committing an assault on a fellow employee. The trial court granted defendant's summary judgment motion and entered an

order sanctioning both plaintiff and his attorney, Peter Thomas Smith, under Supreme Court Rule 137 (eff. Feb. 1, 1994), for making false statements in the verified complaints. Although the court rejected defendant's request for payment of all its fees in defending the action, it imposed sanctions of \$3,500 against plaintiff and \$1,500 against Smith, and further ordered plaintiff and Smith & Meyer, LLC to jointly pay defendant \$8,965 for the fees it incurred in prosecuting a motion for sanctions. Plaintiff appeals the orders granting summary judgment and sanctions in favor of defendant. Smith appeals the order granting sanctions against him. Defendant cross-appeals the trial court's order rejecting defendant's request for attorney fees and costs incurred in defending the lawsuit from its inception and the trial court's reduction of the fees sought for prosecuting the Rule 137 motion. We affirm in part and vacate in part, and remand the cause.

¶ 3

#### I. BACKGROUND

¶ 4 Defendant is an interstate motor carrier principally engaged in the transportation of motor vehicles. Its principal place of business is Edwardsville, Illinois. It operates numerous terminal facilities throughout the Midwest, including those located in Aurora, Illinois, and Elwood, Illinois. The Aurora Terminal Manager was Tom Zitt. Mike Allen and Rick Terry were employees at the Elwood facility. Plaintiff was formerly employed by defendant as an over-the-road truck driver at the Aurora facility. He worked for defendant from September 15, 2003, until February 12, 2007.

¶ 5 Defendant recognized Local Union 710 (the Union), a labor organization affiliated with the International Brotherhood of Teamsters, as the exclusive representative of its over-the-road drivers at its Aurora and Elwood facilities. The Union and defendant were signatories to a

Collective Bargaining Agreement, which sets forth the terms and conditions of over-the-road truck drivers employed by defendant.

¶ 6 On April 12, 2005, plaintiff was injured while at work. He subsequently filed a workers' compensation claim and underwent substantial medical treatment, including multiple back operations and physical rehabilitation. Plaintiff returned to work on June 1, 2006, with a full release to employment. During this time period, he received out-of-work benefits and was reimbursed for all medical costs incurred pursuant to statute. On November 30, 2006, plaintiff signed a settlement agreement involving his workers' compensation claims in which he accepted a final payout in full and final settlement of all claims under the Illinois Workers' Compensation Act (Workers' Compensation Act) (820 ILCS 305/1 *et seq.* (West 2006)).

¶ 7 Before and after his injury, plaintiff received a total of 23 disciplinary warning notices, reprimands, and suspensions for violating specific rules and regulations as set forth in the Collective Bargaining Agreement. Plaintiff was provided a copy of the reprimands and suspensions, which were either signed or initialed by him acknowledging receipt of each when the disciplinary measures were issued.

¶ 8 On February 9, 2007, plaintiff was dispatched from the Aurora terminal and assigned a load of motor vehicles located at the Elwood facility. He commenced loading the cargo units. During the loading process, plaintiff was involved in an accident which damaged a cargo unit that he was assigned to load. The accident occurred when plaintiff was driving a cargo unit to his tractor trailer unit, which was parked elsewhere in the facility. Plaintiff collided with another cargo unit. Rick Terry observed the accident and asked plaintiff to fill out an accident report, which he purportedly refused. Terry went to the office for further instructions from the supervisor, Mike Allen. Allen advised Terry to ask plaintiff again to fill out the accident report.

¶ 9 Later, Allen, with Hector Cepeda, an employee of Vascar, an unrelated employer responsible for inspecting the motor vehicles shipped from the Elwood facility, went to the scene. Allen asked plaintiff to fill out the accident report and plaintiff refused again.

¶ 10 During the course of a heated discussion, a physical altercation broke out during which plaintiff physically touched and pushed Allen away from him. Terry and Cepeda witnessed this incident. Plaintiff, Allen, Terry, and Cepeda each prepared written statements confirming the altercation shortly after the incident.

¶ 11 Allen called the local police to come to the facility to arrest plaintiff. As a result, Elwood police officer, J. Hartley, III, arrived at the scene and prepared a report, which was identified by plaintiff during his deposition.

¶ 12 Thereafter, on February 12, 2007, defendant issued a discharge notice to plaintiff for his physical assault on Allen. Plaintiff followed with a grievance protesting his discharge, which he filed with the Union for processing. The Union and defendant were unable to resolve the dispute. Accordingly, the Union submitted the dispute for final resolution to an arbitration panel established pursuant to the Collective Bargaining Agreement. The arbitration panel issued a decision upholding plaintiff's discharge for the physical assault.

¶ 13 Meanwhile, plaintiff filed for unemployment compensation with the Illinois Department of Employment Security. Ultimately, the commission denied plaintiff's unemployment compensation benefits as the result of its finding that he had been terminated for his physical assault on Allen and was therefore discharged for misconduct, which disqualified him from unemployment benefits.

¶ 14 Plaintiff contacted the law firm of Smith and Meyer concerning his termination from defendant. Either Smith or Meyer asked plaintiff to obtain his personnel file from defendant.

Plaintiff received his personnel file and tendered it to Smith and Meyer for their review. Smith met with plaintiff four times between November 19, 2007, and January 29, 2009.

¶ 15 On February 11, 2009, plaintiff filed a complaint against defendant. He alleged, *inter alia*, that prior to returning to work on June 1, 2006, plaintiff had never been accused by defendant of any offenses or infractions under the Collective Bargaining Agreement, other rules, or operating procedures; prior to returning to work on June 1, 2006, plaintiff had never been disciplined by or received any adverse employment review from defendant; and, between June 1, 2006, and October 17, 2006, plaintiff was cited by defendant for three minor alleged safety infractions. Plaintiff certified the complaint in accordance with section 1-109 of the Code of Civil Procedure (Code) (735 ILCS 5/1-109 (West 2008)). On the same date, Smith certified the complaint pursuant to Rule 137.

¶ 16 On May 1, 2009, Dwight Kay, defendant's executive vice-president, submitted to plaintiff his complete personnel file acknowledging that the company had failed to provide the totality of its contents when responding to plaintiff's earlier request for his personnel file in October 2007. The personnel file included each reprimand, warning notice, suspension notice, and discharge that plaintiff received while employed by defendant. Defendant submitted the complete personnel file to Smith shortly thereafter.

¶ 17 A case management conference was conducted by the trial court on January 22, 2010, at which time Smith and defendant's counsel conferred with the court to discuss the process of litigation.

¶ 18 Plaintiff filed a motion to amend the complaint. Plaintiff's motion sought only to correct the portion of his verification of the original complaint which asserted that he was "not" seeking damages in excess of \$50,000. No other change in the initial complaint was sought and none

was made other than to strike the word “not.” Plaintiff and Smith again certified that the allegations in the complaint, as amended, were well-grounded in fact and in compliance with Rule 137.

¶ 19 On March 18, 2010, when responding to defendant’s request to produce documents, Smith produced the 23 disciplinary actions previously provided to plaintiff by defendant in May 2009. This took place prior to Smith’s appearance before the trial court on March 19, 2010, when the court granted plaintiff’s motion to amend the complaint.

¶ 20 Pursuant to plaintiff’s Supreme Court Rule 214 (eff. Jan. 1, 1996) motion to produce, defendant once again produced plaintiff’s personnel file with the 23 disciplinary actions previously submitted to plaintiff in May 2009.

¶ 21 Plaintiff acknowledged during a June 9, 2010, deposition that he had received, signed, or initialed 23 reprimands or other disciplinary actions while employed by defendant. On March 24, 2011, plaintiff admitted in his response to defendant’s request for admissions that he had signed or initialed the 23 disciplinary notices issued by defendant while employed by defendant.

¶ 22 On December 12, 2011, defendant filed a motion for summary judgment. The trial court granted the motion for summary judgment in favor of defendant and against plaintiff on his claim for retaliatory discharge and dismissed the suit. In the memorandum of decision, the court concluded that plaintiff’s claim was too speculative for a rational finder of fact to conclude, in the face of uncontested evidence, that plaintiff would not have been fired had he not filed a workers’ compensation claim.

¶ 23 Thereafter, defendant filed a motion for attorney fees and costs pursuant to Rule 137, in which it requested that plaintiff and Smith be found in violation of the Rule and that it be awarded reasonable attorney fees and costs for all of the attorney fees and costs it incurred.

Defendant sought \$124,166 for attorney fees and costs. The trial court entered an order finding that plaintiff and Smith had violated Rule 137 and that an appropriate sanction should be imposed on both plaintiff and Smith.

¶ 24 In its memorandum of decision, the trial court noted that defendant's request for all of the attorney fees and costs incurred in the case were, "to put it mildly, a bit of an overreach." The court further stated that "at oral argument, the Court sought defendant's assistance in determining what might be an 'appropriate' sanction if sanctions were ordered, given the fact that the case would have been litigated regardless of [plaintiff]'s false allegations, and regardless of the reaffirmation of those false allegations when the Original Complaint was 'amended.' " The court added that, despite the lack of assistance from defendant, the court indulged defendant's counsel's request and made some effort at identifying within the "tens of pages of billing statements" the specific time entries that might have been occasioned solely or directly as a result of plaintiff's and Smith's Rule 137 violations. Despite some effort, the court was unable to identify or segregate in any rational or meaningful way billing entries or sets of billing entries that could reasonably be considered to be the result of, or required by, the sanctionable pleadings. Nevertheless, the court determined that its inability to use billing statements and attorney fees to determine an appropriate sanction did not mean that plaintiff and Smith should not have a financial penalty imposed on them, and it imposed sanctions of \$3,500 against plaintiff and \$1,500 against Smith. Further, based on the trial court's detailed review of the post-memorandum pleadings, including the billing statements generated by defendant's two law firms, the court ordered plaintiff and Smith & Meyer, LLC to jointly pay defendant \$8,965 as and for its "reasonable" attorneys' fees incurred in the preparation, filing, presentment, and argument of its sanctions motion.

¶ 25 Plaintiff appeals from the summary judgment granted in favor of defendant. Plaintiff and Smith appeal from the order awarding sanctions to defendant. Defendant cross-appeals the trial court's order rejecting defendant's request for attorney fees and costs incurred in defending the lawsuit from its inception and the trial court's reduction of the fees sought for prosecuting the Rule 137 motion.

¶ 26 II. ANALYSIS

¶ 27 A. Summary Judgment

¶ 28 Plaintiff contends that the trial court erred in granting summary judgment in favor of defendant. "Summary judgment is appropriate where the pleadings, affidavits, depositions, and admissions on file, when viewed in the light most favorable to the nonmoving party, demonstrate that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law." *West Bend Mutual Insurance v. Norton*, 406 Ill. App. 3d 741, 744 (2010). If any facts upon which reasonable persons may disagree are identified, or inferences may be fairly drawn from those facts leading to different conclusions, the motion for summary judgment must be denied and the resolution of those facts and inferences be made at trial. *Blankenship v. Dialist International Corp.*, 209 Ill. App. 3d 920, 924 (1991). The standard of review for the entry of summary judgment is *de novo*. *General Casualty Insurance Co. v. Lacey*, 199 Ill. 2d 281, 284 (2002).

¶ 29 Plaintiff's complaint for retaliatory discharge is based upon the Workers' Compensation Act. The Illinois Supreme Court recognized an independent tort for retaliatory discharge for the filing of a workers' compensation claim under the Workers' Compensation Act (see 820 ILCS 305/4(h) (West 2006)). *Kelsay v. Motorola, Inc.*, 74 Ill. 2d 172, 181 (1978). Notwithstanding the tort of retaliatory discharge, the common law doctrine that an employer may discharge an



employee-at-will for any reason or for no reason remains the law in Illinois. See *Fellhauer v. City of Geneva*, 142 Ill. 2d 495, 505 (1991); *Barr v. Kelso-Burnett Company*, 106 Ill. 2d 520, 525 (1985). A claim for retaliatory discharge requires a showing that the employee has been: (1) discharged; (2) in retaliation for the employee's activities; and (3) that the discharge violates a clear mandate of policy. *Clemons v. Mechanical Devices Company*, 184 Ill. 2d 328, 336 (1998); *Hartlein v. Illinois Power Company*, 151 Ill. 2d 142, 160 (1992). The employee bears the burden of establishing that his discharge was "causally related" to his exercise of rights under the Workers' Compensation Act. *Miller v. J.M. Jones Co.*, 225 Ill. App. 3d 799, 803 (1992). Furthermore, Illinois courts have found that the element of causation is not met if the employer has a valid basis which is not pretextual for discharging the employee. *Slover v. Brown*, 140 Ill. App. 3d 618, 621 (1986).

¶ 30 "A plaintiff must prove that his discharge was causally connected to his exercise of rights under the Workers' Compensation Act. Causality is lacking if the basis for the discharge is valid and nonpretextual." *Hess v. Clarcor, Inc.*, 237 Ill. App. 3d 434, 449 (1992). A plaintiff is not required to present direct evidence of a retaliatory motive; he can carry his burden of proof by showing that the defendant's explanation for refusing to recall him is not believable or that it raises a genuine issue of fact as to whether the defendant was retaliating against him. *Herman v. Power Maintenance & Constructors, LLC*, 388 Ill. App. 3d 352, 364 (2009). Case law is clear that the issues of an employer's motive in firing an employee, or, more specifically whether the employer's stated reason for termination was pretextual, are generally issues of fact not amenable to summary judgment. See, e.g., *Zuccolo v. Hannah Marine Corp.*, 387 Ill. App. 3d 561, 568, (2008) (the question of whether there is a causal connection to an employee's

discharge or whether an employee was discharged for a valid, nonpretextual reason is usually not ripe for a summary judgment).

¶ 31 In this case, however, the well-developed record supports the trial court's decision to grant defendant's motion for summary judgment. The undisputed evidence established that defendant fired plaintiff due to an assault that he committed on another employee on February 9, 2007. The victim and two witnesses corroborated the assault. Importantly, plaintiff admits that he grabbed the victim's shirt and moved him aside. Moreover, as pointed out by the trial court in its memorandum of opinion, "[i]t is undisputed that the employer, as part of its collective bargaining agreement with the Union, has a work rule that establishes 'physical assault' of another employee is an offense that is subject to discharge." Although plaintiff was arrested but apparently was not convicted, his termination was upheld by an arbitration panel and plaintiff was denied unemployment benefits based on the nature of his termination. Defendant also established that, both before and after plaintiff filed his workers' compensation claim, defendant compiled an impressive record of disciplinary notices and warnings.

¶ 32 Plaintiff sets forth two arguments that the assault termination was pretextual. First, plaintiff claims that defendant's termination of his employment was in retaliation for filing the workers' compensation claim because he was an exemplary employee prior to his discharge. Plaintiff alleged that, from his initial employment to the date of his injury, he had never been cited by defendant for any offenses or infractions under the Collective Bargaining Agreement, or other rules or operating procedures. He also alleged that between June 1, 2006, and October 17, 2006, he had been cited by defendant for only three minor alleged safety violations. This is simply not borne out by the record. In the 16 months before his injury, plaintiff received 11 disciplinary reports, with one resulting in a three-day layoff. In the 7 months after plaintiff's

return to work, he received 12 disciplinary reports, with one resulting in a one-day layoff. During the course of discovery, plaintiff admitted that he was issued and received 23 warning notices, reprimands, suspensions, and one discharge notice during employment prior to his ultimate termination from employment in February 2007.

¶ 33 Second, plaintiff alleged that, when discharged, he was treated disparately from other employees in similar situations who had engaged in physical assault on another employee or other person at the work place but had not claimed workers' compensation benefits. However, during the course of discovery, it was established that plaintiff had no personal knowledge upon which to support these allegations. In addition, plaintiff did not identify one employee who had given him any information or reason to believe the allegations were true before the original complaint was filed or during the course of discovery.

¶ 34 Specifically, plaintiff alleged that other defendants' employees treated disparately from him included David Adamick, Glenn Dobbs, and Tom Zitt. Plaintiff admitted that, in advance of his complaint, he had no personal knowledge of whether or not Adamick, Dobbs, or Zitt had previously filed any workers' compensation claims or had engaged in any acts of physical assault while employed by defendant. The record reveals that both Zitt and Adamick filed workers' compensation claims while employed by defendant. No information whatsoever was elicited or introduced by plaintiff to support his contention that Dobbs had not filed a workers' compensation claim. Moreover, the record is void of any evidence that these employees were involved in any incident of physical assault similar to that leading to plaintiff's discharge. Thus, a review of the record shows that plaintiff's allegations in this regard are unfounded.

¶ 35 In sum, plaintiff failed to establish one incident that would support the validity of his allegations of disparate treatment as it relates to Zitt, Adamick, Dobbs, or any other of

defendant's employees. Accordingly, because plaintiff failed to present a factual basis which would arguably entitle him to judgment, the trial court correctly entered summary judgment in defendant's favor.

¶ 36 Plaintiff further argues that the trial court used an improper standard in its summary judgment analysis. In its memorandum of decision, the trial court cites the correct standard for summary judgment. Additionally, our review of the memorandum shows that the trial court properly applied the law in concluding that there was no genuine issue as to any material fact. Of importance to the case was whether plaintiff could prove that defendant's decision to terminate his employment was causally related to plaintiff's exercise of his rights under the Workers' Compensation Act. The court cites the federal cases of *Bush v. Commonwealth Edison Company*, 990 F. 2d 928, 933-34 (7th Cir. 1993), and *Goode v. American Airlines, Inc.*, 741 F. Supp. 2d 877, 894 (N.D. Ill. 2010), to exemplify a plaintiff's failure to present sufficient evidence of retaliatory motive to withstand summary judgment. In any event, even if the trial court did not apply the proper standard, we review grants of summary judgment *de novo*. *Williams v. Manchester*, 228 Ill. 2d 404, 417 (2008). Accordingly, the reviewing court "must independently examine the evidence presented in support of and in opposition to a motion for summary judgment" to determine whether a genuine issue of material fact exists. *Groce v. South Chicago Community Hospital*, 282 Ill. App. 3d 1004, 1006 (1996). Given this court's independent review, " 'we may affirm the trial court's grant of summary judgment for any reason that is supported by the record, regardless of whether that reason formed the basis for the trial court's judgment.' " *Hess v. Flores*, 408 Ill. App. 3d 631, 636 (2011) (quoting *Bovan v. American Family Life Insurance Co.*, 386 Ill. App. 3d 933, 938 (2008)). Accordingly, we reject plaintiff's contention.

¶ 37

B. Rule 137 Sanctions

¶ 38 We next address plaintiff's and Smith's contentions that the trial court abused its discretion in finding that they violated Rule 137 when filing both the original and amended complaint. We also address defendant's cross-appeal, in which it argues that it should have been awarded the attorney fees and costs involved in defending this case from its inception based on the false statements in the original and amended complaints. Defendant further contends that its request for attorney fees for prosecuting the sanctions motion should not have been reduced.

¶ 39 The trial court found that plaintiff and Smith had violated Rule 137 and imposed a sanction of \$3,500 and \$1,500, respectively. The court also ordered plaintiff and Smith & Meyer, LLC to jointly pay defendant \$8,965 for the fees incurred in prosecuting the motion for sanctions.

¶ 40 Rule 137 provides, in relevant part:

“The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other pleading, 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. \*\*\* If a pleading, motion or other paper 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 paper, including a reasonable attorney fee.” S. Ct. R. 137 (eff. Feb. 1, 1994).

¶ 41 Under Rule 137, sanctions may be granted in two different circumstances: (1) when a pleading, motion, or other paper is not “well grounded in fact” or is not “warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,” or (2) when it is interposed for purposes such as to “harass or to cause unnecessary delay or needless increase in the cost of litigation.” *Patton v. Lee*, 406 Ill. App. 3d 195, 202 (2010).

¶ 42 “The purpose of Supreme Court Rule 137 is to punish litigants who plead frivolous or false matters or bring suit without any basis in law.” *Ashley v. Scott*, 266 Ill. App. 3d 302, 305-06 (1994). The decision to impose sanctions is within the sound discretion of the trial court, a decision which must be informed, based on valid reasons that fit the case, and which follows logically from the application of the reasons stated to the particular circumstances of the case. *Id.* at 305.

¶ 43 Furthermore, Rule 137 specifically requires attorneys to make reasonable inquiries into the facts supporting a legal claim before pleadings are filed. *Id.* at 305-06. An attorney’s signature on a pleading is an assertion that he or she has reasonably investigated the facts underlying the positions taken in that pleading. An honest belief that a pleading was well grounded in law and fact is not enough to avoid Rule 137 sanctions. *Schneider v. Schneider*, 408 Ill. App. 3d 192, 200 (2011). Rather, a party’s or attorney’s pleadings must meet an objective standard of reasonableness under the circumstances of the case. *Id.*

¶ 44 Here, plaintiff certified in the original complaint that he had no disciplinary issues with defendant before his return to work from injury, which he knew was false. After receiving discovery showing that plaintiff had disciplinary issues with defendant before he returned to work from injury, Smith failed to revise the original false allegations by including this information in the amended complaint. Clearly, both plaintiff and Smith violated Rule 137 by

filing pleadings that were not well grounded in fact. Therefore, the trial court did not abuse its discretion in finding a violation of Rule 137.

¶ 45 In its motion for sanctions, defendant sought payment for all its fees and costs in defending the action from the inception. The trial court ruled that this “request is, to put it mildly, a bit of an overreach.” The court observed that it was unlikely that defendant suffered any prejudice, as it always was in possession of plaintiff’s personnel file, and it would have known at all times that the allegations in the complaints were false. We agree with the trial court’s decision that the false statements were not the entire basis of the lawsuit, and thus, the fees awarded must be tied to the specific untrue statements since the untrue statements are not the cornerstone of the entire lawsuit. See *Dayan v. McDonald's Corp.*, 126 Ill. App. 3d 11, 23-24 (1984).

¶ 46 As to assessing the penalty for the Rule 137 violation, generally, the party seeking the award has the burden of establishing that he or she actually incurred fees and expenses by reason of the untrue pleadings. See *Patton v. Lee*, 406 Ill. App. 3d 195, 199-200 (2010) (sanctions under section 226 of the Illinois Domestic Violence Act of 1986 (750 ILCS 60/226 (West 2010), the same as one of the predecessor statutes to Rule 137). During the hearing, defendant maintained that the fees and expenses were related to the entire lawsuit. After the trial court found that the statements were not the basis of the entire lawsuit, the court never ordered defendant to provide evidence of the amount of fees and costs specifically related to those associated with the false statements. Instead, the trial court took it upon itself to ferret out a specific penalty from the multitude of bills provided by defendant’s counsel. The court then imposed “penalties” of \$3,500 against plaintiff and \$1,500 against Smith. However, the court was unable to identify or segregate in any rational or meaningful way billing entries or sets of

billing entries that reasonably could be considered to be the result of, or required by, the sanctionable pleadings. See *Patton*, 406 Ill. App. 3d at 200 (petition for fees must specifically identify both the statements falsely made and the fees that resulted from those false statements). Based on the foregoing, we conclude that the trial court abused its discretion to the extent that it awarded sanctions without determining whether the amount assessed arose out of the sanctionable conduct.

¶ 47 Accordingly, we must remand for a new hearing on what sanctions are appropriate under the proper standard. We further cannot reach the issue of appropriate fees and costs for prosecuting the Rule 137 motion since we are remanding for further proceedings on the petition. We emphasize that we have no opinion as to what, if any, that amount should be. As such, we need not address further arguments.

¶ 48 III. CONCLUSION

¶ 49 For the reasons stated, we affirm that part of the judgment granting summary judgment in favor of defendant and against plaintiff and the judgment finding both plaintiff and his attorney violated Rule 137, but vacate that part of the judgment imposing fees, and we remand the cause for further proceedings to determine the amount of reasonable attorney fees and costs, if any, that defendant may have incurred as a result of the filing of the false pleadings, including the amount, if any, for prosecuting the Rule 137 motion.

¶ 50 Affirmed in part, vacated in part, and remanded.