#### **NOTICE**

Decision filed 06/14/19. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

# 2019 IL App (5th) 180068-U

NOS. 5-18-0068 through 5-18-0136 cons.

### IN THE

# APPELLATE COURT OF ILLINOIS

#### 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).

### FIFTH DISTRICT

THE CITY OF GRANITE CITY,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Madison County.
	)	
V.	)	No. 14-OV-400366*
	)	
VITHALBHAI PATEL, d/b/a Velani Brothers	)	
Corporation, NARENDRAKUMAR PATEL,	)	
d/b/a Mavani & Sons, Inc.; and MAVANI & SONS,	)	
INC.,	)	
	)	
Defendants	)	
	)	Honorable
(Vithalbhai Patel, d/b/a Valani Brothers	)	Ronald R. Slemer,
Corporation, Defendant-Appellant).	)	Judge, presiding.
Corporation, Derendant-Appenant).	,	suage, presiding.

JUSTICE CHAPMAN delivered the judgment of the court. Justices Welch and Cates concurred in the judgment.

### **ORDER**

¶ 1 Held: Where the complaints filed by the City of Granite City against Vithalbhai Patel d/b/a Velani Brothers Corporation contained adequate factual detail and a reference to underlying municipal ordinances incorporating national electrical and building codes, defendant's due process rights were not violated. Where the evidence, when viewed in a light most favorable to Granite City, did not overwhelmingly favor Vithalbhai Patel d/b/a Velani Brothers Corporation such that no contrary verdict could stand, we find that a directed verdict on all complaints was not warranted. Where the trial

<sup>\*</sup>A full listing of trial court case numbers is set forth in the appendix.

court's convictions were not contrary to the manifest weight of the evidence, we affirm the convictions.

Patel argues that his due process rights were violated and that the trial court erred in denying his motion for directed verdicts because they did not cite the national code section or the specific ordinance violated. For the reasons stated in this order, we affirm the judgments of the trial court.

# ¶ 3 BACKGROUND

- ¶ 4 Patel was the owner and operator of the Relax Inn in Granite City on both dates referenced in the 69 ordinance violations that are the subject matter of this appeal.
- ¶ 5 Eleven of the complaints involved municipal electrical code violations. The following seven electrical code complaints were filed on June 17, 2014:
  - 1. open light sockets without a cover and/or bulbs in a hallway and corridor;
  - 2. a GFCI receptacle was not operational in the laundry room;
  - 3. electrical panel with open spaces that require blanks in the utility room;
  - 4. a GFCI receptacle was not operational in room 217;
  - 5. a GFCI receptacle was not operational in room 202;
  - 6. a GFCI receptacle was not operational in room 117; and

7. a GFCI receptacle was not operational in room 105;

The remaining four electrical code complaints were filed on February 27, 2015:

- 8. open spliced wiring was found in the ceiling of the office area and living quarters;
- 9. electrical conduit connection was pulled apart exposing wires in a store room and water heater area;
- 10. improper cover was on an open light socket in room 124; and
- 11. no GFCI receptacle in the ice dispensing room.
- ¶ 6 Fifty-eight of the complaints involved municipal property maintenance code violations. The following 34 property maintenance code complaints were filed on June 17, 2014:
  - 1. exposed unfinished siding, broken and boarded-up windows, and missing gutters and downspouts on the exterior of the building;
  - walls with holes and otherwise needing repair, improper drains, holes in the ceiling, flex gas lines needing replaced, and no sediment trap on the gas line in the utility room;
  - 3. ceiling was damaged and no power to the smoke detector in room 223;
  - 4. ceiling had cracks and the bathroom vanity faucets were loose in room 222;
  - 5. bathroom vanity faucets were loose in room 221;
  - 6. hall light cover was missing and the bathroom exhaust fan was not operational in room 220;

- 7. hall light cover was missing, holes in the walls, and no power to the smoke detector in room 219;
- 8. hall light cover was missing, clothing and debris in the living area, and the living room circuit was overloaded in room 218;
- 9. walls had holes and cracks, a window was broken, a light switch cover was broken, and no battery backup in the smoke detector in room 217;
- 10. walls and ceiling had holes and the bathroom exhaust fan was not operational in room 216;
- 11. hall light cover was missing and holes in the hall wall in room 214;
- 12. air conditioner was not operational, the outer wall was damaged, and a broken window needing replaced in room 213;
- 13. hall light cover was missing, no battery backup in the smoke detector, and the living area was littered with junk, trash, and debris in room 209;
- 14. hall light cover was missing and the bathroom exhaust fan was not operational in room 206;
- 15. bathroom exhaust fan was not operational in room 205;
- 16. hall light cover was missing in room 204;
- 17. bathroom vanity faucets were loose, the bathroom exhaust fan was not operational, and mold was found around the bathtub in room 203;
- 18. bathroom exhaust fan cover was missing in room 202;
- 19. light switch covers were broken, and the bathroom exhaust fan was not operational in room 124;

- 20. hall light cover was missing, the ceiling had signs of a water leak, the bathtub needed to be sealed, and the bathroom walls needed repair in room 123;
- 21. hall light cover was missing, bathroom floor tiles were broken, the bathroom vanity faucet was loose, and the bathroom exhaust fan was not operational in room 121;
- 22. several receptacle cover plates were missing in room 120;
- 23. bathroom vanity top was loose in room 118;
- 24. smoke detector was not operational, the bathroom vanity faucet needed to be repaired, the bathroom exhaust fan was loose and falling out of the wall, and mold was found around the toilet and bathtub in room 117;
- 25. toilet was leaking, the floors were filthy and needed to be repaired or replaced, the living area was cluttered with trash, and the room had a foul odor in room 116;
- 26. smoke detector was not operational, the bathroom vanity faucet was loose, the bathroom walls needed to be repaired, and mold was found on the bathroom shower curtain in room 114;
- 27. bathtub faucet was leaking, the bathroom vanity top was broken, and the bathroom exhaust fan cover was missing in room 113;
- 28. hall light cover was missing, the bathroom walls and ceiling needed to be repaired, and the bathtub faucet was leaking in room 112;

- 29. mold was found on the bathroom ceiling, the bathtub faucet was leaking, the vanity door was broken, and the living area flooring needed to be replaced in room 111;
- 30. toilet lid and seat were broken, the bathroom light fixture needed to be repaired, the bathroom ceiling had holes, the bathroom flooring was filthy and needed to be replaced, mold was found on the bathtub surround, and trash and debris was found in the living area of room 110;
- 31. bathroom receptacle covers were missing and the bathroom ceiling and flooring needed to be repaired in room 109;
- 32. bathroom tub surround needed to be sealed and the bathroom floor and ceiling needed to be repaired in room 106;
- 33. bathroom flooring needed to be sealed around the toilet and bathtub, the bathroom vanity door was missing, the shower stall needed to be cleaned and sealed, and the living area floor covering needed to be replaced in room 104; and
- 34. bathroom exhaust fan cover was missing, the bathroom floor needed to be sealed around the bathtub, and the bathroom walls needed to be repaired in room 105;

The remaining 24 property maintenance code complaints were filed on February 27, 2015:

35. kitchen sink cabinet had rotted and needed replaced, mold was found on the walls and pipes under the kitchen sink, vent cover over the bathroom

- exhaust fan was missing, the bathroom light fixture had open sockets, the bathtub surround needed to be recaulked due to mold, and the bathroom ceiling needed to be repaired in the office area and living quarters;
- 36. holes in masonry walls, trash, debris, and building materials in the room, some walls were unfinished, and fixtures in the ceiling were exposed in a room reported to have been renovated on the second floor;
- 37. bathroom vanity door was screwed closed and the bathtub surround needed to be recaulked due to mold in room 221;
- 38. HVAC unit was in disrepair, the bathroom sink was cluttered with dirty dishes, the bathtub faucet was leaking, and evidence of cooking was found in room 220;
- 39. bathroom exhaust fan cover was not properly attached, and soiled toilet paper was found on the bathroom floor of room 219;
- 40. HVAC unit was not operational, the bathroom door had been removed, the bathtub overflow cover and drain were missing, the bathroom walls needed to be repaired, the exhaust fan cover was filthy, and the bathroom flooring was splattered with paint in room 218;
- 41. walls needed to be repaired and painted, and the bathtub surround needed to be recaulked due to mold in room 217;
- 42. garbage and trash in the room, perishable food was not refrigerated, spoiled food was found in the refrigerator, and the bathtub surround needed to be recaulked due to mold in room 209;

- 43. water heaters were leaking and needed to be replaced, the vent pipes were not properly connected, mold was found on the walls behind the heaters, a water valve was leaking, and the ceiling needed to be repaired in the store room and water heater area;
- 44. ceiling had been removed due to broken water lines, floor covering had been removed due to mold, the bathroom ceiling needed to be repaired, the bathtub overflow cover was missing, and the bathroom exhaust vent cover needed to be repaired in room 124;
- 45. bathroom exhaust fan was not properly secured, the bathroom walls, ceiling, and bathtub surround needed to be repaired in room 123;
- 46. access panel was not attached and plumbing components were exposed, the room was infested with insects, the bathroom ceiling and walls needed to be repaired, and a broken window needed to be replaced inside room 122;
- 47. HVAC unit was missing, floors had no covering in the living area, trash and debris was found in the living area, floor tiles were missing in the hallway, the toilet was not attached, the bathroom had no light fixture, and the exhaust fan was not operational in room 121;
- 48. floor covering was covered in animal feces, the room was infested with roaches, garbage and debris was found in the living area, the smoke detector was not secured to the wall, evidence that the tenants had been cooking in the room was found, and the bathroom ceiling, vanity doors, and door knob needed repair in room 120;

- 49. bathroom needed repair and the exhaust fan needed to be cleaned in room 119;
- 50. entry door was loose; the room was infested with insects, the toilet was not attached, the bathtub surround needed to be recaulked due to mold, and the bathroom exhaust was dirty and not fully functional in room 118;
- 51. room was infested with insects, the coat rack was disconnected from the wall, the bathtub faucets were leaking, and the bathroom walls needed repair in room 117;
- 52. HVAC unit was filthy and not operational, floor coverings had been removed due to mold, the toilet had been removed, and the bathroom exhaust fan and light were not operational in room 116;
- 53. floor coverings had been removed due to mold, the electric receptacles were missing covers, the toilet tank lid was missing, the bathtub faucets were leaking, and the bathroom was generally filthy in room 112;
- 54. bathroom ceiling was open with exposed plumbing in room 111;
- bathroom ceiling needed to be repaired and the bathtub surround needed to be recaulked due to mold in room 110;
- 56. bathroom ceiling patch was not finished in room 109;
- 57. mold and water stains were found on the ceiling, ceiling patches were not finished, and mold and water were on the platform where the washers and dryers were located in the laundry room; and

- 58. toilet seat and lid were missing, the vanity doors needed repair, floor coverings had been removed due to mold, the HVAC unit was missing, and the bathroom ceiling patches were not finished in room 104.
- ¶7 At trial on April 18, 2017, Stephen Willaredt, the Granite City employee who filed the 69 ordinance violation complaints, testified. Willaredt testified that he has worked for Granite City for 13 years as its building and zoning administrator and 26 years before that as a Granite City police officer. Willaredt outlined his daily duties which included review of development plans, inspections, and issuing citations and/or letters for municipal ordinance and/or state statute violations. He explained that the purpose of the ordinances and statutes is to ensure that all establishments and/or residents of Granite City are within compliance. The primary purpose of ordinance enforcement is public safety.
- ¶ 8 On June 4, 2014, Willaredt examined the entire premises of the Relax Inn located at 1100 Niedringhaus in Granite City. The inspection that day was randomly scheduled with the cooperation of the fire department, the building and zoning department, and assisted by the crime free officers assigned to his office, along with the nuisance abatement team. One of Willaredt's plans for that date was to check specific rooms for smoke detectors and carbon monoxide detectors as required by state statute in rooms designated for overnight sleeping. The inspection resulted in 41 ordinance violations related to electrical code or building maintenance code issues.

- ¶ 9 On February 20, 2015, he returned to conduct his room and premises inspections at the Relax Inn. That inspection resulted in 28 additional ordinance violations related to electrical code or building maintenance code issues.
- ¶ 10 Willaredt explained that the Granite City electrical code is based upon the National Electric Code (NEC), while the property maintenance code is based upon the BOCA National Property Maintenance Code (BOCA).
- ¶ 11 Willaredt testified about each of the 69 ordinance violation complaints he filed against Patel in an articulate and meticulous manner to explain the basis of each complaint, the violations, and the resulting safety concerns. He identified photographs of the building and the rooms to reinforce the wording of the charges in each complaint. Willaredt explained how each complaint alleged a specific violation of the electrical or property maintenance codes.
- ¶ 12 At the end of Granite City's case, Patel filed a motion for directed verdict on all 69 complaints. Patel argued that Granite City failed to include any specific electrical code or property maintenance code violation in any of the complaints filed. Instead, Granite City cited to the ordinances adopting the national codes. Without a specific violation, Patel's attorney argued, he lacked the notice and ability to adequately defend his client, and concluded that it was the duty of Granite City to properly plead and then present evidence to prove the alleged violations.
- ¶ 13 To counter Patel's argument, Granite City argued that it was not required to inform any violator of specific NEC or BOCA sections, but that irrespective of its

obligation, in this case Willaredt's testimony and evidence more than adequately detailed the specifics of each violation charged.

- ¶ 14 The court took the motion under advisement and allowed the parties to file written arguments.
- ¶ 15 Patel was then called to testify in his own defense. Patel testified that all of the rooms listed in the 69 ordinance violations had been repaired with the exception of rooms 123 and 124. Rooms 123 and 124 were still under repair on the date of trial. Patel testified that if there was something wrong with one of the motel rooms, he would not rent it out until the repair had been completed. Patel's manager checks the room each time a tenant moves out. If a new problem is discovered, the problem will be repaired before the room is rented out again. On cross-examination, Patel was asked about responsibility for conditions like mold or missing light bulbs or fixture covers. He consistently testified that he was "supposed to take care of that."
- ¶ 16 On July 27, 2017, the trial court held its hearing on Patel's motion for directed verdicts. Patel's attorney again argued that he was not provided with the specific code sections allegedly violated and therefore he could not adequately prepare a defense of the complaints at trial. Granite City argued that it was nonsensical that Patel was unaware of the nature of the charges simply because national code sections were not included in the complaints. Granite City contended that the language used in each complaint was explicit about the matters requiring repair and/or replacement. Granite City also argued that Patel's testimony that almost all of the items listed in the 69 complaints were corrected by the date of trial meant that Patel had a clear understanding of what needed to

be fixed, and thus what had been in violation of the codes. Granite City argued that its evidence was substantial and Willaredt's testimony was very credible. Granite City presented the court with a motion to amend the complaints to conform to the proofs established at trial, or in the alternative to amend each complaint by including the precise section violated, but the court did not rule on the proposed motion.

- ¶ 17 On August 22, 2017, the trial court entered its final order. The court noted that the evidence revealed that the premises were dirty and not properly maintained for the health and safety of the tenants. The court stated: "The complaints on the ordinance violations provided enough specificity for the Defendants. There are also civil procedures to obtain additional clarification if needed. The ordinance violations have been proven by a preponderance of the evidence." The court found Patel guilty on all 69 ordinance complaints and fined him \$100 on each conviction.
- ¶ 18 Patel filed a posttrial motion on September 20, 2017, arguing the identical issues he raised in the unsuccessful motion for directed verdicts. That motion was denied on January 25, 2018.

# ¶ 19 ANALYSIS

¶ 20 The 69 ordinance complaints were tried before the trial judge, without a jury. On review of a bench-tried case, we will not disturb that judgment unless the trial court's judgment is clearly contrary to the manifest weight of the evidence, because the trial judge was able to assess each witness's credibility. *Jackson v. Bowers*, 314 Ill. App. 3d 813, 818, 731 N.E.2d 1252, 1257 (2000). A judgment is contrary to the manifest weight

of the evidence if an opposite conclusion is clearly evident. *Comm v. Goodman*, 6 Ill. App. 3d 847, 853, 286 N.E.2d 758, 763 (1972).

- A trial court should grant a motion for directed verdict if all of the evidence reviewed in the light most favorable to the nonmoving party "so overwhelmingly favors the movant that no contrary verdict could possibly stand." People v. Hancock, 2014 IL App (4th) 131069, ¶ 136, 18 N.E.3d 941 (citing *Pedrick v. Peoria & Eastern R.R. Co.*, 37 Ill. 2d 494, 510, 229 N.E.2d 504, 513-14 (1967)). To direct a verdict, the trial court would need to find "' a total failure or lack of evidence to prove any necessary element of the plaintiff's case.' " Id. ¶ 137 (quoting Perfetti v. Marion County, Illinois, 2013 IL App (5th) 110489, ¶15, 985 N.E.2d 327). We review a trial court's denial of a motion for directed verdict on a de novo basis. Id. ¶ 136 (citing Hemminger v. LeMay, 2014 IL App (3d) 120392, ¶ 18, 11 N.E.3d 825). "This means that, instead of deciding for ourselves how credible a witness is and instead of deciding for ourselves which evidence to believe or disbelieve [citation], we construe the evidence in a way that supports the nonmovant's case, and we draw inferences in the nonmovant's favor insomuch as it would be reasonably defensible to do so [citation]." *Id*.
- ¶ 22 Patel argues that in not granting his motion for directed verdicts and entering the judgments against him on the 69 complaints, the trial court deprived him of procedural due process. He claims that he was deprived of his property by the imposition of fines without due process of law. He argues that Granite City's complaints did not establish the elements of the offenses charged, and that the complaints were facially invalid because they did not list an actionable duty Patel owed.

¶ 23 We include the language of two Granite City municipal ordinances because each of the complaints states that Patel violated one of the two ordinances. The electrical code ordinance, Granite City Municipal Code section 15.24.050, states:

"Any person, firm or corporation who shall violate any provision of the ordinance codified herein or any provision of any rule or regulation adopted pursuant to authority granted by the ordinance codified herein shall, upon conviction, be punished by a fine of not less than seventy-five dollars nor more than seven hundred fifty dollars per occurrence, and each day's failure to comply with any such provision shall constitute a separate violation." Granite City Municipal Code § 15.24.050 (eff. 1977).

The property maintenance code ordinance, Granite City Municipal Code section 15.14.010, states:

"That certain document, three copies of which are on file in the office of the city clerk of the city of Granite City, being marked and designated as 'The BOCA National Property Maintenance Code, 1990' as published by the Building Officials and Code Administrators International, Inc., adopted as the property maintenance code of the city of Granite City, in the state of Illinois." Granite City Municipal Code § 15.14.010 (eff. 1990).

- ¶ 24 On appeal, Patel continues to make the argument that he was entitled to directed verdicts on the 69 complaints because Granite City failed to present adequate evidence of the precise municipal ordinance violations he allegedly committed. Although he acknowledges that Granite City's intent was to charge him by citing to ordinances that incorporated a larger federal code, he claims that the city failed to provide him with adequate notice because it did not cite to a specific section of the NEC or the BOCA code.
- ¶ 25 Patel argues that Illinois Supreme Court Rule 572(a)(3) (eff. Dec. 7, 2011) requires Granite City to cite to the specific ordinance it claims he violated in its charging

documents. Rule 572(a)(3) requires that the charging documents adequately provide the defendant with notice of the nature and content of the charge. Ill. S. Ct. R. 572(a)(3) (eff. Dec. 7, 2011). Rule 572(a)(3) states:

"(a) A prosecution for an ordinance violation for which the penalty does not include the possibility of a jail term may be initiated by a charging document such as a \*\*\* Complaint \*\*\*. The charging document shall be signed by \*\*\* a code enforcement officer authorized by the plaintiff to sign the charging document. \*\*\* Such charging document \*\*\* shall contain at least the following:

\* \* \*

- 3. The nature of the offense and a reference to the relevant ordinance[.]" *Id*.
- ¶ 26 The committee comments indicate that the purpose of the rule was "to continue to allow prosecuting entities to utilize the most efficient means of initiating ordinance violation proceedings." Ill. S. Ct. R. 572, Committee Comments (adopted Dec. 7, 2011).
- ¶ 27 Patel's trial was not held until April 2017, although he was served with 41 ordinance violation complaints in June 2014, and then with 28 additional complaints in February 2015. Patel and his attorney did not file any pleading challenging the specificity of the charges or otherwise request clarification from the attorney representing Granite City.
- ¶ 28 Our Illinois Code of Civil Procedure provides procedural ways in which Patel and his attorney could have sought the information they claim was necessary to adequately prepare a defense to the charges.
- ¶ 29 The first possible remedy that was available to Patel can be found in section 2-607 of the Code of Civil Procedure (735 ILCS 5/2-607 (West 2012)). That section states that within the time provided to respond to the initial pleading, the party "may, if allegations

are so wanting in details that the responding party should be entitled to a bill of particulars, file and serve a notice demanding it." *Id.* § 2-607(a). The rule requires the party seeking a bill of particulars to "point out specifically the defects complained of or the details desired." *Id.* 

- ¶ 30 The second possible remedy that was available to Patel can be found in section 2-615 of the Code of Civil Procedure (*id.* § 2-615). That section states that objections to pleadings must be raised by a motion and that the motion "shall point out specifically the defects complained of, and shall ask for appropriate relief, such as: \*\*\* that a pleading be made more definite and certain in a specified particular, \*\*\*." *Id.* § 2-615(a). Furthermore, if the defendant objects to the pleading in a motion to dismiss "because it is substantially insufficient in law, the motion must specify wherein the pleading \*\*\* is insufficient." *Id.* § 2-615(b).
- $\P$  31 We also note that if all 69 complaints were defective in form or in substance, the complaining party must object in the trial court or the defect is considered waived. *Id.* \$ 2-612.
- ¶ 32 In this case, Patel and his attorney decided to sit back, file no pleadings asking for clarification, and take their chances at trial by pursuing motions for directed verdicts at the close of the cases. As a business owner operating in Granite City, Patel bore a duty to comply with all municipal and state ordinances and statutes.
- ¶ 33 We first find that Patel's due process claim fails because the ordinance sections listed by Granite City in the complaints provide at least some guidance to defendants charged with violations, as those sections are the "relevant ordinance[s]." Ill. S. Ct. R.

572(a)(3) (eff. Dec. 7, 2011). Section 15.24.010 of the Granite City Municipal Code incorporated the entirety of the NEC "as though set out in full" and "the provisions thereof shall be controlling in the installation, alteration and use of electrical equipment within the corporate limits of the city." Granite City Municipal Code § 15.24.010 (eff. 1989). The 11 complaints alleging an electrical code violation listed the municipal ordinance outlining possible penalties for violation of *any electrical code ordinance*—which would include the ordinance incorporating the NEC. Granite City Municipal Code §§ 15.24.010, 15.24.050. The 58 complaints alleging a property maintenance code violation listed the municipal ordinance that incorporated all of the BOCA code requirements. Granite City Municipal Code § 15.10.010. Had Patel sought clarification, Granite City may have been able to provide him with more precise NEC or BOCA code section(s). Patel opted not to seek any clarification and therefore should not be allowed to then argue that Granite City denied his due process rights.

¶ 34 We find that Patel's due process argument also fails because the "nature of the offense" was more than adequately specified in each of the 69 complaints. Each complaint outlined the room in which ordinance violations were located, as well as detailed each "issue" that required repair or replacement. The language Granite City used in each complaint provided Patel with ample information regarding what it determined was a violation of an electrical or property maintenance code section. Patel's own testimony at trial established that he understood that the complaints listed the items that needed to be repaired or replaced. Patel also indicated that he knew he had a duty to make these repairs. Patel's completion of all mandated repairs, with the exception of two

rooms, supports the trial court's conclusion that Granite City adequately informed him of the "nature of the offense[s]." Ill. S. Ct. R. 572(a)(3) (eff. Dec. 7, 2011).

- ¶ 35 In addition, Willaredt's testimony and evidentiary photographs provided the trial court with significant evidence on each of the 69 complaints, and the trial court's judgments were not contrary to the manifest weight of the evidence. *Jackson*, 314 Ill. App. 3d at 818.
- ¶ 36 From our review of the record on appeal, we find that Patel was not deprived of his due process rights. We also conclude that the trial court's implicit determination that directed verdicts were not warranted was correct after construing the evidence in a way that supports Granite City's case. *Hancock*, 2014 IL App (4th) 131069, ¶ 136. Finally, we affirm the trial court's conclusion that Patel was guilty on all 69 ordinance violations. *Jackson*, 314 Ill. App. 3d at 818.

## ¶ 37 CONCLUSION

¶ 38 For the reasons stated in this order, we affirm the judgments of the circuit court of Madison County.

## ¶ 39 Affirmed.

### ¶ 40 APPENDIX

¶41 Nos. 14-OV-400371, 14-OV-400373, 14-OV-400380, 14-OV-400387, 14-OV-400389, 14-OV-400390, 14-OV-400391, 14-OV-400393, 14-OV-400395, 15-OV-400152, 15-OV-400153, 14-OV-400375, 14-OV-400377, 14-OV-400379, 14-OV-400394, 14-OV-400398, 14-OV-400401, 14-OV-400405, 15-OV-400148, 15-OV-400394, 14-OV-400398, 14-OV-400401, 14-OV-400405, 15-OV-400148, 15-OV-400398, 14-OV-400401, 14-OV-400405, 15-OV-400148, 15-OV-400398, 14-OV-400401, 14-OV-400405, 15-OV-400148, 15-OV-400398, 14-OV-400401, 14-OV-400405, 15-OV-400148, 15-OV-400401, 14-OV-400401, 14-OV-4

400151, 15-OV-400156, 15-OV-400158, 15-OV-400159, 15-OV-400160, 15-OV-400161, 15-OV-400162, 15-OV-400164, 15-OV-400170, 14-OV-400366, 14-OV-400378, 14-OV-400397, 14-OV-400400, 14-OV-400402, 14-OV-400406, 15-OV-400154, 15-OV-400163, 15-OV-400165, 15-OV-400166, 15-OV-400172, 14-OV-400408, 15-OV-400144, 14-OV-400376, 14-OV-400381, 14-OV-400385, 14-OV-400386, 14-OV-400404, 15-OV-400147, 15-OV-400157, 15-OV-400167, 15-OV-400169, 15-OV-400171, 15-OV-400173, 14-OV-400388, 14-OV-400392, 400396. 14-OV-400399, 14-OV-400403, 14-OV-400407, 15-OV-400145, 15-OV-400150, 15-OV-400155, 14-OV-400369, 14-OV-400370, 14-OV-400372, 14-OV-400374, 14-OV-400382, 14-OV-400383, 14-OV-400384, 15-OV-400168, cons.