

# ILLINOIS APPELLATE COURT

- A. APR/15/2019 order (1 page)
- B. MAY/16/2019 order (1 page)
- C. AUG/15/2019 order (1 page)
- D. SEP/24/2019 order (8 pages)
- E. OCT/21/2019 order (1 page)

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

<b>Instructions</b>	<input checked="" type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b>	
Check the box to the right if your case involves custody, visitation, or removal of a child.	Appellate Case No.: <u>1-18-2564</u>	
Enter the appellate court case number.	<b>IN THE APPELLATE COURT OF</b>	
Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.	<b>ILLINOIS</b> <u>FIRST</u> District	
If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee").	In re <u>CHILD SUPPORT/PARENTAGE</u>  <u>IVA BROOKS</u> Plaintiff/Petitioner (First, middle, last names) <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee  v.  <u>AARON FOSTER</u> Defendant/Respondent (First, middle, last names) <input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee	Appeal from the Circuit Court of <u>COOK</u> County  Trial Court Case No.: <u>2012 D 050112</u>  Honorable <u>ABIGALE FISHMAN-ROMANEK</u> Judge, Presiding
To the far right, enter the trial court county, trial court case number, and trial judge's name.	(This section is already filled in the right-hand column of the form above)	

In 1, check the box that identifies who is filing the Motion.

In 2, enter what you are asking the court to do in response to your Motion. This should be the same as what you asked for in Section 2 of the Motion.

DO NOT complete Section 3 or Section 4. The court will complete these sections.

DO NOT complete this section. The justices will sign and date here.

**ORDER**

1. Motion by: ☒ Plaintiff/Petitioner-Appellant    ☐ Plaintiff/Petitioner-Appellee  
☐ Defendant/Respondent-Appellant    ☐ Defendant/Respondent-Appellee

2. Motion for: AMENDED APPELLANT'S OPENING BRIEF  
INCLUDING APPENDIX WITH EXHIBITS

3. The motion is: ☒ Allowed    ☒ Denied

4. It is further ordered (if applicable): \_\_\_\_\_

ENTERED M. Schubert **ORDER ENTERED**  
 Justice Date **APR 15 2019**  
 Justice Date **APPELLATE COURT FIRST DISTRICT**  
 Justice Date

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

<b>Instructions</b> Check the box to the right if your case involves custody, visitation, or removal of a child. Enter the appellate court case number. Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed. If the case name in the trial court began with "In re" (for example, "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee"). To the far right, enter the trial court county, trial court case number, and trial judge's name.	<input checked="" type="checkbox"/> <b>THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).</b>	
	Appellate Case No.: <u>1-18-2564</u>	
	<b>IN THE APPELLATE COURT OF ILLINOIS</b> <u>FIRST</u> District	
	In re <u>PARENTAGE/CHILD SUPPORT</u> <u>IVA BROOKS</u> Plaintiff/Petitioner (First, middle, last names) <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee v. <u>AARON FOSTER</u> Defendant/Respondent (First, middle, last names) <input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee	Appeal from the Circuit Court of <u>COOK</u> County Trial Court Case No.: <u>2012D050112</u> Honorable <u>FISHMAN-ROMANEK</u> Judge, Presiding

In 1, check the box that identifies who is filing the Motion.

In 2, enter what you are asking the court to do in response to your Motion. This should be the same as what you asked for in Section 2 of the Motion.

DO NOT complete Section 3 or Section 4. The court will complete these sections.

DO NOT complete this section. The justices will sign and date here.

### ORDER

1. Motion by: ☒ Plaintiff/Petitioner-Appellant    ☐ Plaintiff/Petitioner-Appellee  
☐ Defendant/Respondent-Appellant    ☐ Defendant/Respondent-Appellee

2. Motion for: AMEND NOTICE OF APPEAL, LEAVE OF COURT TO CLASSIFY CASE UNDER RULE 311

3. The motion is: ☒ Allowed    ☒ Denied

4. It is further ordered (if applicable): that allowing an amendment to a NOTICE OF APPEAL TO NON-FINAL ORDERS WILL NOT CONFER JURISDICTION ON THIS COURT

ENTERED

M S M B

**ORDER ENTERED**

Justice

Date

MAY 16 2019

Justice

Date

**APPELLATE COURT FIRST DISTRICT**

Justice

Date

1-18-2564

IN THE APPELLATE COURT, STATE OF ILLINOIS  
FIRST DISTRICT

IVA BROOKS,  
Plaintiff-Appellant,

v.

AARON FOSTER,  
Defendant-Appellee.

ORDER

This cause having come before the Court on the Court's own motion, the Court finding that the appellee has failed to file the Brief on appeal within the time prescribed by Supreme Court Rule 343(a);

**IT IS HEREBY ORDERED** that this case is taken for consideration on the record and appellant's brief only.

Enter:

Justice

Justice

Justice

**ORDER ENTERED**

AUG 15 2019

APPELLATE COURT FIRST DISTRICT

**NOTICE**

The text of this order may be changed or corrected prior to the time for filing of a Petition for Rehearing or the disposition of the same.

2019 IL App (1st) 182564-U

SECOND DIVISION  
September 24, 2019

No. 1-18-2564

**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  
FIRST DISTRICT

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IVA BROOKS,

Plaintiff-Appellant,

) Appeal from the Circuit Court  
) of Cook County.  
)  
)

) No. 12 D-50112  
)

AARON FOSTER,

Defendant-Appellee.

) The Honorable  
) Abbey Fishman Romanek,  
) Judge Presiding.  
)

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PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court.

Justices Pucinski and Coghlan concurred in the judgment.

**SUMMARY ORDER**

¶ 1 Plaintiff-appellant Iva Brooks (plaintiff) appeals, *pro se*, from "all orders" and "all motions/petitions" she filed in the instant cause over the last several years claiming, essentially, that the rulings issued by the trial court were biased. She asks, among many things, that we "reverse the trial court's judgment and or orders," "vacate" the case, "dismiss"

the case, and "change trial court orders to say this court renders ruling" in her favor. For the record, defendant-petitioner Aaron Foster (defendant) has not filed a brief in this matter.

Accordingly, we consider this appeal on appellant's brief only, pursuant to *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 2 Briefly, the following facts are taken from the record. Plaintiff initiated this matter when she filed a petition for support and retroactive payments with respect to a child she shares with defendant.<sup>1</sup> In his answer, defendant denied owing retroactive payments, but agreed that an amount for support should be set; he also petitioned for visitation. The trial court entered a temporary order of support in July 2012, followed by a permanent order of support in October 2012. In the years that followed, defendant sought modifications to visitation and support and the trial court granted these. Eventually, a child representative was appointed.

¶ 3 In the spring of 2017, the parties, along with the child representative and the trial court, were attempting to arrive at a final allocation judgment and parenting plan. In a May 2017 order, the trial court mandated that plaintiff submit to a mental health examination pursuant to Illinois Supreme Court Rule (Rule) 215. See Ill. Sup. Ct. R. 215 (eff. Mar. 28, 2011). Plaintiff moved the trial court to dismiss this order and to change visitation with respect to the child. In response, the trial court issued additional referral orders to her for the Rule 215 exam. Plaintiff again motioned to dismiss the order, and this time requested that the trial judge be excused for cause. Her motion was reviewed and denied by a different trial court, with the finding that there was no evidence to substantiate any cause for the trial judge's removal. The matter was returned to the original trial court.

¶ 4 In July 2017, defendant filed a petition for rule to show cause, as plaintiff still refused to submit to the Rule 215 exam as ordered. He also filed an amended petition for sole

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<sup>1</sup> Defendant signed an Illinois Voluntary Acknowledgement of Paternity form with respect to the child.

allocation of parental responsibilities. In response, plaintiff filed another motion for recusal of judge. In August 2017, the trial court stayed and continued her motion, advising her that she had seven days to schedule her Rule 215 exam. Approximately three weeks later, on September 20, 2017, upon hearing the parties' motions, plaintiff still had not yet made an appointment for the Rule 215 exam. The trial court ruled on the motions before it, awarding temporary possession and sole allocation of parental responsibilities of the child to defendant, and ordering plaintiff to be held in contempt of court. The order specified that only defendant had the authority to pick the child up from school and have possession of her, and it specified that plaintiff was to be taken into custody and placed on electronic monitoring due to her failure to comply with the prior order mandating the Rule 215 exam. The trial court continued the matter to October 2017 for status.

¶ 5 ~~At that status, plaintiff had still not yet scheduled her Rule 215 exam. The trial court~~ retained her electronic monitoring and continued the matter to December 2017. In November 2017, defendant filed a petition for rule to show cause regarding plaintiff's violation of the September 20, 2017 court order, alleging that plaintiff had contacted the child's principal and stated she had permission to pick the child up from school. Defendant also filed a motion to terminate child support, as he now had sole custody. The trial court granted defendant's motion to terminate child support and stayed the remainder of the matter so plaintiff had more time to schedule her Rule 215 exam before the December status date.

¶ 6 Before that hearing, however, plaintiff filed a motion for defendant to withdraw any request for a Rule 215 exam, for family counseling for her and the child, for unpaid child care from 2012, and for an agreed parenting plan. On December 5, 2017, the trial court continued the entire matter for a final status in February 2018. It also explicitly admonished

plaintiff that her failure to comply with the Rule 215 exam would result in the striking of her case from the docket.

¶ 7 Several days later, plaintiff filed another motion in the trial court. This time, in addition to a parenting plan, she sought temporary visitation, the vacation of her contempt order and the order allocating parental responsibilities to defendant, the restoration of her parental rights, and clarification of the December 5, 2017 order. The trial court allowed defendant time to respond, but immediately addressed plaintiff's request for clarification. In its written order, the court stated that plaintiff was still in contempt for failure to submit to a Rule 215 exam. It further admonished her that her failure to complete the exam as ordered or to, at a minimum, schedule the exam by the next court date would result in all her pending pleadings being stricken. The court also referred her for legal assistance.

¶ 8 On February 20, 2018, at the final status hearing, ~~plaintiff still had not scheduled her Rule~~ 215 exam. In a written order, the trial court stated that the order to comply with the Rule 215 exam stood in "full force and effect," that plaintiff's pleadings in the matter were stricken, and that the matter was now taken off call pending her compliance with the exam. The court also removed plaintiff from electronic monitoring.

¶ 9 Later, in March 2018, defendant sought an order of protection against plaintiff. The trial court granted this motion, adding that the "only way this order may be modified is if [plaintiff] follows this court's previous orders for 215 examinations \*\*\* and such results are presented to the court." Additionally, the court again ordered plaintiff to undergo a Rule 215 exam and mandated that no further motions would be heard "unless and until a report is completed." Plaintiff filed a motion to reconsider, seeking to dismiss the order of protection and a review of the child support order, the order of contempt and the allocation of parental



responsibilities to defendant. Shortly thereafter, she filed an "emergency motion" in the trial court, seeking to modify and/or vacate the order of protection, strike the Rule 215 exam, restore her rights, and substitute both the trial judge and the child's representative. Finding this not to be an emergency motion, the trial court denied it. Plaintiff sought an "appeal" of this denial before the trial court (*i.e.*, a motion to reconsider), as well as of all other motions she had filed, citing what she considered biased rulings. She then continued to file several subsequent motions in the trial court. The trial court struck these motions, specifying that plaintiff did not have leave of court to file them. The trial court further ordered her, again, to undergo a Rule 215 exam and declared that any further motions filed without leave of court would result in contempt.

¶ 10

As we have noted, plaintiff has filed this appeal *pro se*. In addition to a recitation of facts ~~that is, at best, utterly confusing and, at worst, replete with inaccurate and unfair argument~~ and comment, her brief on appeal contains some 75 "issues presented for review" (the vast majority of which lack any valid citation to the record) and an "argument" section containing 33 numbered assertions focusing on how the "trial court judge should have used discretion in the better interest of the child." Moreover, not a single one of these assertions makes any citation to any case law or legal precedent of any kind.

¶ 11

While we understand the difficulties faced by *pro se* litigants, we cannot ignore the shortcomings of plaintiff's brief here. Apart from any concerns we otherwise have regarding the appropriately required format, its substantive content is inherently improper. That is, plaintiff's brief does contain headings and sections such as "Nature of the Case," "Issues Presented for Review," "Statement of Facts" and "Argument." However, substantively, her brief is woefully inadequate. It does not specify the order appealed from. Instead, similar to

her Notice of Appeal, plaintiff seemingly raises contentions with respect to any and all orders entered by the trial court since the inception of this matter which, from what we can gather from the record, originated in 2012. Additionally, her brief does not discuss any standard of review. Her fact section, as we stated earlier, is not a restatement of what occurred in this cause but, rather, is littered with confusing, nonsequential and argumentative statements. Plaintiff does cite to the record in support of the "facts" she asserts; however, these citations are sparse and scant, and many of them are to generic portions of the record that, for the most part, do not provide support for the assertions she makes. She sets forth 33 numbered sentences in her "Argument" section, but does not provide a single citation to legal precedent of any kind to support them, nor even any lay explanation that would constitute a reasonable, legal basis for her arguments to be heard. Moreover, not only are the majority of her statements merely conclusory, but they also misinterpret several trial court orders and are more focused on accusing the trial judge of bias and a lack of providing "pertinent information" regarding the rulings issued than appropriately using the law to further her own claims. She then concludes her brief with a section entitled "Table of Contents," which contains a short a table of contents to an appendix she attaches to her brief, but no table of contents to the record on appeal.

¶ 12

Clearly, plaintiff's brief directly, and seriously, violates Illinois Supreme Court Rule (Rule) 341. The components of Rule 341, which govern the form and content of appellate briefs, require citation to the record in both the statement of fact and argument sections, and require elaboration of an argument, citation to persuasive authority and the presentation of a well-reasoned argument supported by legal authority. See Ill. S. Ct. R. 341(h)(6), (7) (eff. Jan. 1, 2016). Compliance with Rule 341 is mandatory, and a party's status as a *pro se*

litigant does not relieve her of her noncompliance with appellate practice rules. See *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8 (compliance with rules governing briefs on appeal is compulsory regardless of a party's status); accord *Ryan v. Katz*, 234 Ill. App. 3d 536, 537 (1992); see also *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶ 57 (our supreme court rules, including Rule 341, are not merely advisory suggestions; rather, they are required to be followed). Consequently, where an appellant's brief contains numerous Rule 341 violations and, in particular, impedes our review of the case at hand because of them, it is our right to strike that brief and dismiss the appeal: See *Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38 (citing *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23 (failure to follow Rule 341 may result in forfeiture of consideration of issues on appeal)); see also *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620 (2004). Ultimately, we are "not a depository in which the appellant may dump the burden of argument and research" for her cause on appeal.

See *Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38 (quoting *Kic*, 2011 IL App (1st) 100622, ¶ 23 (quoting *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986))).

¶ 13

We find ourselves in that situation here. Due to the deficiencies we have outlined above, our review of the case at hand is severely impeded. Simply put, the merits of plaintiff's cause, which, like her, we struggle to identify clearly, have no grounds in the law. Accordingly, and as is properly within our discretion, we strike her brief and dismiss this appeal based on her failure to comply with the applicable rules of appellate procedure. See *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 80; accord *Marriage of Petrik*, 2012 IL App (2d) 110495, ¶ 38 (the reviewing court has every right to strike a plaintiff's appellate

brief and dismiss her cause when Rule 341 is violated so as to impede review). This order is entered in accordance with Illinois Supreme Court Rule 23(c)(2) (eff. Apr. 1, 2018).

¶ 14

Appeal dismissed.



CLERK'S OFFICE  
APPELLATE COURT FIRST DISTRICT  
STATE OF ILLINOIS  
160 NORTH LA SALLE STREET, RM S1400  
CHICAGO, ILLINOIS 60601

October 21, 2019

RE: IVA BROOKS v. AARON FOSTER  
General No.: 1-18-2564  
County: Cook County  
Trial Court No: 12D50112

The Court today denied the petition for rehearing filed in the above entitled cause. The mandate of this Court will issue 35 days from today unless a petition for leave to appeal is filed in the Illinois Supreme Court.

If the decision is an opinion, it is hereby released today for publication.

Thomas D. Palella  
Clerk of the Appellate Court

c: Iva Brooks

# ILLINOIS SUPREME COURT

F. DEC/20/2019 order (1 page)

G. FEB/27/2020 order (1 page)



## SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
200 East Capitol Avenue  
SPRINGFIELD, ILLINOIS 62701-1721  
(217) 782-2035

FIRST DISTRICT OFFICE  
160 North LaSalle Street, 20th Floor  
Chicago, IL 60601-3103  
(312) 793-1332  
TDD: (312) 793-6185

December 20, 2019

In re: Iva Brooks, petitioner, v. Aaron Foster, respondent. Leave to  
appeal, Appellate Court, First District.  
125492

The Supreme Court today DENIED the Petition for Leave to Appeal in the above  
entitled cause.

The mandate of this Court will issue to the Appellate Court on 01/24/2020.

Neville, J., took no part.

Very truly yours,

*Carolyn Taft Gusbell*

Clerk of the Supreme Court



# SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
200 East Capitol Avenue  
SPRINGFIELD, ILLINOIS 62701-1721

CAROLYN TAFT GROSBOLL  
Clerk of the Court

(217) 782-2035  
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February 27, 2020

FIRST DISTRICT OFFICE  
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Iva Brooks  
5480 S. Cornell  
#619  
Chicago, IL 60615

In re: Brooks v. Foster  
125492

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Denied.

Order entered by the Court.

Neville, J., took no part.

This Court's mandate shall issue forthwith to the Appellate Court, First District.

Very truly yours,

*Carolyn Taft Grosboll*

Clerk of the Supreme Court

cc: Aaron Foster  
Appellate Court, First District