

JUL 17 2026

OFFICE OF THE CLERK

26A132

IN THE SUPREME COURT OF THE UNITED STATES

JUSTIN MAHWIKIZI, et al.,

Applicants,

v.

FirstKey Homes, LLC, et al.,

Respondents.

ON EMERGENCY APPLICATION TO THE SUPREME COURT OF ILLINOIS

**EMERGENCY APPLICATION TO THE HONORABLE AMY CONEY
BARRETT, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE
UNITED STATES, AS CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT, FOR
A TEMPORARY STAY PENDING DISPOSITION OF A PETITION FOR A
WRIT OF CERTIORARI**

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Pro Se Applicants

July 17, 2026

PARTIES TO THE PROCEEDING

Applicants are Justin Mahwikizi and Lauren Mahwikizi, who are defendants-appellants before the Illinois Appellate Court and petitioners before the Illinois Supreme Court.

Applicants are the parties seeking review by writ of certiorari to this Court.

Respondent is FirstKey Homes, LLC, which is plaintiff-appellee before the Illinois Appellate Court and respondent before the Illinois Supreme Court. Respondent is the party opposing the requested stay and, if certiorari is granted, the respondent in this Court.

PROCEEDINGS BELOW

FirstKey Homes, LLC v. Mahwikizi, Case No. 2023 M6 007761 (Ill. Cir. Ct., Cook Cnty. July 30, 2024)

FirstKey Homes, LLC v. Mahwikizi, No. 1-24-1613 (Ill. App. Ct. Dec. 22, 2025)

FirstKey Homes, LLC v. Mahwikizi, No. 132983 (Ill. May 27, 2026) (denying petition for leave to appeal)

FirstKey Homes, LLC v. Mahwikizi, No. 132983 (Ill. July 7, 2026) (denying emergency motion to stay issuance of mandate or recall mandate under Illinois Supreme Court Rule 368(c))

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**EMERGENCY APPLICATION TO THE HONORABLE AMY CONEY
BARRETT, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE
UNITED STATES, AS CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT, FOR
A TEMPORARY STAY PENDING DISPOSITION OF A PETITION FOR A
WRIT OF CERTIORARI**

INTRODUCTION AND SUMMARY OF ARGUMENT

Applicants Justin & Lauren Mahwikizi respectfully apply to the Honorable Amy Coney Barrett, as Circuit Justice for the Seventh Circuit, for a temporary stay of enforcement of an Illinois state court judgment of possession pending this Court's consideration of a petition for a writ of certiorari.

Applicants recognize that stays pending certiorari are extraordinary. Applicants respectfully submits that the constitutional question presented is substantial enough that preserving the Court's ability to consider it is warranted.

This application presents a narrow institutional question: Whether enforcement of a state court judgment should proceed before the Supreme Court has an opportunity to determine whether certiorari should be granted. Applicants seek only temporary preservation of the status quo to permit meaningful exercise of this Court's certiorari jurisdiction.

DECISIONS BELOW

Applicants seek an immediate administrative stay and a stay of the July 30, 2024 judgment and mandate of the Circuit Court of Cook County pending the timely filing and disposition of a petition for a writ of certiorari in this Court and, if certiorari is granted, pending final judgment of this Court. The trial court's judgment is reproduced at App. A1-A3. The Illinois Appellate Court's decision is reproduced at App. A8-A28. The Illinois Supreme Court's order denying the Petition for Leave to Appeal is reproduced at App. A31-A32. The Illinois Supreme Court's order denying the emergency motion to stay issuance of mandate or recall mandate under Illinois Supreme Court Rule 368(c) is reproduced at App. A33-A34. The Circuit Court's order extending the period of enforcement of judgment is reproduced at App. A35-A36.

JURISDICTION AND EXHAUSTION

The trial court entered its judgment on July 30, 2024. App. A1-A3. Applicants timely appealed to the Illinois Appellate Court. The Illinois Appellate Court issued its decision on December 22, 2025. App. A8-A28. Applicants timely sought rehearing, which was denied on February 17, 2026. App. A29-A30. Applicants timely filed a Petition for Leave to Appeal in the Illinois Supreme Court. The Illinois Supreme Court denied the Petition for Leave to Appeal on May 27, 2026. App. A31-A32. Later, Applicants filed an Emergency Motion to Stay Issuance of Mandate or Recall Mandate under Illinois Supreme Court Rule 368(c) in the Illinois Supreme Court. The Illinois Supreme Court denied that motion on July 7, 2026. App. A33-A34. As of the filing of this application, no further state court remedies are available.

This Court has jurisdiction to review the final judgment of the Illinois Supreme Court under 28 U.S.C. § 1257(a). Applicants specially set up and preserved federal claims under the Due Process Clause of the Fourteenth Amendment, U.S. Const. amend. XIV, and the Illinois Supreme Court adjudicated those claims. This application is authorized by Supreme Court Rule 23 and 28 U.S.C. § 2101(f), which permit a Justice of this Court to stay enforcement of a judgment subject to certiorari review. The All Writs Act, 28 U.S.C. § 1651(a), also authorizes interim relief necessary or appropriate in aid of this Court's jurisdiction. Applicants sought stay relief below on June 25, 2026. The Illinois Supreme Court denied that motion on July 7, 2026, and the imminent enforcement of the judgment makes effective relief unavailable from that court in time.

Applicants have complied with Supreme Court Rule 23.3 by first seeking the relief requested from the state courts and by setting forth with particularity why the relief sought is not available from any other court or judge.

Specifically, Applicant sought relief from the Illinois Supreme Court. The Illinois Supreme Court denied the Petition for Leave to Appeal on May 27, 2026. The Illinois Supreme Court denied the Emergency Motion to Stay Issuance of Mandate or Recall Mandate under Illinois Supreme Court Rule 368(c) on July 7, 2026. These denials satisfy the exhaustion requirement for this Court's certiorari jurisdiction under § 1257(a). No further state court remedies are available.

As required by Rule 23.3, this application "shall set forth with particularity why the relief sought is not available from any other court or judge." The relief sought, a stay of enforcement of the Illinois judgment, is not available from the Circuit Court of Cook

County or the Illinois Appellate Court because those courts lack jurisdiction to grant the requested relief. The only court that can grant a stay pending certiorari to this Court is the Supreme Court itself or a Circuit Justice thereof. See Rule 23.3. The Illinois Supreme Court has already denied the requested relief. No further state court remedies are available.

Pursuant to Supreme Court Rule 22, Applicant now seeks relief from the Circuit Justice for the Seventh Circuit.

STATEMENT OF THE CASE

This application arises from an Illinois residential eviction proceeding in which the state court procedural framework, specifically the interaction of 735 ILCS 5/2-1202 (requiring all issues to be preserved in a post-trial motion within 30 days of judgment) and Illinois Supreme Court Rule 368(c) (governing stays of mandate), operates to extinguish federal constitutional claims before meaningful appellate review can occur.

A. Illinois's Constitutional and Statutory Framework.

Under 735 ILCS 5/2-1202, a litigant must raise all issues in a post-trial motion within 30 days of judgment. 735 ILCS 5/2-1202(c). Any issue not raised is waived. 735 ILCS 5/2-1202(e). Under Illinois Supreme Court Rule 368(c), the mandate is issued not earlier than 35 days after judgment. If the petition is denied, the mandate issues not earlier than 35 days after entry of the order denying the petition.

The problem is that a litigant is required to raise federal constitutional issues within 30 days of judgment (under 735 ILCS 5/2-1202), but if those issues are not adequately addressed by the trial court, the litigant is forced to pursue appellate review without any guarantee of meaningful federal consideration before the judgment is enforced. The Illinois Supreme Court's denial of the Rule 368(c) motion to stay the mandate effectively terminates the litigant's ability to seek federal review before enforcement occurs.

B. The Eviction Proceeding.

On July 30, 2024, the Circuit Court of Cook County entered a judgment of possession against Applicants. App. A1-A3. The judgment also awarded Plaintiff \$25,812.42 in unpaid rent and \$816.81 in court costs. App. A2.

Applicants timely filed post-trial motions raising issues. The trial court denied those motions.

C. Appellate Proceedings.

Applicants timely appealed to the Illinois Appellate Court. On December 22, 2025, the Illinois Appellate Court affirmed the judgment. App. A8-A28. The court rejected each of Applicants' ten assignments of error on the merits or as forfeited. App. A17-A40.

Applicants timely sought rehearing, which was denied on February 17, 2026. App. A29-A30.

Applicants timely filed a Petition for Leave to Appeal in the Illinois Supreme Court. On May 27, 2026, the Illinois Supreme Court denied the Petition for Leave to Appeal. App. A31-A32. The mandate was scheduled to issue to the Appellate Court on July 1, 2026.

D. Post-Judgment Proceedings and Compliance.

Applicants filed an Emergency Motion to Stay Issuance of Mandate or Recall Mandate under Illinois Supreme Court Rule 368(c) on June 25, 2026, seeking to preserve the status quo pending a petition for certiorari to this Court. The motion was denied on July 7, 2026. App. A33-A34.

Throughout the pendency of appellate review, Applicants have complied with all court orders. Applicants have paid over \$55,000 in use and occupancy and utility payments for more than 20 months. App. A6-A7. The landlord has received the economic benefit of Applicants' occupancy.

On July 15, 2026, the Circuit Court of Cook County granted Plaintiff's Motion for Extension of Period of Enforcement of Judgment, extending the enforcement period for the two-year-old judgment of possession for an additional 120 days. App. A35-A36.

E. The Federal Question.

Applicants intend to present the following substantial federal question to this Court:

Whether the Due Process Clause permits a state procedural framework, specifically the interaction of 735 ILCS 5/2-1202 (requiring all issues to be preserved in a post-trial motion within 30 days of judgment) and Illinois Supreme Court Rule 368(c) (governing stays of mandate), to operate in a manner that effectively forecloses meaningful review of federal constitutional claims before enforcement consequences become irreversible.

This case presents a structural question directly analogous to the issue in *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982). In *Logan*, the Court held that a state may not terminate a complainant's cause of action because a state official failed to comply with a procedural deadline beyond the complainant's control. *Logan*, 455 U.S. at 433-434. The Court stated: "It is the state system itself that destroys a complainant's property interest, by operation of law, whenever the Commission fails to convene a timely conference; [the complainant] is challenging not the Commission's error but the 'established state procedure' that destroys his entitlement without according him proper procedural safeguards." *Logan*, 455 U.S. at 436.

Similarly, Illinois's procedural framework, through the interaction of 735 ILCS 5/2-1202's 30-day post-trial motion requirement and Rule 368(c)'s mandate issuance timeline, operates to extinguish federal constitutional claims before meaningful appellate review can occur. Applicants have diligently pursued every available avenue of review, the Appellate Court, rehearing, and a Petition for Leave to Appeal to the Illinois Supreme Court, but Illinois's procedural rules, as applied, effectively prevent meaningful review of federal constitutional claims before enforcement becomes imminent.

REASONS FOR GRANTING THE APPLICATION

"In deciding whether to issue a stay," this Court considers: "(1) whether the applicant is likely to succeed on the merits, (2) whether it will suffer irreparable injury without a stay, (3) whether the stay will substantially injure the other parties interested in the proceedings, and (4) where the public interest lies." *Ohio v. EPA*, 603 U.S. 279, 291

(2024). Justices of this Court have also considered whether there is "a reasonable probability" that this Court will grant certiorari [and] . . . will then reverse the decision below." *Maryland v. King*, 567 U.S. 1301, 1302 (2012) (Roberts, C.J., in chambers) (quoting *Conkright v. Frommert*, 556 U.S. 1401, 1402 (2009) (Ginsburg, J., in chambers)). Each consideration weighs in favor of granting the application.

I. THIS COURT IS LIKELY TO GRANT REVIEW AND REVERSE

This Court is likely to grant certiorari and reverse the decision below because the Illinois Supreme Court's procedural framework, specifically the interaction of 735 ILCS 5/2-1202 and Illinois Supreme Court Rule 368(c), operates to extinguish federal constitutional claims before meaningful appellate review can occur.

A. The Illinois Supreme Court's Procedural Framework Was Predicated on a Structural Misunderstanding of Federal Law.

The decision below rested on the Illinois Supreme Court's denial of Applicants' Rule 368(c) motion to stay the mandate pending a petition for certiorari to this Court. Where "a state court decision fairly appears . . . to be interwoven with the federal law, and when the adequacy and independence of any possible state law ground is not clear from the face of the opinion," this Court may review the interwoven federal law issue. *Michigan v. Long*, 463 U.S. 1032, 1040-41 (1983). This Court's "role when a state court's interpretation of state law has been influenced by an accompanying interpretation of federal law" is to correct the lower court's "misapprehensions" about the scope of federal law. *Three Affiliated Tribes of Fort Berthold Rsrv. v. Wold Eng'g, P.C.*, 467 U.S. 138, 152 (1984).

The Illinois Supreme Court's decision was interwoven with a grave misinterpretation of federal law. The Court applied a state procedural framework that effectively forecloses meaningful review of federal constitutional claims before enforcement consequences become irreversible. This Court has long held that "a cause of action is a species of property protected by the Fourteenth Amendment's Due Process Clause." *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428 (1982). The Court has further held that "minimum [procedural] requirements [are] a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action." *Logan*, 455 U.S. at 437.

B. The Illinois Supreme Court's Decision Transgressed the Ordinary Bounds of Judicial Review.

This Court recently reaffirmed its "obligation to ensure that state court interpretations of that law do not evade federal law" in the context of state procedural rules. *Moore v. Harper*, 600 U.S. 1, 34 (2023). Although state courts have discretion in applying their procedural rules, they must not "transgress the ordinary bounds of judicial review" to "arrogate to themselves the power vested in state legislatures to regulate federal elections." *Id.* at 36. See also *id.* at 38-39 (Kavanaugh, J., concurring) (endorsing standard barring state courts from "impermissibly distort[ing]" state law as "deference . . . not abdication").

This is the rare case in which a state court's procedural framework so dramatically departs from the requirements of the Due Process Clause that it satisfies this exacting standard. Even with "the usual deference [this Court] afford[s] state court interpretations of state law," the decision below "impermissibly distorted" the Illinois procedural framework "beyond what a fair reading required." *Moore*, 600 U.S. at 36 (quoting *Bush v. Gore*, 531 U.S. 98, 115 (2000) (Rehnquist, C.J., concurring)).

II. APPLICANTS HAVE DEMONSTRATED IRREPARABLE HARM

Applicants and their family of four children face immediate eviction from their home. As Justice Jackson recognized in the context of displacement, the "devastating consequences" of being "precipitously upend[ed]" from one's home constitute irreparable injury. "Noem v. Doe", slip op. at 3 (Jackson, J., dissenting).

"[A]n Applicant's likelihood of success on the merits need not [even] be considered . . . if the Applicant fails to show irreparable injury from the denial of the stay." "Ruckelshaus v. Monsanto Co.", 463 U.S. 1315, 1317 (1983) (Blackmun, J., in chambers). Here, Applicants have shown irreparable harm. Once enforcement proceeds, possession will be transferred and any subsequent review by this Court will be rendered largely academic.

III. THE CONSTITUTIONAL QUESTION PRESENTED IS SUBSTANTIAL ENOUGH TO WARRANT PRESERVATION

Applicants intend to present the following substantial federal question:

Whether the Due Process Clause permits a state procedural framework, specifically the interaction of 735 ILCS 5/2-1202 (requiring all issues to be preserved in a post-trial motion within 30 days of judgment) and Illinois

Supreme Court Rule 368(c) (governing stays of mandate), to operate in a manner that effectively forecloses meaningful review of federal constitutional claims before enforcement consequences become irreversible.

This case presents a structural question directly analogous to the issue in "Logan v. Zimmerman Brush Co.", 455 U.S. 422 (1982). In "Logan", the Court held that a state may not terminate a complainant's cause of action because a state official failed to comply with a procedural deadline beyond the complainant's control. "Logan", 455 U.S. at 433-434. The Court stated: "It is the state system itself that destroys a complainant's property interest, by operation of law, whenever the Commission fails to convene a timely conference; [the complainant] is challenging not the Commission's error but the 'established state procedure' that destroys his entitlement without according him proper procedural safeguards." "Logan", 455 U.S. at 436.

This Court has long held that "a cause of action is a species of property protected by the Fourteenth Amendment's Due Process Clause." "Logan", 455 U.S. at 428. The Court has further held that "minimum [procedural] requirements [are] a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action." "Logan", 455 U.S. at 437.

Similarly, Illinois's procedural framework, through the interaction of 735 ILCS 5/2-1202's 30-day post-trial motion requirement and Rule 368(c)'s mandate issuance timeline, operates to extinguish federal constitutional claims before meaningful appellate review can occur. Applicants have diligently pursued every available avenue of

review, the Appellate Court, rehearing, and a Petition for Leave to Appeal to the Illinois Supreme Court, but Illinois's procedural rules, as applied, effectively prevent meaningful review of federal constitutional claims before enforcement becomes imminent.

Applicants recognize that the standard for granting certiorari is demanding. Applicants submit only that the question is substantial enough that the Court should have the opportunity to consider it. See Supreme Court Rule 10 (certiorari granted "only for compelling reasons").

IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A STAY

If the Court does not enter a stay of the decision below, Applicants will be irreparably harmed by being forced to vacate their home before this Court has an opportunity to consider whether certiorari should be granted. This Court has repeatedly recognized that displacement from one's home constitutes irreparable harm. *Noem v. Doe*, No. 24A1079, slip op. at 3 (May 30, 2025) (Jackson, J., dissenting) (recognizing the "devastating consequences" of being "precipitously upend[ed]" from one's home). See also *Ruckelshaus v. Monsanto Co.*, 463 U.S. 1315, 1317 (1983) (Blackmun, J., in chambers) ("[A]n applicant's likelihood of success on the merits need not [even] be considered . . . if the applicant fails to show irreparable injury from the denial of the stay.").

The equities similarly weigh heavily in favor of staying the decision below. Applicants have demonstrated good faith and compliance with court orders. Applicants have paid

over \$55,000 in use and occupancy and utility payments for more than 20 months. App. A6-A7. Applicants have complied with every court order regarding payments. The landlord has received the economic benefit of Applicants' occupancy. Plaintiff will suffer little, if any, prejudice from a temporary preservation of the status quo. By contrast, denial of a stay risks immediate and irreversible harm to Applicants and their family of four children and would render certiorari review ineffective. See *Malliotakis v. Williams*, 146 S. Ct. 809, 811 (2026) (Alito, J., concurring in grant of stay) ("Here, our stay, far from causing disruption or upsetting legitimate expectations, eliminates much of the uncertainty and confusion that would exist" if state court decision were not stayed).

The public interest also favors granting a stay. The public interest is not served by allowing a state court procedural framework to operate in a manner that effectively extinguishes federal constitutional claims before they can receive meaningful review. The integrity of the certiorari process depends on preserving the status quo so that this Court can consider whether review is warranted. "It is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803). That duty is most effectively discharged when the Court has an opportunity to consider federal claims before they become moot.

Still more fundamentally, the public interest favors orderly appellate review rather than pre-emptive disruption. If the Illinois Supreme Court's procedural framework is correct, the denial of the stay can be affirmed. If it is erroneous, the damage done to Applicants, displacement from their home and the practical mooted of their federal claims, cannot be undone. A stay preserves both possibilities, and it allows the legal issues to be

resolved in the ordinary course while the status quo is maintained. This Court should act now to preserve the status quo while it considers the grave federal questions the decision below raises.

The window for enforcement by the Plaintiff is closing rapidly. This Court should act now to preserve the status quo, which means the plaintiff keeps getting use and occupancy, while it considers the federal questions the decision below raises.

CONCLUSION

Applicants respectfully request that the Justice enter an immediate administrative stay pending disposition of this application and stay the July 30th, 2024 judgment, and mandate of the Supreme Court of Illinois pending the timely filing and disposition of Applicants' petition for a writ of certiorari and, if certiorari is granted, pending final judgment of this Court. Should certiorari be denied, the stay should terminate automatically.

Respectfully submitted,

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Pro Se Applicants

Date: July 17th, 2026

No. _____

APPENDIX

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EXHIBIT A - Circuit Court Eviction Order (July 30, 2024)----- (A1-A3)

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EXHIBIT C - Payment Compliance Summary (August, 2024 - July, 2026)----- (A6-A7)

EXHIBIT D - IL Appellate Court Judgement (December 22, 2025)----- (A8-A28)

EXHIBIT E - Order Denying Rehearing (February 17, 2026)----- (A29-A30)

EXHIBIT F - Order Denying PLA (May 27, 2026)----- (A31-A32)

EXHIBIT G - Order Denying Rule 368 (c) Stay (July 7, 2026)----- (A33-A34)

EXHIBIT H - Order allowing enforcement by 120 days (July 15, 2026)----- (A35-A36)

EXHIBIT A

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

STATE OF ILLINOIS, CIRCUIT COURT		EVICTIION ORDER		<i>For Court Use Only</i>
Cook COUNTY				
Instructions ▼				
Directly above, enter the name of the county where the case was filed.		Plaintiff (For example, the landlord or owner): Firstkey Homes, LLC		
Enter the full names of Plaintiff, Defendants, and the case number as listed on the Eviction Complaint.		v.		
Check the box for Unknown Occupants if it was checked on the Eviction Complaint.		Defendants (For example, the tenants or occupants): Justin Mahwikizi, Lauren Mahwikizi		23 M6 007761 Case Number
		☒ Unknown Occupants		

Check the box for the type of order that is entered.

All parties (or their lawyer) who agree to this Eviction Order should sign it.

This Order is entered:

- ☐ By default (*Defendants not in court*)
- ☒ After contested hearing or trial
- ☐ After compliance hearing, the Defendants having failed to comply with a previous Agreed Order
- ☐ By agreement (*the court having made no factual findings*)

Signed and agreed to,

Plaintiff (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Defendant (or lawyer)

Notice to Defendants:

This Order is a judgment against you. It may appear on a background or credit check and affect your ability to rent housing. There are other orders you may use to resolve your case by agreement.

Do not agree to this Order if:

- You have an agreement with Plaintiff that lets you stay in the property (Use *Agreed Order Dismissing Eviction Case (Pay & Stay)* or *Agreed Order Dismissing Eviction Case with Permission to Reinstate*); OR
- Plaintiff has agreed to dismiss this case if you move out by a certain date (Use *Agreed Order in Eviction Case (Defendants Agree to Move)*).

You must complete sections 1-5.

In 1, check the boxes to indicate who is in court. Enter the names of the Defendants who were in court.

In 2, check the box if any Defendants were dismissed from the case. Enter the names of the dismissed Defendants. Otherwise, leave blank.

In 3, enter the complete address, including the street direction (N, E, etc.) and unit # or floor.

In 4, enter the date and time by which Defendants must move out.

1. People in court:

- ☒ Plaintiff ☒ Plaintiff's lawyer ☐ Defendants' lawyer
- ☒ Defendants:

☐ Other:

- ☐ 2. The following individuals are dismissed as Defendants and this Order does not apply to them:

3. Plaintiff is given possession of the property located at:

18430 Francisco Avenue

Street address

Homewood, IL 60430

City

State

Unit

ZIP

4. Defendants must move out of the property on or before

Date

Aug. 13, 2024

- ☒ by 11:59 p.m. OR ☐ by _____ ☐ a.m. ☐ p.m.

Time

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

In 5, enter the names of Defendants to be evicted and check the box for Unknown Occupants if it was checked on the Eviction Complaint.

5. Plaintiff may give the sheriff a copy of this Eviction Order. If Defendants do not move by the date and time listed above, the Sheriff is ordered to evict the following Defendants: Justin Mahwikizi, Lauren Mahwikizi ☒ Unknown Occupants

Section 6 is for landlords (condominium and homeowner associations should use Section 7)

6. Check all that apply:

- ☐ No money claimed in Eviction Complaint
☐ Money claim dismissed and Plaintiff **may** seek this money in the future
☐ Money claim dismissed and Plaintiff **may not** seek this money in the future

☒ Plaintiff is owed:

☒ \$ 25,812.42 in rent

☒ \$ 816.81 in court costs

☐ \$ _____ in attorneys' fees (if allowed)

\$ 26,629.23 is the total judgment entered against the following Defendants:

Justin Mahwikizi, Lauren Mahwikizi

- ☐ The Court is not yet ruling on the money claim. Case continued to:

_____ at _____ ☐ a.m. ☐ p.m. for: ☐ status OR ☐ hearing
 Date Time
 in courtroom _____ and the Court finds there is no just reason to delay enforcement or appeal of this Eviction Order.

Section 7 is for condominium and homeowner associations (landlords should use Section 6)

7. Check all that apply:

- ☐ This Order is entered against the unit only (In Rem)

☐ Plaintiff is owed:

☐ \$ _____ in assessments

☐ \$ _____ in court costs

☐ \$ _____ in attorney's fees

\$ _____ is the total judgment entered against the following Defendants:

The expiration of judgment provisions of 735 ILCS 5/9-117 do not apply to this Order.

- ☐ The Court is not yet ruling on the money claim. Case continued to:

_____ at _____ ☐ a.m. ☐ p.m. for: ☐ status OR ☐ hearing
 Date Time
 in courtroom _____ and the Court finds there is no just reason to delay enforcement or appeal of this Eviction Order.

STOP!

DO NOT complete this section. The judge will complete this section if it applies to your case.

- ☐ 8. This Order is entered after an Emergency Housing Proceeding. An order entered under these sections may not be stayed more than 7 days. Check the box to indicate which section of the Eviction Act applies:

☐ 735 ILCS 5/9-118 ☐ 735 ILCS 5/9-119 ☐ 735 ILCS 5/9-120

The sheriff or other lawfully deputized officers shall give priority to service and execution of orders entered under Sections 118 and 119, or execute the Order within 7 days of its entry if entered under Section 120.

Enter the name and contact information of the person completing this Order. DO NOT complete the section the right for Date and Judge.

Name: Sanford Kahn, LLP

Street Address: 180 N. LaSalle St., Ste. 2025

City, State, ZIP: Chicago, IL 60601

Telephone #: (312) 263-6778

Attorney # (if any): 25167

Email Address (if any): law@sanfordkahnllp.com

ENTERED: JUL 30, 2024

Date

EXHIBIT B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Firstkey Homes, LLC

v.

Justin + Lauren MalwiczkiNo. 23 mb 7761

ORDER

This matter coming on to be heard for hearing on
 Defendats motion to stay and for an appellate bond, parties
 having notice;
 It is so ordered:

- 1) Defendats motion is granted in part;
- 2) Defendats shall pay an appellate bond in the amount of
 \$26,629.23 to the Clerk of the Circuit Court on
 or before 9-24-24 and provide proof of payment to Plaintiff's
 counsel at the Court;
- 3) Defendats are also ordered to pay use & occupancy directly to Plaintiff in
 the amount of \$2075- commencing in Sept, 2024 and going forward by the
 1st of each month. Payments for Aug. + Sept. 2024 are due by 9-24-24.

Attorney No.: 25767Name: SK, LLC PAtty. for: PlaintiffAddress: 180 W. L. S. 11cCity/State/Zip: Chicago, IL 60601Telephone: (312) 263-6778

ENTERED:

Dated:

Sept. 10, 2024

Circuit Court - 2151

Judge

Judge's No.

- 4) Defendats failure to make any payments shall result in the stay being lifted.
- 5) This matter is continued to 10-1-24 at 9:30 am. via Zoom for
 status on payments and any other matters which are entered
 + continued

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT C

Month	Amount Paid	Payment Date	Confirmed / Reference No.	Description
August 2024 - December 2024	\$10,375.00	December 3, 2024	#2459681, #2459713, #2459725	Aug-Nov 2024 U&O paid promptly once court facilitated acceptance of payments.
January 2025	\$2,075.00	January 5, 2025	#27306867	Compliant with Court U&O Order from September 10, 2024
February 2025	\$2,075.00	February 5, 2025	#2542274	Compliant with Court U&O Order from September 10, 2024
March 2025	\$2,075.00	March 6, 2025	#2584029	Compliant with Court U&O Order from September 10, 2024
April 2025	\$2,075.00	April 5, 2025	#2621293	Compliant with Court U&O Order from September 10, 2024
May 2025	\$2,075.00	May 5, 2025	#6237169	Compliant with Court U&O Order from September 10, 2024
June 2025	\$2,075.00	June 5, 2025	#2659274	Compliant with Court U&O Order from September 10, 2024
July 2025	\$2,075.00	July 7, 2025	#2741870	Compliant with Court U&O Order from September 10, 2024
August 2025	\$2,075.00	August 5, 2025	#2780562	Compliant with Court U&O Order from September 10, 2024
September 2025	\$2,075.00	September 5, 2025	#2823132	Compliant with Court U&O Order from September 10, 2024
October 2025	\$2,075.00	October 6, 2025	#2866650	Compliant with Court U&O Order from September 10, 2024
November 2025	\$2,075.00	November 6, 2025	#2908340	Compliant with Court U&O Order from September 10, 2024
December 2025	\$2,075.00	December 5, 2025	#2944384	Compliant with Court U&O Order from September 10, 2024
January 2026	\$2,075.00	January 5, 2026	#2981503	Compliant with Court U&O Order from September 10, 2024
February 2026	\$2,075.00	February 5, 2026	#3021079	Compliant with Court U&O Order from September 10, 2024
March 2026	\$2,075.00	February 27, 2026	#7523108	Compliant with Court U&O Order from September 10, 2024
April 2026	\$2,075.00	April 7, 2026	#770639	Compliant with Court U&O Order from September 10, 2024
May 2026	\$4,500.00	May 1, 2026	#3130639	Compliant with March 13, 2026 Utilities order from District Court.
May 2026	\$1,324.32	May 2, 2026	#3134390	Compliant with March 13, 2026 Utilities order from District Court.
May 2026	\$2,075.00	May 5, 2026	#3141322	Compliant with Court U&O Order from September 10, 2024
June 2026	\$2,075.00	June 5, 2026	#3182864	Compliant with Court U&O Order from September 10, 2024
July 2026	\$2,075.00	June 30, 2026	#3207313	Compliant with Court U&O Order from September 10, 2024
TOTAL	\$55,624.32			

EXHIBIT D

FIRST DIVISION
December 22, 2025

No. 1-24-1613

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

FIRSTKEY HOMES, LLC,	)	Appeal from the Circuit
	)	Court of Cook County.
Plaintiff-Appellee,	)	
	)	
v.	)	No. 23 M6 007761
	)	
JUSTIN MAHWIKIZI and LAUREN MAHWIKIZI,	)	Honorable
	)	George L. Canellis, Jr.,
Defendants-Appellants.	)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Cobbs concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the circuit court's judgment. Defendants fail to demonstrate that the trial court committed any reversible error. Because we find that there are no individual errors identified by defendants, we necessarily find that defendants have failed to demonstrate cumulative error.
- ¶ 2 This is a residential eviction case brought by the landlord Firstkey Homes, LLC, against the tenants Justin and Lauren Mahwikizi. Following a jury trial, the circuit court entered judgment on the verdict in plaintiff's favor. Plaintiff was awarded possession of the premises, \$25,812.42 in unpaid rent, and \$816.81 in court costs. Defendants appeal the judgment, raising ten different issues that they claim entitle them to relief on appeal. For the following reasons, we affirm the circuit court's judgment.

¶ 3

BACKGROUND

¶ 4 Plaintiff Firstkey Homes, LLC filed a complaint in the circuit court for a residential eviction against defendants Justin Mahwikizi and Lauren Mahwikizi. Plaintiff alleged that it had terminated the lease for nonpayment of rent in the amount of \$4,511.16.

¶ 5 Defendants filed their *pro se* appearances in the case and moved for substitution of judge. The motion for substitution was granted, and the case was assigned to Judge George Canellis, Jr. Defendants moved for the substitution of Judge Canellis asserting there was cause for his removal. The case was transferred to Judge Michael B. Barrett for hearing. Following the hearing, Judge Barrett denied the motion for substitution and explained in a written order that defendants “presented no credible evidence to prove prejudice or bias on the part of Judge Canellis. To the contrary, the evidence presented was not credible ***.” The case was transferred back to Judge Canellis for further proceedings.

¶ 6 The trial court subsequently entered multiple continuances for defendants to file any counterclaims. Defendants answered the complaint and denied the allegations. They also asserted five affirmative defenses. Defendants filed a “counterclaim” asserting that “[p]laintiff failed to properly serve defendants.” The requested relief in the counterclaim was for the court to dismiss the action without prejudice due to the allegedly improper service. Defendants asserted additional counterclaims such as violations of the implied warranty of habitability and constructive eviction. They requested damages allowed by law and punitive damages against plaintiff.

¶ 7 Plaintiff responded with a motion to dismiss the counterclaims. Plaintiff argued in its motion to dismiss that the counterclaims were not germane to this action because plaintiff sought only possession of the premises and the counterclaims filed by defendants seeking money

damages and punitive damages did not contest the issue of possession in any way and could stand independently in a separate action (citing 735 ILCS 5/9-106 (West 2024)). The trial court granted plaintiff's motion to strike the counterclaims.

¶ 8 Defendants moved to dismiss the complaint for improper service of process, failure to timely serve the demand notice, failure to attach a copy of the lease to the complaint, and failure to accept a tendered payment thereby triggering a default. The trial court denied defendants' motion to dismiss.

¶ 9 The court held a pretrial conference. According to the statement of facts submitted by defendants, at the pretrial conference, plaintiff tendered its proposed jury instructions to the trial court. The trial judge asked defendant Justin Mahwikizi if he had received a copy of the jury instructions and if he had any comments about them. Justin responded that, yes, he had received the instructions and "I have no objections to the jury instructions."

¶ 10 Also at the pretrial conference and also according to defendants' statement of facts, the parties and the court discussed the issue of trial witnesses and then Justin brought up another concern. He explained that his wife, Lauren, is also a party to this suit. He informed the court that they have four children and they were unable to secure childcare, so the children would be with them at trial. He explained that their youngest child was two years old, so they may require a couple recesses during trial. The trial judge explained that defendants' young children could not be in court during the trial because it might influence the jury. The trial judge explained that the courthouse has a childcare facility if defendants needed to leave their children there. Justin explained that he planned to have his wife question him on the witness stand and then he would question her.

¶ 11 The trial judge explained that when a party is self-represented, the person usually sits in the witness chair and talks to the jury about the case. Justin asked the court, “could I have another adult interrogate me” if his wife was not present. The trial court explained that it could not permit someone other than an attorney to question him during the trial. The case was continued for the commencement of trial.

¶ 12 No court reporter was present for the jury trial. Following trial, the jury returned a verdict for plaintiff. Judgment was entered on the verdict and plaintiff was awarded possession of the premises, \$25,812.42 in unpaid rent, and \$816.81 in court costs. Defendants filed this appeal.

¶ 13 Along with filing their notice of appeal, defendants moved the circuit court to stay enforcement of the judgment pending appeal. The circuit court granted, in part, defendants’ motion to stay enforcement of the judgment. The circuit court ordered defendants to post bond and pay use and occupancy to plaintiff each month. Defendants filed a motion to stay, vacate, or modify the order granting their stay, arguing that they wished to be permitted to post their bond with a letter of credit. The circuit court granted defendants’ motion in part, denying them a stay of the order but permitting them to file the bond in any form accepted by the Clerk of the Circuit Court, including a letter of credit. The circuit court also ordered defendants to make the use and occupancy payments set forth previously. Defendants filed two subsequent motions to modify the stay. Eventually, the Clerk of the Circuit Court allowed defendants to post bond by pledging two certificates of deposit. The trial court ordered the bank to hold the funds pledged by defendants and not disburse the funds until further order of court.

¶ 14 During the proceedings related to the stay, defendants moved for sanctions against plaintiff’s attorney for alleged misrepresentations to the trial court and separately moved for sanctions against a witness for alleged perjury. Defendant Justin Mahwikizi sent a letter to the

Presiding Judge of the Sixth Municipal District raising what he believed to be “significant concerns about the working relationship between the judiciary and the Clerk’s Office.” He urged the presiding judge to implement enhanced judicial training and improved communication channels between the judiciary and the clerk’s office.

¶ 15 While all of the proceedings related to the appellate stay and the posting of the bond were ongoing, defendants were concurrently compiling various bystander’s reports. Ultimately, defendant Justin Mahwikizi submitted around 200 pages he typed in the form of a report of proceedings that included his recollection of dialogue between the parties and the court as well as questions asked and answers given by trial witnesses. After some back and forth between the parties and the court, the trial court certified a bystander’s report that is included as part of the record on appeal.

¶ 16

ANALYSIS

¶ 17 Defendants raise 10 issues on appeal. One, they argue that the trial court abused its discretion when it denied them leave to amend their dismissed counterclaims. Two, they argue that the trial court erred when it struck all of their defenses before trial. Three, they argue that the trial court erred when it only instructed the jury under plaintiff’s theory of the case. Four, they argue that the trial court’s exclusion of Lauren Mahwikizi from the trial violated her right to due process. Five, they argue that the trial court denied them a fair trial by denying them reasonable accommodations based on their self-represented status. Six, they argue that the trial court’s conduct during postjudgment proceedings relating to the bond created the appearance of bias. Seven, they argue that the cumulative effect of all of the above errors denied them due process and a fair trial. Eight, they argue that the trial court erred when ordering alterations to their proposed bystander’s report and refusing to certify one of the proposed reports. Nine, they argue

that the trial court failed to comply with the statute governing substitution of judge proceedings when it transferred the case to another judge for the hearing, but not to the presiding judge of the division. Ten, they argue that the trial court erred when it denied them an evidentiary hearing on the issue of service of process.

¶ 18

1. Leave to Amend

¶ 19 Defendants argue that the trial court abused its discretion when it denied them leave to amend. Defendants claim that they made both written and oral requests to amend their pleadings after their counterclaims were dismissed. Defendants contend that the effect of denying them leave to amend “was to foreclose defenses and counterclaims before the jury could ever consider them.”

¶ 20 Amendments to pleadings may be allowed on just and reasonable terms. 735 ILCS 5/2-616(a) (West 2024). Whether to permit an amendment to a pleading is within the sound discretion of the trial court, and we review an order denying leave to amend for abuse of discretion. *CIMCO Communications, Inc. v. National Fire Insurance Co. of Hartford*, 407 Ill. App. 3d 32, 38 (2011).

¶ 21 The common law record contains no filing in which defendants requested leave to amend following the dismissal. The record citation provided by defendants does not include a request to amend and instead consists of simply the trial court’s order striking the counterclaims. In the bystander’s report prepared by defendants, they recount the oral ruling made by the trial court striking their counterclaims. There, following the trial court’s oral ruling striking the counterclaims, defendants stated, “[i]n that case your honor, we request leave to file our own 2-619 motion to dismiss Plaintiff’s complaint.”

¶ 22 Defendants disputed what transpired in the trial court when they submitted their proposed bystander's report for certification. However, the trial court declined to certify a version of the bystander's report in which defendants claimed to have requested leave to amend their counterclaims subsequent to their dismissal. Instead, the trial court stated that it would have allowed leave to amend if it was requested, but it had no memory of defendant seeking leave to amend.

¶ 23 The only document in the record that plausibly supports defendants' argument is the response they filed to plaintiff's motion to strike their counterclaims. In the response, defendants argued in the alternative that, if the trial court was inclined to grant the motion to dismiss, they should be permitted to amend their counterclaims. However, after the counterclaims were stricken, defendants took no action to pursue leave to amend. There is no indication that the trial court ever addressed the alternative request for repleading made in defendants' response and defendants failed to secure a ruling on the question or file their own motion seeking leave to replead. Defendants never tendered a proposed amended counterclaim or otherwise sufficiently informed the court what they might plead that could plausibly result in the amendment curing the legal deficiencies found by the trial court in the initial counterclaim. A party's failure to tender a proposed amended pleading with supporting facts to the trial court significantly diminishes this court's ability to determine whether the proposed amendment would have stated a viable cause of action. *Firebirds Int'l, LLC v. Zurich American Insurance Co.*, 2022 IL App (1st) 210558, ¶ 43. As a result, failure to tender the proposed amendment forfeits the party's right to review of the trial court's denial of a request for leave to amend. *Id.* Defendants have failed to show that the trial court abused its discretion with regard to their alleged requests seeking leave to amend.

¶ 24

2. Striking Defenses Before Trial

¶ 25 Defendants argue that the trial court erred when it struck their defenses before trial.

Defendants contend that the trial court's ruling denied defendants the opportunity to present their defenses and had the effect of a directed verdict against them. The common law record contains no order striking defendants' defenses. The record citation provided by defendants for this assertion is the trial court's order striking their counterclaims. The order does not mention affirmative defenses, let alone all defenses. Similarly, plaintiff's motion to dismiss the counterclaims did not mention the affirmative defenses or other defenses, and plaintiff did not move to strike the defenses from defendants' pleading. In the bystander's report prepared by defendants, they recount the oral ruling made by the trial court striking their counterclaims, but again the ruling does not mention affirmative defenses or trial defenses, it refers only to counterclaims. Defendants provide the same set of record citations for their argument concerning counterclaims as for this argument about defenses, but the record does not support defendants' argument in either case.

¶ 26 The trial court, in fact, allowed defendants to file an untimely motion to dismiss plaintiff's complaint under section 2-619 as defendants had long ago answered the complaint and the case was nearing trial. See 735 ILCS 5/2-619(a) (West 2024) (a party may move to dismiss under section 2-619 "within the time for pleading"); *Trzop v. Hudson*, 2015 IL App (1st) 150419, ¶ 64 ("For a motion to be properly brought under section 2-619, the motion [] must be filed 'within the time for pleading' "). Defendants were given the opportunity, and did, assert affirmative defenses in the motion to dismiss as a basis for dismissing the case. The trial court considered defendants' arguments on the merits and ultimately denied the motion to dismiss. In addition, the bystander's report submitted by defendants makes clear that the trial court allowed

them to pursue their theory of the case to the jury. Defendants have failed to show any error with regard to the trial court's alleged striking of their defenses.

¶ 27 The only manner in which defendants were prevented from raising any defenses at trial was under one of plaintiff's motions *in limine*. Plaintiff moved the trial court to prohibit defendants from raising the arguments that were rejected on the merits in defendants' motion to dismiss. The motion *in limine* was granted without objection from defendants. The doctrine of invited error prevents a party who induced the court to make an error or consented to such error from complaining of that error on appeal. *Bruntjen v. Bethalto Pizza, LLC*, 2014 IL App (5th) 120245, ¶ 152. Defendants consented to any error when they failed to object to the motion *in limine*. Defendants similarly did not raise any objection during trial about being prevented from raising any specific defense. See *Barnai v. Wal-Mart Stores, Inc.*, 2021 IL App (1st) 191306, ¶ 59 (the failure to raise an objection at trial forfeits consideration of the issue on appeal); see also *Lewis v. Hull House Association*, 25 Ill. App. 3d 617, 621 (1975) (a party cannot sit by idly at a pretrial conference or trial and then for the first time on appeal make the claim that error was committed). In any event, defendants presented all the defenses during the proceedings that they claim to have been foreclosed from raising. Defendants have failed to show the trial court erred when it allegedly struck their defenses before trial.

¶ 28 3. Jury Instructions

¶ 29 Defendants argue that the jury instructions were prejudicially one-sided. Defendants point out that Illinois law provides that "a litigant has the right to have the jury clearly and fairly instructed upon each theory which was supported by the evidence." *Leonardi v. Loyola University of Chicago*, 168 Ill. 2d 83, 100 (1995). Defendants, however, claim that "the jury was

never permitted to evaluate the Defendants' theory" and instead "received instructions exclusively reflecting the Plaintiff's view, effectively predetermining the outcome."

¶ 30 When the parties in this case appeared at the pretrial conference and jury instruction conference, plaintiff was the only party to tender proposed jury instructions. Defendants did not present proposed instructions or object to those tendered by plaintiff. Instead, according to the bystander's report prepared by defendants, they specifically informed the trial court that they "ha[d] no objections to the jury instructions." Defendants similarly did not raise any issue or any objection at the time to the instructions that were tendered to the jury.

¶ 31 "A party forfeits the right to challenge a jury instruction that was given at trial unless it makes a timely and specific objection to the instruction and tenders an alternative, remedial instruction to the trial court." *Mikolajczyk v. Ford Motor Co.*, 231 Ill. 2d 516, 557 (2008). "These requirements ensure that the trial court has the opportunity to correct a defective instruction and to prevent the challenging party from gaining an unfair advantage by failing to act when the trial court could remedy the faulty instruction." *Id.* Moreover, as with the prior issue, defendants' failure to act before or during trial was the impetus for any error and they cannot complain about it for the first time on appeal. See *Barnai*, 2021 IL App (1st) 191306, ¶ 59 (the failure to raise an objection at trial forfeits consideration of the issue on appeal); see also *Lewis*, 25 Ill. App. 3d at 621 (a party cannot sit by idly at a pretrial conference or trial and then for the first time on appeal make the claim that error was committed). Defendants have failed to demonstrate that they are entitled to any relief on appeal with regard to the jury instructions.

¶ 32 4. Exclusion of Lauren Mahwikizi From Trial

¶ 33 Defendants claim that the trial court violated defendant Lauren Mahwikizi's right to due process by excluding her from the trial even though she is a party to the case. As defendants

point out, due process requires, at a minimum, notice and a meaningful opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). In civil proceedings, the right to be heard encompasses the right of a named party to be present and to participate in their own trial. *In re Marriage of Pagano*, 154 Ill. 2d 174, 187 (1992).

¶ 34 Defendants argue that Lauren Mahwikizi was “excluded from trial on account of childcare limitations.” They contend that the trial court did not provide reasonable accommodations for childcare, but instead “barred her participation altogether.” Defendants opine that the trial court’s ruling “deprived a named defendant of her constitutional right to be heard in her own case.” However, the trial court never excluded Lauren Mahwikizi from the proceedings in any way.

¶ 35 At the pretrial conference, defendants for the first time explained that childcare constraints were likely to interfere with the trial. Defendants informed the trial court that they intended to have their children in court with them, including a two-year-old, so they would need some recesses during the jury trial to care for the children.

¶ 36 Defendants themselves filed a jury demand. Plaintiff attempted to have the jury demand stricken but was unsuccessful. At the hearing on their motion to dismiss, the trial court asked defendants what dates would work for trial. Defendant Justin Mahwikizi responded, “we are available the week of the 15th of July for trial conference. July 30th or August 5th for trial.” No mention was made of childcare needs at that time. Subsequently, upon learning about the issue, the trial court made efforts to accommodate defendants’ childcare needs. The trial court informed defendants that the courthouse had a childcare center that could care for the children during trial. The trial court also informed defendants that having the children in the courtroom would be prejudicial in front of the jury, especially where the jury was charged with deciding whether

evicting defendants from their residence was proper. Then, when the trial commenced, defendants did not object to Lauren Mahwikizi's absence and they proceeded through trial without her being present. See *Webber v. Wight & Co.*, 368 Ill. App. 3d 1007, 1027 (2006) (in order to preserve issue for review, party must both object at trial and in written posttrial motion).

¶ 37 Defendants never argued to the trial court that Lauren was being improperly excluded from the proceedings. Defendants did not request a mere continuance to have the trial held on a different date where they could secure childcare, they demanded that the children be present with them during the jury trial while they represented themselves. Defendants similarly did not request a continuance on the day of trial when Lauren was absent, they simply continued to proceed with the trial without lodging an objection. Failure to request a continuance at that time resulted in a forfeiture of the issue for appeal. See *People v. Robinson*, 157 Ill. 2d 68, 78 (1993) (if a party fails to request a continuance and goes forward with the trial, he cannot request the most drastic measures and then argue on appeal that he is entitled to a new trial). Defendants have not pointed to any specific issue from trial that required Lauren's presence nor have they shown how her absence prejudiced them at trial. Ultimately, defendants have failed to demonstrate that Lauren Mahwikizi was "excluded" from trial, and they failed to preserve any issue for appeal that her absence was the result of a due process violation.

¶ 38 5. Accommodations for *Pro Se* Litigants

¶ 39 Defendants argue that the trial court refused to provide them with reasonable accommodations because of their *pro se* status in order to fairly present their testimony. Defendants sought to have a non-party, non-attorney pose questions to them on the witness stand so they could proceed in the conventional question and answer format generally used at trial. The trial court denied defendants' request and defendants were required to present their testimony in

the narrative form normally used by self-represented litigants. Defendants, however, contend that the trial court's refusal to let them use a third-person interrogator "effectively denied [them] the opportunity to present their case with the same clarity and structure afforded to represented parties."

¶ 40 Defendants provide no authority for the proposition that they should have been permitted to, as they put it, "have another adult interrogate [them]" during trial. The trial judge explained that when a party is self-represented, the person usually sits in the witness chair and talks to the jury about the case in a narrative form. Indeed, that is the general method of courts receiving testimony from self-represented litigants in Illinois courts. No Illinois courts have found that a *pro se* litigant being required to provide testimony in narrative form is itself sufficient to set aside a jury verdict.

¶ 41 The trial court explained to defendants that it could not permit someone other than an attorney to question them during the trial. The trial court was correct to rule in this manner because a lay person is not entitled to act as an attorney for a party and conduct a trial examination. See *Downtown Disposal Services, Inc. v. City of Chicago*, 2012 IL 112040, ¶ 42 (Karmeier, J., dissenting) (a lay person may appear only in his or her own behalf in an Illinois court (citing *City of Chicago v. Witvoet*, 12 Ill. App. 3d 654, 655 (1973)) and taking actions reserved for an attorney on behalf of another constitutes the unauthorized practice of law (citing *Robb v. Smith*, 4 Ill. 46 (1841))). The trial court was certainly under no obligation to accede to defendants' request and acquiesce to the unauthorized practice of law. Accordingly, defendants have not demonstrated that the trial court failed to provide them with the necessary accommodations to receive a fair trial as self-represented litigants.

¶ 42 6. Appearance of Bias in Postjudgment Proceedings

¶ 43 Defendants argue that the postjudgment proceedings in this case “departed from ordinary practice in ways that undermined confidence in judicial impartiality.” In particular, defendants point to a court appearance where the trial judge summoned the Chief Deputy Clerk of Court to come and testify about certain appeal bond procedures. Defendants contend that the trial judge’s act “suggested hostility towards Defendants’ position.” Further, defendants argue that the trial court denied their motions for sanctions against opposing witnesses and attorneys despite evidence of misconduct. Defendants contend that the trial court “created the appearance that one side was being systematically disadvantaged.”

¶ 44 As for the trial judge’s alleged bias and his decision to get clarification from the clerk’s office on the applicable procedures, defendants cite no adverse ruling. Instead, the trial court granted defendants several extensions of a stay while they attempted to put together the bond. Ultimately, the trial court accepted the bond and defendants were issued a stay of the judgment. Defendants do not ask for any relief directed at the postjudgment proceedings or identify a specific order that should be set aside based on the trial judge’s alleged misconduct during postjudgment proceedings. Accordingly, no relief is warranted.

¶ 45 As for the motions for sanctions that were denied, defendants provide no specific argument to explain why the motions should have been granted. Defendants similarly provide no citations to authority to support their arguments that the motions for sanctions were improperly denied. “A point not argued or supported by citation to relevant authority fails to satisfy the requirements of Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013). [Citation.] Failure to comply with the Rule 341(h)(7)’s requirements results in forfeiture of the issue on appeal. *Vancura v. Katris*, 238 Ill. 2d 352, 369-70 (2010).” *Toushin v. Ruggiero*, 2021 IL App (1st) 192171, ¶ 73.

Instead, they request reversal of the underlying judgment, which is not appropriate relief for this issue.

¶ 46 The motions for sanctions were denied following a hearing that included live testimony from a witness. Defendants do not take issue with the rulings on the merits of those sanctions motions. Defendants have not demonstrated the existence of bias, or even the appearance of bias, and they provide no grounds for setting aside the judgment on the basis of the alleged bias.

¶ 47 **7. Cumulative Effect of Errors**

¶ 48 Defendants argue that “[t]his case was not defined by a single procedural misstep but by a pattern of statutory and judicial irregularities that, taken together, denied [them] a fair trial.” However, because we have found that none of the issues raised by defendants constitutes error, we necessarily find no cumulative error. *In re Estate of Mankowski*, 2014 IL App (2d) 140154, ¶ 63.

¶ 49 **8. Bystander’s Report**

¶ 50 Defendants argue that the trial court erred when it ordered alterations to their proposed bystander’s report. Defendants contend that the trial court manipulated the record which raises questions about judicial inconsistency and favoritism. Defendants suggest that the trial court rewrote their bystander’s reports against their protest demonstrating judicial interference in the appellate record.

¶ 51 Plaintiff explains that the bystander’s reports drafted by defendant Justin Mahwikizi contained numerous errors. Plaintiff points out that the errors were extensively discussed between the trial judge (using his notes), the plaintiff’s attorneys and defendant Justin Mahwikizi, resulting in approved bystander’s reports, pursuant to Illinois Supreme Court Rule 323(c) (eff. July 1, 2017). The final bystander’s report was approved by the parties and the court.

¶ 52 Defendants were not entitled to have a bystander's report based solely upon their own interpretation of the evidence and memory of what happened during the proceedings, without the acknowledgment of the opposing party and certification by the circuit court. *Camper v. Burnside Construction Co.*, 2013 IL App (1st) 121589, ¶ 55. The trial court here accepted much of what defendants proposed in their bystander's report, but it disputed some of the information provided by defendants and issued corrections. Once certified, the bystander's report is considered to be a true and accurate part of the record on appeal. Ill. S. Ct. R. 323(c), Ill. S. Ct. R. 329 (eff. July 1, 2017); *Herhold v. Herhold*, 123 Ill. App. 2d 293, 296 (1970). The trial court judge is afforded deference based on having been present at the relevant hearings and the direct experience of considering the evidence presented before the court.

¶ 53 Where the proposed report of proceedings does not accurately reflect what occurred before the court during the trial of the case, the trial judge may refuse to certify such a report. *Silverstein v. Grellner*, 15 Ill. App. 3d 695, 697 (1973). Defendants argue that the trial court erred when it ordered modifications to the report and that the court should have entered defendants' version. This argument, however, is at odds with our supreme court rules as the rules require the court to enter a report it believes to be accurate. *Id.* (discussing Illinois Supreme Court Rule 323(c)); see also *Allen v. Lin*, 356 Ill. App. 3d 405, 409-10 (2005). Defendants fail to show that the bystander's report, as certified, is incorrect. As such, we consider the certified bystander's report to be true and accurate (Ill. S. Ct. R. 323(c), Ill. S. Ct. R. 329) and defendants have failed to demonstrate that the trial court erred in conducting the process to assemble and certify the bystander's report.

¶ 54

9. Substitution of Judge Hearing

¶ 55 Defendants argue that the trial court failed to follow Illinois law governing motions for substitution of judge for cause. In particular, defendants argue that, when the trial judge was presented with the motion for substitution of judge for cause, the judge erred by transferring the case to Judge Michael Barrett for hearing rather than to the presiding judge of the division. Defendants contend that Judge Barrett lacked authority to hear substitution of judge motions.

¶ 56 The statute governing substitutions of judge in Illinois provides that, “[u]pon the filing of a petition for substitution of judge for cause, a hearing to determine whether the cause exists shall be conducted as soon as possible by a judge other than the judge named in the petition.” 735 ILCS 5/2-1001(a)(3)(iii) (West 2024). Here, the petition was transferred to another judge for a hearing which was conducted immediately.

¶ 57 The substitution of judge statute does not require the case to be transferred to the presiding judge of the division. Defendants have failed to show that the trial court erred in conducting the substitution of judge proceedings. Moreover, defendants fail to establish or even to argue on appeal that they were entitled to a substitution of judge for cause on the merits. Defendants have failed to show that there was any bias or an appearance of bias in the disposition of their motion for substitution of judge for cause and they have failed to meet their burden to show that the motion should have been granted.

¶ 58 Defendants argue that the prejudice against them was compounded when Judge Barrett declined to approve their proposed bystander’s report for the substitution of judge hearing. They contend that the completeness of the record was compromised when Judge Barrett denied certification of the proposed bystander’s report. However, defendants have not demonstrated

why Judge Barrett denied certification of the proposed report or that he erred in rejecting defendants' request.

¶ 59 Judge Barrett issued a written ruling denying the motion for substitution of judge. In that order, Judge Barrett explained that, at the hearing, defendants "presented argument consistent with [their] petitions and offered no additional testimony or evidence other than what was contained in the supporting affidavits." As such, it seems clear that a bystander's report would not be helpful for resolving any questions about the substitution of judge hearing on appeal. Judge Barrett went on to explain in his order that defendants presented no credible evidence to prove prejudice or bias on the part of Judge Canellis. Instead, Judge Barrett found the evidence presented to not be credible. Defendants have failed to demonstrate that they are entitled to any relief stemming from the proceedings on their motion for substitution of judge for cause.

¶ 60 10. Evidentiary Hearing on Service of Process Issue

¶ 61 Defendants argue that the trial court erred when it denied them an evidentiary hearing on the issue of whether plaintiff complied with the demand notice requirement under the Forcible Entry and Detainer Act (735 ILCS 5/9-101 *et seq.* (West 2024)). Upon a tenant's nonpayment of rent, if the landlord wishes to proceed with an eviction under the Act, the landlord must serve the tenant with a written demand for payment stating that unless payment is made within the time stated in the notice, which must be at least five days after the notice is served, the lease will be terminated. 735 ILCS 5/9-209 (West 2024). At the hearing on their motion to dismiss, defendants requested that the court hold an evidentiary hearing on the issue of whether the five-day notice was served on them. The trial court denied the request for an evidentiary hearing.

¶ 62 As stated above, the trial court allowed defendants to file an untimely motion to dismiss, even as the case was approaching trial. Then, when the motion to dismiss was heard and the trial

judge intended to rule on the motion, defendants insisted upon receiving an evidentiary hearing. The trial court indicated, based on the affidavits and other information in the record, that it found the notice of termination of tenancy was received by defendants. Indeed, in making his argument at the hearing, defendant Justin Mahwikizi asserted that his wife Lauren had never received the five-day notice, seeming to tacitly admit his receipt. Defendant Justin Mahwikizi also testified about the issue of their receipt of plaintiff's notice of intent to terminate the tenancy during trial. The jury heard the evidence and rejected it, instead finding that plaintiff was entitled to possession of the premises. Nevertheless, defendants were afforded the opportunity to argue and present evidence concerning their alleged nonreceipt of the demand to a factfinder.

¶ 63 Defendants admitted receiving the notice of termination in their answer, defenses and counterclaims. Defendants used the form answer, affirmative defenses, and counterclaims approved by the supreme court to respond to the complaint in this case. In section 2(a) of the form, defendants checked the box for the proposition: "Improper service of notice: The landlord did not give me notice in a lawful way." On that same form, there is a field, "No notice: The landlord says that I did not pay my rent or that I otherwise violated my lease, but I did not get a written notice from the landlord" – that box was not checked by defendants. Actual receipt of the notice of termination defeats any defects in service because "the object of notice is to inform the party notified, and if the information is obtained in any way other than formal notice, the object of notice is attained." *Vole, Inc. v. Georgacopoulos*, 181 Ill. App. 3d 1012, 1019 (1989). Defendants have failed to demonstrate that the trial court's denial of their oral motion for an evidentiary hearing warrants reversal of the judgment.

¶ 64

CONCLUSION

¶ 65 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 66 Affirmed.

EXHIBIT E

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

FIRSTKEY HOMES, LLC,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	No. 1-24-1613
	)	
JUSTIN MAHWIKIZI and LAUREN MAHWIKIZI,	)	
	)	
Defendants-Appellants.	)	

ORDER

This cause coming to be heard on appellants' petition for rehearing, and motion for judicial notice, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the petition for rehearing is denied; and the motion for judicial notice is denied.

ORDER ENTERED

FEB 17 2026

APPELLATE COURT FIRST DISTRICT

/s/ James Fitzgerald Smith

PRESIDING JUSTICE

/s/ Nathaniel R. Howse, Jr.

JUSTICE

/s/ Cynthia Y. Cobbs

JUSTICE

Dated: _____

EXHIBIT F



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

May 27, 2026

In re: Firstkey Homes, LLC, respondent, v. Justin Mahwikizi, petitioner.
Leave to appeal, Appellate Court, First District.
132983

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 07/01/2026.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

EXHIBIT G



SUPREME COURT OF ILLINOIS

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

CYNTHIA A. GRANT
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

July 07, 2026

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

Justin Mahwikizi
18430 Francisco Avenue
Homewood, IL 60430

In re: Firstkey Homes, LLC v. Mahwikizi
132983

Today the following order was entered in the captioned case:

Emergency motion by Petitioner, *pro se*, to stay issuance of mandate or recall mandate, and to stay enforcement of judgment pursuant to Supreme Court Rule 368(c) pending the filing of a petition for writ of certiorari in the United States Supreme Court. Denied.

Order entered by Justice Tailor.

Very truly yours,

Cynthia A. Grant

Clerk of the Supreme Court

cc: Robert Alan Kahn

EXHIBIT H

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, SIXTH DISTRICT

FIRSTKEY HOMES, LLC,

PLAINTIFF,

v.

JUSTIN MAHWIKIZI ET AL.,

DEFENDANTS

CASE NO. 2023 M1 007761

ORDER

This matter coming on to be heard on plaintiff's motion for a 120-day extension, plaintiff's attorney appearing in court and the defendant appearing in court; the Court being duly advised;

IT IS SO ORDERED:

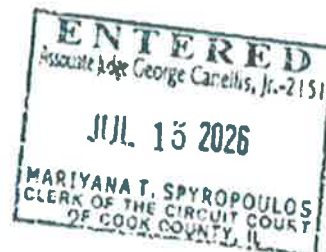
The plaintiff(s) motion to extend the period of enforcement of an order of possession entered herein on July 30, 2024, is granted. The period of enforcement is extended to Nov. 15, 2026.

ENTER:

Judge

Judge's No.

SANFORD KAHN, LLP
Attorneys for Plaintiff
180 North LaSalle Street
Suite 2025
Chicago, Illinois 60601
(312) 263-6778
#25167
rob@sanfordkahnllp.com



IN THE SUPREME COURT OF THE UNITED STATES

JUSTIN MAHWIKIZI, et al.,

Applicants,

v.

FirstKey Homes, LLC, et al.,

Respondents.

CERTIFICATE OF SERVICE

We, Justin and Lauren Mahwikizi, hereby certify that on this 17th day of July, 2026, We caused the foregoing Emergency Application for a Temporary Stay Pending Disposition of a Petition for a Writ of Certiorari to be served upon the following counsel of record and/or parties:

FirstKey Homes, LLC (Respondents)
945 Parkview Blvd
Lombard, IL 60148

Robert Kahn (Attorney for Respondents)
180 N LaSalle St, Ste 2025
Chicago, IL 60601

Service was accomplished by: First-class U.S. Mail, postage prepaid, to the addresses listed above.

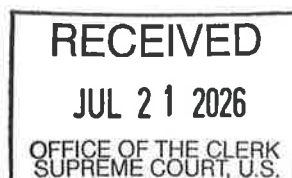
I further certify that the foregoing Application was filed with the Clerk of the Supreme Court of the United States on this same date, with the original and two copies as required by Supreme Court Rule 22.2.

We declare under penalty of perjury that the foregoing is true and correct.

Dated: July 17th, 2026

/s/ Justin Mahwikizi
Justin Mahwikizi

/s/ Lauren Mahwikizi
Lauren Mahwikizi



IN THE SUPREME COURT OF THE UNITED STATES

JUSTIN MAHWIKIZI, et al.,

Applicants,

v.

FirstKey Homes, LLC, et al.,

Respondents.

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Robert Kahn (Attorney for Respondents)
180 N LaSalle St, Ste 2025
Chicago, IL 60601

Service was accomplished by: First-class U.S. Mail, postage prepaid, to the addresses listed above.

I further certify that the foregoing Application was filed with the Clerk of the Supreme Court of the United States on this same date, with the original and two copies as required by Supreme Court Rule 22.2.

We declare under penalty of perjury that the foregoing is true and correct.

Dated: July 17th, 2026

/s/ Justin Mahwikizi
Justin Mahwikizi

/s/ Lauren Mahwikizi
Lauren Mahwikizi

IN THE SUPREME COURT OF THE UNITED STATES

JUSTIN MAHWIKIZI, et al.,

Applicants,

v.

FirstKey Homes, LLC, et al.,

Respondents.

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945 Parkview Blvd
Lombard, IL 60148

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We declare under penalty of perjury that the foregoing is true and correct.

Dated: July 17th, 2026

/s/ Justin Mahwikizi
Justin Mahwikizi

/s/ Lauren Mahwikizi
Lauren Mahwikizi