2020 IL App (1st) 190840-U

Nos. 1-19-0840, 1-19-0915, 1-19-0916 and 1-19-0917 (Consolidated)

Order filed December 3, 2020

Fourth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

MARSHALL SPIEGEL and CHICAGO TITLE TRUST COMPANY, as Trustee of Trust Number 8002351713, Plaintiffs-Appellants, v. VALERIE HALL, LINDA MOSES, WILLIAM GASTERIS, JAMES WAITE, WILLIAM MCCLINTIC, WILLIAM HALL, MARK BELONGIA, JOHN SCHRIVER, DUANE MORRIS LLP, and MICHAEL KIM, Defendants (Valerie Hall, William Hall, James Waite, Marie Francoise Waite, William McClintic, Corrine McClintic, Duane Morris LLP, Michael Kim, and Michael Kim & Associates, Defendants-Appellees; and John Xydakis, Nonparty Respondent-Appellant). - 1618 SHERIDAN ROAD CONDOMINIUM ASSOCIATION, Plaintiff-Appellee,	)	Appeal from the Circuit Court of Cook County. Consolidated Nos. 15 L 10817 15 CH 18825 16 L 3564 Honorable Margaret A. Brennan, Judge, presiding.

v.)
)
MARSHALL SPIEGEL, CHICAGO TITLE TRUST)
COMPANY, as Trustee of Trust Number 8002351713,)
and FIRST BANK AND TRUST OF EVANSTON,)
)
Defendants)
)
(Marshall Spiegel and Chicago Title Trust Company, as)
Trustee of Trust Number 4179, Defendants-Appellants).)
-)
MARSHALL SPIEGEL and CHICAGO TITLE TRUST)
COMPANY, as Trustee of Trust Number 8002351713,)
)
Plaintiffs-Appellants,)
)
v.)
)
WILLIAM MCCLINTIC, CORRINE MCCLINTIC,)
VALERIE HALL, JAMES WAITE, and MICHAEL KIM,)
)
Defendants)
)
(Suzanne Costello, Robert Costello and 1618 N. Sheridan)
Road Condominium Association, Nominal Defendants;)
and William McClintic, Corrine McClintic, Valerie Hall,)
James Waite, and Michael Kim, Defendants-Appellees).)

JUSTICE LAMPKIN delivered the judgment of the court.
Justices Hall and Reyes concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err by (1) denying the appellants' motions to substitute the judge as of right and disqualify the judge for cause; (2) dismissing appellants' complaint for failure to state a claim and denying them leave to replead, (3) granting the appellees' motion for a temporary restraining order, and (4) awarding the appellees sanctions under Illinois Supreme Court Rule 137.

¶ 2 This litigation, which arose from multiple disputes among the residents of an eight unit condominium building, consists of three consolidated circuit court cases. Two of the cases were filed by Marshall Spiegel and Chicago Title Trust Company, as trustee of trust Number 8002351713 (the trust), against the condominium's board members and residents, their legal counsel, and a property management company. One of the cases was filed by the condominium association against Spiegel, who was a resident of the building and former board member, and the trustee of the land trust that owned his condominium unit.

¶ 3 After Spiegel and the trustee received leave several times to file amended complaints to correct pleading deficiencies, the trial court granted the other litigants' motions to dismiss Spiegel and the trustees' consolidated claims pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2016)). Subsequently, the trial court denied Spiegel and the trustee's request for leave to file a fifth amended complaint, finding that the pleading still failed to allege a cause of action and was frivolous. Thereafter, the trial court granted the petitions of the condominium association, several condominium residents, and their legal counsel for sanctions against Spiegel and his attorney John Xydakis for pursuing this harassing and frivolous litigation.

¶ 4 On appeal, Spiegel, the trustee and Xydakis argue that the trial court erred by (1) denying their motions to substitute and disqualify the trial court judge, (2) dismissing their amended complaint and denying them leave to replead, (3) granting the condominium association a temporary restraining order against Spiegel, and (4) awarding the condominium association, a board member and their legal counsel sanctions against Spiegel and Xydakis.

¶ 5 For the reasons that follow, we affirm the judgment of the circuit court.[1]

¶ 6 I. BACKGROUND

¶ 7 This matter involves the residents of an eight unit building in Wilmette organized as the 1618 Sheridan Road Condominium Association (Association). When the president of the Association's board of directors (Board) resigned in the fall of 2015 for health reasons, Spiegel was serving on the Board as the secretary and Valerie Hall was serving as the treasurer. Spiegel declared himself acting president over Hall's objection.

¶ 8 In October 2015, Spiegel attempted to terminate the Association's existing relationship with its legal counsel, Michael Kim and his firm, without convening an open meeting of the Board and over Hall's objection. Spiegel also attempted, over Hall's objection, to terminate the services of the Association's existing property management company and engaged the services of another property management company. Then Spiegel initiated the lawsuit at issue in this appeal on behalf of the Association despite Hall's objection and without the authorization of the Board.

¶ 9 Specifically, on October 26, 2015, Spiegel's attorney Xydakis filed the complaint in case No. 15-L-10817 on behalf of Spiegel, individually and derivatively on behalf of the Association, and the trustee of his land trust against certain members of the Board for defamation, invasion of privacy and breach of contract. When the third amended complaint in this matter was filed in December 2015, the Association was deleted as a co-plaintiff. On February 8, 2016, the fourth amended complaint in this matter was filed on behalf of plaintiff Spiegel and the trustee of trust number 8002351713.

[1] In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

¶ 10 For the majority of the time period relevant to this dispute, the Board members were Valerie Hall, James Waite and William McClintic. During this litigation, Spiegel and the trustee added the Board members' spouses as defendants to this litigation. The Halls were represented by John T. Schriver and Duane Morris LLP (Duane Morris). Eventually, Spiegel and the trustee added Schriver and Duane Morris as defendants to this litigation. Spiegel and the trustee also added attorney Kim and his firm as defendants to this litigation.

¶ 11 Meanwhile, in December 2015, the Association filed a complaint for declaratory and injunctive relief, case No. 15-CH-18825, against Spiegel and the trustee. The Association sought declarations from the court that the members of the Board were unit owners and duly elected to the Board and that Spiegel acted wrongfully and without authority by seeking to take over the Board. The Association also sought to enjoin Spiegel from interfering with the functions of the duly elected Board. On January 11, 2016, the Association moved the court for a temporary restraining order (TRO) to stop Spiegel from continuing to prevent the Board from functioning. Spiegel was served with the complaint and TRO motion on January 11, 2016.

¶ 12 On January 14, 2016, the trial court heard the Association's TRO motion in case No. 15-CH-18825. Spiegel was not present; although Xydakis was present, he informed the trial court that he was not appearing on behalf of Spiegel in this matter. The Association presented evidence showing that one of its bank accounts was frozen after Spiegel, without authorization, attempted to substitute himself and his newly hired property management company as signatories on the account in place of Hall and the existing property manager. Further, the Association learned that its bank account at another bank also was frozen after Spiegel and Xydakis informed the bank that the account needed to be frozen due to this litigation. Meanwhile, the condominium unit owners

and Board held meetings and elected James Waite as a new Board member and president. Then the Board voted to reengage attorney Kim and the property management company that Spiegel had fired. In November 2015, the Board held a special meeting and authorized the commencement of litigation to obtain injunctive relief against Spiegel. In December 2015, the unit owners voted at a special meeting and removed Spiegel from the Board and elected William McClintic to fill the vacant seat. The Association argued that Spiegel interfered with its ability to pay its bills and conduct elections, refused to abide by the decisions of the properly elected Board, caused the Association to incur significant expenses to defend itself and assert its lawful rights, and otherwise threw the Association into complete disarray and prevented it from functioning.

¶ 13 The trial court granted the Association a TRO that restrained Spiegel from claiming the authority to act as Board president and from engaging in any actions with third parties on behalf of the Association. The court found that the Association gave Spiegel proper notice of the TRO motion, made an overwhelming case that the requested relief was warranted, had a protectable interest to ensure it could carry out its valid functions, and established irreparable harm, no adequate remedy at law, and a likelihood of success on the merits of its claim.

¶ 14 In February 2016, two separate motions for substitution of judge as a matter of right (SOJ) were filed in case No. 15-L-10817 on behalf of Spiegel and his land trust. The trial court granted the motion for substitution on behalf of the trust and allowed Spiegel to withdraw his motion without prejudice.

¶ 15 On April 8, 2016, Spiegel and the trustee filed a complaint, case No. 16-L-3564, which raised the same or similar claims against many of the same parties that were raised in case No. 15-L-10817. Specifically, Spiegel sought monetary relief from unit owners and others for alleged

tortious actions, including battery and intrusion upon seclusion, and breach of contract. He alleged that, after the court awarded the Association the TRO against him, the Board was trying to remove him from the building by spying on him, accusing him of disturbing the peace and filing false police reports against him. Spiegel also sought declaratory relief, asking the court to declare that his challenged actions were authorized and in accordance with his capacity as a duly elected Board member and he was entitled to indemnification and records from the Association.

¶ 16 In May 2016, the Association, Board and other residents moved to consolidate case Nos. 15-L-10817, 15-CH-18825 and 16-L-3564, arguing that the complaints in these cases revealed that all the allegations arose from and related to the relationships and conduct of the various parties as unit owners at the Association property. In September 2016, the trial court consolidated the Association's case No. 15-CH-18825 and Spiegel's case No. 16-L-3564 into case No. 15-L-10817.

¶ 17 On June 14, 2017, the trial court granted the motions of the Association, Board, unit owners and their attorneys to dismiss Spiegel and the trustee's fourth amended complaint in case No. 15-L-10817 pursuant to section 2-615 of the Code for failure to state a claim. The court stated that the allegations of the complaint were wholly conclusory and lacked specific and factual details necessary to state a cause of action. The court also *sua sponte* struck Spiegel and the trustee's complaint in case No. 16-L-3564. The trial court ordered Spiegel and the trustee to seek leave of the court to replead their amended complaint.

¶ 18 In August 2017, Spiegel and the trustee sought leave to replead with their proposed fifth amended complaint, which contained 99 counts, 1436 paragraphs and was over 200 pages. Spiegel also moved for an SOJ. Spiegel's SOJ motion was granted, and the case was reassigned.

Thereafter, the court granted an SOJ motion by one of the Association parties, and the case was reassigned again.

¶ 19 In September 2017, another SOJ motion was filed on behalf of Spiegel's land trust. However, Cook County Circuit Court Judge Margaret A. Brennan denied that motion, finding that the trust had already received an SOJ.

¶ 20 On February 8, 2018, Judge Brennan denied Spiegel and the trustee leave to replead the complaint. Judge Brennan stated that Spiegel and his attorney Xydakis had engaged in the "baffling" conduct of piling on further deficient and frivolous claims despite six opportunities to plead a cause of action and the court's clear admonitions to correct the deficient and frivolous pleading. Judge Brennan added that Spiegel and Xydakis's act of simply restating the same allegations that the trial court had already determined were not good enough to state a cause of action was harassment. Eventually, Spiegel and the trustee moved the court on July 6, 2018 to reconsider this denial of leave to replead, and the trial court denied the motion to reconsider on July 11, 2018.

¶ 21 Meanwhile, on February 28, 2018, Spiegel and the trustee also filed a petition for recusal or substitution of Judge Brennan for cause, alleging that the Association's counsel, Gene Murphy, had engaged in multiple *ex parte* communications with the trial court.

¶ 22 In response, defendants filed the sworn affidavit of Murphy, who averred that all of his contacts were with judicial staff, not the judge, and were inquiries about either the scheduling of court dates or the court's receipt of courtesy copies. Murphy averred that he did not engage in any *ex parte* discussions of the substance of the case with the trial court or judicial staff.

¶ 23 Furthermore, Judge Brennan stated on the record:

> "I did not speak with counsel at all. I mean this is an allegation that you have made. But I did not speak with counsel at all concerning anything about this case. That I don't know where you are coming from with this. But it's the allegations that you have made and that's why another judge will look at this. But I have not spoken with counsel about this. I have had conversations about various colleges my daughter is looking at and we talked about other things. But I don't recall ever speaking with counsel about this case. I don't do that. In my 16 years, counsel, on the bench, I have never done that. So, you know, I struggle with what you are trying to point to because it's just not my nature to do that. So there we go."

¶ 24 Spiegel's petition for recusal or disqualification of Judge Brennan was heard by another Cook County Circuit Court judge, who denied it on May 8, 2018. Spiegel moved for reconsideration, and the trial court denied that motion.

¶ 25 Between May and July of 2018, the parties filed four separate petitions for sanctions under Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018). Specifically, Spiegel sought sanctions against Hall and her legal counsel; the Association, various unit owners and their counsel; and attorney Kim, his firm and their counsel. Hall and her counsel sought sanctions against Spiegel and his attorney Xydakis. The Association also sought sanctions against Spiegel and Xydakis. Kim sought sanctions against only Spiegel. On February 6, 2019, Judge Brennan stayed all matters except the sanction petitions until further order of the court.

¶ 26 Xydakis moved the court for an SOJ regarding the pending Rule 137 sanction petitions, arguing that the petitions initiated criminal contempt proceedings against him, the caselaw

indicated that counsel may file his own SOJ motion when Rule 137 sanctions are sought against both counsel and his client, and Xydakis could not get a fair and impartial trial by the court.

¶ 27 On November 9, 2018, the trial court denied Xydakis's SOJ motion, stating that the parties and the court had not initiated criminal contempt proceedings against him; he was attempting to reframe the petitions for Rule 137 sanction as a matter of criminal contempt to obtain a jury trial, seek discovery and petition once more for an SOJ; Rule 137 specifically provided that a sanction proceeding brought under the rule did not give rise to a separate civil suit; both of his two clients had already exercised their SOJ rights in this matter; and the motion was untimely because the statutory provision governing SOJs allows a party to exercise this right before the presiding judge has ruled on a substantial issue and court had already made several substantive rulings.

¶ 28 Also on November 9, 2018, the trial court denied Spiegel and the trustee's motion for Judge Brennan to disqualify herself from further proceedings in this matter or, alternatively, from ruling on the Rule 137 sanction petitions and disclose in open court what was said at nine purported *ex parte* communications. The trial court found no basis for recusal because Spiegel failed to attach the requisite affidavit to support an SOJ motion; Spiegel already sought an SOJ, which was denied; this request was made six months after the alleged statements showing bias or prejudice; and Spiegel failed to show the requisite actual prejudice to support a motion to disqualify a judge because the alleged *ex parte* communications were merely communications between opposing counsel and the court's coordinator, but not the court's law clerk, about scheduling matters.

¶ 29 Thereafter, Xydakis filed another SOJ motion, arguing that he was party to this action because a Rue 137 sanction petition that adds an attorney constituted a new claim filed against a

new party. He also argued that he was a party because he filed an appearance on October 3, 2018, in response to Valerie Hall's counterclaim, which named him as a defendant.

¶ 30 On December 7, 2018, the trial court denied Xydakis's SOJ motion, finding that (1) Hall's counterclaim, which was withdrawn nearly two years ago on December 14, 2016, did not support Xydakis's assertion that he was still a party, (2) an attorney against whom sanctions were awarded was a nonparty, (3) Rule 137 provides that a sanction proceeding under the rule does not give rise to a separate civil suit, and (4) Xydakis's two clients already exercised their SOJ rights and the court had already made several substantive rulings in this matter.

¶ 31 On March 29, 2019, Judge Brennan denied Spiegel's petition for sanctions and granted the petitions for sanctions filed by Hall and her counsel, the Association, and Kim. In all four orders, Judge Brennan repeatedly referred to Spiegel's and Xydakis's abusive litigation tactics of filing complaints filled with baseless accusations, misrepresenting case law by reversing or altering holdings, filing lawsuits for the sole purpose of harassment, increasing costs and delay, and filing objectively unreasonable motions to disqualify counsel and judges.

¶ 32 Judge Brennan ordered Spiegel and Xydakis to pay (1) sanctions of $360,964 to Hall, (2) sanctions of $25,000 to her counsel Duane Morris, (3) $473,442.08 in attorney's fees and $27,878 for increased insurance costs to the Association, and (4) sanctions of $174,388.89 to Kim.

¶ 33 Spiegel, the trustee and Xydakis appeal, arguing that the trial court erred by denying their SOJ motions and motions to disqualify based on *ex parte* discussions, by dismissing their complaints and denying them leave to replead, by granting the Association's request for the TRO against Spiegel, and by granting the sanction petitions of Hall and her counsel, the Association and Kim. Spiegel, the trustee and Xydakis also argue that the attorney fee awards did not comply with

the standards of Supreme Court Rule 137, the sanction orders violated due process and failed to make specific findings, and clients generally are not liable for their counsel's sanctionable act.

¶ 34 II. ANALYSIS

¶ 35 A. Motion to Strike Appellees' Brief

¶ 36 Appellants move this court to strike the appellees' brief for failing to comply with Illinois Supreme Court Rule 341 (eff. May 25, 2018) and to deem admitted the arguments of appellants' brief. Specifically, appellants argue that appellees' brief violated Rule 341(h)(2) because (1) the introduction section, which states that the litigation was frivolous, outrageous and harassing, is improperly argumentative, (2) appellees misstate the record by arguing that no factual basis supports appellants' assertion that an attorney had *ex parte* communications with the trial court even though the attorney's invoices showed billing for that time, and (3) appellees introduce facts outside the record by stating that Spiegel's son did not live at the condominium building. Appellants also argue that appellees violated Rule 341(h)(7) because the argument section of their brief should contain a greater amount of record and legal citations.

¶ 37 Appellants' motion to strike lacks merit. Appellees' statement about frivolous, outrageous and harassing litigation is not improperly argumentative when the trial court sanctioned appellants for filing claims that the trial court found were frivolous and harassing. Also, the actual residence of Spiegel's son has no apparent bearing on the issues before this court. Moreover, the attorney's billings for time did not indicate that he engaged in *ex parte* discussions of the substance of the case with the trial judge or her law clerk. Finally, the quantity of citations in a brief is not a relevant consideration concerning compliance with Rule 341. Accordingly, we deny appellants' motion to strike the appellees' brief.

¶ 38 B. Motions to Substitute and Disqualify the Trial Judge

¶ 39 First, appellants argue the trial court erred by denying the trustee's September 2017 SOJ motion and Xydakis's 2018 SOJ motions because (1) the trustee's right to bring an SOJ motion in each of the three circuit cases was not lost or reduced after the court consolidated the three cases on September 28, 2016, (2) even if the consolidation had merged the trustee's three SOJ rights into one, the trustee had not exercised its SOJ right yet and the trial court had not ruled on any substantial issues, and (3) when appellees moved for Rule 137 sanctions against Xydakis in 2018, he became a separate party with the right to move for SOJ on his own.

¶ 40 Section 2-1001 of the Code provides in pertinent part:

> "(a) A substitution of judge in any civil action may be had in the following situations:
>
> * * *
>
> (2) Substitution as of right. When a party timely exercises his or her right to a substitution without cause as provided in this paragraph (2).
>
> (i) Each party shall be entitled to one substitution of judge without cause as a matter of right.
>
> (ii) An application for substitution of judge as of right shall be made by motion and shall be granted if it is presented before trial or hearing begins and before the judge to whom it is presented has ruled on any substantial issue *in the case*, or if it is presented by consent of the parties." (Emphasis added.) 735 ILCS 5/2-1001 (West 2016).

A ruling is considered substantial when it is directly related to the merits of the case (*City of Granite City v. House of Prayers, Inc.*, 333 Ill. App. 3d 452, 461 (2002)), and examples of rulings on substantial issues include rulings on a motion to dismiss *(Rocha v. FedEx Corp*., 2020 IL App (1st) 190041, ¶ 73).

¶ 41 We review issues of statutory construction *de novo*. *Slepicka v. Illinois Department of Public Health*, 2014 IL 116927, ¶ 13. Our primary objective in construing a statute is to ascertain and effectuate the intent of the legislature. *Id*. ¶ 14. The most reliable means of achieving that goal is to apply the plain and ordinary meaning of the statutory language. *In re Commitment of Fields*, 2014 IL 115542, ¶ 32. When construing statutory language, we view the statute as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 37. In addition, a court may consider the reason for the law, the problems sought to be remedied, the purposes to be achieved, and the consequences of construing the statute one way or another. *Chicago Teachers Union, Local No. 1 v. Board of Education of the City of Chicago*, 2012 IL 112566, ¶ 15.

¶ 42 "Illinois courts have held that, when properly made, a motion for substitution of judge as a matter of right is absolute, and the circuit court has no discretion to deny the motion." *Bowman v. Ottney*, 2015 IL 119000, ¶ 17. While the provisions of section 2-1001 should be liberally construed to promote rather than defeat the right of substitution, a party should comply with the statute's explicit requirements, and the courts should "avoid a construction that would defeat the statute's purpose or yield absurd or unjust results." *Id*. Courts should not construe section 2-1001(a)(2) in a manner that facilitates or encourages a party to "judge shop" until he finds one sympathetic to his cause. *Id*. ¶ 20. Furthermore, although "not expressly included in the statute, [the supreme

court] has long recognized that courts may take into consideration the circumstances surrounding a motion for substitution of judge and may deny the motion if it is apparent that the request has been made as a delay tactic." *Id.*

¶ 43 The plain and ordinary meaning of the phrase "in the case," *i.e.*, the singular form of the noun, refutes appellants' assertion that parties in multiple cases retain all their unused SOJ rights from each case after the cases are consolidated into one case. Furthermore, accepting appellants' position would "create[ ] a loophole that allows the purpose of the statute to be defeated" (*Id.* ¶ 21), and would be inconsistent with Illinois law (see *id.* ¶ 29 (in the case of a voluntary dismissal and refiling of an identical cause of action, a trial court has discretion to deny an "immediately filed" motion for substitution of judge based on the fact that the same judge to whom the motion is presented made substantive rulings in the previously dismissed case); *Cf. In re Marriage of Paclik*, 371 Ill. App. 3d 890, 895 (2007) ("a party who has not yet had an opportunity to participate in a case does not automatically lose his or her option to substitute one judge *** as a matter of right simply because that judge has already ruled on a substantial issue in the case prior to that party's appearance")).

¶ 44 In February 2016, the trial court granted the trustee's SOJ motion on behalf of the land trust in case No. 15-L-10817. By April 2016, there were three cases involving similar or related claims, and the appellees moved in each of the three cases for consolidation. In September 2016, the court ordered the three cases consolidated into case No. 15-L-10817. When the court granted, in June 2017, the section 2-615 motion to dismiss Spiegel and the trustee's fourth amended complaint, their complaint in case No. 16-L-3564 was stricken and they were directed to move for leave to file only one amended complaint, which they did in August 2017. After that substantial ruling, Spiegel moved for an SOJ in August 2017 and the trial court granted that motion.

In September 2017, the trustee filed another SOJ motion on behalf of the land trust, but the trial court denied that motion, finding that the trust had exhausted in February 2016 its right to an SOJ.

¶ 45 The record shows that Spiegel and the trust were each allowed to exercise their right to one substitution and had no right to any further substitutions. We reject appellants' assertion that appellees' erroneous references in their complaint in case No. 15-CH-10817 to an incorrect number for the land trust means that the trustee gets to exercise another SOJ on behalf of the land trust. There is no dispute that the Association named the trustee of the land trust that owned Siegel's condominium as a defendant in their cause of action, the wrong trust number caused no confusion in this matter, and the error was caused by Spiegel and the trustee using the wrong trust number in their first complaint in case No. 15-CH-10817. Therefore, the trial court did not err by denying the trust's motion for a second substitution as a matter of right.

¶ 46 We also conclude that the trial court did not err by denying Xydakis's 2018 SOJ motions. Section 2-1001(a)(2)(i) clearly states that "each party" is entitled to one SOJ (735 ILCS 5/2-1001(a)(2)(i) (West 2016)), and a sanctioned attorney is not a party (see *Ignarski v. Heublien*, 171 Ill. App. 3d 830, 833 (1988) (abrogated on other grounds); *Dunaway v. Ashland Oil*, 189 Ill. App. 3d 106, 109 (1989)). Contrary to appellants' assertion that a Rule 137 motion for sanctions is equivalent to a complaint, the language of Rule 137 clearly provides that "all proceedings under this rule shall be brought within the civil action in which the pleading, motion, or other document referred to has been filed, and no violation or alleged violation of this rule shall give rise to a separate civil suit, but shall be considered within the same civil action." Ill. S. Ct. R. 137 (eff. Jan. 1, 2018). Xydakis was not a party in the civil action at the time he filed his SOJ motions. As a non-party, he never had any right to an SOJ.

¶ 47 Second, appellants argue that the trial court erred by denying their motions to disqualify Judge Brennan based on opposing counsel's *ex parte* communications. Appellants support their claim that *ex parte* communications occurred by citing attorney Murphy's billing records, which state that nine separate conversations with judicial staff took place between October 2, 2017, and June 26, 2018. Appellants believe, despite Murphy's testimony and the trial court's own declarations, that Murphy engaged in prohibited *ex parte* communication with the judge's law clerk, who is an extension of the judge, because Murphy's affidavit did not specifically address each of the nine conversations, there is a bin for courtesy copies outside the courtroom, the court's schedule is available on the public docket, and Murphy billed for time spent communicating with judicial staff.

¶ 48 A trial court's decision on a petition for substitution for cause will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re Marriage of Peradotti*, 2018 IL App (2d) 180247, ¶ 16; *Levaccare v. Levaccare*, 376 Ill. App. 3d 503, 590 (2007). A determination is against the manifest weight of the evidence when the opposite conclusion is clearly evident. *Cunningham v. Schaeflein*, 2012 IL App (1st) 120529, ¶ 19. Section 2-1001(a)(3) of the Code allows for substitution for cause where cause exists. 735 ILCS 5/2-1001(a)(3) (West 2016). Illinois Supreme Court Rule 63(A)(5) (eff. Feb. 2, 2017) provides that a judge should not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding. This rule, however, allows *ex parte* communications for scheduling, administrative purposes or emergencies that do not deal with substantive matters. *Id*.

¶ 49 While the requirement for voluntary recusal may be the mere appearance of impropriety, actual bias is required for disqualification. *In re Marriage of O'Brien*, 2011 IL 109039, ¶¶ 32, 45 (rejecting the appellant's invitation to replace the actual prejudice standard with the appearance of impropriety standard, which would mean that the mere appearance of impropriety would be enough to force a judge's removal from a case). Judges are presumed impartial, and the burden of overcoming the presumption by showing prejudicial trial conduct or personal bias rests on the party making the charge. *Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002). The fact that a judge previously ruled against a party in any particular case would not disqualify the judge from sitting in a subsequent case involving the same party. *Id*. With respect to bias based upon a judge's conduct during a trial, the opinions formed by the judge based on facts introduced or events that occurred in the current or prior proceedings, will not overcome the presumption of impartiality "unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible. Thus, judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge." *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 31 (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)).

¶ 50 Appellants' assumptions from Murphy's billing records are not sufficient to overcome the presumption of impartiality. We find that the trial court's decision to deny appellants' motion to disqualify Judge Brennan for cause was not against the manifest weight of the evidence.

¶ 51 C. Dismissal of Claims and Denial of Leave to Replead

¶ 52 Appellants argue that the trial court erred by dismissing their complaints, requiring them to move for leave to replead, and then denying leave to replead with prejudice. They argue that

their proposed fifth amended complaint, which sought *inter alia* declaratory relief to enforce Spiegel's rights under the Association's declaration, by-laws and rules, would have cured their defective pleading, would not have caused appellees to sustain prejudice or surprise, and was timely. Appellants also argue the court had not given them many opportunities to replead because they had voluntarily amended some of their prior complaints.

¶ 53 According to appellants, their proposed fifth amended complaint included some additional allegations about defendants' violating Spiegel's rights by: using reserve funds to pay for operating expenses; conducting private meetings on Association matters; failing to turn over requested Association records; imposing a special assessment without 30 days advance notice of the meeting; allowing unit owners to lease units despite the absence of any special situation; allowing a non-resident to use a pool, a unit owner to operate a business in his unit and a unit to have nonconforming window blinds; discriminating by enforcing the rules against Spiegel only; allowing non-unit owners to sit on the Board; moving large water bottles to block Spiegel and his son from exiting their unit; defaming Spiegel by sending all the building residents an email falsely stating that Spiegel's unit was "a filthy pig stye" and accusing him of making fraudulent insurance claims for damages; interfering with his expectancy to act as the Board president by filing suit against him with false affidavits; installing a security camera to peer into his unit and unlawfully photograph or videotape him; intruding on his seclusion, creating a nuisance and interfering with his quiet enjoyment of his property by blocking his unit doors with water bottles, putting furniture in front of his window and spying on him; and making false police reports against him.

¶ 54 The dismissal of a complaint for failure to state a claim under section 2-615 of the Code is reviewed *de novo*. Section 2-603 of the Code states that all pleadings shall contain a plain and

concise statement of the pleader's cause of action, counterclaim, defense, or reply. 735 ILCS 5/2-603 (West 2016). Illinois law is clear that complaints that violate section 2-603 are subject to dismissal. *Cable America, Inc. v. Pace Electronics, Inc.*, 396 Ill. App. 3d 15, 19 (2009).

¶ 55 Furthermore, the right to amend pleadings is not absolute. *Trans World Airlines, Inc. v. Martin Automatic, Inc.*, 215 Ill. App. 3d 622, 627-28 (1991). The decision to allow an amendment to a pleading rests within the sound discretion of the trial court, and an appellate court will not reverse the trial court's decision absent an abuse of discretion. *Zale v. Moraine Valley Community College*, 2019 IL App (1st) 190197, ¶ 35. An abuse of discretion occurs only when the trial court's ruling is fanciful, arbitrary or unreasonable. *People v. Fredericks*, 2014 IL App (1st) 122122, ¶ 39. To determine whether the trial court abused its discretion by denying appellants leave to replead, we consider (1) whether the proposed amendments would cure the defective pleading, (2) whether other parties would sustain prejudice or surprise by virtue of the proposed amendments, (3) whether the proposed amendments were timely, and (4) whether previous opportunities to amend the pleading could be identified. See *Loyola Academy v. S & S Roof Maintenance, Inc.*, 146 Ill. 2d 263, 273 (1992).

¶ 56 In June 2017, the trial court held a hearing on the motions of the Association, Board, unit owners and their attorneys to dismiss Spiegel and the trustee's fourth amended complaint in case No. 15-L-10817 for failure to state a claim under to section 2-615 of the Code. The court went through each of the 25 counts of the complaint and heard argument on each count from counsel for Spiegel and the trustee and the particular defendant. The trial court dismissed each count of the complaint pursuant to section 2-615 of the Code and at the conclusion of the hearing stated that the allegations of the complaint were wholly conclusory and lacked specific and factual details

necessary to state a cause of action. The trial court ordered Spiegel and the trustee to seek leave of the court to replead their amended complaint.

¶ 57 Appellants' proposed amended complaint had expanded to 99 counts and 1,436 paragraphs and was over 200 pages. The trial court denied them leave to file the pleading, finding that they failed after six opportunities to correct their pleading deficiencies, had not properly pled a single cause of action, and violated section 2-603's requirements for clarity and brevity.

¶ 58 Our review of the record establishes that the trial court did not abuse its discretion because the proposed amended complaint recycled the same allegations from the prior complaint without stating coherent causes of action. The allegations were still conclusory and lacked the factual details necessary to state a cause of action and, thus, did not cure appellants' defective pleading. Furthermore, the other parties, who would have incurred further litigation expenses to again oppose another clearly deficient pleading, were being harassed by having to defend themselves against frivolous claims in this lengthy litigation. In addition, the proposed complaint was not timely, and appellants had six opportunities to correct their deficient pleading, more than two years had passed since they commenced this litigation in 2015, and the relevant facts had not changed. See *Freedberg v. Ohio National Insurance Co.*, 2012 IL App (1st) 110938, ¶ 52; *Kostecki v. Dominick's Finer Foods, Inc., of Illinois*, 361 Ill. App. 3d 362, 373-74 (2005) (where a moving party had previous opportunities to cure the asserted defect, the trial court does not abuse its discretion by denying leave to amend).

¶ 59 D. The Association's Declaratory and Injunctive Relief Claim

¶ 60 Appellants argue that the Association's complaint for declaratory judgment should have been dismissed because the law division of the trial court had a duty to protect its prior rights to jurisdiction.

¶ 61 After the court granted the Association's petition for a TRO in case No. 15-CH-10817, Spiegel and the trustee in March 2016 moved to dismiss the Association's complaint under section 2-619(a)(9) of the Code (735 ILCS 5/2-619 (West 2016)), claiming that pending case No. 15-L-10817 was an affirmative matter that defeated the Association's claims in chancery court. The trial court denied the motion.

¶ 62 On appeal, it is not proper to raise the denial of a section 2-619 motion to dismiss because the denial merged with the final judgment from which the appeal was taken. *In re Marriage of Sorokin*, 2017 IL App (1st) 160885, ¶ 22. Spiegel and the trustee's appeal of the denial of their 2-619 motion to dismiss is improper. They had the opportunity to appeal the TRO, and did so. Under *Sorokin*, any other actions of the chancery court were part of the final judgment and appealable on that basis. Because this appeal of the denial of Spiegel and the trustee's motion to dismiss is improper, we do not address this matter any further.

¶ 63 E. Rule 137 Sanctions

¶ 64 Appellants argue that the trial erred by granting the appellees' Rule 137 sanctions because (1) the petitions should have been stricken due to lack of specificity, (2) the trial court failed to hold the requisite evidentiary hearing before awarding sanctions and attorney fees, (3) appellants' legal positions were not contrary to established precedent and the petitions failed to establish any violations of Rule 137, (4) the attorney fees award failed to follow the standards of Rule 137,

which allowed only incurred fees, and the appellees failed to mitigate their fees by waiting years, (5) the sanction orders were criminal contempt matters and violated due process, and (6) the litigation injunction was not an appropriate sanction and clients generally were not liable for the acts of their attorneys because Rule 137 imposes liability on the signer of the pleadings, motions and documents, clients were not liable for legal argument errors and clients were not vicariously liable.

¶ 65 Rule 137 requires an attorney to certify that he has read the pleading, motion or other paper and that, to the best of his knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and warranted by existing law. The purpose of the rule is to prevent abuse of the judicial process by penalizing claimants who bring vexatious and harassing actions based on unsupported allegations of fact or law. *Fremarek v. John Hancock Mutual Life Insurance Co.*, 272 Ill. App. 3d 1067, 1074 (1995). Because Rule 137 is penal, it must be strictly construed, with each element of a violation specifically proved. *Deutsche Bank National Trust Co. v. Ivicic*, 2015 IL App (2d) 140970, ¶ 24. A party asking for Rule 137 sanctions bears the burden of showing that the opposing party made false allegations without reasonable cause. *In re Estate of Wernick*, 127 Ill. 2d 61, 77 (1989). The trial court must employ an objective standard to determine whether the party made a reasonable inquiry; subjective good faith is insufficient to meet the burden of Rule 137. *Burrows v. Pick*, 306 Ill. App. 3d 1048, 1051 (1999).

¶ 66 The law is well settled that the appellate court should give considerable deference to the court's decision to impose sanctions and that decision will not be reversed absent an abuse of discretion. *Id*. A trial court exceeds its discretion only where no reasonable person could take the view adopted by it; if reasonable people would differ as to the propriety of the court's action, a

reviewing court cannot say that the trial court exceeded its discretion. *Fremarek*, 272 Ill. App. 3d at 1074.

¶ 67 First, appellants argue that the sanction petitions lacked the required specificity and should have been stricken or denied. Appellants, however, make only conclusory and unsupported statements about the lack of specificity and fail to quote or even cite any of the sanction petitions.

¶ 68 Our review of the record shows that the sanction petitions and their attachments went to great lengths to designate the false allegations and the unfounded legal positions appellants made initially and then repeated in each succeeding amended pleading. As early as October 30, 2015, Valerie Hall's counsel wrote to Spiegel and the trustee's attorney and detailed the false statements and improper legal theories alleged in their complaint. Five of these warning letters, none of which was ever answered, were attached to the sanction petitions. When Spiegel and the trustee moved to strike the sanction petitions for lack of specificity, the trial court denied these motions after briefing and argument. The court had before it the detailed petitions and exhibits referencing the false statements of fact and unfounded legal theories by which Spiegel harassed his neighbors and their attorneys. Both the Association and Kim attached voluminous exhibits including Spiegel's pleadings, hearing transcripts and motion papers. We conclude that the sanction orders met the specificity standard required by Rule 137.

¶ 69 Second, appellants argue that the trial court was required to hold evidentiary hearings on the imposition of sanctions and the amount of attorneys' fees to be awarded.

¶ 70 The trial court did not need to conduct an evidentiary hearing before deciding sanctions under Rule 137 because the sanctions arose out of the objectively unreasonable nature of the papers filed. See *Hess v. Loyd*, 2012 IL App. (5th) 090059, ¶ 26-27. Appellants' pleadings were frivolous

on their face and harassing, and Judge Brennan's conclusion that she did not need more input before she ruled on the sanctions motions was fully supported by the record before her. When Judge Brennan issued the March 29, 2019 orders awarding sanctions to appellees, she had presided over these consolidated cases since September 1, 2017, and was the presiding judge on over two hundred filings through March 29, 2019. The trial court's determination of sanctions was made based of the pleadings, the evidence presented in support of the Rule 137 petitions and the voluminous record in these cases. As Judge Brennan stated at the hearing regarding discovery held on January 17, 2019:

> "Okay. So I think counsels are well aware of the volume, the reams of paper that I already have pending on the sanctions motions here, and if you need a reminder, it is on my back—not even a credenza, it's taking up now the entire radiator system in the back of my chambers there, and it's about three inches thick on each pile on each briefing. So I have -- probably in that pile of paper, I have a lot of different information that's been presented, probably a lot of different evidence. I've gotten certainly the bills and the arguments of counsel such that I believe, while I won't have turned over every single pebble, I will have turned over enough big rocks in my analysis on the sanctions motion to be able to adequately address the arguments that counsels have made without any further evidence or briefing."

¶ 71 "An evidentiary hearing is not always necessary in order to determine reasonable attorney fees if the trier of fact can determine a reasonable amount from the evidence. *Williams Montgomery & John Ltd.*, 2017 IL App (1st) 161063, ¶ 49. Appellees provided the trial court with sufficient

evidence to substantiate the attorney fees awarded. See *Singer v. Brookman*, 217 Ill. App. 3d 870, 880 (1991) (the attorney fees awarded by the trial court without an evidentiary hearing were not unreasonable and were properly determined after receiving "a detailed breakdown of fees and expenses by defendant's counsel"); *Kellett v. Roberts*, 276 Ill. App. 3d 164, 174-75 (1995) (the trial court "did not err in failing to hold a hearing on the amount of fees" because the trial court was able to rely on a legally sufficient affidavit from the petitioners' attorney, accompanied by detailed time sheets, and the respondent was not denied an opportunity to present or counter evidence).

¶ 72 Here, appellees supplied invoices with detailed breakdowns of the attorney time entries and expenses sought, rather than vague and opaque entries. Also, the trial court had the benefit of billing summaries and attorney affidavits testifying to the accuracy of those invoices. The trial court made a measured assessment in determining the appropriate sanctions for each of the three sanction petitions against Spiegel and his counsel. For example, in fashioning Kim's award, the court was careful to exclude fees and costs unrelated to the consolidated cases. Spiegel and Xydakis were able to challenge the reasonableness of those fees in their response briefs. The trial court's sanction awards were made with a sufficient evidentiary basis or with the opportunity to allow appellants to challenge the fees sought. An evidentiary hearing was not necessary here because the sanctions arose out of the unreasonable nature of the papers filed based on an objective standard. We conclude that Judge Brennan did not err when she determined that she did not need input before she ruled on the sanction petitions and her conclusion was fully supported by the record.

¶ 73 Third, appellants argue that their legal positions throughout this litigation were supported by established precedent and the trial court's orders failed to establish any violation of Rule 137.

¶ 74 An appellate court should base its review of the trial court's decision to impose sanctions on three factors: (1) whether the court's ruling was an informed one, (2) whether the ruling was based on valid reasons that fit the case, and (3) whether the ruling followed logically from the stated reasons to the particular circumstances of the case. *Sanchez v. City of Chicago*, 352 Ill. App. 3d 1015, 1020 (2004). Our review of the record establishes that the trial court's decisions met all three factors.

¶ 75 First, the trial court's sanction orders show that the trial judge carefully read the pleadings and had a detailed grasp of the tortured history of the case. The trial court's ruling was in no way uninformed or impulsive. Second, the ruling was based on valid reasons, including abusive and harassing litigation, misleading use of caselaw and baseless allegations, that fit the case. Third, the trial court's reasons logically led to the ruling under the particular circumstances of this case.

¶ 76 Judge Brennan determined that appellants filed their pleadings and numerous motions to harass Spiegel's neighbors and their attorneys, cause delay, and increase the expense of the litigation. She also found the pleadings to be objectively frivolous and without basis in law. For example, appellants sued Valerie Hall's counsel Duane Morris solely because they filed a counterclaim on her behalf seeking a declaratory judgment that Spiegel could not represent the Association, fire the Association's attorney or property manager, or change the signatories on the Association's bank accounts. Furthermore, Duane Morris, by sending a letter to appellants' attorney and filing a motion to dismiss, alerted them their causes of action for intentional interference were contrary to established Illinois law, but appellants persisted in making those

claims. Appellants used delay to cause litigation fatigue, and it took almost three years to get these matters consolidated and obtain a definitive ruling on the pleadings and the sanction petitions.

¶ 77 Fourth, appellants argue that appellees are not entitled to Rule 137 sanctions because they failed to establish that they actually incurred the fees or that they mitigated their own damages. This argument lacks merit.

¶ 78 Rule 137 gives the trial court authority to penalize a litigant or counsel who files a motion or pleading that (1) is false or otherwise fails to have a well-grounded factual basis, (2) is not supported by existing law, or (3) is interposed for any improper purpose. *Peterson v. Randhava*, 313 Ill. App. 3d 1, 6-7 (2000). The trial court also has broad discretion to determine the appropriate form of the sanction depending on the circumstances. *Heckinger v. Welsh*, 339 Ill. App. 3d 189, 192 (2003) ("When imposing sanctions, a court has several options, including a warm friendly discussion on the record, a hard-nosed reprimand in open court, compulsory legal education, monetary sanctions, or other measures appropriate to the circumstance."). While the rule allows for a monetary sanction for the aggrieved party's reasonable attorney fees, it "does not require that a party seeking sanctions incur any damages at all." *Id*. at 191 "In addition, our courts have consistently held that attorney fees awarded as a sanction do not have to be directly related to the offensive pleading." *Id*. at 192. Nor do "all the awarded fees [have] to directly benefit the moving party." *Id*.

¶ 79 The trial court sanctioned appellants not only for repeated misstatements of law and evidence, but also for engaging in a pattern of abuse that was committed to harass, delay and increase the cost of litigation. Appellants' pleadings were not well-grounded in fact or warranted by existing law; all of their claims were dismissed with prejudice. But it took three years of

senseless litigation and nearly 400 separate court filings to get there. Appellants used abusive discovery tactics, issuing over 40 subpoenas to parties and non-parties. Thus, the trial court's award for all the attorney fees and costs associated with these consolidated cases was neither arbitrary nor excessive, but entirely reasonable.

¶ 80 Appellants argue that appellees should have moved for Rule 137 sanctions against them sooner and failed to "mitigate their fees by waiting years." Rule 137 provides that litigants have 30 days after the entry of final judgment to file a petition. Ill. S. Ct R 137(b). Appellees' petitions, which were filed before they received a final order, were timely. While permissive, Illinois courts advise that seeking relief under Rule 137 at an early stage of a "proceeding should be pursued cautiously." *Peterson*, 313 Ill. App. 3d at 8. All the appellees raised the issue of frivolousness, falsity of factual allegations, redundancy of claims, mischaracterization of case law, and other sanctionable behavior in their responses and successfully moved to dismiss pursuant to section 2-615 of the Code each complaint filed against them.

¶ 81 Fifth, appellants assert that the sanction orders were punitive and constituted findings of criminal contempt that should have afforded them greater due process.

¶ 82 Rule 137 allows a trial court to order the offending party to pay other parties' reasonable expenses, including attorney fees. *McCarthy v. Abraham Lincoln Reynolds, III 2006 Declaration of Living Trust*, 2018 IL App (1st) 163478, ¶ 20. Appellants fails to cite any relevant authority to support their claim that the sanctions imposed by the trial court go beyond compensating the offended parties.

¶ 83 The trial court depended on affidavits provided by the parties and their counsel in deciding on the size of the sanction awards. In addition, the trial court awarded sanctions that were less than

the amount requested. In the Association order, the trial court reduced the sanction award by $5425, finding that the attendance of both a partner and an associate at certain hearings was an unjustified expense. The trial court determined that many internal meetings were also an unjustifiable expense, reducing the sanction by an additional $6250. The trial court's sanction awards were not punitive in nature and do not constitute a finding of criminal contempt. Instead, the sanction awards were commensurate with the costs the appellees wrongfully bore and serve to compensate them for the cost of defending against appellants' frivolous claims.

¶ 84 Sixth, Spiegel contends separately that, generally, he cannot be liable for his attorney's misconduct.

¶ 85 Spiegel, however, has already argued and lost this point in this court. See *Spiegel v. Hollywood Towers Condominium Association*, 283 Ill. App. 3d 992 (1996). Furthermore, his argument ignores the fact that the circuit court imposed sanctions against him based on his own conduct. The clear and unambiguous language of Rule 137 provides that "[i]f a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction." Ill. S. Ct. R. 137. Spiegel's characterization that his attorney was the sole driver of this abusive litigation is not borne out by the pleadings and motions. Spiegel signed numerous verified pleadings, including the verified complaint for injunctive relief, verified motion for TRO, and verified motion to disqualify. Furthermore, the particular details in many of the allegations indicate that Spiegel was very involved in the litigation.

¶ 86 Finally, appellants raised a series of objections, many of which repeat the general objections already addressed above, for each of the three appellee sanction orders. There is no need

for this court to address the redundant objections. The remaining objections are random, vague or disconnected suppositions that either miss or pretend to miss the point of the court's sanction order, ignore governing case law on the issue, recite basic law that is irrelevant here, deliberately or carelessly misinterpret caselaw and display a fundamental lack of understanding of why the trial court entered sanctions against appellants.

¶ 87 For example, where Kim moved for fee and cost reimbursement under both the Citizen Participation Act and Rule 137, appellants challenge his sanction award because he "was not entitled to fees under the Citizen Participation Act," even though the order clearly indicated that the sole basis for the sanction award was Rule 137.

¶ 88 A court of review is entitled to have briefs submitted that are articulate, organized and present cohesive legal argument in conformity with our supreme court rules. *Schwartz v. Great Central Insurance Co.*, 188 Ill. App. 3d 264, 268 (1989). A reviewing court is also entitled to have issues clearly defined with pertinent authority cited and coherent arguments presented; arguments inadequately presented on appeal are waived. *Spinelli v. Immanuel Lutheran Evangelical Congregation, Inc.*, 118 Ill. 2d 389, 401 (1987); see also *In re Estate of Kunz*, 7 Ill. App. 3d 760, 763 (1972) ("Reviewing courts are entitled to have the issues clearly defined [and] to be cited pertinent authorities and are not a depository in which an appellant is to dump the entire matter of pleadings, court action, argument, and research as it were, upon the court."). Accordingly, this court will not expend resources analyzing appellants' remaining irrelevant and incoherent arguments further.

¶ 89 The trial court's orders had an ample basis in the record and properly listed the reasons for the imposition of sanctions. In the order awarding the Association sanctions, the trial court

detailed numerous false statements and unfounded legal theories filed by appellants and how they filed frivolous complaints and twisted caselaw to mislead the court. In the order awarding Hall sanctions, the trial court made a numbered list of seven specific violations, referenced the detailed letters of counsel attached to the petition, and described appellants' pleadings as a mess used to create confusion, evade decision, deceive the court, and ultimately harass the litigants, all of which amounted to an improper purpose. Likewise, in the order awarding sanctions to Kim, the trial court cited seven examples of appellants' sanctionable conduct.

¶ 90 The trial court's sanction awards were consistent with Rule 137 and relevant Illinois law, and the record conclusively establishes that the sanction awards were not only justified, but were mandated by the false and frivolous pleadings, motions and other filings by Spiegel and his attorney.

¶ 91 III. CONCLUSION

¶ 92 For the foregoing reasons, we affirm the judgment of the circuit court.

¶ 93 Affirmed.