

¶ 2 This case arises from dissolution of marriage proceedings between appellees Matthew Bedard and Solange Fingal Bedard. Appellant Lori M. Succes served as Solange’s attorney from approximately October 2022 to April 2023. This period was acrimonious and gave rise to myriad filings accusing each side of sanctionable conduct. Following Succes’ withdrawal as Solange’s attorney, the circuit court sanctioned Succes personally for allegedly making meritless and duplicative filings while representing Solange. The court assigned monetary value to its sanctions in a later order, from which Succes now appeals. As will be explained below, the court’s sanctions against Succes will be affirmed in part and vacated in part because the order that scheduled the hearing regarding the sanctions against Succes only listed a subset of her allegedly sanctionable conduct as set for hearing that day. Despite the matters not being set for hearing, the court sanctioned her regarding the entirety of her conduct, in violation of Succes’ right to notice and an opportunity to be heard.

¶ 3 **BACKGROUND**

¶ 4 On June 21, 2022, Matthew filed his petition for dissolution of marriage. Two days later, Matthew obtained an emergency order of protection against Solange, which provided that Matthew had exclusive possession of the marital home, and Solange was to stay 500 feet away from the premises. The circuit court then entered an agreed order on July 12, 2022, that, in relevant part, set the parameters for parenting time while the dissolution proceedings unfolded concerning S.E.B., the couple’s minor daughter. The order further provided that the parties were to generally stay 50 feet apart and permitted Solange to return to the marital home accompanied by police officers to obtain her belongings. The order vacated the emergency order of protection.

¶ 5 The circuit court appointed a Guardian ad Litem (GAL) for S.E.B. in a September 13, 2022 order. Later that month, the circuit court entered orders that, in relevant part, set an October 31, 2022 court date for status of parenting time.

¶ 6 Solange then moved for Succes to substitute in as her counsel, which the circuit court permitted. Then, on October 3, 2022, Solange, through Succes, filed a “Petition for Temporary Maintenance, Section 505 Support and Other Relief,” in which she requested that Matthew pay Solange maintenance because his “earnings, income and assets far exceed those of Solange.” Solange stated that she was temporarily housed at “various Airbnb locations” and “currently unable to become financially self-sufficient” due to “long-standing medical issues.” Also on October 3, 2022, Solange filed an “Emergency Motion for Parenting Time.” She contended that an emergency existed because the conditions established in the July 12, 2022, order were too onerous and amounted to Matthew concealing S.E.B. from Solange.

¶ 7 Two days later, on October 5, 2022, Solange filed an “Emergency Petition for Temporary Maintenance,” in which she alleged she would be “homeless” as of October 7, 2022, without “judicial intervention in the form of an order for temporary maintenance.” Solange further argued, “Matthew should be ordered to provide suitable and alternative housing” for her because he remained in the marital home. She also requested interim attorney fees, and a reallocation of the GAL fees due to her lack of access to marital funds.

¶ 8 The circuit court entered an order on October 7, 2022, that found both of Solange’s emergency filings were not emergencies. The court further specified that the motions were denied and maintained the parenting time status date. Later in October 2022, Solange filed a “Motion to Modify Agreed Order and to Set New Unsupervised Parenting Schedule and Other Relief.” This

prompted Matthew to file a motion for sanctions against Solange the next day, contending she was raising non-emergent issues in emergency filings.

¶ 9 On October 27, 2022, Solange filed a “Motion to Dismiss Petition for Dissolution of Marriage,” in which she argued Matthew’s initial petition for dissolution did not comply with the pleading requirements of 750 ILCS 5/403 (West 2020). The circuit court denied the motion *sua sponte*, and granted Matthew leave to amend the petition to fix any alleged defects.

¶ 10 Solange next made two filings on November 14, 2022. First, she filed a motion seeking, in relevant part, to return to the marital home and to modify the October 7, 2022 order. She reiterated many of the arguments raised in her previous filings, and further alleged she had “to leave Illinois and travel to the [e]ast coast so that she could have a safe place to sleep.” Regarding the October 7, 2022 order, Solange argued it should be altered because the circuit court had not docketed the emergency motions it deemed non-emergent. Second, she filed a motion to remove the GAL, arguing the GAL had not yet met with S.E.B., and that S.E.B.’s needs were not being met, suggesting specifically that S.E.B. needed therapy. The motion also again requested to reallocate the GAL fees.

¶ 11 On November 28, 2022, Solange filed a “Petition for Reallocation of Guardian Ad Litem Fees and 508(b) Attorney’s Fees and Other Relief.”

¶ 12 Matthew filed a “Second Motion for Sanctions” on December 1, 2022, arguing in relevant part that Solange, after retaining Succes as “new counsel,” filed “a litany of pleadings, multiple of which are duplicative, unduly lengthy, and request[] relief for moot issues.” Matthew specifically referenced (1) the emergency filings of October 3 and (2) October 5, (3) the October 25 motion regarding parenting time, (4) the October 27 motion to dismiss the petition for dissolution, (5) the November 14 motion to return to the marital home, (6) the November 14 motion to remove the

GAL, and (7) the November 28 petition to reallocate the GAL fees. He stated that “as a result of the multitude of pleadings filed by Solange that are either duplicative, unduly lengthy, or requesting relief for moot issues, [he] incurred needlessly increased attorney’s fees and costs.” He also complained of Succes’s “combative behavior,” and urged that “Solange (and her counsel)” should “face *** consequences” for this conduct. He asked that the court sanction Solange pursuant to 750 ILCS 5/508(b) (West 2020).

¶ 13 On December 6, 2022, the circuit court ordered Matthew to pay maintenance and denied Matthew’s first sanctions motion. The circuit court also entered an order on December 12, 2022, that found, in relevant part, (1) the GAL was necessary and not biased, and denied the motion to remove; (2) because Solange’s “mental health and actions necessitated the appointment” of the GAL, Matthew would pay 33% and Solange 67%, of the GAL’s fees; (3) Solange had until January 9, 2023, to respond to Matthew’s Second Motion for Sanctions; (4) and all other pleadings and motions would be heard on March 23 and 24, 2023.

¶ 14 Solange then filed a motion for substitution of judge on December 19, 2022, contending that the circuit court judge was biased against her (which she amended the next day). In support, Solange cited the court’s (1) decision to deny her emergency motions instead of docketing them; (2) alleged prioritization of Matthew’s filings; (3) *sua sponte* dismissal of her motion to dismiss the petition for dissolution after “loudly scold[ing]” her; (4) refusal to award Succes interim attorney’s fees; (5) predisposition to disbelieve Solange and her witnesses; and (6) “unnecessarily preemptive and dismissive” stance towards Succes during an unspecified hearing.

¶ 15 Matthew filed a motion that included a “third request for sanctions” on December 22, 2022. The record is unclear as to whether the circuit court ruled on this motion.

¶ 16 On January 1, 2023, Solange filed an “Emergency Petition for Relief,” in which she maintained that she had “faced housing and financial insecurity and instability” for six months and, as of December 31, 2022, would “no longer have access to the living quarters in New York.” Solange requested access to marital funds and the marital home, using similar arguments as in the previous motions requesting the same relief. The motion also noted that Matthew had not paid maintenance, and again requested interim attorney fees.

¶ 17 Another circuit court judge denied Solange’s motion to substitute judge on January 5, 2023.

¶ 18 On January 18, 2023, the circuit court entered an order that (1) found the January 1, 2023 emergency motion was not an emergency; (2) denied that motion in its entirety, (3) scheduled Solange’s requests for access to the marital home and to marital assets for hearing on March 23 and 24, 2023, and (4) ordered Matthew to pay maintenance within 48 hours.

¶ 19 Matthew filed an “Emergency Motion for Sanctions and Other Relief” on January 19, 2023, where he reiterated his arguments regarding Solange’s “duplicative pleadings,” which he now contended included the January 1, 2023 emergency petition. He also sought sanctions for Solange’s motion to substitute judge and Succes’ repeated requests for attorney fees. The emergency motion expressly requested relief against both Solange and Succes.

¶ 20 On January 20, 2023, the circuit court denied the portion of Matthew’s January 19, 2023 “Emergency Motion” relevant to this appeal, finding that the duplicative pleadings issue was not an emergency. The court further specified that the issues Matthew raised regarding duplicative pleadings were entered and continued for hearing on March 23 and 24, 2023 and provided a briefing schedule for Solange to respond.

¶ 21 The day before the March 23, 2023 hearing, Matthew filed a Petition for Rule to Show Cause regarding Succes’ failure to provide documents pursuant to a subpoena, asking she be held

in indirect civil contempt. He argued “Succes was to provide a response to the subpoena by March 8, 2023, however, she failed to do so,” and when Succes eventually replied on March 16, her document production was incomplete.

¶ 22 On March 24, 2023, the circuit court entered an order that, in relevant part, acknowledged that a new attorney was entering on behalf of Solange to replace Succes. Due to the attorney switch, the matters scheduled to be heard on March 23 and March 24, 2023, were continued to June 5 and June 6, 2023. The order stated that all “matters set for hearing and presentment” were entered and continued and listed the pleadings and motions that were to be heard on those dates. This list included Matthew’s Second Motion for Sanctions and his March 22, 2023 Petition for Rule to Show Cause. The list did not include any mention of the matters raised in Matthew’s emergency motion for sanctions from January 19, 2023, or his third request for sanctions from December 22, 2022. Succes acknowledged the order in another filing requesting fees on March 31, 2023.

¶ 23 The circuit court granted Succes leave to withdraw as Solange’s counsel *instanter* on April 10, 2023.

¶ 24 Multiple proceedings occurred on June 5 and June 6, 2023. On June 5, 2023, the parties held a pretrial conference in which Succes did not participate. The resulting order specified that “Matthew’s Second Motion for Sanctions filed December 1, 2022 and Petition for Rule Show Cause” against Succes were scheduled for hearing the next day, June 6, 2023, at 2 p.m. The circuit court scheduled any other pending matter for June 6, 2023, at 10:30 a.m.

¶ 25 On June 6, 2023, the circuit court conducted two hearings, including a 2 p.m. hearing which included Succes, at which the parties argued Matthew’s Second Motion for Sanctions. During this hearing, Succes mentioned to the court that she was not “prepared” to argue the issue of sanctions or the Petition for Rule to Show Cause, though she did not object, and presented substantive

arguments. During a portion of the argument regarding the tenor of rhetoric in the parties' emails, the court described Succes as having gone "ape" in one of the exchanges, saying, "I've seen your [email] responses. Your responses weren't, 'Don't bully me.' You went—you went ape over some of these comments. Your responses were over the top, offensive, egregious. And this wasn't – this wasn't about protecting your client. You were just out for blood." The court referenced an email where Succes made "comments about white privilege and white tears."

¶ 26 Following the argument, the circuit court found Succes had engaged in sanctionable conduct regarding multiple filings, stating she "over-litigated" the case. The court decided it would determine the appropriate amount of sanctions at a later date after permitting Succes to review and make objections to the billing statements Matthew attributed to the sanctionable filings.

¶ 27 On June 14, 2023, the circuit court entered an order officially sanctioning Succes under Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018) with the amount to be determined later. In so ordering, the court wrote:

a. There is no reason to file a Motion to Dismiss a Petition for Dissolution of Marriage other than for the intent to harass or delay. Such Motion caused unnecessary work and delay for no discernible purpose other than to make Matthew's counsel jump through hoops.

b. There was no good faith basis in law or fact for [Succes] to file the duplicative pleadings delineated below and this case has been overlitigated during [Succes]'s engagement in this matter.

c. The court admonished [Succes] and found that just because a party may file a pleading under the law, does not mean one should especially when there is not cause for said pleading other than undue cost and harassment.

d. One pleading for maintenance was warranted and would have been sufficient in Solange's circumstances, but more than one was not warranted or necessary."

The court awarded Matthew sanctions against Succes for the following filings: (1) "maintenance pleadings" from October 5, 2022, and January 1, 2023; (2) "marital home pleadings" from November 14, 2022, and January 1, 2023; (3) "parenting time" filings from October 3 and October 25, 2022; (4) GAL motions from October 5, November 14, and November 28, 2022; (5) the motion for substitution of judge; and (6) the motion to dismiss the petition for dissolution of marriage. The court also granted Matthew's Petition for Rule to Show Cause regarding Succes' noncompliance with the subpoena.

¶ 28 Succes moved to vacate the June 14, 2023 order on July 14, 2023, arguing in relevant part that (1) on June 5, 2023, she was placed in a virtual breakout room and was not aware of what occurred during the hearing; (2) after that hearing, the circuit court scheduled the Second Motion for Sanctions and Petition for Rule to Show Cause regarding subpoena compliance for hearing on June 6, 2023, at 2 p.m.; (3) she did not receive notice of this before the June 6, 2023 hearing; (4) she was never given notice that "any pleadings would be directed toward her"; (5) she "repeatedly told the Court that the (June 6) hearing was unfair in that she did not have notice"; and (6) "many of the sanctions and attorney's fees entered against [her] were based upon pleadings that were filed after December 1, 2022." The court denied the motion.

¶ 29 On August 11, 2023, Succes filed her itemized objections to the invoices Matthew submitted as the bases for the amount of monetary sanctions. Those invoices do not appear in the record on appeal.

¶ 30 Finally, on November 16, 2023, the circuit court awarded specific monetary sanctions to Matthew against Succes pursuant to its June 14, 2023 order, using the below table:

“Fees Pleadings: \$890.00

Maintenance Pleadings: \$1687.00

Parenting Time Pleadings: \$3640.00

Marital Home Pleadings: \$3792.50

Guardian Ad Litem Pleadings: \$835.00

Motion to Dismiss Petition for Dissolution of Marriage: \$110.00

Motion for SOJ for Cause: \$3785

Petition for Rule to Show Cause: \$772.50

Entries dealing with Multiple Issues: \$22,527.50”

The court further explained that based on one of the maintenance pleadings’ viability, and certain invoice objections from Succes, it would reduce the award by \$562.33 and \$1525, respectively, for a total sanction against Succes of \$35,952.17.

¶ 31 This appeal followed.

¶ 32 JURISDICTION

¶ 33 While the parties do not dispute the issue of jurisdiction, this court has an independent duty to consider its own jurisdiction. See *Johnson v. Armstrong*, 2022 IL 127942, ¶ 18. The issue warrants a substantive discussion here because the underlying litigation is ongoing and the circuit court’s order determining the sanction amount did not contain language pursuant to Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) making the order final and appealable as it concerns the sanctions. Despite these issues, we find this court has jurisdiction over the majority of Succes’ claims.

¶ 34 First, the circuit court awarded Matthew sanctions against Succes on November 16, 2023, and Succes filed her appeal on November 28, 2023, so there is no 30-day timeliness issue.

Additionally, the sanction awarded pursuant to the Petition for Rule to Show Cause is a contempt finding with a monetary penalty, meaning jurisdiction lies under Illinois Supreme Court Rule 304(b)(5) (eff. Mar. 8, 2016).

¶ 35 The complications arise respecting the sanctions entered under Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018). Generally, Rule 137 sanctions are “claims” in the underlying litigation, and an order resolving a request for Rule 137 sanctions while the underlying case is ongoing is not final and appealable without a Rule 304(a) finding by the circuit court. See *Phoenix Capital, LLC v. Tabiti*, 2016 IL App (1st) 162686, ¶ 7. The question thus becomes whether this court has jurisdiction here, in the absence of Rule 304(a) language, by virtue of the unique circumstances presented—specifically, the fact that Succes is no longer Solange’s attorney.

¶ 36 We find this court has jurisdiction given this specific factual scenario. The Rule 137 sanctions against Succes are separate and collateral from the underlying litigation because she is a former attorney, meaning the sanction amounts listed in the November 16, 2023 order will not be affected by the ongoing proceedings. This makes the sanctions proceedings against her more akin to a separate action between Succes and Matthew, with the lone issue—the sanctions to be awarded against Succes—now completely resolved. The November 16, 2023 order was a final order on that issue, and there is nothing left for either party or the circuit court to do following the entry of that order than for Succes to pay the sanctions. We find this scenario more akin to a completed case per Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994), which provides for an appeal as of right from a final judgment that resolves an entire case or controversy, rather than a Rule 304(a) scenario where an order resolves only a subset of claims between the parties. See Ill. S. Ct. R. 301 (eff. Feb. 1, 1994 (“Every final judgment of a circuit court in a civil case is appealable as of right”)); *Big Sky Excavating, Inc. v. Illinois Bell Telephone Co.*, 217 Ill. 2d 221, 232-33 (2005) (“A judgment is

final if it determines the litigation on the merits so that, if affirmed, nothing remains for the trial court to do but to proceed with its execution.”); Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016) (applies when “multiple parties or multiple claims for relief are involved in an action,” and an order only resolves the matter “as to one or more but fewer than all”).

¶ 37 Illinois courts have apparently not ruled on this specific issue, but courts in other jurisdictions have reached the same conclusion, and we agree with their reasoning and guidance. See *Markwell v. County of Bexar*, 878 F. 2d 899, 901 (5th Cir. 1989) (“we believe that where an order assesses sanctions against an attorney who has withdrawn from representation at the time of the appeal, and immediate appeal of the sanctions order will not impede the progress of the underlying litigation,” the sanctions order is immediately appealable); *Barton v. Ahmanson Developments, Inc.*, 17 Cal. App. 4th 1358, 1361 (1993) (sanctions order against attorney that withdrew was “final as to him, and he no longer had an interest in the remainder of the action,” meaning concerns about “multiple interim appeals are not applicable,” and the interests of justice required immediate appellate review because, “Appellant is liable for the sanction; respondent might seek to collect it from him or to enforce it.”)

¶ 38 On a final note regarding jurisdiction, Succes attempts to raise a claim involving her attorney fees, complaining of a “strongly concerted effort” against her fee pursuit. As explained in our previous order, the issue of her attorney fees remains pending below, and we do not have jurisdiction to consider the issue without a final order resolving it. See *In re Marriage of Bedard*, Nos. 1-23-1239, 1-23-1240, 1-23-1251 (consol.) (2024) (unpublished summary order under Illinois Supreme Court Rule 23(c)).

¶ 39

ANALYSIS¹

¶ 40 Succes has made numerous arguments on appeal that can be categorized as follows: (1) mootness; (2) judicial bias; (3) lack of notice; (4) abuse of discretion. First, we will not substantively address her mootness argument because she does not specify what claims or issues she believes were dismissed as moot by the circuit court. See *People ex rel. Illinois Dept. of Labor v. E.R.H. Enterprises*, 2013 IL 115106, ¶ 56 (“a reviewing court is not simply a depository into which a party may dump the burden of argument and research”).

¶ 41

Judicial Bias

¶ 42 Succes next claims that the circuit court judge was biased against her. The Illinois Supreme Court in *Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002), explained the high burden a party faces in demonstrating judicial bias:

“A trial judge is presumed to be impartial, and the burden of overcoming this presumption rests on the party making the charge of prejudice. *** A judge’s rulings alone almost never constitute a valid basis for a claim of judicial bias or partiality. Allegedly erroneous findings and rulings by the trial court are insufficient reasons to believe that the court has a personal bias for or against a litigant.” (Internal citations omitted).

¶ 43 We find the record does not support the claim of judicial bias. As demonstrated above, Illinois law has specific evidentiary requirements for a litigant to establish bias, and the primarily general accusations of “bias,” “racism,” and “antagonism” do not satisfy this requirement. Moreover, the few specific examples Succes raises fall under the categories of judicial conduct

¹ We note that Succes argues this court should strike Matthew’s brief for violations of Illinois Supreme Court Rule 341 (eff. Oct. 1, 2020). We decline, as any alleged deficiencies in Matthew’s brief do not hinder our review. See *Vandenberg v. RQM, LLC*, 2020 IL App (1st) 190544, ¶ 30.

deemed insufficient to demonstrate bias, namely (1) expressions of annoyance and (2) unfavorable rulings. See *Id.*; *Eychaner*, 202 Ill. 2d at 280.²

¶ 44 The lone incident Succes references deserving specific consideration is the circuit court’s comment at the June 6, 2023 hearing that Succes “went ape” during an email exchange. Succes argues on appeal that this comment demonstrated racial animus against her. We find the accusation serious and warrants a specific response. Of course, it would be completely improper for the court to refer to Succes as an ape. But the record is clear the court was referencing Succes’ apparent level of agitation in the emails, and in doing so, used an inappropriate phrase. This phrase, while demonstrating unprofessional conduct for a courtroom, is not evidence of racial animus here because Succes does not point to anything else in the record that would support accusation of racial animus. Hence, Succes’ attempt to establish bias on this fact fails.

¶ 45 Notice

¶ 46 We next address Succes’ arguments regarding lack of notice. The circuit court sanctioned Succes under Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018). Per Rule 137, a circuit court may sanction an attorney for frivolous filings either on the motion of the opposing party or on the court’s own motion. Ill. S. Ct. R. 137(a) (eff. Jan. 1, 2018) (signature of party or attorney on a filing certifies it was “not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation”). Before such sanctions are entered, however, Illinois law requires that the attorney to be sanctioned is provided both notice of the

² For example, Succes references the court’s suggestion in the June 6, 2023 hearing and June 14, 2023 order that Matthew’s counsel seek ARDC sanctions as evidence of bias. This argument fails because the court made this statement after concluding that Succes engaged in sanctionable conduct, but finding ARDC action instead of monetary sanctions was the appropriate method to hold her accountable for a particular violation.

intent to seek sanctions, and an opportunity to respond to the sanction request. This requirement is explained in *In re Marriage of Johnson*, 2011 IL App (1st) 102826, ¶¶ 22-38.

¶ 47 Succes argues she had no notice whatsoever that Matthew sought sanctions against her personally, instead of against Solange only, or that Matthew intended to seek sanctions under Rule 137. Additionally, Succes claims that she had no notice that the issue of sanctions would be considered at the June 6, 2023 hearing. Finally, Succes claims that the circuit court improperly sanctioned her for conduct that post-dated December 1, 2022, the date Matthew filed his Second Motion for Sanctions.

¶ 48 The record shows that in Matthew's Second Motion for Sanctions, he requests sanctions against Solange pursuant to 750 ILCS 5/508(b) (West 2020). In the motion, Matthew complains that Solange began making duplicative and frivolous filings immediately after Succes entered as Solange's attorney. In subsequent filings, Matthew consistently repeats complaints about the conduct of Succes, and in his January 19, 2023 emergency motion for sanctions, he explicitly requests attorney fees and sanctions against Succes personally. The circuit court denied this motion because it was not an emergency but set the issues for hearing on March 23, 2023. In the order from March 24, 2023, which Succes knew of and acknowledged, the court set Matthew's Second Motion for Sanctions and Petition for Rule to Show Cause regarding subpoena compliance for hearing on June 6, 2023, but did not mention the issues raised in Matthew's January 19, 2023 emergency motion. Following the 2 p.m. hearing on June 6, 2023, the court sanctioned Succes specifically pursuant to Matthew's Second Motion for Sanctions and the Petition for Rule to Show Cause regarding subpoena compliance in its June 14, 2023 order, basing the sanctions on filings both pre- and post-dating December 1, 2022.

¶ 49 We find Succes had notice she faced sanctions pursuant to her conduct respecting the Second Motion for Sanctions and Petition for Rule to Show Cause regarding subpoena compliance, but did not have sufficient notice, as required by *Johnson*, regarding any filings that post-date Matthew's Second Motion for Sanctions, and thus the sanctions for all such filings must be vacated.

¶ 50 First, Succes' argument that she did not have any notice whatsoever that Matthew considered her conduct sanctionable, or that Rule 137 sanctions could be at issue, is conclusively rebutted by the record. The Second Motion for Sanctions is clear on its face that Matthew believed Succes' conduct in filing duplicative pleadings and motions was sanctionable. Matthew made this explicit in the January 19, 2023 emergency motion, which requested personal sanctions against Succes. That Matthew did not specifically invoke Rule 137 in his Second Motion for Sanctions does not limit the circuit court's ability to sanction Succes personally under the Rule. See Ill. S. Ct. R. 137(a) (eff. Jan. 1, 2018); *Johnson*, 2011 IL App (1st) 102826, ¶¶ 24, 35. Nor does it permit Succes to ignore the obvious sentiment in both Matthew's Second Motion for Sanctions and the motions that followed it: Matthew believed Succes was filing duplicative pleadings in bad faith and with an intent to harass, conduct directly banned by Rule 137, and sought sanctions for that conduct. It follows that Succes had more than sufficient notice of Matthew's intent to pursue sanctions against her, and his reasoning behind the pursuit, well before the June 6, 2023 hearing.

¶ 51 Similarly, Succes' argument that the circuit court denied her due process rights for notice and an opportunity to respond under *Johnson* respecting the filings listed in Matthew's Second Motion for Sanctions and the Petition for Rule to Show Cause regarding subpoena compliance is also rebutted by the record. The court's March 24, 2023 order set both of those filings for hearing on June 6, 2023, and Succes acknowledged receipt of the order.

& *Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 487 (1998). This is a highly deferential standard of review, and we will only reverse a court’s decision as an abuse of discretion when the decision is “arbitrary, fanciful, or unreasonable.” *Haage v. Zavala*, 2021 IL 125918, ¶ 40. In the context of a sanction award, the “primary consideration” for the reviewing court is “whether the circuit court’s decision was informed, based on valid reasoning, and follows logically from the facts.” *Ingram v. Angela Intili, M.D., Ltd.*, 2022 IL App (1st) 210656, ¶ 10. “Good faith alone is not a defense to sanctionable conduct. An objective standard of reasonableness based upon the entirety of the circumstances must be applied.” *Rankin ex rel. Heidlebaugh v. Heidlebaugh*, 321 Ill. App. 3d 255, 267 (2001) (citing *In re Marriage of Irvine*, 215 Ill. App. 3d 629, 638 (1991)).

¶ 56 First, we find that the sanction for the October 5, 2022 emergency petition regarding maintenance was an abuse of discretion, and thus vacate the \$1687 line item for maintenance filings in its entirety. The record shows the initial petition for maintenance was filed on October 3, and two days later Succes filed the emergency petition, citing Solange’s potentially imminent homelessness. Such a situation facially constitutes an emergency, and thus the record shows the sanction was arbitrary and unreasonable.

¶ 57 Next, we find the court did not abuse its discretion in levying the remaining sanctions for the filings listed in Matthew’s Second Motion for Sanctions. The abuse of discretion standard of review, and the deference it requires, is designed specifically for situations like this. The litigation has been so contentious, and the filings and court interactions so dense and voluminous, that properly characterizing the conduct of the parties and attorneys is a task uniquely suited to the circuit court. See *Mohica v. Cvejic*, 2013 IL App (1st) 111695, ¶ 50 (“the deferential standard is applied because generally the conduct at issue occurred before the judge issuing the sanctions,

who, therefore, is in the best position to determine whether the challenged conduct warranted penal sanctions”).

¶ 58 With this in mind, the circuit court’s decisions to sanction Succes based on the marital home filings, parenting time filings, and GAL filings listed in Matthew’s Second Motion for Sanctions were reasonable, and thus not abuses of discretion.

¶ 59 These filings each raised issues already resolved by the court—the marital home issue and parenting time issue were both resolved in the July 12, 2022 agreed order, and the GAL fee issues were resolved in the court’s September 13, 2022 appointment order. Thus, the record supports a finding that Succes’ subsequent filings were duplicative, and by extension harassing, even if it could also reasonably support a finding that Succes had substantive justifications for the additional filings (as Succes argues). Both stances are plausible. In such a situation, given our deferential standard of review, this court will credit the circuit court’s interpretation of her conduct. See *Lake Environmental, Inc. v. Arnold*, 2015 IL 118110, ¶ 16 (“A court has abused its discretion when no reasonable person would agree with its decision.”). Accordingly, the sanctions awarded for the marital home filings of October 7 and November 14; the parenting time filings of October 3 and October 25; and the GAL filings of October 5, November 14, and November 28 are affirmed.

¶ 60 We also affirm the circuit court’s award of sanctions for the motion to dismiss Matthew’s initial dissolution petition. As the court noted, this motion dealt only with technical issues that could be fixed via amendment and could not have resulted in any substantive advantage to Solange, even if granted in full. In the context of this contentious litigation, it is not unreasonable for the court to have concluded that given the motion’s lack of substantive import, Succes only filed it for harassing purposes. *Id.* Finally, Succes does not challenge the Petition for Rule to Show Cause substantively in her briefing, so the sanction is affirmed.

¶ 61 Finally, we note that Succes argues she should not face sanctions because Matthew’s Second Motion for Sanctions violated 735 ILCS 5/2-606 (West 2020), which states, in relevant part, “If a claim or defense is founded upon a written instrument, a copy thereof, or of so much of the same as is relevant, must be attached to the pleading as an exhibit or recited therein.” This argument fails because Succes waived it by not raising the argument below (see *Infra* ¶ 48). Moreover, even if she had not waived the argument, we note that she also has not provided any substantive argument or cited any authority demonstrating that this rule applies beyond pleadings to motions such as a motion for sanctions under Rule 137.

¶ 62 In closing, we set out Succes’ financial obligations pursuant to this order, and the requirements of the parties going forward. The circuit court’s November 16, 2023, order provided an itemized list of the sanctioned conduct, but did not differentiate the monetary awards by specific filing or date. Complicating matters further, the invoices the court used to arrive at its totals are not included in the record on appeal. As a result, we cannot determine the final amount of sanctions Succes currently owes. Accordingly, we order as follows:

1. The circuit court’s findings in its June 14, 2023 order are affirmed in part and vacated in part. The findings regarding “maintenance pleadings” are vacated in full. The remaining findings relating to filings pre-dating December 1, 2022, are affirmed, and those post-dating December 1, 2022, are vacated.

2. The court’s November 16, 2023 order is also affirmed in part and vacated in part. The following sanctions are affirmed and immediately due: (1) \$110 for the Motion to Dismiss the Petition for Dissolution of Marriage; (2) \$772.50 for the Petition for Rule to Show Cause concerning subpoena compliance; (3) \$3640 for Parenting Time filings; and (4) \$835 for GAL filings, for a total \$5357.50. The following are vacated in their entirety: (1) \$890 for Fees

Pleadings; (2) \$1687 for maintenance filings; and (3) \$3785 for the Motion for Substitution of Judge for Cause. The entries assigning dollar values to the categories of marital home pleadings and entries dealing with multiple issues are also affirmed in part and vacated in part. Matthew is to submit an order to this court with the totals reflected in the invoices for the marital home filings and entries dealing with multiple issues which correspond to the pre-December 1, 2022 filings listed in his Second Motion for Sanctions (with the invoices attached). Succes may only object on the basis that Matthew included a charge for work that post-dated December 1, 2022. Following resolution of any such objection, this court will enter an appropriate order regarding what, if any, additional sanctions are due.

¶ 63

CONCLUSION

¶ 64 For the reasons stated above, the June 14, 2023 and November 16, 2023 orders of the circuit court are affirmed in part and vacated in part, with the court and parties to strictly follow the instructions set out in paragraph 63.

¶ 65 Affirmed in part and vacated in part.