2026 IL App (1st) 251880-U
No. 1-25-1880
Order filed October 30, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT, SIXTH DIVISION

MATTIE LOMAX, Plaintiff-Appellant,

v.

MLC PROPERTIES AND MANAGEMENT and IVY PARK HOMES, Defendant-Appellee.

Appeal from the Circuit Court of Cook County, Illinois.
Honorable Caroline Moreland, Judge, Presiding.
No. 2025CH03912

PRESIDING JUSTICE GAMRATH delivered the judgment of the court.
Justices Hyman and Evans concurred in the judgment.

ORDER

¶ 1 *Held*: Plaintiff's complaint was properly dismissed as barred by *res judicata*.

¶ 2 Plaintiff Mattie Lomax appeals the dismissal of her complaint against defendants MLC Properties and Management and Ivy Park Homes. This is her third unsuccessful attempt to sue the same defendants for the same claims. We affirm because the trial court properly dismissed her action as barred by *res judicata*.

¶ 3 I. BACKGROUND

¶ 4 Lomax rented a Section 8 housing unit from defendants in 2016 and 2017. She later vacated the unit after defendants allegedly served several five-day notices and threatened to change the locks despite her rent payments. In December 2017, Lomax filed a "Complaint of Harassment" against defendants in the circuit court of Cook County (No. 2017 L 013207). Her third amended complaint alleged claims for breach of contract, sexual harassment, retaliation, and intentional infliction of

emotional distress. On June 27, 2022, the court dismissed the third amended complaint with prejudice, finding Lomax failed to state a valid claim.

¶ 5 Lomax tried suing defendants again in August 2022 in the District Court for the Northern District of Illinois (No. 22-CV-04527). On October 4, 2022, the district court dismissed the complaint without prejudice based in part on *res judicata* from the dismissal of identical claims in the 2017 case. Lomax was granted leave to amend by November 17, 2022. After failing to timely amend, she moved for leave to file an amended complaint. The district court denied her leave, Lomax untimely appealed that order, and, in January 2024, the Seventh Circuit dismissed her untimely appeal for lack of jurisdiction.

¶ 6 On April 7, 2025, Lomax filed this case against defendants based on the same underlying dispute as her 2017 and 2022 actions. Lomax's complaint consists of a few attachments and one paragraph, stating:

> "In Illinois, a threat, whether communicated directly or indirectly, constitutes intimidation if made with the intent to cause someone to perform or omit an act, and involves a threat to inflict harm, confine, or restrain, or take other actions like accusing someone of an offense under the fair housing act/broken contract and sexually harassed by management/in which Marty Max made sexual advances to Mattie T. Lomax in there [sic] gym."

¶ 7 Defendants filed a motion to dismiss under section 2-619.1 of the Code of Civil Procedure (735 ILCS 5/2-619.1 (West 2024)), arguing Lomax's complaint fails to state a claim and is barred by *res judicata*. The trial court agreed, concluding that *res judicata* bars Lomax's action. We reach the same conclusion.

¶ 8 II. ANALYSIS

¶ 9 A section 2-619 motion to dismiss provides for the involuntary dismissal of an action based on certain defects or defenses, including where an action is "barred by a prior judgment." *Id.* § 2-

619(4). We review the trial court's ruling on a section 2-619 motion to dismiss *de novo*. *Richter v. Prairie Farms Dairy, Inc.*, 2016 IL 119518, ¶ 18.

¶ 10 Though Lomax lists the August 18, 2025, order granting defendants' motion to dismiss on *res judicata* grounds in her notice of appeal, she dedicates only one paragraph of her appellate brief to that order. That one paragraph claims the decision was wrong without explaining how her complaint is not barred by *res judicata.* The essence of Lomax's brief challenges orders dating back to 2020, 2021, and 2022, from different cases over which we lack jurisdiction to review.

¶ 11 Regardless, we agree with the trial court that Lomax's complaint is barred by *res judicata*. *Res judicata* bars a subsequent action if there is (1) a final judgment on the merits by a court of competent jurisdiction; (2) an identity of causes of actions; and (3) an identity of the parties or their privies. *Hudson v. City of Chicago*, 228 Ill. 2d 462, 467 (2008). There is an identity of causes of actions where the actions "arise from a single group of operative facts." *River Park, Inc. v. City of Highland Park*, 184 Ill. 2d 290, 311 (1998).

¶ 12 Each element is met here. The dismissals of Lomax's 2017 and 2022 actions are final judgments on the merits. See Ill. S. Ct. R. 273 ("an involuntary dismissal of an action, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join an indispensable party, operates as an adjudication upon the merits"); *Dookeran v. County of Cook*, 2013 IL App (1st) 111095, ¶ 18 (a judgment is final when the possibility of appellate review has been exhausted). There is also an identity of actions and parties. Lomax's one-paragraph complaint in this case is based on the same underlying facts and claims that have been twice dismissed against the same defendants. The trial court properly dismissed Lomax's complaint as barred by *res judicata*.

¶ 13 Affirmed.