

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

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

BILJANA PEULIC and VLADIMIR NIKOLIC,	)	
	)	Appeal from the Circuit Court
Plaintiffs and Counterdefendants-Appellants,	)	of Cook County.
	)	
v.	)	No. 2023 CH 06212
	)	
THE VICTOR CONDOMINIUMS,	)	The Honorable
	)	Cecilia A. Horan,
Defendant and Counterplaintiff-Appellee.	)	Judge Presiding.
	)	

JUSTICE REYES delivered the judgment of the court.
Justices Lampkin and Rochford concurred in the judgment.

ORDER

¶ 1 *Held:* Dismissing appeal for lack of jurisdiction where the notice of appeal was filed while a counterclaim remained pending in the circuit court, the circuit court made no express written finding pursuant to the requirements of Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), and the saving provision of Illinois Supreme Court Rule 303(a)(2) (eff. July 1, 2017) did not apply to preserve the premature appeal.

¶ 2 Plaintiffs Biljana Peulic and Vladimir Nikolic submit this appeal to challenge a circuit court judgment granting a permanent injunction to enjoin them from operating a home daycare at their Southport Avenue condominium, and a subsequent judgment granting fines, attorney

fees, and court costs against them and for defendant, the Victor Condominiums. Plaintiffs also raise arguments on appeal contesting the circuit court’s subsequent granting of judgment on the pleadings for defendant but failed to properly appeal that later judgment or include a transcript in the record on appeal. As plaintiffs’ appeal fails to comply with the procedural requirements of Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), we lack jurisdiction to consider the merits and accordingly must dismiss the appeal.

¶ 3

BACKGROUND

¶ 4

Plaintiffs filed a complaint for declaratory relief against defendant the Victor Condominiums—constituting the association of a three-unit Southport Corridor apartment complex in the Lakeview neighborhood of Chicago—in the circuit court of Cook County on July 3, 2023. In their complaint, amended on July 17, 2023, plaintiffs alleged that they had been unit owners in the Victor Condominiums since December 2022. Plaintiffs began operation of a home daycare in January 2023, and other unit owners soon registered complaints regarding the disruptions that they experienced as a result of the daycare’s regular operations. Plaintiffs alleged that their unit was “specifically purchased and specifically researched so that Plaintiffs could operate the day care.”

¶ 5

On June 7, 2023, defendant adopted a rule stating:

“No industry, trade, occupation or profession of any kind that involves the visitation of patients, clients, customers, delivery personnel or delivery carriers or other third parties to the Association building is permitted at the Association or within any of the Units.”

In their complaint, plaintiffs alleged that this rule was targeted towards them, and that the association’s “Declaration and By-Laws do not authorize such a sweeping limitation on the use of the unit absent a finding that the operation of a daycare is illegal, noxious or unduly

disruptive.” As “[n]o such finding was made, and no such finding could be made,” plaintiffs requested that the circuit court enter a declaratory judgment finding the rule void.

¶ 6 Provision 23 of the association’s declaration, which was recorded on May 20, 1996, provides that amendment or rescission requires “an instrument in writing *** signed by not less than sixty-six and two-thirds percent (66 2/3%) of the total ownership of the Common Elements,” but that “no such amendment shall change *** the allocation of percentages of ownership in the Common Elements and votes in the Association, quorum and voting requirements for action by the Association, or liability for Common Expenses assessed against any Unit.” Additionally, the provision states that no amendment or rescission “shall otherwise materially and adversely affect the rights of any Unit Owner or lien holder of record or the value of any Unit, unless approved in writing by all Unit Owners ***.”

¶ 7 Appended to the association’s declaration are its bylaws. Article VI, section 1 of the bylaws provides:

“No unlawful, noxious, or offensive activities shall be carried on in any Unit or elsewhere on the Property, nor shall anything be done in or on the Unit or the Property that, in the judgment of the Board, constitutes a nuisance or causes unreasonable noise or disturbance to others.

Each Unit Owner shall maintain his Unit in good condition and in good order and repair, at his own expense, and shall not do or allow anything to be done in his Unit that may increase the cost or cause the cancellation of insurance on the other Unit or on the Common elements.”

¶ 8 Defendant admitted in its answer that it adopted the June 2023 rule “in hopes of stopping Plaintiffs’ illegal and improper operation of a daycare from inside a residential

condominium association that was creating a major nuisance and disruption to the majority of unit owners.” Defendant contested plaintiffs’ assertion that their daycare was lawfully licensed and requested proof of their permit to operate at the unit’s address. Defendant also filed a verified counterclaim for declaratory and injunctive relief, in which it alleged that it was first informed of plaintiffs’ intentions to operate a daycare from their unit in the evening of January 1, 2023, the day before plaintiffs’ daycare was to commence operations. The other two building unit owners transmitted an email on January 1, 2023, informing plaintiffs that their operation of a home daycare from their unit would violate the association bylaws. Plaintiffs nevertheless commenced operation of the home daycare on January 2, 2023.

¶ 9 Defendant’s counterclaims were for declaratory judgment, injunctive relief for breach of contract, damages for breach of contract, and private nuisance.

¶ 10 In plaintiffs’ answer to the counterclaims, they alleged that “the Board knew that the Plaintiffs bought the property intending to run a day care.” Plaintiffs further alleged that they “have insurance on their day care operation that names the common elements [of the condominium] as a coinsured, and further provides insurance coverage for a mile radius out of the building.” Plaintiffs characterized the association’s new rule which restricted the sharing of keys as a “carve out made for one unit and not the others,” alleging that other building residents had also distributed keys, such as one unit’s owner had for their dogwalker. “[T]he board wrote these rules specifically to target them,” plaintiffs maintained, and alleged that such rules were “unconscionable.” Although plaintiffs had been accommodated with their requested change of date for the membership and board meeting to discuss the new rules and were provided a hearing to contest their violations of said rules, they alleged that the rules nevertheless violated the condominium association’s declaration and bylaws, were not

promulgated with proper notice, and that the association denied them due process and had conducted a “sham” hearing. Plaintiffs raised an affirmative defense of waiver, arguing that defendant had been informed of their plans to operate a daycare from their unit and had not objected.

¶ 11 Plaintiffs filed a motion for judgment on the pleadings on November 13, 2023, arguing that the June 2023 rule required unanimous support according to the association’s declaration as it “materially and adversely affect[ed]” their rights and usage of their unit. Plaintiffs also cited *Apple II Condominium Ass’n v. Worth Bank & Trust Co.*, 277 Ill. App. 3d 345, 350-51 (1995), for the proposition that a rule is invalid and must be stricken if it is found to be “antagonistic to the legitimate objectives” of the condominium association. Since the June 2023 rule only passed with two out of three of the units’ support, plaintiffs maintained that it was invalid and antagonistic to the legitimate objectives of “33% of [the association’s] owners,” and that they were therefore entitled to judgment on the pleadings.

¶ 12 Defendant filed a response and cross-motion for judgment on the pleadings on December 21, 2023. Defendant contended that plaintiffs were not entitled to judgment as various genuine issues of material fact existed—including whether plaintiffs had provided defendant with proof of proper liability insurance, whether their operation of the daycare from their unit risked increasing building insurance costs or causing their insurance to be cancelled entirely, and various allegations regarding the nature of the disturbances caused by the daycare’s normal operations. Defendant noted, however, that plaintiffs had neglected to address in their motion any issue of material fact regarding their previous allegations of being denied due process. Furthermore, defendant argued, plaintiffs’ reliance on provision 23 of the association’s declaration was misplaced, as that provision required a unanimous vote to make

material amendments to the declaration itself, not to separately promulgate board rules and regulations (such as the rule the association had promulgated in June 2023). All that was required to adopt the new rule, defendant argued, was proper notice to unit owners, an open membership meeting and board meeting to discuss the rule, and a formal board vote on its adoption. As defendant complied with these procedures and the requirements for adopting and amending rules and regulations provided in section 18.4(h) of the Condominium Property Act (765 ILCS 605/18.4(h) (West 2024)), it argued that the rule was valid and should be upheld.

¶ 13 Defendant also addressed *Apple II*, arguing that the June 2023 rule and the uses it sought to prohibit or restrict were antagonistic to the legitimate objectives of the association, including promoting the health, happiness, and peace of mind of its residents. By preventing the “steady visitation of third parties to the building,” defendant argued, the board’s rule was reasonable and fair, and aligned with the legitimate objectives of the association.

¶ 14 The circuit court heard oral arguments on the parties’ motions for judgment on the pleadings on July 3, 2024.¹ The circuit court entered an order the same day which (1) denied plaintiffs’ motion for judgment on the pleadings; (2) granted defendant’s motion for judgment on the pleadings; (3) declared the June 2023 rule as proper, valid and legally enforceable against all unit owners; (4) declared that plaintiffs had violated the June 2023 rule through their operation of a home daycare from their unit; (5) denied defendant’s request that plaintiffs’ unit be sold at a judicial sale to the highest bidder pursuant to the association’s declaration; (6) declared that plaintiffs’ violation had compelled the association to incur attorney fees and court costs and (7) ruled that plaintiffs are responsible for those costs; (8) denied granting a

¹ As no transcript of these proceedings was provided in the record on appeal, we are unable to discuss either the oral arguments presented or the circuit court’s reasoning as referenced in its written rulings.

prohibitory injunction restraining plaintiffs from operating a home daycare from their unit; (9) awarded a money judgment against plaintiffs, jointly and severally, for fines levied by defendant against them for their rule violation, to be set in a separate order following briefing from the parties; and (10) awarded a money judgment against plaintiffs, jointly and severally, for defendant's legal fees and court costs, to be set in a separate order following briefing from the parties. The order also set a briefing schedule and ruling date for the matter of attorney fees and costs.

¶ 15 Despite the circuit court's order, plaintiffs continued operation of their home daycare, leading defendants to file a motion for preliminary injunction on August 28, 2024, in pursuit of a court order requiring plaintiffs' immediate and permanent cessation of daycare operations from their unit. The motion was accompanied by a joint affidavit from the other two building unit owners and board members, who alleged that plaintiffs had continued to operate their daycare in violation of the circuit court's July 3, 2024, order. Both unit owners alleged that they worked from home and were "consistently annoyed, bothered, disturbed and distracted" throughout the workday by the ongoing noise from the daycare.

¶ 16 Plaintiffs filed a response in which they appended letters from parents of children in the daycare who "plead[ed] with the Court not to shut down the daycare, which provides an educational, nurturing and convenient environment for the parents' children" and argued that a preliminary injunction would "irreparably harm a small group of children who, sadly, have not been given a say in this litigation." Plaintiffs argued that defendant had not satisfied the standard of proof for a preliminary injunction, failing to demonstrate irreparable harm for which there would be no adequate remedy at law if the injunction was not granted. Plaintiffs posited that the interests instead weighed in favor of denial.

¶ 17 The circuit court entered an order on November 26, 2024, noting that the parties had stipulated that (1) defendant had a legally protectable interest regarding the preliminary injunction; (2) defendant had a likelihood of success on the merits based on the circuit court’s July 3, 2024, order; and (3) plaintiffs’ daycare was still operational. It set a hearing for January 29, 2025, on the issues of irreparable harm, the lack of adequate remedy at law, and the balancing of the equities, restricting testimony on the hardship issue to the parties only.

¶ 18 The circuit court conducted the hearing on the motion for preliminary injunction on January 29, 2025, and February 4, 2025. The association treasurer and owner of one of the building units testified for defendant, and both plaintiffs and their realtor testified against the injunction.

¶ 19 On March 13, 2025, the circuit court entered an order granting a permanent injunction. The circuit court ruled that plaintiffs were permanently enjoined from operating a home daycare from their unit effective March 31, 2025, and that defendant’s motion to strike plaintiffs’ affirmative defense of waiver was granted. The order noted a previously-set status date of March 17, 2025, in which the circuit court planned to address resolution of a determination of reasonableness of fines, the total amount of attorney fees, and “any other outstanding matters.”

¶ 20 Plaintiffs filed a timely interlocutory appeal of the order granting the injunction on March 14, 2025, pursuant to Illinois Supreme Court Rule 307(a), but indicated to the circuit court an intention to withdraw the appeal shortly thereafter.² Plaintiffs also filed a motion to reconsider the March 31, 2025, deadline for compliance—arguing that “this limited period of

² The March 14, 2025, appeal, filed in case No. 1-25-0498, was ultimately dismissed on the court’s own motion on September 12, 2025, for want of prosecution for plaintiffs’ failure to file a supporting record. No brief was ever filed in the appeal.

time is not enough for the Plaintiffs or the families that rely on them to relocate”—and a separate motion to reconsider the order granting a permanent injunction.

¶ 21 On April 7, 2025, defendant filed a petition for rule to show cause for indirect civil contempt, centering on plaintiffs’ continued operation of the daycare and willful disobedience of the circuit court’s previous orders. An affidavit from the building’s other unit owners attested that plaintiffs had continued daycare operations as recently as April 7, 2025, recently accepted new children into their daycare, and indicated no intention of ceasing operations. Plaintiffs’ response denied willfulness, but plaintiff Peulic requested in an attached affidavit that the effectuation deadline for the permanent injunction be extended to May 6, 2025, citing the difficulties of finding alternative arrangements for the clients dependent on her and the daycare.

¶ 22 The circuit court entered an order on April 9, 2025, scheduling briefing and a May 6 hearing on plaintiffs’ motions to reconsider and defendant’s petition for rule to show cause. On May 6, 2025, the circuit court ruled that plaintiffs must comply with the permanent injunction within the following 30 days or by June 5, 2025, and continued defendant’s petition for rule to show cause for the same date or shortly thereafter. The circuit court further denied plaintiffs’ two motions to reconsider. The circuit court also noted that plaintiffs’ counsel had requested that the court include Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) language in its order (allowing an appeal from a final judgment that does not dispose of an entire proceeding), which it would take under advisement for consideration at the “next court date.”

¶ 23 An order on fines, attorney fees, and costs was entered on May 8, 2025, holding that defendant was entitled to fines in the amount of \$96,300 as of May 6, 2025, increased by \$200

per day thereafter that the daycare continued to operate. The circuit court also held that the attorney fees and costs, which amounted to \$53,328.85 total, were reasonable, making plaintiffs jointly and severally liable for a total judgment of \$149,628.85. The order noted that several motions in the case remained outstanding, and that a status conference would be held that day. An order entered on May 9, 2025, held that defendant had established a *prima facie* case that plaintiffs had violated the March 13, 2025, order granting a permanent injunction, and scheduled a hearing on the issue for June 9, 2025. The court also ruled that the parties would have until May 30, 2025, to issue written discovery relating to the still outstanding part of defendant's counterclaim, for private nuisance (count IV).³ Defendant's civil contempt petition was ultimately denied on June 10, 2025.

¶ 24 On May 23, 2025, Plaintiffs filed this appeal of the circuit court's March 13, 2025, and May 8, 2025, orders pursuant to Illinois Supreme Court Rule 304 (eff. Mar. 8, 2016).

¶ 25 Defendant filed a motion to withdraw its still outstanding counterclaim—count IV on private nuisance—on June 16, 2025. In that motion, defendant requested that the court enter an order stating that the judgment from July 3, 2024, the permanent injunction order from March 13, 2025, and the May 8, 2025, order on attorney fees and costs would survive the voluntary dismissal of the case and remain in full force and effect. On June 23, 2025, the circuit court entered a final order, providing:

“1. Count IV of Counterplaintiff's Counterclaim is hereby dismissed, without prejudice;

³ The circuit court at that time also ordered written discovery on count I of defendant's counterclaim (for declaratory judgment), but that count had already been resolved through the court's previous orders, as defendant later acknowledged in its motion to withdraw count IV.

2. The judgment entered July 3, 2024, the permanent injunction entered March 13, 2025 and the order entered May 8, 2025 shall survive the voluntary dismissal of this case and shall remain in full force and effect with the court to retain jurisdiction, for 90 days, over the parties for enforcement purposes.

3. This order resolves all pending disputes between the parties and is final and appealable.”

¶ 26 Taking issue with the “90 days” language in the court’s order, defendant filed a motion to amend the June 23, 2025, court order on July 11, 2025. In the motion to amend, defendant contended that plaintiffs’ counsel had indicated no objection to the voluntary motion and proposed order filed on June 16, 2025, which included the “shall remain in full force and effect” language but no suggestion of a 90-day timeline during which the court would retain jurisdiction over the parties for enforcement purposes. Defendant noted that this language had been added despite the court’s docketing of the June 23, 2025, order as an “Agreed Order,” and argued that “[h]ad the Association known the Court would limit its jurisdiction over the parties to 90 days *** it never would have dismissed its counterclaim and agreed to the language of the order.” No subsequent circuit court order on defendant’s motion to amend the judgment is included in the record on appeal.

¶ 27 ANALYSIS

¶ 28 As a threshold matter, we address defendant’s motion to dismiss this appeal for lack of jurisdiction, filed on October 6, 2025, which we ordered to be taken with the case on November 26, 2025. Plaintiffs submitted this appeal under Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), which reads in relevant part:

“If multiple parties or multiple claims for relief are involved in an action, an appeal may be taken from a final judgment as to one or more but fewer than all of the parties or claims only if the trial court has made an express written finding that there is no just reason for delaying either enforcement or appeal or both. Such a finding may be made at the time of the entry of the judgment or thereafter on the court’s own motion or on motion of any party. *** In the absence of such a finding, any judgment that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable and is subject to revision at any time before the entry of a judgment adjudicating all the claims, rights, and liabilities of all the parties.”

¶ 29

Courts have interpreted the “express written finding” requirement of Rule 304(a) relatively strictly. See, *e.g.*, *Tressler, LLP v. Schwartz*, 2019 IL App (1st) 172367, ¶ 19 (holding that a form judgment order with a checked box stating “Order Final and Appealable,” with no additional notations, was insufficient to confer jurisdiction in appeal filed pursuant to Rule 304(a)); *In re Marriage of Morgan*, 2019 IL App (3d) 180560, ¶ 13 (holding that compliance with “Rule 304(a) is not unduly burdensome,” and the circuit court’s order that “simply mention[ed] appealability while vaguely referencing Rule 304 ‘and other applicable rules’ does not confer appellate jurisdiction”); *Palmolive Tower Condominiums, LLC v. Simon*, 409 Ill. App. 3d 539, 544 (2011) (holding that a circuit court order “accompanied by language indicating that it is ‘final and appealable,’ but not referencing immediate appeal, the justness of delay, or Rule 304(a), does not trigger the rule). Though parroting the exact language of Rule 304(a) is not a requirement, there must be some indication from the record of the circuit court’s apparent intent to invoke the rule. *Gateway Auto, Inc. v. Commercial Pallet, Inc.*, 2023 IL App (1st) 230185, ¶ 25.

¶ 30 Here, defendant contends that count IV of its counterclaim—for private nuisance—had not been resolved at the time of plaintiffs’ May 23 notice of appeal, nor had the circuit court made an express written finding in its March 13 or May 8 orders (the two orders that plaintiffs listed in their notice of appeal) with either reference to or recitation of the language of Rule 304(a) “that there is no just reason for delaying either enforcement or appeal or both” (Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016)).⁴ In fact, the circuit court had just entered an order establishing deadlines for written discovery as to count IV on May 9, 2025, the day after entering its attorney fees and costs order which is one of the subjects of this appeal. It was not until June 23, 2025, that the circuit court entered an order containing express written language that all pending disputes between the parties had been resolved. That June 23 order dismissed count IV of defendant’s counterclaim without prejudice and held that the July 3, 2024, judgment, March 13, 2025, permanent injunction, and May 8, 2025, attorney fees order “shall remain in full force and effect with the court to retain jurisdiction, for 90 days, over the parties for enforcement purposes.” The last line of the order noted that it was final and appealable.

¶ 31 The circuit court’s May 6, 2025, order indicated that plaintiffs’ counsel had requested the circuit court to include Rule 304(a) language in its next order ahead of the May 8 hearing on attorney fees and costs. In its May 6 order, the circuit court stated that the request was “taken under advisement by the Court for determination at the next court date,” but it proceeded to omit any Rule 304(a) language in the order entered after its next court date, on May 8. Without having a transcript of those court proceedings for our review, we must conclude that the circuit court exercised its discretion to avoid adding any Rule 304(a) language to its order, thus

⁴ Defendant also asserts on appeal that count I of its counterclaim, for declaratory judgment, remained intact as of the date of plaintiffs’ notice of appeal. As it acknowledged in its June 16, 2025, motion to voluntarily dismiss count IV of its counterclaim, however, count I, along with counts II and III, had been resolved through the circuit court’s July 3, 2024, and March 13, 2025, rulings.

preventing plaintiffs from submitting their appeal before the circuit court entered its final judgment.

¶ 32 In response to defendant’s motion to dismiss, plaintiffs acknowledge that “[t]here is no question but that the Orders here put the final nail on the coffin as to some, but not all, of the claims,” but proceed to argue that the circuit court’s May 8 order on attorney fees and costs was nonetheless appealable as it was subject to enforcement. “[E]ven in the absence of Rule 304 language,” plaintiffs argue, we have jurisdiction to consider their appeal due to the circuit court’s enforcement of its order. Aside from the fact that plaintiffs cite no authority for this argument (see Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (“[a]rgument *** shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities”)), plaintiffs also fail to explain why their assertion that the May 8 order was enforceable overrides Rule 304(a)’s requirement of an “express written finding” from the circuit court to allow the appeal to proceed. See Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016).

¶ 33 Here, neither the March 13 order nor the May 8 order included the requisite language on enforcement for Rule 304(a) to apply. See *id.* Ultimately, whether the circuit court would allow for plaintiffs’ appeal to proceed before its June 23, 2025, final judgment on outstanding matters was a matter within its sound discretion. See *Fremont Comp. Ins. Co. v. Ace-Chicago Great Dane Corp.*, 304 Ill. App. 3d 734, 740 (1999) (“The decision to enter a Rule 304(a) finding so as to permit an immediate appeal from a final judgment that does not dispose of all of the claims in a pending action is one committed to the sound discretion of the trial court.”); see also *Puleo v. McGladrey & Pullen*, 315 Ill. App. 3d 1041, 1046-47 (2000) (“[T]he order here can only be appealed if the trial court, in its discretion, determines that an immediate appeal would be desirable and makes the necessary Rule 304(a) finding.”). As the circuit court

declined to exercise its discretion to make an express Rule 304(a) finding here, plaintiffs' appeal under that rule was improper. See *Gateway Auto, Inc.*, 2023 IL App (1st) 230185, ¶¶ 22-34 (dismissing appeal for lack of jurisdiction when counterclaims remained outstanding).

¶ 34 As the circuit court's June 23 order represented a final judgment, it would have been instead appealable under Illinois Supreme Court Rule 303(a)(1) (eff. July 1, 2017) in the 30 days after its entry. Plaintiffs failed to file a Rule 303 appeal of the June 23 order, however, nor did they file a motion demonstrating a reasonable excuse for their delay. See Ill. S. Ct. R. Rule 303(d) (eff. July 1, 2017) ("On motion supported by a showing of reasonable excuse for failure to file a notice of appeal on time *** filed in the reviewing court within 30 days after expiration of the time for filing a notice of appeal, the reviewing court may grant leave to appeal ***.").

¶ 35 Illinois Supreme Court Rule 303(a)(2) (eff. July 1, 2017), which was "intended to address concerns [regarding] *** the rights of an appellant who has filed a 'premature' notice of appeal by making the notice of appeal effective when the order denying a postjudgment motion or resolving a still-pending separate claim is entered," (Ill. S. Ct. R. 303, Committee Comments (adopted Mar. 16, 2007)), also does not attach here to preserve plaintiffs' appeal. Rule 303(a)(2) provides:

"When a timely postjudgment motion has been filed by any party, whether in a jury case or a nonjury case, a notice of appeal filed before the entry of the order disposing of the last pending postjudgment motion, or before the final disposition of any separate claim, becomes effective when the order disposing of said motion or claim is entered. A party intending to challenge an order disposing of any postjudgment motion or separate claim, or a judgment amended upon such motion, must file a notice of appeal,

or an amended notice of appeal within 30 days of the entry of said order or amended judgment, but where a postjudgment motion is denied, an appeal from the judgment is deemed to include an appeal from the denial of the postjudgment motion. No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under this rule.” Ill. S. Ct. R. 303(a)(2) (eff. July 1, 2017).

¶ 36 At the time of the circuit court’s June 23 order, neither of the parties had any pending postjudgment motions for a rehearing, modification of the judgment, to vacate the judgment, or for additional relief pertaining to the court’s March 13 and May 8 orders. See 735 ILCS 5/2-1203 (West 2024) (enumerating permissible postjudgment motions). Within 30 days of the June 23 order, however, defendant filed a motion to amend the judgment, which falls squarely into the category of postjudgment motions contemplated by the rule. See Ill. S. Ct. R. 303(a)(2) (eff. July 1, 2017); 735 ILCS 2-1203(a) (West 2024). As there is no indication in the record that defendant’s July 11, 2025, motion to amend the June 23, 2025, court order was thereafter disposed of or otherwise resolved, Rule 303(a)(2) does not cure the defect of plaintiffs’ premature notice of appeal. See, e.g., *Hollywood Blvd. Cinema, LLC v. FPC Funding II, LLC*, 2014 IL App (2d) 131165, ¶ 22 (holding that “if a postjudgment motion is granted and the court awards ‘new or different relief than the judgment itself,’ then a new or an amended notice of appeal is necessary” to confer appellate jurisdiction).

¶ 37 Plaintiffs’ statement of jurisdiction on appeal—including in their opening brief filed on September 11, 2025, over two months after the circuit court’s entry of its final order on June 23—also fails to adequately address the prematurity issue. Illinois Supreme Court Rule

341(h)(4) (eff. Oct. 1, 2020) requires that appellants include a statement of jurisdiction in their brief providing the following information:

“[A] brief, but precise statement or explanation *** of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely.”

In plaintiffs’ statement of jurisdiction, they provided information on the timing of their complaint, defendant’s counterclaim and answer, the circuit court’s March 13 order granting a permanent injunction, the circuit court’s May 8 order granting attorney fees and costs, plaintiffs’ May 23 filing of their notice of appeal, and the June 23 order “that was marked final and appealable.” Plaintiffs, however, failed to include any relevant information regarding Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), the facts of the case which bring it within this rule, or an explanation of how their premature notice of appeal could be saved by Illinois Supreme Court Rule 303(a)(2) (eff. July 1, 2017).

¶ 38 As we do not have jurisdiction over the orders that constitute the subjects of this appeal, we cannot further consider them. Defendant’s motion to dismiss for lack of appellate jurisdiction, which was taken with the case, is granted.

¶ 39 CONCLUSION

¶ 40 For the reasons stated above, we lack jurisdiction to consider plaintiffs’ appeal.

¶ 41 Appeal dismissed.