

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).

2022 IL App (4th) 210715-U

NO. 4-21-0715

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
July 26, 2022
Carla Bender
4th District Appellate
Court, IL

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| MAJEDA OWAIDA, |) | Appeal from the |
| Petitioner-Appellee, |) | Circuit Court of |
| v. |) | Macon County |
| RAIDA QATTOUM, |) | No. 21OP549 |
| Respondent-Appellant. |) | |
| |) | Honorable |
| |) | Lindsey A. Shelton, |
| |) | Judge Presiding. |

JUSTICE HARRIS delivered the judgment of the court.
Justices DeArmond and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s decision to grant petitioner a plenary stalking no contact order was not against the manifest weight of the evidence.

¶ 2 Respondent, Raida Qattoum, appeals the trial court’s entry of a two-year, plenary stalking no contact order that prohibited her from contacting petitioner, Majeda Owaida. On appeal, she contends there was insufficient evidence to support the court’s plenary order. We affirm.

¶ 3 **I. BACKGROUND**

¶ 4 In July 2021, Majeda filed a verified petition for a stalking no contact order against Raida. Majeda alleged she was employed at a restaurant owned by Dr. Ahmad Ahmad in Springfield, Illinois. In June 2020, she met Raida and Raida’s husband Mohammed while working at the restaurant. Majeda alleged that after that meeting, she began receiving harassing,

disparaging, and threatening phone calls and messages from Raida, which she believed were “aim[ed] at getting [her] to stop working [for] and helping *** Ahmad.” The trial court granted Majeda’s request for an emergency order and set the matter for a plenary hearing.

¶ 5 The plenary hearing was conducted over four days from August to November 2021. For purposes of the hearing, the underlying case (Macon County case No. 21-OP-549) was consolidated with a case initiated by Ahmad (Macon County case No. 20-OP-710), in which he sought a stalking no contact order against Mohammed. The record reflects all four parties testified at the hearing.

¶ 6 Evidence showed Ahmad was a physician and owned a restaurant in Springfield. Majeda resided in Worth, Illinois, and worked for a nonprofit organization. She also worked at Ahmad’s restaurant. Majeda described herself as Ahmad’s “close friend” and testified that she sometimes stayed with him at his residence. She acknowledged that Ahmad was married and that his wife lived in Jordan.

¶ 7 Ahmad testified he had known Raida and Mohammed for 17 to 18 years. In 2019, he had a disagreement with them regarding their desire to purchase his restaurant. Sometime later, Raida and Mohammed made a second offer to buy Ahmad’s restaurant for \$50,000, which he declined. Then, in approximately November 2020, another incident occurred involving a Burger King restaurant. Ahmad testified Raida and Mohammed were going to buy that restaurant but “their deal fell through.” He went to look at the restaurant for a friend and was confronted by one of Raida and Mohammed’s relatives. Not long thereafter, Ahmad’s mother and sister began receiving phone calls that upset them. His mother sent him a message saying it was Raida who was “doing this to her.” Ahmad stated he also received “probably hundreds” of phone calls from “[u]nknown numbers.”

¶ 8 In December 2020, Ahmad received repeated phone calls and texts from a number he knew was Mohammed's. The text messages he received were in Arabic. According to Ahmad, the messages complained that Ahmad's mother and sister had made "allegations" against Raida and requested that Ahmad meet with Mohammed to "resolve that." Ahmad responded to the calls and messages by blocking Mohammed's number. He stated the calls and text messages made him feel like he was in danger. He alerted the police to what was happening and installed cameras at his home. At the end of 2020, Ahmad obtained an "emergency order of protection," but the frequent phone calls from unknown numbers continued in 2021 and through the dates of the plenary hearing.

¶ 9 Ahmad testified that on May 7, 2021, he received a call from an unknown number that left a short voicemail message. He presented exhibits that contained both a screenshot from his phone, showing that he received the call, and a recording of the voicemail message that was left (neither exhibit is contained within the appellate record). Ahmad stated he recognized the voice of the person who left the message and identified it as Raida's voice. In the message, Raida spoke Arabic and, according to Ahmad, stated, " 'I'm not going to leave her alone. Just wait on me.' " Ahmad testified he received that message after he called the police and asked them to tell Raida and Mohammed "to stay away from us and quit calling us." Ahmad believed Raida's message was "the response to sending the police to [Raida and Mohammed]."

¶ 10 Ahmad recalled another occasion when cameras outside his home captured a vehicle, a green Mercedes, that he believed was Raida and Mohammed's. Ahmad testified that around the same time the image of the vehicle was recorded, he received "a call *** saying 'I see the w*** is here today.' " On August 4, 2021, a camera at his home, again, captured what he believed was Raida and Mohammed's vehicle, and he received a "phone call" in which "she" said:

“ ‘We’re watching your house. We’re watching the cars that come and go out of the house.’ ”

Ahmad presented an exhibit that contained screenshots of the vehicle he identified from the camera recordings outside his house. (The exhibit is not contained within the appellate record).

¶ 11 Ahmad testified the phone calls and messages “would get more intense” when Majeda was at his house, which typically happened on weekends. He noted that both he and Majeda would receive calls and messages. Ahmad believed that when he received insulting messages that referred to “ ‘her,’ ” the messages were referring to Majeda. As a result of the messages, he was concerned about Majeda’s safety. He noted that during a July 2021 hearing in the underlying cases, he mentioned that he would be traveling out of the country. He indicated no one else was aware of that information but, immediately thereafter, “calls started saying, ‘Wait till he leaves. You’ll see what I will do with you’ to threaten Majeda.” Ahmad testified he cancelled his trip because of the calls.

¶ 12 Ahmad further described the content of several text messages he received from unknown numbers. On June 13, 2021, he received a text message from a “random number” that referenced business and money. He believed those messages referred to the potential sale of his restaurant to Raida and Mohammed. On July 14, 2021, he received a message that said, in part: “ ‘I cannot wait till you leave the country and then come file as many cases against us as you want, and we will see what will happen and what you will be capable of doing.’ ” On August 2, 2021, he received a message that referenced how the sender “used to *** send [Ahmad] food.” Ahmad testified that when he had a good relationship with Raida and Mohammed, they would bring him food and check on him. Also in August 2021, Ahmad received a text message that stated: “ ‘A restaurant that is not worth [\$]50,000, you want to sell it for [\$]80,000. You are money hungry and a thief.’ ” Ahmad testified that \$80,000 is what he initially asked Raida and Mohammed to pay for

his restaurant and \$50,000 is what they offered the “next time.” Also, on August 5, 2021, he received a text message from an unknown number that referenced “ ‘my son Ribhi.’ ” Ahmad testified that Raida and Mohammed had a son named Ribhi.

¶ 13 Majeda testified that during the summer of 2020, she met Raida and Mohammed at Ahmad’s restaurant. In November 2020, she began receiving phone calls and messages from numbers she did not recognize with “vulgar language and harassment.” She received messages that called her names and referenced her work at the restaurant. Although the caller did not identify themselves, Majeda believed Raida was the one calling and messaging, stating the caller was female and “[i]t was her voice.” On April 13, 2021, Majeda had a missed call and a voicemail message, which stated: “ ‘Are you going to put me in prison, you w****?’ ” Majeda testified she recognized the voice as belonging to Raida, noting she had heard Raida’s voice “at the restaurant” and from “the message that had been sent to [Ahmad’s] sister and mother.”

¶ 14 On March 2, 2021, Majeda received a voice message from an unknown number, which stated: “ ‘His mother is singing. The w**** is singing. We’re going to get you. We’re going to get you. I gonna get you. I will get you.’ ” Majeda also believed that message was from Raida.

¶ 15 On September 10, 2021, Majeda received a message with the caller using “vulgar” words and stating, “ ‘You started making us problem.’ ” She stated she also received messages that stated she “came from the street” and had no mother or father, she was “cheap,” and she was “trash.” Majeda testified the calls and messages she received made her feel emotional, unstable, frustrated, and intimidated. (She presented screenshots and exhibits of the messages she received; however, again, the exhibits are not contained within the appellate record.)

¶ 16 Raida testified she only met Majeda on one occasion at Ahmad’s restaurant and that their interaction was very brief. She stated she had never called Majeda and denied making

any of the phone calls or sending any of the messages at issue. Raida denied that it was her voice on voicemail messages that were presented at the hearing. She further denied that the vehicle captured on cameras outside Ahmad's home was her vehicle.

¶ 17 Mohammed testified he had known Ahmad since 2003 and, initially, the two were friends. Mohammed also became friends with Ahmad's brother. However, in October 2020, Ahmad sent Mohammed a message telling Mohammed to leave his brother alone and “ ‘[l]eave us alone.’ ” Raida also received a message from Ahmad's sister. Mohammed acknowledged that, at some point, his son tried to purchase a Burger King restaurant but the deal “fell through.” Later, Mohammed's nephew saw and spoke with Ahmad and another individual at the restaurant. He denied that there were “any problems” or “any issues” with Ahmad regarding that attempted restaurant purchase.

¶ 18 Mohammed asserted that on December 20, 2020, Raida showed him messages Ahmad's mother sent to her that had “all kinds of bad words.” Mohammed admitted he called Ahmad three or four times. Ahmad answered the last call and told Mohammed to leave him and his family alone. Mohammed asked to meet to resolve the situation, but Ahmad declined and hung up. Mohammed testified he tried to call again but Ahmad never answered. He also sent Ahmad messages in “WhatsApp.” He denied that he ever made calls to Ahmad or Majeda from “different numbers.” Mohammed also testified that the vehicle captured on cameras outside Ahmad's home was neither his nor Raida's.

¶ 19 In November 2021, the trial court denied Ahmad's request for a plenary stalking no contact order against Mohammed. It found that although Mohammed “admitted he had repeatedly called [Ahmad] initially to try to work out the issues that they had,” the evidence did not show that the subsequent text messages and phone calls from unknown numbers were made by him.

¶ 20 The trial court determined, however, that there had been “sufficient proof” that Raida engaged in a “course of conduct” to harass both Majeda and Ahmad. The court considered Ahmad’s identification of Raida’s voice on voicemail messages. Further, it relied on evidence that Ahmad recognized a vehicle belonging to Raida and Mohammed on camera footage taken from outside his home around the same time he received harassing text messages that indicated the sender was watching his home, as well as his and Majeda’s movements. The court stated as follows: “I do find that that is [Raida] placing both petitioners under surveillance, as well as making threatening and harassing statements. I do find that that was her that had driven by, as it places a context with the phone call and text message that were also sent.”

¶ 21 The trial court also found that the content of some of the text messages put “into context” the identity of who sent the messages. It pointed out that after Ahmad mentioned his intention to travel outside of the country, a text message was sent from an unknown number that said, “ ‘Wait ‘till he leaves. When he leaves, see what happens to Majeda.’ ” Another message referenced the filing of cases against the sender stating, “ ‘File as many cases against us if you want.’ ” The court stated it considered the messages to be from Raida but believed Mohammed and Raida were “agents of each other” and “working for the same goal.” Thus, it concluded that whether the messages were from Mohammed or Raida, the messages still furthered Raida’s “intent to harass both of the petitioners.” Finally, the court determined Raida made phone calls to Ahmad’s mother that were for the purpose of harassing Ahmad and Majeda.

¶ 22 The trial court granted Majeda’s petition for a two-year stalking no contact order against Raida. It also allowed Ahmad to be added to the order as a protected party.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 On appeal, Raida argues the trial court erred by granting Majeda’s petition for a plenary stalking no contact order. She contends the court’s decision was against the manifest weight of the evidence because Majeda failed to establish that the complained-of conduct—the frequent phone calls and messages—were perpetrated by her. Raida asserts the calls and messages that Majeda and Ahmad received came from unknown numbers that were not proven to be hers; she denied that it was her voice on the voicemail recordings; and the vehicle captured on cameras outside Ahmad’s home was not proven to be her vehicle, nor was she proven to be the driver of the vehicle.

¶ 26 The Stalking No Contact Order Act (Act) provides a civil remedy for victims of stalking. 740 ILCS 21/5 (West 2020). Under the Act, “ ‘[s]talking’ means engaging in a course of conduct directed at a specific person” when the actor “knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety *** or the safety of a third person or suffer emotional distress.” *Id.* § 10. “ ‘Course of conduct’ means [two] or more acts, including but not limited to acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, or threatens a person.” *Id.* “A course of conduct may include contact via electronic communications.” *Id.* Additionally, the term “ ‘[e]motional distress’ ” is defined as “significant mental suffering, anxiety or alarm.” *Id.*

¶ 27 To obtain a stalking no contact order, a petitioner must prove stalking by a preponderance of the evidence. *Id.* § 30(a). Under the preponderance standard, a petitioner “need only present evidence that renders a fact more likely than not.” (Internal quotation marks omitted.) *People v. Peterson*, 2017 IL 120331, ¶ 37, 106 N.E.3d 944.

¶ 28 On review, the trial court’s decision to issue a stalking no contact order will not be

reversed unless it is against the manifest weight of the evidence. *Piester v. Escobar*, 2015 IL App (3d) 140457, ¶ 12, 36 N.E.3d 344. “A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented.” *Best v. Best*, 223 Ill. 2d 342, 350, 860 N.E.2d 240, 245 (2006).

¶ 29 Here, evidence showed that in November 2020, Majeda and Ahmad began to receive frequent phone calls and text messages from phone numbers they did not recognize. The voicemail and text messages they received contained disparaging comments about Majeda and were threatening towards her. They also indicated the sender was watching Ahmad’s home where Majeda occasionally stayed. Ahmad testified the calls and messages made him concerned about Majeda’s safety and Majeda described feeling emotional, unstable, frustrated, and intimidated.

¶ 30 Evidence further showed the calls and messages began around the same time that Ahmad had a falling out with Raida and Mohammed, individuals with whom he had previously had a friendly relationship. The evidence demonstrated that voicemail messages were left by a female caller. Messages received by Ahmad and Majeda were in Arabic, which the record indicated Raida spoke. Further, Ahmad testified he had known Raida for a lengthy period of time, 17 or 18 years, and he identified her voice on voicemail messages that he received from unknown numbers. Ahmad also recognized a vehicle that belonged to Raida and Mohammed on recordings from cameras outside his home. Around the same time, he received phone calls from unknown numbers that stated the caller was watching his house and was aware of Majeda’s presence at his home.

¶ 31 Additionally, some of the complained-of messages contained information that was descriptive of Raida and Mohammed or their past interactions with Ahmad. For example, evidence showed Raida and Mohammed had a son named Ribhi and one text message Ahmad received

referenced “ ‘my son Ribhi.’ ” Another text message referenced bringing food to Ahmad, which Ahmad stated Raida and Mohammed had done when they were on friendly terms with him. Still another text message referenced the price at which Ahmad offered to sell his restaurant to Raida and Mohammed, as well as the exact amount of their subsequent counteroffer. Evidence also showed that after Ahmad mentioned his intention to travel out of the country at a court hearing in the underlying proceedings, Majeda received threatening calls that stated, “ ‘Wait till he leaves.’ ”

¶ 32 We find the above evidence was sufficient to establish that Raida was more likely than not the perpetrator of harassing phone calls and messages directed toward Majeda and Ahmad. Although she suggests on appeal that the calls and messages could have been made by Ahmad’s wife in Jordan or Ahmad himself, such claims are speculative and not supported by the evidence. Under the circumstances presented, the trial court’s entry of a plenary stalking no contact order was supported by the record and not against the manifest weight of the evidence.

¶ 33 III. CONCLUSION

¶ 34 For the reasons stated, we affirm the trial court’s judgment.

¶ 35 Affirmed.