2026 IL App (1st) 252618-U
No. 1-25-2618
Order filed November 12, 2026
Fourth Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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

KRISTY AGGARWAL, Petitioner-Appellant,

v.

AMAN AGGARWAL, Respondent-Appellee.

Appeal from the Circuit Court of Cook County.
Honorable Jeanne M. Reynolds, Judge, Presiding.
No. 23 D 230443

JUSTICE NAVARRO delivered the judgment of the court.
Justices Mitchell and Ocasio concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court properly granted respondent's motion to dismiss petitioner's notice of intent to claim dissipation of marital assets because petitioner did not timely file the notice.

¶ 2 In this dissolution of marriage case between petitioner, Kristy Aggarwal, and respondent, Aman Aggarwal, the trial court dismissed Kristy's notice of intent to claim dissipation of marital assets. The court subsequently entered a judgment of dissolution of the parties' marriage. Kristy now appeals from the trial court's order dismissing her notice of intent to claim dissipation of marital assets. Kristy's notice was not timely filed pursuant to section 503(d)(2)(i) of the Illinois

Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/503(d)(2)(i) (West 2024)). We affirm.

¶ 3 I. BACKGROUND

¶ 4 The record on appeal includes a common law record, but it does not include a report of proceedings.

¶ 5 Kristy and Aman were married in 2012 and had one child born in 2015. In 2023, Kristy filed a petition for dissolution of marriage, and Aman filed a counterpetition for dissolution of marriage.

¶ 6 On August 22, 2025, the trial court entered an order setting the case for trial on December 1, 2025.

¶ 7 On October 17, 2025, petitioner filed a notice of intent to claim dissipation of marital assets. She alleged that, during certain time periods that occurred between April 2023 and October 2025, Aman made various cash withdrawals and electronic transfers of funds from the parties' marital checking, investment, and retirement accounts and that he did so for non-marital purposes and without notice to her. Kristy further alleged that during a one-month period in 2024, without notice to her, Aman refurnished the marital residence using marital assets, and that from 2012 to 2023, Aman used marital funds to make mortgage payments on the marital residence, even though the mortgage was in his name only.

¶ 8 Aman moved to dismiss Kristy's notice of intent to claim dissipation, arguing that she failed to timely file her notice of intent to claim dissipation under section 503(d)(2)(i) of the Act (750 ILCS 5/503(d)(2)(i) (West 2024)), which requires the notice to be given "no later than 60 days before trial or 30 days after discovery closes, whichever is later."

¶ 9 Aman asserted that the court's August 22, 2025, order setting the case for trial on December 1, 2025, closed all discovery, and directed the parties to supplement discovery and updated financial affidavits by October 6, 2025. Aman therefore argued that Kristy's October 17, 2025, notice of intent to claim dissipation was not timely filed under section 503(d)(2) of the Act because she filed it 45 days before trial and 56 days after the close of discovery.

¶ 10 In response to Aman's motion to dismiss, Kristy agreed that discovery formally closed on August 22, 2025, and trial was set for December 1, 2025. Kristy therefore acknowledged that her October 17, 2025, notice of intent to claim dissipation was not timely filed within the statutory period set forth in section 503(d)(2) of the Act.

¶ 11 Kristy nevertheless argued that the court should deny Aman's motion to dismiss because her untimely filing was unintentional, due to confusion regarding the applicable deadline, and did not prejudice Aman. Kristy asserted that, at the parties' settlement meeting on June 12, 2025, questions arose regarding multiple cash withdrawals and transfers that Aman made from the marital accounts. After this meeting, she sought documentation from Aman regarding those disputed transactions and reasonably believed he would provide her with the requested documentation before discovery closed. Kristy maintained she acted in good faith to resolve the issues informally and that, as soon as it became apparent that he was not going to provide her with the requested information nor clarify the matters in his October 6, 2025, updated financial affidavit, she promptly filed her notice of intent to claim dissipation.

¶ 12 Kristy also filed a motion for leave to file a late notice of intent to claim dissipation, arguing that she did not file the notice within the required time period due to a misunderstanding of procedural deadlines, as she was a self-represented litigant, and because she had to review Aman's financial documents that she received on October 6, 2025. Kristy maintained that her delay in

filing the notice was not done in bad faith and would not prejudice Aman, as the evidence was already known and discussed at the parties' settlement meeting on June 12, 2025, and she filed her notice 45 days before trial.

¶ 13 In a written order, the trial court granted Aman's motion to dismiss Kristy's notice of intent to claim dissipation and denied Kristy's motion for leave to file a late notice of intent to claim dissipation. We do not have a transcript of that hearing.

¶ 14 On December 1, 2025, the trial court entered a judgment for dissolution of marriage. This appeal follows.

¶ 15 II. ANALYSIS

¶ 16 Kristy argues that the trial court erred when it dismissed her notice of intent to claim dissipation. She claims she acted in good faith without intent to delay or prejudice Aman, and she filed the notice promptly after she reviewed his incomplete financial disclosures. She states that after the June 12, 2025, settlement meeting, Aman indicated he would provide her with the additional information she requested on the disputed withdrawals and transfers of funds made from their marital accounts, but he never did so. According to Kristy, Aman's financial affidavit filed on October 6, 2025, did not answer the questions raised at the June 12, 2025, settlement meeting regarding the disputed withdrawals and transfers and that, as a result, she filed her notice of intent to claim dissipation of assets. Kristy asserts that Aman caused her to file the late notice because he had exclusive control over their accounts, failed to respond to her inquiries, and did not make voluntary disclosures.

¶ 17 As an initial matter, we note that the appellee, Aman, did not file a brief on appeal, and we entered an order taking this case on the appellant's brief only. When an appellee does not file a brief on appeal, a reviewing court will not be an advocate for the appellee. *Amaba v. RFJ Land*

Management, LLC, 2023 IL App (1st) 220549, ¶ 11. However, the appellant maintains the burden of demonstrating that the court erred. *In re D.S.*, 2021 IL App (1st) 192257, ¶ 19. Additionally, where the record is simple and we can resolve the alleged error without an appellee's brief, we should decide the appeal on the merits. *Amaba, LLC*, 2023 IL App (1st) 220549, ¶ 11.

¶ 18 We also note that Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020) provides the content and format required for appellate briefs. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. These procedural rules are mandatory (*id.*), and when a party is a self-represented litigant, as here, she is still required to comply with these rules (*Gillard v. Northwestern Memorial Hospital*, 2019 IL App (1st) 182348, ¶ 45).

¶ 19 Rule 341(h)(7) (eff. Oct. 1, 2020) requires the appellant's opening brief to "contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." This rule is important because "the appellate court starts with the presumption that the circuit court's ruling was in conformity with the law and the facts." *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 15. Here, other than the standard of review, Kristy's argument section does not contain any citation to relevant legal authority to support her assertions and claims of error. As such, we may decline to address any arguments that are not supported with citation to authority. See *In re Marriage of Lugo*, 2025 IL App (1st) 231478, ¶ 102 (Internal quotation marks omitted.) ("It is well established that mere contentions, without argument or citation of authority, do not merit consideration on appeal.").

¶ 20 As previously noted, Kristy argues the trial court erred in granting Aman's motion to dismiss her notice of intent to claim dissipation. Aman's motion to dismiss was based on Kristy's failure to timely file her notice under section 503(d)(2) of the Act. Kristy does not dispute that she failed to timely file her notice.

¶ 21 Before a trial court can enter judgment and distribute property upon the dissolution of marriage, "it must first classify the property as either marital or nonmarital." (Internal quotation marks omitted.) *In re Marriage of Stuhr*, 2016 IL App (1st) 152370, ¶ 49. In classifying the parties' property as marital or non-marital and in dividing the marital property equitably, the court considers numerous factors set forth in the Act, including the dissipation of marital assets. *In re Marriage of Schneeweis*, 2016 IL App (2d) 140147, ¶ 33; *In re Marriage of May*, 2024 IL App (1st) 221485-U, ¶ 63; 750 ILCS 5/503 (West 2024). Dissipation means "the use of marital assets for the benefit of one spouse for purposes unrelated to the marriage while the marriage is undergoing an irreconcilable breakdown." *In re Marriage of Hamilton*, 2019 IL App (5th) 170295, ¶ 78.

¶ 22 The Act provides that a party's claim for dissipation is subject to certain conditions, including, as relevant here, that "a notice of intent to claim dissipation shall be given no later than 60 days before trial or 30 days after discovery closes, whichever is later[.]" 750 ILCS 5/503(d)(2)(i) (West 2024).

¶ 23 Where we are reviewing whether Kristy's timing of the dissipation notice complied with the notice requirements set forth in section 503(d)(2) of the Act, our review is *de novo*. See *In re Marriage of Majewski*, 2023 IL App (2d) 220050-U, ¶ 65 (stating that "the distinct question of whether a notice of intent to claim dissipation complied with applicable law is reviewed *de novo*").

¶ 24 This court has previously found that the notice requirements set forth in the dissipation section of the Act are mandatory. *In re Marriage of Hamilton*, 2019 IL App (5th) 170295, ¶¶ 75-76 (where the court explained that the notice required by the statute is mandatory, it noted that under section 503(d)(2)(i), "the requisite notice "*shall*" be given") (Emphasis in original.); see *In re Marriage of Kelly*, 2026 IL App (5th) 230003-U, ¶ 52; *In re Marriage of May*, 2024 IL App

(1st) 221485-U, ¶¶ 67-71 (concluding that all provisions in section 503(d)(2) of the Act are mandatory and must be met before trial). As such, when a notice of intent to claim dissipation is not timely filed under the Act, then a trial court cannot review the claim. See *In re Marriage of Hamilton*, 2019 IL App (5th) 170295, ¶ 73 (explaining that a court "may consider the dissipation of assets only on the condition" that the notice is timely under the terms of section 503(d)(2)(i) of the Act); *In re Marriage of Kelly*, 2026 IL App (5th) 230003-U, ¶ 52 ("[I]f the notice of intent to claim dissipation was not timely filed which would place the other party on notice, then the court cannot consider a claim of dissipation.").

¶ 25 Here, there is no dispute that discovery closed on August 22, 2025, and that trial started on December 1, 2025. Kristy's October 17, 2025, notice of intent to claim dissipation was therefore filed 56 days after discovery closed and 45 days before trial. As such, Kristy's notice of intent to claim dissipation of assets was not timely filed under section 503(d)(2)(i) of the Act. 750 ILCS 5/503(d)(2)(i) (West 2024) ("a notice of intent to claim dissipation shall be given no later than 60 days before trial or 30 days after discovery closes, whichever is later"). Because a party's compliance with the notice requirements of section 503(d)(2) of the Act is mandatory, the court did not err in granting Aman's motion to dismiss Kristy's notice of intent to claim dissipation of marital assets based on her failure to timely file her notice.

¶ 26 III. CONCLUSION

¶ 27 For the reasons stated above, we affirm the trial court's order granting respondent's motion to dismiss petitioner's notice of intent to claim dissipation of marital assets.

¶ 28 Affirmed.