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).

2026 IL App (4th) 250834-U

NO. 4-25-0834

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 20, 2026
Carla Bender
4th District Appellate
Court, IL

NANCY L. DURBIN,	)	Appeal from the
Plaintiff-Appellant,	)	Circuit Court of
v.	)	Sangamon County
CHARLES CROWLEY and JANEEN CROWLEY,	)	No. 23MR327
Defendants-Appellees.	)	
	)	Honorable
	)	Gail L. Noll,
	)	Judge Presiding.

PRESIDING JUSTICE STEIGMANN delivered the judgment of the court.
Justices DeArmond and Vancil concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding (1) the trial court did not err by dismissing plaintiff's third and fourth amended complaints because they failed to state any claim upon which relief could be granted and (2) the court's denial of plaintiff's request for leave to file an amended complaint was not an abuse of discretion.

¶ 2 *Pro se* plaintiff, Nancy L. Durbin, sued defendants, Charles and Janeen Crowley, seeking, among other things, (1) injunctive relief for the removal of defendants' dog from their property, (2) the removal of several of defendants' trees, (3) the cleanup of rock that drifted onto plaintiff's property, and (4) the alteration of defendants' asphalt driveway. She also sought punitive damages and compensatory damages relating to the loss in value of her home, legal fees, and reimbursement for time and effort spent researching and litigating the instant matter. The trial court granted defendants' motion to dismiss plaintiff's third and fourth amended complaints, with prejudice.

¶ 3 Plaintiff appeals, arguing that (1) the trial court erred by dismissing her third and fourth amended complaints because she alleged facts sufficient to support a claim for private nuisance and (2) the court abused its discretion by denying her leave to amend them. We affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Plaintiff's Initial Complaints

¶ 6 In September 2023, plaintiff, acting *pro se*, initiated this action against defendants by filing a form complaint seeking an "Abatement of Nuisances." In a single paragraph, plaintiff complained (1) defendants' pine trees were compromised and could fall on her home, (2) their privacy fence was hanging over plaintiff's driveway, preventing her from parking there, (3) rocks were encroaching onto her property, and (4) debris from trees on their property was falling onto her property and damaging her vehicle.

¶ 7 In July 2024, plaintiff filed an amended complaint, asserting that she resided at her home in Leland Grove, Illinois, and advancing several claims of private nuisance in four "counts" against defendants, her next-door neighbors. Each count consisted of a numbered heading, under which appeared inconsistently numbered paragraphs providing narrative explanations of plaintiff's grievances.

¶ 8 Generally, plaintiff alleged defendants' dog repeatedly barked and its waste smelled so foul that it interfered with her enjoyment of her property. She also alleged defendants harassed her by letting their dog out of its kennel. In another "count," plaintiff reasserted her claims that she feared some of defendants' trees could fall on her property, other trees deposited debris on her driveway and vehicle, defendants' fence was leaning toward her driveway, preventing her from parking on it, and rocks from defendants' property were drifting onto her property.

¶ 9 At an August 2024 status hearing, the trial court informed plaintiff her complaint

failed to comply with section 2-603 of the Code of Civil Procedure (Code) (735 ILCS 5/2-603 (West 2024)) and gave her the opportunity to file a second amended complaint.

¶ 10 In September 2024, plaintiff filed a second amended complaint. This pleading largely advanced the same claims raised in her prior filing but separated her grievances into 12 "counts" and transposed the narrative allegations supporting each count into numbered paragraphs.

¶ 11 In October 2024, plaintiff filed two additional amended complaints that largely reflected her prior amended complaint but addressed the defendants individually in separate pleadings. These pleadings lacked verification.

¶ 12 In response, defendants filed a motion to dismiss pursuant to section 2-615 of the Code (735 ILCS 5/2-615 (West 2024)), arguing the amended complaints stated no claim for which relief could be granted.

¶ 13 B. The Verified Third and Fourth Amended Complaints

¶ 14 Despite defendants' motion to dismiss, plaintiff again filed two additional complaints, which are the complaints at issue in this appeal—namely, a verified third amended complaint naming only Charles and a verified fourth amended complaint naming only Janeen. Plaintiff intended to proceed on these pleadings together, which the trial court allowed. Accordingly, the court struck plaintiff's previous amended complaints, dismissed defendants' pending motion to dismiss as moot, and deemed plaintiff's verified third and fourth amended complaints the "operative documents going forward."

¶ 15 As with her previous filings, both pleadings organized plaintiff's various claims of private nuisance into 12 "counts" over approximately 50 pages. Although difficult to ascertain due to repeated allegations, conclusory assertions, and fragmented contentions interspersed with requests for relief throughout the meandering structure of the complaints, the pleadings appeared

to allege the following.

¶ 16 In count I, plaintiff asserted defendants' dog barked "at any hour," including at night so as to wake her, and created dog waste in defendants' yard and dog kennel that smelled so "offensive" she could not open the windows of her home for fresh air. She alleged that because defendants did not pick up their dog's waste or sanitize their dog kennel, the air had become "polluted." Additionally, because the dog typically defecated on a spot on defendants' property that was near plaintiff's driveway, the smell permeated the interior of her vehicle, prevented her from maintaining her driveway, and forced her to stop parking on that portion of the driveway. Plaintiff also claimed the waste introduced flies into her home. She further alleged her yard had become "contaminat[ed]" due to rainwater washing the dog's waste onto her property, causing her to fear for her health and the health of the public.

¶ 17 When describing these allegations, plaintiff noted defendants' kennel was illegal in that Leland Grove had previously issued defendants a permit to build only a " 'storage shed' " and in any event, the structure did not adhere to "dog kennel regulations" regarding matters like ventilation or drainage. Plaintiff also highlighted several Leland Grove ordinances, including one prohibiting owners from allowing animal feces that constituted a health hazard to remain on their premises. See Leland Grove Ordinance No. 425, § 4-1B-4 (eff. Mar. 25, 1985). She referenced another ordinance declaring any dog or cat that disturbs " 'the peace and quiet of any person' " to be a public nuisance requiring impoundment. See Leland Grove Ordinance No. 297, § 5-1-3 (eff. Apr. 25, 1995). She further cited an ordinance declaring as nuisances sounds that interfered with the peace or disturbed the quiet enjoyment of any person and any filthy, foul, or offensive matter or liquid discharged into a public place or adjacent lot. Leland Grove Ordinance No. 425, § 4-1B-1 (eff. Mar. 25, 1985).

¶ 18 According to plaintiff, defendants were "lazy" and "stubborn" and had "stolen years of [plaintiff's] time and enjoyment" of her property by failing to clean up after their dog. As relief, plaintiff requested the removal of the dog from defendants' property and a permanent ban on dogs living in the kennel "even if [defendants] sold their home." She also requested unspecified "actual damages" relating to defendants' "disregard [for] respect[ing the] rights of another," damages for the loss in value of her property, and reimbursement for the time, effort, and materials spent litigating the matter.

¶ 19 In count II, plaintiff alleged defendants harassed her by allowing their dog out of its kennel "when the weather [was] nice" such that, if she were also outside, she would be "forced" to listen to the dog running, panting, and barking or forced "to smell [its] bowel movements." As a result, plaintiff claimed she "can never go outside" or "enjoy any quiet time or *** peace" because defendants "have confined [her] to being housebound" to avoid the noise and odor of their dog. Plaintiff noted some instances when defendants' dog barked at night, waking her. On other occasions, when she wanted to enjoy time outdoors, she had to "retreat back into her home" because the dog was making noise or defecating. She also complained of instances in which defendants made "[a] racket" by mowing their lawn or shoveling waste from the dog run while she was outside. Plaintiff asserted she "want[ed] no reminders the dog and [defendants were] even living" next door and requested an order requiring defendants to cease the alleged harassment as well as unspecified "[m]onetary compensation" and "[r]estitution for years of suffering."

¶ 20 In other "counts" alleging private nuisance, plaintiff claimed defendants were encroaching on her property. In these counts, plaintiff asserted defendants' privacy fence was at one point damaged, and while she acknowledged it had been repaired, she claimed it had "been shoved over to [plaintiff's] side" following additional damage and "look[ed] terrible" (count III).

She further alleged defendants at one point had pine trees on their property that were struck by lightning, and she had feared these "compromised" trees would fall onto her property and injure her, although she conceded these trees had since been cut down (count IV). She also alleged another tree deposited "gumballs" onto her driveway, which made it unsightly and "lowered the value of her home" (count V). Several counts claimed other trees on defendants' property were "unsightly," too close to her property, or had branches hanging over her property, and she wanted them trimmed or removed (counts VII-IX).

¶ 21 In other counts, plaintiff alleged rocks from defendants' driveway drifted onto her property (count X), and asphalt from their driveway "cover[ed] part of [the] entrance to her driveway" (count XI). As another basis for nuisance, plaintiff alleged that due to defendants' encroachments and the dog waste on defendants' property, she had to park on the sidewalk in front of her house, which resulted in her receiving a parking ticket (count VI). As relief for these counts, plaintiff requested that defendants repair their fence, cut down their pine trees, remove or trim other trees on their property, remove the rocks that drifted onto her property, repaint their dog kennel, and remove the asphalt poured on her driveway.

¶ 22 Plaintiff also requested unspecified "Out-of-Pocket expenses" and "[a]ll damages" incurred (count XII). She further requested reimbursements for the parking ticket she received, her time and effort spent contesting the ticket, and a doctor's appointment she had to attend while she was contesting the ticket.

¶ 23 C. Defendants' Motion To Dismiss

¶ 24 Defendants subsequently filed a motion to dismiss the third and fourth amended complaints under section 2-615 of the Code. Therein, defendants asserted plaintiff's complaints were legally insufficient. Defendants further noted the complaints contained false, misleading, and

contradictory statements. Defendants claimed they obtained an order of protection against plaintiff because she was harassing them. They asserted plaintiff engaged in patterns of (1) yelling and cursing at them, (2) making multiple police reports complaining of their dog's barking and odor that were deemed untrue, and (3) submitting reports to the Sangamon County Public Health Department, resulting in inspections of defendants' home that did not substantiate her allegations. In support of these claims, defendants attached to their motion copies of "belligerent and increasingly threatening text messages" from plaintiff, police reports, and public health inspection reports.

¶ 25 Defendants argued that even taking plaintiff's allegations as true, the complaints at no point stated a claim for which relief could be granted. Defendants added plaintiff sought "relief the Court does not grant," such as an order for the removal of their dog and a ban on all future residents from possessing one; orders to remedy conditions on their property that had already been remedied; the alteration of trees on their property; and unspecified reimbursements for her efforts to contest a parking ticket, a doctor's appointment, yard maintenance, legal fees, and time and materials litigating the matter.

¶ 26 In February 2025, plaintiff filed a response to defendants' motion to dismiss and attached several exhibits that were not included in the amended complaints, including a map of the parties' properties and a police report. Plaintiff argued the case should not be dismissed because her "allegations [were] substantiated in case law, ordinances, and statutes."

¶ 27 In April 2025, the trial court conducted a hearing on defendants' motion to dismiss. The transcript of this hearing does not appear in the record on appeal. The court's docket sheet, however, provides the following:

"Arguments heard on Defendants' Motion to Dismiss Verified Third and Fourth

Amended Complaints. Motion to Dismiss seeks dismissal pursuant to 2-615. Court may consider the allegations of the complaints, matters of which the Court may take judicial notice, and judicial admissions in the record. Applying this standard, the exhibits attached to motion to dismiss are stricken and the Court will not consider them in ruling on the motion. Court also strikes Exhibits A and J to the Plaintiff's response and will not consider them in making ruling. Plaintiff notes that a few issues have been resolved. Plaintiff withdraws Counts 4, 5 and 9. Defendants' Motion to Dismiss is ALLOWED. Even taking Plaintiff's factual allegations as true, Plaintiff fails to state a cause of action that would entitle Plaintiff to recovery under the law of the state of Illinois. The remaining counts fail to allege facts sufficient to support any claim that a private individual can bring and upon which this Court could grant relief. Plaintiff has had previous opportunity to amend. Plaintiff's Third and Fourth Amended Complaints dismissed with prejudice."

¶ 28 D. Plaintiff's Motion To Reconsider

¶ 29 In May 2025, plaintiff filed a motion to reconsider the grant of defendants' motion to dismiss. Therein, plaintiff asserted the trial court's dismissal "was based on a misunderstanding or misapplication of relevant statutes or case law." The motion then effectively repleaded the entirety of plaintiff's amended complaints and requested the opportunity to file another amended complaint.

¶ 30 Defendants filed a response, arguing the motion to reconsider should be denied because plaintiff neither (1) presented any new evidence or a change in law nor (2) showed any error by the trial court that warranted reconsideration of the court's dismissal of the complaints.

¶ 31 In a subsequent response to defendants' filing, plaintiff clarified she sought

reconsideration of the trial court's dismissal because the court erroneously concluded the law provided no remedy for a private nuisance.

¶ 32 In July 2025, the trial court denied plaintiff's motion to reconsider.

¶ 33 This appeal followed.

¶ 34 II. ANALYSIS

¶ 35 Plaintiff appeals, arguing that (1) the trial court erred by dismissing her third and fourth amended complaints because she alleged facts sufficient to support a claim for private nuisance and (2) the court abused its discretion by denying her leave to amend them. We disagree and affirm.

¶ 36 A. Defendants' Request To Strike Plaintiff's Brief and Dismiss the Appeal

¶ 37 As an initial matter, we note defendants request plaintiff's appellate brief be stricken and the appeal dismissed on two bases. First, defendants contend plaintiff did not timely file the appendix to her brief. After granting plaintiff several extensions of time in which to file her appellate brief, this court issued an order granting a final extension of time to May 7, 2026. *Durbin v. Crowley*, No. 4-25-0834 (Mar. 30, 2026). Plaintiff filed her initial brief on that date, but the brief lacked an appendix, as required by Illinois Supreme Court Rule 342 (eff. Oct. 1, 2019). Plaintiff filed her appendix the following day. We decline defendants' request to strike the brief on this basis. The striking of a brief or dismissal of an appeal is a particularly harsh sanction. *Colon v. Illinois Central R.R. Co.*, 2024 IL App (1st) 221841, ¶ 22. Although plaintiff filed her appendix one day outside the final deadline, the failure to timely file her appendix does not hinder or preclude our review. Accordingly, striking her brief and dismissing the appeal is unwarranted. See *Gaston v. City of Danville*, 393 Ill. App. 3d 591, 601 (2009).

¶ 38 Second, defendants contend that after this court granted plaintiff leave to file a

"corrected brief with corrected citations and pagination" (see *Durbin*, No. 4-25-0834 (June 3, 2026)), plaintiff acted "[i]n defiance of this *** order" by submitting a corrected brief containing "substantive changes" from her prior brief. Defendants, however, make no effort to identify the offending portions of plaintiff's corrected brief or make any claim they were prejudiced by the purported changes. Moreover, our review of plaintiff's initial and corrected briefs shows she raised the same essential arguments in both submissions. Accordingly, we also decline defendants' request to strike plaintiff's brief and dismiss the appeal on this basis.

¶ 39 B. Whether the Trial Court Erred by Dismissing Plaintiff's Third and Fourth Amended Complaints

¶ 40 Plaintiff argues the trial court erred by granting defendants' motion to dismiss because her third and fourth amended complaints alleged sufficient facts to state a claim for private nuisance. We disagree.

¶ 41 1. *Section 2-615 Motions and the Standard of Review*

¶ 42 A motion to dismiss pursuant to section 2-615 of the Code tests the legal sufficiency of a complaint based on particular defects or defenses apparent on its face. *Walworth Investments-LG, LLC v. Mu Sigma, Inc.*, 2022 IL 127177, ¶ 39. When ruling on a motion pursuant to section 2-615, "a court must accept as true all well-pleaded facts and all reasonable inferences therefrom, to determine whether the complaint's allegations—construed in the light most favorable to the plaintiff—are sufficient to establish a cause of action upon which relief may be granted." *Id.* Illinois is a "fact-pleading" state, meaning that although pleadings are to be liberally construed and formal or technical allegations are not necessary, a complaint must nevertheless contain facts stating a cause of action. *Borcia v. Hatyina*, 2015 IL App (2d) 140559, ¶ 21.

¶ 43 A plaintiff need not set out his or her evidence in the complaint; however, the

plaintiff must allege facts sufficient to bring a claim within a legally recognized cause of action. *Marshall v. Burger King Corp*, 222 Ill. 2d 422, 429-30 (2006). "The degree of specificity required to sufficiently plead a cause of action in any case is difficult to determine and is dependent upon the individual circumstances of each case." *Borcia*, 2015 IL App (2d) 140559, ¶ 38.

¶ 44 In any event, a pleading that simply paraphrases the elements of a cause of action in conclusory terms is insufficient. *Paul v. County of Ogle*, 2018 IL App (2d) 170696, ¶ 34. "A fact is well pleaded if a plaintiff has clearly set out the *ultimate* fact he or she intends to prove." (Emphasis in original) *Id.* If a complaint offers conclusions unsupported by allegations of fact, we will not accept those conclusions as true. *Marshall*, 222 Ill. 2d at 429-30.

¶ 45 Appellate courts review a dismissal under section 2-615 *de novo*. *O'Connell v. County of Cook*, 2022 IL 127527, ¶ 19. We may affirm a trial court's grant of a motion to dismiss pursuant to section 2-615 on any basis supported by the record. *Law Offices of Charles Chejfec, LLC v. Franz*, 2023 IL App (3d) 230083, ¶ 37.

¶ 46 2. *Private Nuisance Claims*

¶ 47 "A private nuisance is a substantial invasion of another's interest in the use and enjoyment of his or her land. The invasion must be: substantial, either intentional or negligent, and unreasonable." *In re Chicago Flood Litigation*, 176 Ill. 2d 179, 204 (1997). Private nuisance is "a civil wrong, based on a disturbance of rights in land." (Internal quotation marks omitted.) *City of Chicago v. Beretta U.S.A. Corp.*, 213 Ill. 2d 351, 365 (2004). Although interference with the individual's possession of land is not required, to state a cause of action for private nuisance, it is nevertheless necessary to allege a physical invasion of the plaintiff's property. *Chicago Flood Litigation*, 176 Ill. 2d at 204-05; *Schiller v. Mitchell*, 357 Ill. App. 3d. 435, 442 (2005).

¶ 48 "An invasion constituting a nuisance can include noise, smoke, vibration, dust

fumes, and odors produced on the defendant's land and impairing the use and enjoyment of neighboring land." *Dobbs v. Wiggins*, 401 Ill. App. 3d 367 (2010). However, the invasion complained of must be more than "a question of mere delicacy or fastidiousness arising from elegant and dainty habits of life." (Internal quotation marks omitted.) *Belmar Drive-In Theatre Co. v. Illinois State Toll Highway Comm'n*, 34 Ill. 2d 544, 547 (1966). Effectively, the nuisance must be so physically offensive to the senses as to make life uncomfortable. *Chicago Flood Litigation*, 176 Ill. 2d at 205.

¶ 49 Whether particular conduct constitutes a nuisance is determined by the effect of the conduct on a reasonable person without accounting for any special sensitivity the affected landowner may have. *Id.*; see *Belmar Drive-In Theatre Co.*, 34 Ill. 2d at 548 (noting a private nuisance claim cannot afford relief to hypersensitive individuals).

¶ 50 3. *This Case*

¶ 51 Plaintiff argues that her third and fourth amended complaints properly stated claims for private nuisance because she sufficiently alleged substantial and unreasonable interferences with her use and enjoyment of her property considering the assertions of defendants' conduct contained in each "count." She contends the dismissal of her complaints was premised upon a misapplication of the law stemming from the trial court's "confusion between public and private nuisance."

¶ 52 Defendants respond that the dismissal of the complaints was appropriate because plaintiff stated no cause of action that would entitle her to relief. We agree with defendants.

¶ 53 We reject plaintiff's argument the trial court misapplied the law by confusing public and private nuisance. The court is presumed to know the law and to apply it properly unless an affirmative showing to the contrary is demonstrated in the record. *Vance v. Joyner*, 2019 IL App

(4th) 190136, ¶ 91. No such showing of any misunderstanding of the law when dismissing plaintiff's complaints is apparent in the record here. Indeed, plaintiff did not include a transcript of the hearing on defendants' motion to dismiss—or, for that matter, any transcript beyond the one for the hearing on plaintiff's motion to reconsider the order dismissing her complaints. Therefore, "[a]ny doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984). Accordingly, we decline to attribute the dismissal of plaintiff's complaints to a purported misunderstanding of the law by the court.

¶ 54 Instead, upon our review of plaintiff's third and fourth amended complaints, we conclude that the trial court appropriately dismissed plaintiff's third and fourth amended complaints because plaintiff failed to plead sufficient facts to state a cause of action for which relief could be granted. Although plaintiff's complaints described a litany of conduct by defendants and their dog that clearly annoyed her, her subjective annoyance by the alleged conduct is insufficient to establish any substantial or unreasonable invasion of her property as is necessary to raise an actionable claim of private nuisance.

¶ 55 For example, although excessive noise and odors can certainly be so physically offensive to the senses as to constitute a nuisance, plaintiff's allegations that defendants' dog was frequently noisy and created foul-smelling waste failed to plead specific facts to show the noise and odors here were so substantial as to be offensive to a normal person of ordinary habits and sensibilities. See *Dobbs*, 401 Ill. App. 3d at 377. The facts alleged here are a far cry, for example, from the circumstances in *Dobbs*, in which the plaintiffs filed a complaint alleging the defendant, their neighbor, was operating a dog kennel and that barking dogs on their property, sometimes numbering 100, were a nuisance. *Id.* at 368, 374. The appellate court determined the barking noise was "substantial" because it involved large numbers of dogs that barked at wildlife at all hours of

the day and night, which invaded the use and enjoyment of the plaintiffs' land. *Id.* at 377.

¶ 56 In the present case, by contrast, plaintiff's complaints identified the barking and odor of a single dog as being so unreasonable as to invade her interest in her use and enjoyment of her property. However, nothing in plaintiff's complaints distinguished the behavior and activities of defendants' dog from the normal, everyday experience of living next door to dog-owning neighbors. It is an accepted part of everyday life that a dog owner may allow a pet outside to relieve itself in his or her yard and that the dog may sometimes bark while outside, including at inconvenient times such as at night or in the early morning hours. See *Ayo v. Quintero*, 2024 IL App (4th) 230607-U, ¶¶ 59-60 (concluding that because nothing in the plaintiff's complaint suggested the defendants' fence was in any way unusual, its construction, although annoying to the plaintiffs, was not a substantial invasion of their property that would support a claim for private nuisance).

¶ 57 In essence, although plaintiff may have been irritated by noise and odor from defendants' dog, she alleged nothing in her complaint to establish the noise and odor complained of constituted the sort of invasion that is substantially offensive to the sensibilities of a reasonable person.

¶ 58 The same can be said of the circumstances complained of in plaintiff's remaining "counts." In several such counts, plaintiff complained of some aspect of defendants' property, including (1) defendants' leaning fence, (2) rocks that encroached on her property, and (3) trees that she considered to be unsightly, with limbs overhanging her property or being closer to her yard than she preferred. However, in none of these counts did plaintiff plead specific facts to show how these conditions were a substantial or unreasonable invasion of her interest in the use and enjoyment of her land. For example, although she alleged she had been unable to park at a

particular spot on her driveway because it abutted defendants' leaning fence and their "compromised" pine trees, her own complaints acknowledged that the fence had been repaired and the offending pine trees were cut down.

¶ 59 Overall, the complaints alleged little more than plaintiff's displeasure with the manner in which defendants maintained their property, which she claimed contributed to "unattractive" conditions and debris, such as rocks and "gumballs," naturally migrating onto her property. Although plaintiff may have alleged facts that conveyed her displeasure with the way defendants maintained their property, conclusory allegations of displeasure alone are insufficient to state a claim of private nuisance. See *Carroll v. Hurst*, 103 Ill. App. 3d 984, 990 (1982) (stating "a landowner does not have a right to a pleasing view of his neighbor's land"); *Merriam v. McConnell*, 31 Ill. App. 2d 241, 248 (1961) (stating private nuisance could not encompass the "control or abatement of natural forces as though they were nuisances" and concluding that the plaintiff's complaint alleging the defendants' trees, which annually hosted bugs that migrated to plaintiff's property, were a nuisance stated no cause of action); *Bandy v. Bosie*, 132 Ill. App. 3d 832, 834 (1985) (explaining that trees that drop leaves or send out roots that migrate to neighboring lands are relatively minor matters that do not "necessarily constitute a nuisance").

¶ 60 Accordingly, we agree with the trial court's determination that, even taking all of plaintiff's allegations as true, her complaints failed to state a claim under which relief could be granted.

¶ 61 In short, plaintiff failed to establish the trial court committed any error when determining that dismissal of her complaints was appropriate. In fact, the record establishes the court took care to apply the proper analysis in assessing defendants' motion to dismiss.

¶ 62 C. Whether the Trial Court Abused Its Discretion by Denying Leave To Amend the Third and Fourth Amended Complaints

¶ 63 In the alternative, plaintiff argues that even assuming the third and fourth amended complaints were deficient, the trial court abused its discretion by denying her leave to amend her pleadings. We disagree.

¶ 64 1. *The Applicable Law*

¶ 65 The decision of whether to grant a party leave to amend its pleadings lies within the sound discretion of the trial court, and a reviewing court will not reverse the trial court's decision absent an abuse of that discretion. *Sheffler v. Commonwealth Edison Co.*, 2011 IL 110166, ¶ 69. An abuse of discretion occurs when the court's ruling is arbitrary, fanciful, or unreasonable, or when no reasonable person would take the view adopted by the court. *Pister v. Matrix Service Industrial Contractors, Inc.*, 2013 IL App (4th) 120781, ¶ 55.

¶ 66 When determining whether the trial court properly denied a party's request to amend the pleadings, a reviewing court considers whether: "(1) the proposed amendment would cure the defective pleading; (2) the proposed amendment would surprise or prejudice the opposing party; (3) the proposed amendment was timely filed; and (4) the moving party had previous opportunities to amend." *Sheffler*, 2011 IL 110166, ¶ 69. The paramount consideration, however, is "whether the amendment furthers the ends of justice." *Tamalunis v. City of Georgetown*, 185 Ill. App. 3d 173, 187 (1989).

¶ 67 2. *This Case*

¶ 68 We conclude the trial court did not abuse its discretion by denying plaintiff leave to amend her third and fourth amended complaints. Plaintiff's request for an opportunity to file an amended complaint was raised as a single sentence in her approximately 50-page motion to

reconsider, which was filed one month after her third and fourth amended complaints had already been dismissed. When making that request, plaintiff provided no indication of what amendments she would have made to the complaints, virtually ensuring surprise to defendants upon the filing of an amended pleading. In turn, because she did not indicate what the substance of her amendments would have entailed or provide any such insight in her argument on appeal, neither the trial court nor this court can determine whether her planned amendments would have cured her defective pleadings.

¶ 69 Beyond that, the record is clear that the trial court was very accommodating to plaintiff by allowing her to file several amended complaints and giving her multiple opportunities to file a viable pleading. Despite these multiple opportunities, the court ultimately determined the operative pleadings nevertheless failed to state any claim upon which relief could be granted. Allowing plaintiff to make unspecified amendments to her complaints one month after they had already been dismissed would not have furthered the ends of justice. We conclude that the trial court appropriately exercised its discretion by determining that plaintiff had already been given several opportunities to correct the deficiencies in her pleadings and failed to do so, making yet another opportunity to do so unwarranted.

¶ 70 Accordingly, we conclude the trial court did not abuse its discretion by denying plaintiff leave to file an amended complaint.

¶ 71 III. CONCLUSION

¶ 72 For the reasons stated, we affirm.

¶ 73 Affirmed.