

NOTICE
Decision filed 08/18/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 250522-U

NO. 5-25-0522

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

PATTERSON INDUSTRIES, LLC,	)	Appeal from the
a corporation,	)	Circuit Court of
	)	Jackson County.
Plaintiff-Appellee,	)	
	)	
v.	)	No. 24-EV-256
	)	
EBONY FARR and KEENON FARR,	)	
	)	
Defendants-Appellants,	)	
	)	
and	)	
	)	
DALUXE LLC d/b/a THIS AND THAT,	)	
CAKEFAM, LLC, and Unknown Occupants,	)	Honorable
	)	Ella L. Travelstead,
Defendants.	)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Justices Boie and Hackett concurred in the judgment.

ORDER

¶ 1 *Held:* Where appellants failed to provide an adequate record on appeal, we find there was no error, and affirm the judgment of the circuit court of Jackson County.

¶ 2 I. BACKGROUND

¶ 3 On July 26, 2024, Patterson Industries, LLC (Patterson) filed a complaint for eviction against Daluxe LLC d/b/a This And That and unknown occupants. Attached to the complaint was

a lease agreement entered into by Patterson as the lessor and Ariel Farr, Keenon Farr, and Daluxe LLC as the lessees.

¶ 4 On May 22, 2025, an amended complaint for eviction was filed by Patterson against Daluxe LLC, Ebony A. Farr a/k/a Ariel Farr a/k/a Ariel Bradley a/k/a Ebony A. Bradley (Ebony), Keenon Farr (Keenon), Cakefam, LLC d/b/a This and That (Cakefam), and unknown occupants. On June 9, 2025, affidavits of service were filed showing service of process on Ebony, Keenon, and Cakefam.

¶ 5 The matter was scheduled for a bench trial on June 30, 2025. A transcript of the bench trial is not contained within the record on appeal; however, the trial court's docket entry of June 30, 2025, contains a summary of what transpired. Ebony was the only defendant to appear at the bench trial, and she testified on her own behalf. Pradeep Reddy testified on behalf of Patterson. Numerous exhibits were admitted into evidence. Leonard Snyder, the attorney for the City of Carbondale, testified. Attorney Jonathan Kibler, who represented Patterson, testified regarding his billing and attorney fees. Following the presentation of arguments, the trial court found that Patterson met its burden of proof. A written eviction order was entered the same day, finding against Ebony and Cakefam. The order found that Keenon was in default. Possession of the premises was awarded to Patterson. A money judgment was entered against Ebony, Keenon, and Cakefam in the amount of \$62,611.26; of that, \$42,743.65 was awarded for rent, and \$19,86.61 was awarded as attorney fees.

¶ 6 On July 29, 2025, the trial court entered a corrected eviction order. The correction was to note that both Keenon and Cakefam were in default. The money judgment remained the same as

in the original eviction order. Ebony and Keenon filed an amended notice of appeal¹ on July 30, 2025.

¶ 7

II. ANALYSIS

¶ 8 Ebony and Keenon filed a single appellants' brief which raises the following: (1) whether the trial court erred in awarding \$19,876 in attorney fees without documentation; (2) whether "[a]ppellants were denied due process when motions were ignored and no bond notice was served;" (3) whether the trial court erred in allowing Cakefam to proceed to trial without proper legal representation; (4) whether the trial court improperly altered the judgment beyond clerical authority; (5) whether the trial court ignored rental evidence and defenses, including habitability and suitability; (6) whether the trial court improperly denied motions and excluded exhibits; (7) whether the trial court failed to rule on a contempt motion; and (8) whether there was cumulative error and judicial bias that requires reversal.

¶ 9 Before turning to the merits, we note that the appellants' brief fails to conform to the supreme court rules governing briefs. Those rules require that an appellant's brief contain a fact statement, "which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal." Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020). The appellants' brief does not contain a single citation to the appellate record. The failure to provide proper citations to the record results in the forfeiture of the argument. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 12.

¹The original notice of appeal purported to be filed on behalf of Ebony and Kennon individually, as well as a corporate entity, which must be represented by counsel in legal proceedings. Ebony and Keenon were granted leave to file an amended notice of appeal which was filed only in their individual capacities.

¶ 10 Forfeiture, however, “is a limitation on the parties and not on the appellate court.” *Village of New Athens v. Smith*, 2021 IL App (5th) 200257, ¶ 22. When it is necessary to obtain a just result or to maintain a sound body of precedent, we may overlook forfeiture. *Id.* As such, we choose, in the interest of a just result, to evaluate the defendant’s claims on their merits, where possible.

¶ 11 A. Attorney Fees Award

¶ 12 The first issue on appeal is whether the trial court erred in awarding attorney fees to Patterson. Our standard of review of an award of attorney fees is the abuse of discretion standard. *Kunkel v. P.K. Dependable Construction, LLC*, 387 Ill. App. 3d 1153, 1159 (2009).

¶ 13 “Illinois follows the ‘American Rule,’ which provides that absent statutory authority or a contractual agreement, each party must bear its own attorney fees and costs.” *Negro Nest, LLC v. Mid-Northern Management, Inc.*, 362 Ill. App. 3d 640, 641-42 (2005). The lease at issue in this case contains a provision for the lessor to collect reasonable attorney fees for the enforcement of the agreement.

¶ 14 The trial court’s docket entry regarding the bench trial notes the following regarding attorney fees: “Atty Kibler, sworn and testifies re atty billing and fees. Rate \$235 per hour. Total fees and expenses total \$19,867.61. Cross-examination re breakdown of fees and expenses.” The record on appeal in this case does not contain a report of proceedings or an acceptable substitute such as a bystander’s report or an agreed statement of facts. See Ill. S. Ct. R. 323(c), (d) (eff. July 1, 2017). The appellant bears the burden of presenting an adequate record to support any claimed errors and any doubts arising from an inadequate record will be construed against the appellant. *People v. Hunt*, 234 Ill. 2d 49, 58 (2009). Where, as here, the record on appeal is incomplete and fails to demonstrate the error alleged, we will not speculate as to what, if any, errors the circuit

court may have committed. *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757 (2006). Instead, we “ ‘indulge in every reasonable presumption favorable to the judgment from which the appeal is taken, including that the [circuit] court ruled or acted correctly.’ ” *Id.* at 757-58 (quoting *People v. Majer*, 131 Ill. App. 3d 80, 84 (1985)). Accordingly, we affirm the trial court’s award of attorney fees.

¶ 15 B. Due Process Allegations

¶ 16 The appellants’ second issue on appeal alleges they were denied due process because they did not receive notice of a bond requirement and a motion to compel documentation of attorney fees and a motion for contempt “were ignored or denied without hearings.” The appellants’ seventh argument again asserts the trial court failed to rule on their contempt motion.

¶ 17 While the appellants’ statement of facts fails to identify the specific motions with citations to the record on appeal, the record shows that Ebony and Keenon filed a “Motion to Reconsider and to Compel Itemized Documentation of Attorney Fees and Rental Amounts,” and “Emergency Motion for Sanctions and Contempt for Unlawful Eviction Actions” on August 25, 2025. The appellants’ brief asserts that they did not receive notice of bond requirements despite the trial court indicating on August 25, 2025, that notice would be given. The appellants’ amended notice of appeal was filed with this court on July 30, 2026.

¶ 18 Once a notice of appeal is filed, this court has no jurisdiction over matters before the trial court after that date. *People v. Jake*, 2011 IL App (4th) 090779, ¶ 24. Accordingly, we lack jurisdiction to consider these issues alleged by appellants as they are beyond the filing of the amended notice of appeal.

¶ 19

C. Allegations on Behalf of Cakefam

¶ 20 The third and fourth issues raised in the appellants' brief concern Cakefam. The individual appellants, Ebony and Keenon, ask this court to consider whether the trial court erred in allowing Cakefam to proceed to trial without proper legal representation and their requested relief is to reverse the judgment against Cakefam. Next, Ebony and Keenon argue that the trial court's correcting the judgment to indicate a default against Cakefam was error. The judgment entered against Ebony and Keenon remained the same in the corrected judgment.

¶ 21 "On appeal, a party can only raise harmful error to a nonappealing party's rights if that error affected the appealing party's rights." *Kamp v. Preis*, 332 Ill. App. 3d 1115, 1122 (2002), citing *Louis Marsch, Inc. v. Pekin Insurance Co.*, 140 Ill. App. 3d 1079, 1086 (1985). Appellant's brief does not make this argument as to either issue. Cakefam is not a party to this appeal, so we lack jurisdiction to consider both of these arguments. *Kamp*, 332 Ill. App. 3d at 1122.

¶ 22 D. Allegations regarding ignored evidence, defenses, and exhibits

¶ 23 As mentioned previously, the record on appeal in this case does not contain a report of proceedings or an acceptable substitute such as a bystander's report or an agreed statement of facts. See Ill. S. Ct. R. 323(c), (d) (eff. July 1, 2017). The appellant bears the burden of presenting an adequate record to support any claimed errors and any doubts arising from an inadequate record will be construed against the appellant. *People v. Hunt*, 234 Ill. 2d at 49. Where, as here, the record on appeal is incomplete and fails to demonstrate the error alleged, we will not speculate as to what, if any, errors the circuit court may have committed. *Smolinski*, 363 Ill. App. 3d at 757. Instead, we " 'indulge in every reasonable presumption favorable to the judgment from which the appeal is taken, including that the [circuit] court ruled or acted correctly.' " *Id.* at 757-58 (quoting *Majer*,

131 Ill. App. 3d at 84). Accordingly, we have no basis to conclude that the trial court ignored evidence, defenses, or exhibits offered by Ebony at the bench trial.

¶ 24 D. Alleged Cumulative Error

¶ 25 As their final argument, the appellants assert the following:

“Here, the trial court ignored defense motions, allowed an LLC to proceed without counsel, imposed unsupported attorney’s fees, substantively altered judgment, and refused to consider evidence. The pattern of rulings consistently disadvantaged Appellants.

This cumulative record demonstrates bias and requires reversal or, at a minimum, remand for proceedings before a different judge.”

The appellants simply repeated the arguments they already made in their brief. As set forth above, we find no error on these issues, so there cannot be cumulative error. *People v. Sims*, 2019 IL App (3d) 170417, ¶ 60.

¶ 26 III. CONCLUSION

¶ 27 For the foregoing reasons, we affirm the judgment of the circuit court of Jackson County.

¶ 28 Affirmed.