2024 IL App (2d) 240093
No. 2-24-0093
Opinion filed December 2, 2024

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

JACQUELIN NOTO, Plaintiff-Appellant, v. MARK A. SHLIFKA and ERIC WEIS, in His Official Capacity as State's Attorney for Kendall County, Defendants (Eric Weis, Defendant-Appellee).	)	Appeal from the Circuit Court of Kendall County. No. 23-LA-37 Honorable Bradley J. Waller, Judge, Presiding.

JUSTICE KENNEDY delivered the judgment of the court, with opinion.
Justices Jorgensen and Birkett concurred in the judgment and opinion.

OPINION

¶ 1 Plaintiff, Jacquelin Noto, appeals the trial court's order granting the dismissal with prejudice of her claims against defendant Eric Weis, as State's Attorney for Kendall County, for violation of the Gender Violence Act (Act) (740 ILCS 82/1 *et seq.* (West 2022)) and reckless supervision. For the following reasons we affirm.

¶ 2 I. BACKGROUND

¶ 3 Defendant filed her original complaint on April 24, 2023, against Weis and defendant Mark A. Shlifka. Her complaint alleged violations of the Act against Shlifka (count I), violations

of the Act against Weis (count II), and reckless supervision against Weis (count III). On June 15, 2023, Weis filed a combined motion to dismiss pursuant to section 2-619.1 of the Code of Civil Procedure (Code) (735 ILCS 5/2-619.1 (West 2022)). The motion argued that (1) Weis had sovereign immunity and the Court of Claims had exclusive jurisdiction over Noto's claims against him and therefore dismissal under section 2-619(a)(1) of the Code (*id.* § 2-619(a)(1)) was appropriate and (2) counts II and III failed to state a cause of action against Weis and should be dismissed pursuant to section 2-615 of the Code (*id.* § 2-615). The trial court granted Weis's section 2-615 motion with leave to replead and denied his section 2-619 motion as moot.

¶ 4 Plaintiff filed her amended complaint on August 29, 2023, once again alleging violations of the Act against Shlifka (count I), violations of the Act against Weis (count II), and reckless supervision against Weis (count III). The particular allegations are as follows.

¶ 5 Count I alleged that Shlifka served under Weis as the first assistant state's attorney of Kendall County. Beginning in 2019, plaintiff was a complaining witness and victim in two domestic battery cases being prosecuted by the Kendall County State's Attorney's Office, and they were still ongoing at the time of filing. Then in December 2020, plaintiff was arrested and charged with "several serious crimes including a [driving under the influence (DUI)] charge and obstruction of justice." At the time of filing her amended complaint, the prosecution of plaintiff's DUI case was ongoing. Shlifka was aware of both the domestic battery cases and plaintiff's DUI case and had been involved in court proceedings related to plaintiff's DUI case.

¶ 6 Count I further alleged that, in March 2022 Shlifka began a sexual relationship with plaintiff that continued to March 2023, all while the domestic battery and DUI cases were ongoing. The sexual relationship between Shlifka and defendant was "brazenly open." Shlifka took plaintiff on vacations, to speaking engagements, as well as to a party where many Cook

County judges and lawyers were present. Shlifka stayed over at plaintiff's residence and met her at a hotel near the Kendall County courthouse on many occasions where they engaged in sexual relations.

¶ 7 The amended complaint alleged that "Plaintiff felt compelled to comply with [Shlifka's] amorous whims and sexual exploitation as he was First Assistant States [*sic*] Attorney and might help her cases." She alleged that his "unwanted and inappropriate sexual contact with plaintiff *** amounted to assault and battery," further alleging "a physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery."

¶ 8 Count II alleged that Weis knew or should have known that his employee Shlifka "had sexual harassment/sexual predator propensities and posed a risk of bodily harm to persons in close proximity to him, including the plaintiff."

¶ 9 The amended complaint further alleged that Weis knew plaintiff "by sight" to be a defendant in a pending criminal case, because Kendall County was a "small community,"[1] and that Weis saw Shlifka and plaintiff together on two occasions.

¶ 10 The first occasion was in October 2022. Shlifka and plaintiff went to Starved Rock State Park in La Salle County. Shlifka drove with plaintiff as a passenger. According to the amended

[1]According to the Illinois Circuit Court Statistical Reports, on October 1, 2022, there were 2134 open criminal cases in Kendall County. Admin. Office of Ill. Courts, Criminal Caseload Statistics by County Circuit Courts of Illinois Fourth Quarter 2022, https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/f9251772-b904-4082-9fd3-9acdbf5744d2/Criminal%20Caseload%20Statistics%20by%20County.pdf (last visited Nov. 19, 2024) [https://perma.cc/A2UZ-WZXY].

complaint, Weis "saw the Shlifka vehicle and its two passengers on the roadway." Shlifka commented to plaintiff that Weis had seen them. Shlifka later told plaintiff that Weis "had mentioned he saw them (two people in the car) while driving on the highway."

¶ 11 The second occasion occurred in November 2022. Shlifka drove plaintiff "to a meeting with attorney Mickal Stole at his office," because plaintiff needed to hire an attorney for a child custody matter. Shlifka and plaintiff went into the office together. Weis "coincidentally had an appointment in the same law office around the same time and he saw the plaintiff and Shlifka together."

¶ 12 Plaintiff alleged that seeing Shlifka and her together would have "put a reasonable person and prosecutor on notice of the involvement" between Shlifka and plaintiff and cause said "reasonable person and prosecutor to question the relationship between the two individuals." Weis's "silence should be viewed as approval and acceptance of" Shlifka's inappropriate relationship with plaintiff.

¶ 13 Count II further alleged that, until December 2022, Shlifka used his work assigned cell phone to communicate with plaintiff, which, if properly monitored, should have revealed the relationship between Shlifka and plaintiff.

¶ 14 Plaintiff asserted that Weis owed her "a duty of reasonable care, which included a duty to protect plaintiff and other members of the public including criminal defendants from the risk of assault by its employees with known sexual deviant propensities." She further asserted that Weis perpetrated gender-related violence by "encouraging or assisting [Shlifka] by [Weis's] failure to supervise and monitor [Shlifka] and after [Weis] had known that [his] employee had sexual deviant tendencies and did nothing about it and nothing to secure the safety of the public including plaintiff." Plaintiff asserted that Weis further assisted Shlifka in acts of gender-related violence

towards Shlifka by "allowing Shlifka to be alone with and to enter into a prolonged sexual relationship with plaintiff after [Weis] knew or should have known that [Shlifka] had made sexual advances and inappropriately touched other female criminal defendants."

¶ 15 In count III, plaintiff asserted that Weis had a duty to exercise a reasonable degree of care and supervision in supervising and managing Shlifka. Further, Weis had a duty to generally supervise his employees to make sure they engage in appropriate behavior, follow the law, and adhere to the office's rules and procedures. Weis's office had in place at that time rules that required the attorneys employed there to follow the law and maintain high ethical principles and standards. Plaintiff then asserted that Weis acted with reckless disregard and willfulness by failing to implement procedures and practices for ensuring that the prosecution of female defendants by Shlifka was supervised, to monitor Shlifka's interactions with female complaining witnesses and criminal defendants, and to supervise Shlifka to make sure that he was following office rules, guidelines, policies, and procedures, including ethical requirements of a licensed Illinois attorney.

¶ 16 Shlifka filed an answer to count I of the amended complaint on September 28, 2023, raising the affirmative defense that plaintiff had consented to having a sexual relationship with him.

¶ 17 On October 13, 2023, Weis filed a combined motion to dismiss plaintiff's amended complaint pursuant to section 2-619.1 of the Code (*id.* § 2-619.1). Again, Weis argued that dismissal under section 2-619(a)(1) of the Code (*id.* § 2-619(a)(1)) was appropriate because (1) he had sovereign immunity and the Court of Claims had exclusive jurisdiction over plaintiff's claims against him and (2) counts II and III failed to state a cause of action against Weis and should be dismissed pursuant to section 2-615 of the Code (*id.* § 2-615).

¶ 18 Specifically, Weis argued that many of the allegations contained in counts II and III were conclusory and unsupported by particular allegations of fact, such as that Weis knew or should have known that Shlifka "had sexual harassment/sexual predator propensities[,]" that Shlifka had "known sexual deviant propensities[,]" and that Weis knew or should have known that Shlifka "had made sexual advances and inappropriately touched other female criminal defendants[.]" Weis maintained that the amended complaint contained no specific allegations that Shlifka had ever had any inappropriate relationships with anyone other than plaintiff, let alone that Weis was aware of such. Likewise, there were no allegations that Shlifka had been criminally charged or investigated prior to the conduct at issue in the amended complaint. Weis further argued that the allegation that Weis saw plaintiff and Shlifka together on two occasions was improperly used to support the inference that he knew that she and Shlifka were engaged in an abusive sexual relationship, where there was nothing in the amended complaint to indicate that Weis had even recognized her.

¶ 19 Weis further argued that the allegations in count II amounted to an assertion that Weis merely had knowledge of the alleged sexual assault and took no action to stop Shlifka, which is not sufficient to show encouragement or assistance as required by the Act.

¶ 20 Finally, Weis argued that the allegations in count III failed to state a claim because there were no allegations of fact establishing that Weis knew or should have known that his supervision of Shlifka was inadequate or that Shlifka would sexually assault plaintiff.

¶ 21 After a hearing on the motion, the trial court entered an order on January 4, 2024, granting without prejudice Weis's motion to dismiss counts II and III pursuant to section 2-615 of the Code and denying Weis's section 2-619 motion as moot. In doing so, the trial court found that the allegations of Shlifka touching other female defendants were conclusory and that the remaining

allegations did not amount to assisting or encouraging under the Act. Regarding the reckless supervision claim, the trial court found that there were no allegations that Shlifka had a "particular unfitness" for the position and that the commission of a sexual offense was not generally actionable against a third party.

¶ 22 The trial court gave plaintiff 28 days to file a second amended complaint, but on January 22, 2024, plaintiff filed a motion stating that "Plaintiff has no knowledge of additional facts to further amend at this time" and requesting that counts II and III be dismissed with prejudice and the trial court include Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) language. The trial court granted this motion and added Rule 304(a) language. Plaintiff then filed this timely appeal.

¶ 23 II. ANALYSIS

¶ 24 Plaintiff challenges the dismissal of her claims against Weis for violations of the Act and reckless supervision, pursuant to section 2-615 of the Code.

¶ 25 A section 2-615 motion to dismiss for failure to state a claim challenges the legal sufficiency of a complaint, based on defects on the face of the pleading. *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 429 (2006). In reviewing the legal sufficiency of a complaint, the court accepts as true all well-pleaded facts and reasonable inferences that may be drawn from those facts. *Ferguson v. City of Chicago*, 213 Ill. 2d 94, 96-97 (2004). We also construe the allegations in the light most favorable to the nonmoving party. *King v. First Capital Financial Services Corp.*, 215 Ill. 2d 1, 12 (2005). Thus, a section 2-615 motion to dismiss should be granted only if it is apparent that no set of facts can be proven that would entitle the plaintiff to relief. *Canel v. Topinka*, 212 Ill. 2d 311, 318 (2004). That being said, Illinois is a fact-pleading jurisdiction, and a plaintiff must allege sufficient facts to bring their claim within a legally recognized cause of action. *Weiss v. Waterhouse Securities, Inc.*, 208 Ill. 2d 439, 451 (2004). A plaintiff cannot rely

on mere conclusions of law or fact not supported by specific factual allegations. *Anderson v. Vanden Dorpel*, 172 Ill. 2d 399, 408 (1996). We review *de novo* a motion to dismiss pursuant to section 2-615. *Solaia Technology, LLC v. Specialty Publishing Co.*, 221 Ill. 2d 558, 578-79 (2006).

¶ 26 A. Reckless Supervision

¶ 27 Plaintiff argues that the trial court erred in dismissing her reckless supervision claim, as it improperly held that particular unfitness was an element of reckless supervision in that particular unfitness is required only in claims of negligent retention or hiring. Plaintiff further argues that the amended complaint otherwise alleged all the necessary elements for a claim of reckless supervision.

¶ 28 Under Illinois law, there is no separate and independent tort for reckless or willful and wanton conduct; rather it is regarded as an aggravated form of negligence for which a plaintiff must allege and prove the same elements in order to recover. *Krywin v. Chicago Transit Authority*, 238 Ill. 2d 215, 235-36 (2010).

¶ 29 Plaintiff is correct that a showing of a particular unfitness is not an element of a negligent supervision claim. As our supreme court has explained, "the elements of a negligent supervision claim are that (1) the defendant had a duty to supervise the harming party, (2) the defendant negligently supervised the harming party, and (3) such negligence proximately caused the plaintiff's injuries." (Internal quotation marks omitted.) *Doe v. Coe*, 2019 IL 123521, ¶¶ 52, 61. In the employment context, in order to impose a duty to supervise, general foreseeability of the injury is required rather than prior notice of a particular unfitness, as a reasonable performance of the duty to supervise will put a supervisor on notice of an employee's conduct or perhaps prevent the tortious conduct altogether. *Id.* ¶ 61. "An employer has a duty to supervise all employees; the

extent to which she must do so depends on many factors, such as the work performed, the employees performing it, the size of the business, the type of work, and the employer's clientele, among others." *Id.* ¶ 58.

¶ 30 Whether a duty exists is a question of law, and four factors are considered: "(1) the reasonable foreseeability of the injury, (2) the likelihood of the injury, (3) the magnitude of the burden of guarding against the injury, and (4) the consequences of placing that burden on the defendant." *Bruns v. City of Centralia*, 2014 IL 116998, ¶¶ 12, 14.

¶ 31 "Foreseeability of harm, in connection with a duty, is not a magical concept that ignores common sense." *St. Paul Insurance Co. of Illinois v. Estate of Venute*, 275 Ill. App. 3d 432, 436 (1995). Foreseeability is not boundless and does not include everything that might conceivably occur; rather, something is foreseeable only if it is objectively reasonable to expect. *Bruns*, 2014 IL 116998, ¶ 33.

¶ 32 Commission of a serious crime, such as sexual assault, is generally not foreseeable to an employer because an employee is not expected to commit crimes. *Hills v. Bridgeview Little League Ass'n*, 195 Ill. 2d 210, 238 (2000). While there are some situations in which an act of sexual assault is generally foreseeable, such as programs that provide adults with unsupervised access to children (*Doe*, 2019 IL 123521, ¶ 62), interactions between an assistant state's attorney and a complaining witness do not present the inherent danger of sexual abuse. See *Ward v. Kutak Rock, LLP*, 2023 IL App (1st) 221499-U, ¶ 15 ("An attorney-client relationship between two adults does not present the same inherent danger or foreseeability."). The relationship of an assistant state's attorney to a defendant may present a greater potential for abuse than an attorney-client relationship, given the power a prosecutor has over the outcome of a pending case against that defendant. A similar power disparity exists with regard to a victim in a pending case.

¶ 33 However, plaintiff's amended complaint fails to allege sufficient facts to support the conclusion that it was foreseeable to Weis that Shlifka would batter or sexually assault plaintiff. Plaintiff broadly asserts that Shlifka had "sexual harassment/sexual predator propensities," "known sexual deviant propensities," "sexual deviant tendencies," and had "made sexual advances and inappropriately touched other female criminal defendants." These are conclusory and not specific factual statements as to what prior acts occurred or why Weis would have reason to know or even suspect that Shlifka would engage in violent or coercive sexual acts against plaintiff. See *Doe*, 2019 IL 123521, ¶¶ 74-75 (an early childhood specialist reported inappropriate behavior and plaintiff alleged defendants witnessed or received reports from volunteers who witnessed conduct showing defendant's sexual interest in children).

¶ 34 The specific factual allegations in the amended complaint are that, from March 2022 to March 2023, plaintiff and Shlifka were engaged in a sexual relationship that plaintiff "felt compelled to comply with" because "it might help her cases." Despite plaintiff's claim that the relationship was "brazenly open," there are no factual allegations to support an inference that Weis knew that the relationship was sexual in nature or that Weis knew any violence or other misconduct occurred.

¶ 35 Instead, plaintiff alleges that Shlifka took her on vacations, to speaking engagements, and to a party where many Cook County judges and lawyers were present and that he stayed over at plaintiff's residence and had sexual relations with her at a hotel near the Kendall County courthouse. There are no allegations that Weis, or anyone else in the state's attorney's office, attended any of these events or that they observed or were aware of plaintiff's presence at any of these locations with Shlifka, much less any allegation that anyone witnessed any evidence of violence or other misconduct.

¶ 36 The only specific allegations regarding Weis's knowledge of any kind of relationship between plaintiff and Shlifka are that (1) in October 2022, while Shlifka and plaintiff were driving on the highway to Starved Rock State Park, Weis passed Shlifka's vehicle and later remarked to Shlifka "that he saw them (two people in the car) while driving on the highway"and, (2) in November 2022, Weis saw Shlifka and plaintiff together at a Joliet family-law office where Weis coincidentally had an appointment at the same time. Additionally, plaintiff alleged that, until December 2022, Shlifka had used his work assigned cell phone to communicate with plaintiff via "copious phone calls" and "many text messages."

¶ 37 At the pleadings stage, we accept as true the allegations that Weis recognized plaintiff by sight and was aware of the pending cases in which she was a defendant and a victim. We note, however, that the amended complaint avers only that Weis saw plaintiff and Shlifka together in public two times.[2] From these two sightings, Weis may arguably be said to have been put on notice that Shlifka and plaintiff had an extra-professional, potentially romantic relationship. If Weis knew it was a sexual relationship "at a time when its consequences [could] be avoided or mitigated," this knowledge may have required Weis to take action under Rules 5.1 and 8.3 of the Illinois Rules of Professional Conduct of 2010 (Ill. R. Prof'l Conduct (2010) Rs. 5.1(c)(2), 8.3 (eff. Jan. 1, 2010)). However, "[v]iolation of a Rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption in such a case that a legal duty has been

[2]One sighting was ambiguously alleged as Weis seeing "them (two people in the car)," which fails to specifically identify plaintiff but which plaintiff's counsel later argued was indeed an allegation that the "two people" were Shlifka and plaintiff.

breached." Ill. R. Prof'l Conduct (2010), Preamble (eff. Jan. 1, 2010);[3] see *Khoury v. Niew*, 2021 IL App (2d) 200388, ¶¶ 50-52 ("the Rules do not create independent causes of actions against attorneys").

¶ 38 Moreover, there was nothing about the interactions allegedly observed by Weis that should have put him on notice that Shlifka had *sexually assaulted* plaintiff, nor were there any allegations that acts of violence or other misconduct occurred where Weis could have observed or learned of them. Without more, the mere allegation that a state's attorney/supervisor observed his assistant state's attorney/employee in public twice with a female criminal defendant (who was also a complaining witness in another matter) is insufficient to establish that an act of sexual assault or battery by that prosecutor was foreseeable. Plaintiff's amended complaint fails to establish that a duty existed as a matter of law. Accordingly, the trial court did not err in granting Weis's motion to dismiss plaintiff's reckless supervision claim, which, as noted, must be construed as a negligent supervision claim.

¶ 39 B. Violation of Gender Violence Act

[3]Similarly, the American Bar Association's Criminal Justice Standards for the Prosecution Function state that a "prosecutor should not engage in any inappropriate personal relationship with any victim or other witness." ABA Standards for Criminal Justice, The Prosecution Function, Standard 3-3.4 (4th ed. 2017), https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition/[https://perma.cc/9T5G-2VTM]. These standards also include a duty to report misconduct but, likewise, are not intended to create a standard of care for civil liability. *Id.* §§ 3-1.1(b), 3-1.12.

¶ 40 Plaintiff next argues that the trial court erred in dismissing her claim that Weis violated the Act.

¶ 41 The Act creates a cause of action against perpetrators of gender-related violence:

> "Any person who has been subjected to gender-related violence as defined in Section 5 may bring a civil action for damages, injunctive relief, or other appropriate relief against a person or persons perpetrating that gender-related violence. For purposes of this Section, 'perpetrating' means either personally committing the gender-related violence or personally encouraging or assisting the act or acts of gender-related violence." 740 ILCS 82/10 (West 2022).

The Act defines gender-related violence as:

> "(1) One or more acts of violence or physical aggression satisfying the elements of battery under the laws of Illinois that are committed, at least in part, on the basis of a person's sex, whether or not those acts have resulted in criminal charges, prosecution, or conviction.
>
> (2) A physical intrusion or physical invasion of a sexual nature under coercive conditions satisfying the elements of battery under the laws of Illinois, whether or not the act or acts resulted in criminal charges, prosecution, or conviction.
>
> (3) A threat of an act described in item (1) or (2) causing a realistic apprehension that the originator of the threat will commit the act." *Id.* § 5.

¶ 42 Plaintiff did not allege that Weis personally committed any act of gender violence against her, instead alleging that he personally encouraged or assisted the acts of gender-related violence perpetrated by Shlifka.

¶ 43 To begin, plaintiff argues that a theory of negligent supervision can support a claim that an employer personally encouraged or assisted in acts of gender-related violence under the Act and in support cites *Gasic v. Marquette Management, Inc.*, 2019 IL App (3d) 170756. However, the holding in *Gasic* was very narrow, answering a certified question as to whether a corporation could be sued for acting personally under the Act. *Id.* ¶ 17 ("Our holding, in essence, is only that it would be hypothetically possible to sue a legal entity for acting personally under the Act, if some fictional plaintiff were to file a perfectly-worded complaint.").[4] As discussed *supra*, plaintiff has failed to state a claim for negligent supervision.

¶ 44 However, plaintiff reasons further that, under *Gasic*, if a corporate entity can be found liable under the Act for personally encouraging or assisting "even though a corporate entity cannot act 'personally,' " then an employer can encourage or assist gender-related violence by inaction. Plaintiff asserts that Weis, having seen Shlifka and plaintiff together—and therefore having "affirmative knowledge that something inappropriate was going on—thereafter "remained silent[,] and his silence should be viewed as approval and acceptance" of the inappropriate relationship. Thus, plaintiff argues, a defendant's silent "approval and acceptance" of an inappropriate relationship equals "personally encouraging or assisting the act or acts of gender-related violence" under the Act. We disagree.

[4]Additionally, while the *Gasic* court made no ruling as to the sufficiency of the plaintiff's claims, the complaint in *Gasic* alleged that the defendant property management company knew its maintenance engineer "was the subject of many complaints for sexual harassment, unwanted touching of the residents and obnoxious behavior during work hours." (Internal quotation marks omitted.) *Gasic*, 2019 IL App (3d) 170756, ¶ 5.

¶ 45 The primary goal of statutory interpretation is to ascertain and give effect to the intent of the legislature. *Ryan v. Board of Trustees of the General Assembly Retirement System*, 236 Ill. 2d 315, 319 (2010). The best indication of the legislature's intent is the plain language of the statute itself. *Id.* Where a term used in a statute is not defined, courts rely on its plain and ordinary meaning. *In re Consolidated Objections to Tax Levies of School District No. 205*, 193 Ill. 2d 490, 497 (2000).

¶ 46 Merriam-Webster's defines "encourage" as "to inspire with courage, spirit, or hope[,] *** to attempt to persuade[,] *** to spur on[, or] *** to give help or patronage to." Merriam-Webster's Collegiate Dictionary 410 (11th ed. 2020). The verb "assist" is defined as "to give support or aid." Merriam-Webster's Collegiate Dictionary 74 (11th ed. 2020). These definitions are consistent with each other in characterizing both terms in an active context: inspire, spur on, give help, give support or aid. These definitions imply that one who encourages or assists knowingly takes some action that helps another person in some way.

¶ 47 While there may conceivably be some circumstances in which it is possible for a defendant to encourage or assist another person's acts of gender-related violence by failing or refusing to undertake certain actions, we do not find that the allegations contained in plaintiff's amended complaint rise to the level of encouraging or assisting gender-related violence under the Act. The facts as alleged in plaintiff's amended complaint demonstrate at most that Weis should have known that there was an inappropriate relationship between Shlifka and plaintiff. This does not amount to an allegation of knowledge that gender-related violence was occurring (or was even foreseeable), nor does it constitute a factual allegation that Weis acted in any way to encourage or assist such violence.

¶ 48 Based on the plain language of the Act, we find that plaintiff has failed to allege facts establishing that Weis personally encouraged or assisted in the act or acts of gender-related violence allegedly perpetrated by Shlifka. Accordingly, the trial court did not err in dismissing plaintiff's claim against Weis under the Act.

¶ 49 III. CONCLUSION

¶ 50 For the reasons stated, we affirm the judgment of the circuit court of Kendall County.

¶ 51 Affirmed.

***Noto v. Shlifka*, 2024 IL App (2d) 240093**

Decision Under Review:	Appeal from the Circuit Court of Kendall County, No. 23-LA-37; the Hon. Bradley J. Waller, Judge, presiding.
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