

September 30, 2026

No. 1-25-2460

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

PETER D. BJORK,	)	Appeal from the Circuit Court
	)	of Cook County.
Plaintiff-Appellee,	)	
	)	
v.	)	
	)	No. 25M1123761
NATHAN J. LEWICKI,	)	
	)	Honorable
Defendant-Appellant.	)	Maria Barlow,
	)	Judge, presiding.

JUSTICE C.A. WALKER delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice Wilson concurred in the judgment.

ORDER

¶ 1 **Held:** The circuit court's \$5,500 judgment is affirmed where defendant failed to show that the damages award lacked a reasonable evidentiary basis or was against the manifest weight of the evidence.

¶ 2 Following a bench trial in a small-claims action, the circuit court entered judgment in favor of Peter Bjork and against Nathan Lewicki in the amount of \$5,500. Lewicki appeals, contending the damages award lacked a sufficient evidentiary basis and the judgment was against the manifest weight of the evidence. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 Peter Bjork and Nathan Lewicki formerly resided together at an apartment located on the 4000 block of West Diversey Avenue in Chicago. According to Bjork, disputes arose between the parties concerning their living arrangement, access to the apartment, and possession of personal property. Bjork alleged that Lewicki removed or withheld his personal property, placed certain belongings in a storage unit under Lewicki's control, and provided Bjork with an unusable key to that unit. Bjork also alleged that Lewicki made an unauthorized \$100 transfer from Bjork's bank account and that Bjork incurred additional expenses after losing access to the apartment and his belongings.

¶ 5 Before filing the present action, Bjork sought relief against Lewicki in a separate proceeding in the circuit court's domestic violence division. Following a hearing, the court dismissed Bjork's petition. The court stated that it did not find sufficient evidence linking Lewicki to property damage and observed that the parties' dispute appeared to concern property or money and was not appropriately resolved in that proceeding.

¶ 6 On July 25, 2025, Bjork filed the present small-claims complaint seeking \$10,000 in damages. He alleged, among other things, that Lewicki had wrongly deprived him of personal property, transferred \$100 from his bank account without authorization, and caused him to incur expenses associated with his displacement from the apartment.

¶ 7 Before trial, Bjork filed a packet of exhibits in support of his complaint. The packet included a timeline, Bjork's affidavit, filings from the earlier domestic violence proceedings, an inventory of allegedly removed, withheld, or damaged property, photographs, correspondence, the parties' sublease agreement, and documents concerning the eviction. Bjork's affidavit stated that he lost electronics, appliances, furnishings, and other property that he valued at more than \$10,000. An itemized exhibit assigned dollar amounts to various items of personal property and listed claimed temporary-housing, meal, and cash losses.

¶ 8 The matter proceeded to a bench trial on September 25, 2025. Because the trial was not transcribed, a bystander's report certified by the trial judge recounts the proceedings. According to that report, both parties testified. Bjork stated that Lewicki moved his personal property without his knowledge or consent and Bjork did not regain possession of certain items. Lewicki acknowledged moving Bjork's belongings without Bjork's permission but testified that he did so in connection with the parties' impending eviction and placed the property in storage. Lewicki further stated that he never provided Bjork with a key to the storage facility and the storage unit was later broken into. The court considered the parties' testimony as well as prior court filings and orders, a video, text messages, storage related documents, and Bjork's list of missing property. The court found Bjork credible and Lewicki not credible and awarded Bjork \$5,500 based on the items the court found had not been returned to him.

¶ 9 The circuit court entered a written judgment that same day in favor of Bjork and against Lewicki for \$5,500 and established a payment schedule of \$500 per month.

¶ 10 Lewicki timely moved for reconsideration. In support of reconsideration, he relied in part on testimony from Daniel Breese in the earlier domestic violence proceeding. Lewicki argued that the testimony of Breese undermined Bjork's assertion that certain furniture had been lost because

Breese stated that some of Bjork's larger belongings remained intact in the apartment. The circuit court denied Lewicki's motion to reconsider on December 1, 2025. Lewicki filed his notice of appeal the following day.

¶ 11

JURISDICTION

¶ 12 The circuit court entered judgment on September 25, 2025. Lewicki filed a timely postjudgment motion on October 22, 2025, which the circuit court denied on December 1, 2025. Lewicki filed his notice of appeal on December 2, 2025, identifying both the September 25, 2025, judgment and the December 1, 2025, order. Accordingly, this court has jurisdiction pursuant to article VI, section 6 of the Illinois Constitution (Ill. Const. 1970, art. VI, § 6) and Illinois Supreme Court Rules 301 (eff. Feb. 1, 1994) and 303 (eff. July 1, 2017).

¶ 13

ANALYSIS

¶ 14 On appeal, Lewicki argues that the circuit court's \$5,500 judgment should be reversed because Bjork failed to present sufficient evidence supporting the amount of damages awarded. Specifically, Lewicki contends that Bjork failed to establish the fair market value of the allegedly lost property, that Bjork's itemized damages exhibit contained inconsistent calculations, and that the circuit court did not explain how it arrived at the \$5,500 award. Lewicki further argues that the evidence did not establish that he wrongfully deprived Bjork of his property.

¶ 15 Although Lewicki characterizes the sufficiency of the damages evidence as a legal question subject to *de novo* review, a damages award following a bench trial, is reviewed under the manifest weight of the evidence standard. *1472 N. Milwaukee, Ltd. v. Feinerman*, 2013 IL App (1st) 121191,

¶ 13. A damages award is against the manifest weight of the evidence where the opposite conclusion is clearly apparent or the court's findings are unreasonable, arbitrary, or not based on

the evidence. *Id.* We will not overturn the award unless the circuit court ignored the evidence or employed an erroneous measure of damages as a matter of law. *Id.*

¶ 16 A plaintiff must prove damages with reasonable certainty, and an award may not rest on conjecture or speculation. *Razor v. Hyundai Motor America*, 222 Ill. 2d 75, 107 (2006); *Midland Hotel Corp. v. Reuben H. Donnelley Corp.*, 118 Ill. 2d 306, 315-16 (1987). Mathematical precision, however, is not required so long as the evidence provides a reasonable basis from which damages may be computed. *Midland Hotel Corp.*, 118 Ill. 2d at 315-16. Where personal property is destroyed or rendered useless, the ordinary measure of damages is the property's fair market value immediately before the loss. *Benford v. Everett Commons, LLC*, 2014 IL App (1st) 130314, ¶ 30. Replacement cost, standing alone, is not equivalent to fair market value because ordinary household goods generally depreciate over time. *Id.* ¶¶ 31-32.

¶ 17 We recognize that this matter proceeded as a small-claims action. Illinois Supreme Court Rule 286(b) provides that “[a]t the informal hearing all relevant evidence shall be admissible, and the court may relax the rules of procedure and the rules of evidence.” Ill. S. Ct. R. 286(b) (eff. Feb. 2, 2023). Accordingly, the circuit court was permitted to consider relevant evidence under the relaxed evidentiary rules applicable to small claims. *Law Offices of Colleen M. McLaughlin v. First Star Financial Corp.*, 2011 IL App (1st) 101849, ¶¶ 35-37. Those relaxed rules, however, do not eliminate the requirement that the evidence provide a reasonable basis for an award of damages.

¶ 18 Lewicki contends that the record contains no evidence supporting the damages award. We disagree because contrary to Lewicki's characterization, the certified bystander's report does not state that Bjork presented no evidence of ownership or value. Rather, the report reflects that both parties testified at trial and the circuit court considered, among other things, prior court filings and

orders, a video, text messages, documents concerning the storage unit, and Bjork's list of missing property. The court expressly found Bjork credible and Lewicki not credible and awarded Bjork \$5,500 based on property that it found had not been returned to him. The record therefore does not support Lewicki's contention that the damages award was wholly unsupported by evidence.

¶ 19 Lewicki relies on *Benford* and argues that Bjork presented replacement values rather than evidence of fair market value. In *Benford*, the plaintiff offered replacement cost and original purchase price but admitted that she did not know the fair market value of the property at the time of loss. *Benford*, 2014 IL App (1st) 130314, ¶¶ 31-35. The court held that those figures did not provide a basis from which the fact finder could determine fair market value without speculation. *Id.* Here, the circuit court relied on Bjork's missing property list, which assigned an estimated value to individual items, together with the parties' testimony and other evidence. Although portions of Bjork's filings described his claimed losses in terms of replacement value, the record does not show that the circuit court used replacement cost as the measure of damages.

¶ 20 Bjork's written damages evidence contains inconsistencies. His filings at times characterized his claimed property loss as replacement value, and the individual values listed in his itemized exhibit do not equal the totals stated in the exhibit. Those inconsistencies affected the weight of the evidence and were for the circuit court to consider. The court heard the parties' testimony, considered Bjork's list of missing property, and awarded \$5,500. Lewicki has not shown that the court used an erroneous measure of damages or that the award lacked a reasonable evidentiary basis.

¶ 21 Lewicki also contends that the evidence did not support a finding that he wrongfully deprived Bjork of his property. We disagree. The certified bystander's report reflects that Bjork testified that Lewicki removed his personal property without his knowledge or consent and that

Bjork did not regain possession of certain items. Lewicki acknowledged moving Bjork's belongings without Bjork's permission but maintained that he placed the property into storage because the parties were being evicted and that the storage unit was later broken into. The circuit court resolved that conflicting testimony in Bjork's favor, expressly finding Bjork credible and Lewicki not credible. We will not reweigh the circuit court's credibility determinations.

¶ 22 Breese's testimony from the separate domestic violence proceeding does not compel a different result. Breese testified that certain large items belonging to Bjork, including beds and couches, remained intact in the apartment and that he did not observe Lewicki damage certain property. That testimony did not establish that all the property underlying Bjork's small-claims action was returned to him, nor did the domestic violence court adjudicate the parties' competing claims concerning possession of that property. Breese's testimony therefore created, at most, a conflict in the evidence and did not require a finding in Lewicki's favor.

¶ 23 Accordingly, Lewicki has not demonstrated that the circuit court's findings were against the manifest weight of the evidence or that the \$5,500 award lacked a reasonable evidentiary basis.

¶ 24 CONCLUSION

¶ 25 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 26 Affirmed.