

FIRST DIVISION
September 21, 2026

No. 1-25-0514

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 JUDICIAL DISTRICT

TAMMY DONTAS,	)	
	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	
	)	
IZOLDA VASYLIONIS, Individual and as Agent	)	Appeal from the
of EUROLUX LASHES SALON AND SPA, and as	)	Circuit Court of
apparent agent of JAMES JOSEPH, D.O.,	)	Cook County
MEDICAL AND WELLNESS CENTER, S.C.,	)	
d/b/a REJENESIS a/k/a REJENESIS MED SPA;	)	2020 L 1332
JAMES JOSEPH, D.O., Individually and as Agent	)	
of EUROLUX LASHES SALON AND SPA and as	)	Honorable
Agent of JAMES JOSEPH, D.O, MEDICAL AND	)	Daniel Trevino,
WELLNESS CENTER, S.C. d/b/a REJENESIS a/k/a	)	Judge Presiding.
REJENESIS MED SPA; EUROLUX LASHES	)	
SALON AND SPA; JAMES A. JOSEPH D.O	)	
MEDICAL AND WELLNESS CENTER, S.C. d/b/a	)	
REJENESIS a/k/a REJENESIS MED SPA; and	)	
JOSEPH CIUCCI, Individually and as Agent of	)	
EUROLUX LASHES SALON AND SPA,	)	
	)	
Defendants-Appellants.	)	
	)	

PRESIDING JUSTICE ELLIS delivered the judgment of the court.
Justices Fitzgerald Smith and Howse concurred in the judgment.

ORDER

¶ 1 *Held*: Appeal dismissed. Appellate court lacks jurisdiction over final judgments, as outstanding claims remain against two defendants in trial court.

¶ 2 For reasons we explain below, we dismiss this appeal for lack of appellate jurisdiction.

So we will be light on the underlying facts of the case and will home in on the named parties and the resolution of the case after a jury trial. The operative complaint at the time of trial was the fourth amended complaint, so we will focus there but merely call it the “complaint.”

¶ 3 Plaintiff Tammy Dontas sued a variety of defendants after a cosmetic lip-filler injection at the Eurolux Lashes Salon and Spa left her injured and disfigured. The complaint named three individuals: (1) Izolda Vasylyonis, Eurolux’s manager, who (allegedly without licensure) performed the injection; (2) Joseph Ciucci, Eurolux’s owner; and (3) Dr. James Joseph, who sometimes performed cosmetic services at Eurolux and allegedly was responsible for overseeing the injection procedures there.

¶ 4 Dontas also sued two corporate entities: (4) Eurolux Lashes Salon and Spa and (5) Dr. Joseph’s corporate entity, “James A. Joseph D.O. Medical and Wellness Center.” To keep this clear, we will refer to the corporate defendants as “Eurolux Corp.” and “Joseph Medical.”

¶ 5 Would that it were that simple. A glance at the caption above tells you the naming of defendants was more complicated. But in the end, what we have written above remains true.

¶ 6 For one, the complaint used “d/b/a,” or “doing business as” language, to describe Dr. Joseph’s corporate entity, which “did business as” “Rejenesis” or “Rejenesis Med Spa.” But that did not make “Rejenesis” or “Rejenesis Med Spa” a named defendant. Saying that Defendant A “did business as” Company B is not adding Company B as a separate defendant. See *Pekin Insurance Company v. Estate of Goben*, 303 Ill. App. 3d 639, 645-46 (1999) (“d/b/a” designation is “merely descriptive” and does not create distinct entity); *General Insurance Co. of America v.*

Clark Mall, Corp., 631 F. Supp. 2d 968, 973 (N.D. Ill. 2009) (applying Illinois law) (same).

¶ 7 The complaint also alleged that each of the three individual defendants (Vasylionis, Ciucci, and Joseph) were the “agent, apparent agent, servant, and/or employee of” the two corporate defendants. But those designations added no new defendants, either. The corporate defendants were already named. The legal status that the individuals held vis-à-vis the corporate defendants was simply a means of imposing liability on the corporate defendants. See, *e.g.*, *McQueen v. Green*, 2022 IL 126666, ¶ 37 (*respondeat superior* imposes vicarious liability on employer for employee’s torts committed within scope of employment); *Wilson v. Edward Hospital*, 2012 IL 112898, ¶ 18 (principal is vicariously liable for acts of actual or apparent agent within scope of agency).

¶ 8 So again, Dontas sued five defendants: three individuals (Vasylionis, Ciucci, and Dr. Joseph) and two corporations (Eurolux Corp. and Joseph Medical). By the time of trial, after the dismissal of several counts, each of these five defendants had a negligence count pending against them, while three other counts sounded in the heightened willful/wanton standard for the purpose of imposing punitive damages:

Count	Named Defendant	Cause of Action
3	Izolda Vasylionis	Negligence
4	Dr. James Joseph	Negligence
5	Joseph Ciucci	Negligence
6	Eurolux Corp.	Negligence
7	Joseph Medical	Negligence
16	Izolda Vasylionis	Willful/wanton conduct
17	Joseph Ciucci	Willful/wanton conduct
18	Eurolux Corp.	Willful/wanton conduct

¶ 9 The case went to a jury trial on those eight counts. The jury returned a verdict in favor of Dontas and awarded her a total of \$475,000 in damages. The award included \$250,000 in compensatory damages, reduced by 10 percent due to Dontas’s contributory negligence, for a net compensatory damages award of \$225,000. The jury also imposed punitive damages against Vasylionis in the amount of \$250,000.

¶ 10 But for our purposes, the most salient point is the verdict form the jury signed:

“We, the jury, find for Tommy Dontas and against the following defendant or defendants:

Izolda Vasylionis	Yes: X	No: _____
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Joseph Ciucci, doing business as Eurolux Lashes Salon and Spa	Yes: X	No: _____
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James Joseph, D.O.	Yes: X	No: _____”
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¶ 11 In other words, the verdict form only named the individual defendants and not the corporate defendants. And the court then entered judgment on that very verdict, without any mention of the corporate defendants or the counts against them. At no time thereafter did the court dismiss or take any other action with regard to the remaining counts against the corporate defendants, nor did the defendants (or Dontas) ask the court to do so.

¶ 12 The parties filed a post-judgment motion asserting various errors not relevant here. For what it’s worth, the confusion over named defendants continued. The parties who presented the post-judgment motion, and on whose behalf their attorneys signed it, were “Eurolux Salon and Spa, Izolda Vasylionis, Joseph Ciucci and James Joseph, D.O., Medical and Wellness Center, S.C., d/b/a Rejenesis a/k/a Rejenesis Med Spa.” In other words, the parties that filed the post-judgment motion were two individual defendants (Vasylionis and Ciucci) and the two corporate defendants, Eurolux Corp. and Joseph Medical, but not Dr. Joseph individually.

¶ 13 On February 21, 2025, the trial court denied the post-judgment motion “in its entirety.”

¶ 14 This appeal followed. That is a story in itself; the confusion below spilled over into the appellate process. The initial notice of appeal named as appellants only Dr. Joseph individually and his corporate entity, Joseph Medical. The parties timely amended their notice of appeal to name as appellants two of the individual defendants (Vasylionis and Ciucci) and the two corporate defendants, Eurolux Corp. and Joseph Medical, but not Dr. Joseph individually.

¶ 15 We would have more to say about who is properly before us as appellants and who is not if we had jurisdiction over this appeal. But we do not, because the judgment before us is not ripe for appeal; it is final but not (yet) appealable.

¶ 16 After defendants filed their opening brief, Dontas moved to dismiss the appeal for lack of jurisdiction. After briefing from both parties, a panel of this court denied the motion. But we have a duty at all times to consider our jurisdiction. *Rocha v. FedEx Corporation*, 2020 IL App (1st) 190041, ¶ 54. We may revisit interlocutory orders like the denial of a motion to dismiss. *People v. Van Cleve*, 89 Ill. 2d 298, 304 (1982) (“[A] court possesses inherent power to correct its interlocutory rulings.”); *Bouvel v. Duggan*, 2022 IL App (1st) 211320-U, ¶¶ 27, 38 (revisiting denial of motion to dismiss and dismissing appeal for lack of jurisdiction). And now that we have fully untangled the morass of named defendants and pending counts, it is clear that Dontas’s motion to dismiss is well taken. We explain below.

¶ 17 As Dontas correctly notes, generally speaking, we only have jurisdiction to hear appeals of final judgments. See Ill. S. Ct. R. 301(a) (eff. Feb. 1, 1994). A judgment is “final” if it disposes of the rights of the parties, either on the entire case or some definite part of the action. *Dubina v. Mesirow Realty Development, Inc.*, 178 Ill. 2d 496, 502 (1997); *Gateway Auto, Inc. v. Commercial Pallet, Inc.*, 2023 IL App (1st) 230185, ¶ 24.

¶ 18 But even a final judgment is not appealable until the trial court has disposed of all claims against all parties. Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016) (“any judgment that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable or appealable”). The exception to that rule is if the trial court makes a written finding under Rule 304(a) that there is no just reason to delay the appealability of the final judgment. *Id.*; *Dubina*, 178 Ill. 2d at 502.

¶ 19 Here, the judgment in favor of Dontas against the three individual defendants was “final.” It definitively resolved the controversy between Dontas and the three individual defendants—Vasylionis, Ciucci, and Dr. Joseph. But that left the claims against the corporate defendants. The jury did not return a verdict for or against either corporate defendant. So the court never entered judgment, one way or the other, on those counts. The counts against the corporate defendants remain pending below.

¶ 20 That means that, absent a Rule 304(a) finding, the judgment against the individual defendants, though final, is not appealable. *Dubina*, 178 Ill. 2d at 503 (“Because other claims were still pending at the time of the dismissal, these final orders were not immediately appealable”); *Gateway Auto*, 2023 IL App (1st) 230185, ¶ 27 (dismissal with prejudice was final order but “was not, however, an appealable order because other claims remained pending and adjudicated in the action”); *SJJV, LLC v. APA Realty, Inc.*, 2022 IL App (1st) 201089-U, ¶ 16.

¶ 21 As Dontas correctly notes, the judgment under review did not contain the required written finding under Rule 304(a). So we lack jurisdiction over this final judgment; it is final but not appealable. *Dubina*, 178 Ill. 2d at 503; *Gateway Auto*, 2023 IL App (1st) 230185, ¶ 31; *SJJV*, 2022 IL App (1st) 201089-U, ¶ 20 (dismissing appeal for lack of jurisdiction, as one count remained pending in trial court, and court made no Rule 304(a) finding).

¶ 22 Defendants argue that Dontas “waived” her claims against the corporate defendants by not including them on the jury verdict form. Their sole support is a headnote from an abstract of the unpublished decision of *People v. Taylor*, 31 Ill. App. 3d 831 (1975), which apparently held that a defendant waived his challenge on appeal to the lack of a jury instruction when he failed to tender that instruction at trial. That case does not concern appellate jurisdiction.

¶ 23 In terms of what her rights are, at this point, against the corporate defendants in the trial court, defendants may be correct that Dontas has waived or forfeited any further prosecution of the case. But that is not before us, so we need not decide it. In terms of appellate jurisdiction, there is no “waiver” exception to Rules 301 and 304(a). At this juncture, claims remain pending against two defendants in the trial court. The final judgment before us is thus not appealable.

¶ 24 Defendants also claim the judgments against the individual defendants “merged” with those of the corporate defendants. We have much the same response as we did to their waiver argument: that is an argument to be taken up with the trial court; it has nothing to do with our appellate jurisdiction. And the decisions they cite, again, are not remotely applicable.

¶ 25 *Matter of Connors*, 255 Ill. App. 3d 781, 784 (1994), involved whether the doctrine of merger prevented the filing of a petition for involuntary admission after the respondent had been discharged from an earlier such proceeding. In *Taylor v. Board of Education of City of Chicago*, 2014 IL App (1st) 123744, ¶ 32, we simply held that, after a trial on the merits, the denials of a motion for summary judgment and a motion for directed verdict merged into the final judgment.

¶ 26 The impact of Dontas’s failure to fully prosecute the claims against the corporate defendants is a decision for the trial court. Our only point is that, as things currently stand, claims are pending against those defendants in the trial court. So we lack appellate jurisdiction over the final judgment before us.

¶ 27 Defendants also suggest that Eurolux Corp., as we have shorthanded it, is not really a corporate entity but is merely the “doing business as” designation of Ciucci. If that is true, we do not understand why Eurolux Corp. did not move to dismiss in the trial court long ago. All that matters for our purposes is that Eurolux Corp. is currently a named defendant with counts pending against it in the circuit court. The rest, again, is something to take up in the trial court.

¶ 28 We are aware that the parties have fully briefed this appeal. But simply asking the trial court for written findings under Rule 304(a) will render this final judgment immediately appealable. Or, in some way or fashion, the parties can resolve the claims against the corporate defendants, however that may come about; once all claims against all parties are resolved, appellate jurisdiction will be clear.

¶ 29 And as we have noted before, the parties need not await our mandate before finalizing matters in the trial court. If jurisdiction is lacking in the appellate court, it necessarily follows that the circuit court retains jurisdiction over this case. See, *e.g.*, *SJJV*, 2022 IL App (1st) 201089-U, ¶ 23; *Holt*, 2022 IL App (1st) 200950-U, ¶ 10 (under similar circumstances, noting that plaintiff need not await mandate, as “ ‘[i]t is well settled that the filing of a notice of appeal prematurely from an order or judgment which is not yet a final and appealable order neither deprives the trial court of jurisdiction to proceed with the case nor vests the appellate court with jurisdiction to consider it.’ ”) (quoting *Noland v. Steiner*, 213 Ill. App. 3d 611, 616 (1991)).

¶ 30 After finalizing matters in the trial court one way or the other, if the parties were to file a new notice of appeal in compliance with the supreme court rules, this court would be amenable to motions to adopt the record and briefs from this appeal and provide expedited resolution of the appeal to avoid any further delay. See *SJJV*, 2022 IL App (1st) 201089-U, ¶ 24.

¶ 31 Appeal dismissed.