2023 IL App (3d) 210005

Opinion filed March 29, 2023

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2023

HEIDI EDWARDS, Individually and as Administrator of the Estate of Troy Edwards, Deceased, Plaintiff, v. PEKIN MEMORIAL HOSPITAL, d/b/a/ Pekin Hospital; PEKIN PROHEALTH, INC.; and AMY MCQUITTY, Executor of the Estate of Dwayne McQuitty, Deceased, Defendants, (PEKIN MEMORIAL HOSPITAL, d/b/a/ Pekin Hospital, and PEKIN PROHEALTH, INC., Defendants-Appellees and Cross-Appellants; Bruce R. Pfaff, Contemnor-Appellant and Cross-Appellee).	)	Appeal from the Circuit Court of the 10th Judicial Circuit, Tazewell County, Illinois, Appeal No. 3-21-0005 Circuit No. 16-L-76 Honorable Michael D. Risinger, Judge, Presiding

JUSTICE DAVENPORT delivered the judgment of the court, with opinion.
Justices Brennan and Hettel concurred in the judgment and opinion.

OPINION

¶ 1 Bruce R. Pfaff, attorney for plaintiff in a medical negligence case, appeals a contempt order directing him to pay attorney fees to counsel for defendants, Pekin ProHealth, Inc., and Pekin

Memorial Hospital, d/b/a Pekin Hospital. The circuit court found Pfaff in indirect civil contempt for inadvertently disclosing confidential information in violation of a court order incorporating a confidentiality agreement binding the parties and their respective attorneys. The court ordered Pfaff to "purge contempt" by completing tasks to safeguard against another such violation, and further ordered Pfaff to pay defendants' attorney fees in the amount of $27,868. Defendants cross-appeal, arguing that the court erred in finding Pfaff's disclosure inadvertent when the evidence overwhelmingly showed otherwise. For the reasons stated below, we reverse the contempt finding, vacate the corresponding attorney fee award, and dismiss the cross-appeal as moot.

¶ 2 I. BACKGROUND

¶ 3 Pfaff represented Heidi Edwards, individually and as administrator of her late husband Troy Edwards's estate, in a wrongful death action against defendants. After extensive discovery, the circuit court set the matter for jury trial to begin on Monday, February 4, 2019. On the Friday before the scheduled trial date, the parties agreed to settle the case and, by contemporaneous handwritten note, agreed to maintain the confidentiality of "party names, county + court #, [and] ID of treaters," with an understanding that defendants may be referred to as a "downstate medical group" rather than by their party names.

¶ 4 On February 4, 2019, Michael Smothers, a local newspaper reporter who had been following the case since its inception,[1] appeared in the courtroom where he expected the trial to begin. He inquired about the "Edwards case" trial, and the court informed him that the case had settled on Friday. Smothers then called Pfaff, who later testified concerning that phone exchange: "Mr. Smothers told me that he understood that the case had settled. *** I told him that I could not

[1]In June 2016, Smothers wrote a news article outlining the primary allegations of plaintiff's complaint. A year later, he wrote another article discussing a potential judicial reassignment in the case.

discuss the outcome of the case other than to say that Mrs. Edwards was pleased with the outcome." Following his call with Smothers, Pfaff sent an e-mail informing one of defendants' attorneys about the call. The attorney responded, expressing his appreciation for Pfaff's discretion and his frustration that Smothers had been "sniffing around."

¶ 5 Later that day, Smothers authored an article, featured in two local newspapers, reporting that a settlement had been reached in the "fatal Pekin malpractice suit." The article quoted Pfaff as saying, "The family of Troy Edwards 'is very pleased with the outcome of the case.' " According to the article, Pfaff and the court both made clear that settlement terms were confidential by agreement. The article did not include the settlement amount. It did, however, identify the parties, trial judge, and case venue; it also summarized the case's underlying facts.

¶ 6 A. Confidentiality Agreement

¶ 7 On February 12, 2019, the parties signed a formal settlement agreement and release. The release included a confidentiality agreement prohibiting the parties and their respective attorneys from divulging party identities, settlement terms, and case venue information. Under the confidentiality agreement, the parties and their attorneys could generally refer to the case by describing plaintiff as "the surviving spouse of her 35-year-old husband" and defendants as "downstate Illinois medical group on behalf of a physician employee." The confidentiality agreement also permitted the parties and their attorneys to "disclose facts concerning the treatment of the patient [*i.e.*, decedent Troy Edwards], and prosecution and settlement of the case to anyone." Finally, the confidentiality agreement provided that a disclosure of the settlement dollar amount must not be accompanied by information identifying the "lawsuit or caption, the court number, the parties, the venue or county."

¶ 8 B. February 2019 Order

¶ 9 On February 22, 2019, the court entered an order approving the settlement agreement and release. The order specifically bound all parties and their attorneys to the terms of the confidentiality agreement.

¶ 10 C. Press Release E-mail

¶ 11 In March 2019, Pfaff prepared a 1600-word press release describing the case's underlying facts, court proceedings, and settlement. The press release, which did not name any parties to the suit, included the settlement amount in its title. Pfaff called Smothers to inform him that he wished to send him a press release on a case that "[Pfaff] found very interesting." On March 22, 2019, Pfaff sent the press release in an e-mail to Smothers. The e-mail subject line read "Regarding: Edwards, Estate of Troy."

¶ 12 On April 2, 2019, two local newspaper outlets published a Smothers article highlighting the "historic settlement" received by Troy Edwards's family. The article identified the case venue, parties involved, and settlement dollar amount. It also stated that although the suit's settlement terms restricted Pfaff from specifically identifying plaintiff and defendants, Pfaff's press release "made those involved parties evident." Pfaff's law firm posted the press release to its blog on the same day.

¶ 13 D. Contempt Proceedings

¶ 14 On June 14, 2019, defendants petitioned the circuit court to find Pfaff in indirect civil and criminal contempt, alleging he had willfully violated the court's February 2019 order incorporating the parties' confidentiality agreement. Defendants' combined petition attached Pfaff's press-

release blog post and Smothers's news articles as evidence of Pfaff's alleged violation. Defendants also issued several discovery requests, which Pfaff moved to quash.

¶ 15 1. *September 2019 Hearing*

¶ 16 On September 20, 2019, the court held a hearing on Pfaff's motions to quash and defendants' combined petition for civil and criminal contempt. It stated that, with respect to the combined petition, "the only thing that I know I can address here and begin working on with you is indirect civil [contempt]." The criminal contempt petition, the court explained, was not pending because it had not been filed under a separate case number.[2] The court further opined that a properly filed criminal contempt petition requires "sign-off from the State's Attorney and *** then I would have to arraign you on that."

¶ 17 The court granted the motions to quash in part, ordering Pfaff to respond to defendants' motion to admit and to produce the press release e-mail sent to Smothers. Pfaff tendered a copy of the e-mail to defendants' counsel minutes later in open court. At the hearing's conclusion, the court dismissed defendants' criminal contempt petition without prejudice and set the civil contempt petition for an evidentiary hearing. The court invited defendants to file an amended petition focusing only on the civil contempt allegations. Defendants did so, and an evidentiary hearing was scheduled for November 8, 2019.

¶ 18 On November 6, just two days before the evidentiary hearing, defendants moved for leave to file a second amended petition. Unlike the first amended petition, this petition specifically added the press release e-mail's subject line, "Regarding: Edwards, Estate of Troy," as a basis for a contempt finding and requested that the court find Pfaff in indirect criminal contempt.

[2]The court initially expressed uncertainty as to whether indirect criminal contempt requires a new case filing. It remarked, "I don't think there's a [*sic*] one of us down here that's currently on the bench that really know what to do with indirect criminal contempt."

¶ 19 2. *November 2019 Evidentiary Hearing*

¶ 20 At the start of the November 8, 2019, hearing, the court addressed defendants' motion for leave, reiterating its concerns about what it believed was a procedurally defective request for an indirect criminal contempt finding. It emphasized that defendants needed to notify the State's Attorney "as to whether or not he wishes to be involved or has to give you a—you know, basically his waiver, so that is not my call." In response, defendants' counsel indicated that his inclusion of the criminal contempt request was merely to avoid forfeiture. He stated, "I'm not anticipating arguing criminal contempt."

¶ 21 Pfaff was the only witness at the evidentiary hearing. He testified that he did not believe his press release violated the confidentiality agreement and explained how he had vigorously negotiated the agreement's language with defendants' counsel over a period of several days. According to Pfaff, his sole violation of the confidentiality agreement was unintentionally leaving "Regarding: Edwards, Estate of Troy" as the subject line of the press release e-mail to Smothers. Pfaff explained that his law firm uses a case management software that auto-populates e-mail subject lines with the relevant case name. He insisted that, had he noticed the subject line, he would have left it blank before sending the press release e-mail.

¶ 22 In their closing argument, defendants maintained that Pfaff had violated the terms of the confidentiality agreement by publishing the press release on his law firm's website, sending the press release in an e-mail to Smothers, and disclosing "Edwards, Estate of Troy" in the press release e-mail. The court took the matter under advisement.

¶ 23 3. *Contempt Order*

¶ 24 On November 15, 2019, the court issued an order finding Pfaff in indirect civil contempt. The court predicated its contempt finding on what it determined was an *inadvertent* disclosure of

a party name by e-mail. The court's order provided, "Although the disclosure was inadvertent, 'the absence of wilfulness does not relieve from civil contempt.' *McComb v. Jacksonville Paper*, 336 U.S. 187, 191 (1949)." Significantly, the court did not find the press release, standing alone, to be contemptuous, nor did it find the February 2019 phone exchange between Pfaff and Smothers to be contemptuous.

¶ 25 The November 15 order included the following provision: "As civil contempt proceedings are coercive in nature, this Court orders Mr. Pfaff to purge contempt by not sending the press release to any other persons or entities via his case management software or [by] any other means that identifies a party." Finally, the court awarded defendants' counsel reasonable attorney fees and directed defendants' counsel to present its fees to Pfaff. In December 2019, Pfaff filed a motion to reconsider, arguing the contempt order was void because the contempt could not be purged.

¶ 26 4. *Orders Modifying Purge Provision and Setting Attorney Fee Award*

On February 25, 2020, the court held a hearing in which it stated that the press release e-mail's disclosure "cannot be purged ever. It can only be prevented from happening in the future. And that may not be good enough for a finding of contempt, but I think it is." The court directed the parties to submit supplemental briefs on the purge issue and took the matter under advisement.

¶ 27 On May 7, 2020, the court reaffirmed its finding of civil contempt and modified its prior purge provision. The new purge provision directed Pfaff to (1) remove the press release and settlement agreement from his firm's case management system, (2) request and obtain verification from Smothers that the press release e-mail had been deleted, and (3) file an affidavit upon completing both tasks (revised purge provision). The order granted defendants leave to present their attorney fees to Pfaff. In June 2020, defendants tendered to Pfaff an invoice list with attorney fees totaling $30,530.50. Defendants later submitted an updated invoice list with attorney fees

totaling $32,830.50. In response, Pfaff filed a motion disputing the court's authority to award attorney fees *sua sponte*.

¶ 28 On September 18, 2020, the court reaffirmed its order permitting an attorney fee award and, on December 3, 2020, held a hearing on the "sanction of attorney fees." On December 10, 2020, the court (1) reaffirmed its revised purge provision, and (2) directed Pfaff to pay, as a sanction for his contempt, defendants' attorney fees in the amount of $27,868. In reaching that figure, the court reduced by 50% any attorney fees incurred on or before September 20, 2019, the date it had dismissed defendants' request for a criminal contempt finding. This appeal and cross-appeal followed.

¶ 29 II. ANALYSIS

¶ 30 The parties dispute the validity of the circuit court's indirect civil contempt finding and attorney fee judgment. Pfaff requests that we reverse the court's November 15, 2019, contempt finding and vacate all subsequent orders awarding attorney fees or issuing purge conditions. Defendants, on the other hand, request that we either (1) affirm the contempt finding and attorney fee award, or (2) reverse the court's orders insofar as they found Pfaff's disclosure inadvertent.

¶ 31 Because our resolution of Pfaff's appeal is dispositive, we do not address the merits of the cross-appeal. We further note that our analysis is not affected by the willfulness or inadvertence of Pfaff's conduct.

¶ 32 A. Contempt Finding

¶ 33 Generally, a contempt finding is reviewed for an abuse of discretion. *In re Marriage of O'Malley*, 2016 IL App (1st) 151118, ¶ 25. The circuit court abuses its discretion when its ruling is arbitrary, fanciful, or unreasonable. *Carolina Casualty Insurance Co. v. Estate of Sperl*, 2015 IL App (3d) 130294, ¶ 18. However, "[w]hen the facts of a contempt finding are not in dispute,

their legal effect may be a question of law, which we review *de novo*." *In re Marriage of Newton*, 2011 IL App (1st) 090683, ¶ 10. Here, the appeal does not place facts in contention and merely asks us to resolve the legal effect of the circuit court's undisputed factual findings. Accordingly, our review of the appeal is *de novo*.

¶ 34 "A court is vested with inherent power to enforce its orders and preserve its dignity by the use of contempt proceedings." *People v. Warren*, 173 Ill. 2d 348, 368 (1996). Contempt may be either direct or indirect and either civil or criminal. *In re Marriage of Betts*, 200 Ill. App. 3d 26, 49 (1990); see *id.* at 48 (direct contempt generally occurs in the presence of the court while indirect contempt occurs outside the court's presence). Because the distinction between civil and criminal contempt proceedings is dispositive in this case, we begin with a brief discussion of the differences between these two proceedings.

¶ 35 "Contempt proceedings, while usually called civil or criminal, are, strictly speaking, neither." *People ex rel. Chicago Bar Ass'n v. Barasch*, 21 Ill. 2d 407, 409 (1961). "They may best be characterized as *sui generis*, and may partake of the characteristics of both." *Id.* Indeed, both proceedings may be based on the same conduct. *Betts*, 200 Ill. App. 3d at 46. "[T]he test for determining whether contempt proceedings are criminal or civil in nature is the dominant purpose for which sanctions are imposed." *Id.* at 47.

¶ 36 Criminal sanctions seek to vindicate the court's dignity and authority by penalizing the contemnor for past misconduct. *Marcisz v. Marcisz*, 65 Ill. 2d 206, 209 (1976). Criminal sanctions are thus *punitive* and *retrospective* in nature; "they punish a contemnor for past acts which he cannot now undo." *Betts*, 200 Ill. App. 3d at 46. Civil sanctions, on the other hand, only incidentally vindicate the court's authority. See *In re Marriage of Doty*, 255 Ill. App. 3d 1087, 1095 (1994). They primarily seek to enforce a private party's rights by compelling the contemnor

to comply with a court order for the opposing party's benefit. *Marcisz*, 65 Ill. 2d at 209. Civil sanctions are thus *coercive* and *prospective* in nature; "they seek to coerce compliance at some point in the future." *Betts*, 200 Ill. App. 3d at 46. "That point might be immediate compliance in open court or whenever the contemnor chooses to [comply]." *Id.* Crucially, a valid civil contempt order must contain a purge condition requiring compliance with the previously disregarded court order. *Felzak v. Hruby*, 226 Ill. 2d 382, 391 (2007) ("A contemnor must be able to purge the civil contempt by doing that which the court has ordered him to do.").

¶ 37 As for the contemptuous conduct itself, our caselaw provides a general distinction categorizing contempt based on whether it constitutes an act or omission: "[C]ivil contempt occurs when the contemnor fails to do that which the court has ordered, whereas criminal contempt consists of doing that which has been prohibited." *Warren*, 173 Ill. 2d at 369. Compare *Betts*, 200 Ill. App. 3d at 44 (civil contempt includes failure to make timely child support, to testify before grand jury, to produce handwriting exemplars), with *id.* at 46 (criminal contempt includes violating injunction, disobeying court order, improperly communicating with jurors).

¶ 38 This general distinction, however, must be understood in conjunction with the practical consequences of the contemnor's conduct. While criminal contempt generally arises from a prohibited act, particularly one that cannot be undone, civil contempt arises from the omission of a mandated act, one that can yet be compelled. See *Mehalko v. Doe*, 2018 IL App (2d) 170788, ¶ 28 ("[C]ontempt based on past actions that cannot be undone cannot be civil contempt."). Thus, it is only when the contemptuous conduct can be cured that both criminal and civil contempt sanctions may lie. See, *e.g.*, *Betts*, 200 Ill. App. 3d at 46 (failure to abide by court order may result in sanctions intended to coerce compliance *in addition to* sanctions punishing contemnor's willful disobedience of court order). Conversely, where the contemptuous conduct leads to an incurable

result, only criminal contempt sanctions are appropriate. See *Mehalko*, 2018 IL App (2d) 170788, ¶ 28.

¶ 39 Here, the circuit court entered a contempt finding for an incurable violation—the hallmark of criminal contempt. As indicated by the court's contempt orders, the indirect civil contempt finding was predicated on a single act: Pfaff's press release e-mail with the subject line "Regarding: Edwards, Estate of Troy." Pfaff cannot now unsend that e-mail to prevent Smothers from reading its subject line. Indeed, any attempt to retrieve or destroy the press release e-mail would be in vain. Smothers has already read the e-mail. Accordingly, where the disclosure cannot be undone, the rationale for civil contempt disappears.

¶ 40 By the same token, the court's revised purge provision is wholly ineffective at curing the unauthorized disclosure at issue. Pfaff was ordered to purge contempt by filing an affidavit verifying (1) Smothers's deletion of the press release e-mail and (2) Pfaff's removal of the settlement agreement and press release from his firm's case management system. Because Smothers's articles have already been released into the public sphere, these tasks are symbolic exercises rather than true purge conditions. They do no more than shut the barn door after the horses have bolted. See *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 144 (2d Cir. 2004) ("We simply do not have the power *** to make what has thus become public private again."); *Apple Inc. v. Samsung Electronics Co.*, 727 F.3d 1214, 1220 (Fed. Cir. 2013) ("[O]nce the parties' confidential information is made publicly available, it cannot be made secret again."). The circuit court itself acknowledged that Pfaff's unauthorized disclosure "cannot be purged ever." Thus, because it is impossible for the court to coerce Pfaff to undo his disclosure, and because the revised purge provision is merely a symbolic penalty, the court's contempt finding can only be characterized as punishment for Pfaff's past conduct.

¶ 41 Defendants nevertheless argue that we should uphold the revised purge provision because it "rectif[ies] the circumstance *** giving rise to the offending conduct." Their argument seeks to extend the scope of a valid purge to include tasks with an exclusively prophylactic purpose. Such a purpose is one we cannot countenance. A purge provision's validity is directly linked to its ability to rectify the offending conduct itself, which in turn is directly linked to compliance with a court order. See *In re Marriage of Depew*, 246 Ill. App. 3d 960, 966 (1993). If the offending conduct cannot be undone, a valid purge provision must be able to offset or undo the effects of the offending conduct such that the disadvantaged party is made whole. See *id.* (compelling civil contemnor's compliance with court order is *for the benefit of the party harmed by noncompliance*); see also, *e.g.*, *Chue v. Clark*, 999 N.Y.S.2d 676, 691 (Sup. Ct. 2014) (contemnor-mother may purge violation of parenting agreement *by making father whole* and by accommodating his rights under agreement). Where the revised purge provision can neither offset nor undo the effects of Pfaff's irreversible disclosure, it amounts to an unreasonable attempt to purge indirect civil contempt.

¶ 42 The circuit court indicated that any purge condition it imposes on Pfaff could only protect against a future violation. Referring to Pfaff's disclosure, the court stated, "It can only be prevented from happening in the future." The court subsequently fashioned the revised purge provision to prevent a similar disclosure from occurring in the future. A valid purge, however, serves a curative purpose, not a prophylactic one. "[T]he contemnor must have an opportunity to purge himself of contempt *by complying with the pertinent court order*." (Emphasis added.) *Betts*, 200 Ill. App. 3d at 44. Here, the pertinent court order is the February 2019 order, which incorporated the parties' confidentiality agreement. Thus, to be valid, the revised purge provision must bring Pfaff into compliance with the February 2019 order.

¶ 43 Needless to say, the revised purge provision does not satisfy this requirement. The February 2019 order, for instance, does not prohibit storing the press release and settlement agreement in a particular location, yet the revised purge provision instructs Pfaff to remove both from his firm's case management system. (Meanwhile, the revised purge provision does nothing to address the press release displayed publicly on Pfaff's law firm website.) Similarly, the requirement that Pfaff verify Smothers's deletion of the press release e-mail does not affect Pfaff's compliance with the February 2019 order in any way. In fact, even if Smothers were to wipe his memory of this case and delete all his notes, his April 2019 article remains published and continues to "disclose" confidential information to its readers. In short, the revised purge provision's connection with Pfaff's compliance is attenuated at best. The provision is a retrospective penalty that does virtually nothing to cure Pfaff's past noncompliance with the February 2019 order.

¶ 44 In view of the foregoing, the contempt finding entered against Pfaff can only be described as criminal in nature. See *O'Malley*, 2016 IL App (1st) 151118, ¶ 28 (a contempt finding's substance, not label, determines whether the finding is criminal or civil in nature). "To sustain a finding of indirect criminal contempt for the violation of a court order outside the presence of the court, two elements must be proved: (i) the existence of a court order, and (ii) a willful violation of that order." *People v. Totten*, 118 Ill. 2d 124, 138 (1987).

¶ 45 Unlike an indirect civil contempt proceeding, which is a continuation of the original case, an indirect criminal contempt proceeding is a "separate and distinct proceeding in and of itself and is not part of the original case." *People v. Budzynski*, 333 Ill. App. 3d 433, 438 (2002).[3]

[3]Our supreme court has quoted *Budzynski*'s language with approval, albeit in a footnote. *City of Urbana v. Andrew N.B.*, 211 Ill. 2d 456, 471 n.1 (2004). Notably, *Budzynski*'s distinction is consistent with the distinctive purposes of civil and criminal contempt proceedings. Unlike a civil contempt proceeding, which primarily seeks to enforce a private party's rights arising out of a case-specific court order, a criminal

Accordingly, a party bringing an indirect criminal contempt action must file its petition as a new case and must personally serve the alleged contemnor to obtain jurisdiction. *Id*. We emphasize, however, that a criminal contempt filing does not require a "sign-off from the State's Attorney." See *supra* ¶¶ 16, 20. Because contempt is not a crime defined by statute, it may be prosecuted by private counsel, the State's Attorney, or an *amicus curiae* appointed by the court. *Marcisz*, 65 Ill. 2d at 210.

¶ 46 Crucially, a person charged with indirect criminal contempt is entitled to the same constitutional protections as other criminal defendants. *People v. Perez*, 2014 IL App (3d) 120978, ¶ 20. These constitutional protections include, for example, the right to counsel, to change of judge, to be presumed innocent, to be charged by written notice, and to be proven guilty beyond a reasonable doubt. *O'Malley*, 2016 IL App (1st) 151118, ¶ 31. "In addition, the trial court must admonish defendant of his constitutional rights." *Id.*

¶ 47 Here, the contempt proceedings fell woefully short of the standard required to prosecute indirect criminal contempt. Defendants did not file their contempt petition as a new case, nor did they personally serve Pfaff. Instead, they attempted to submit—in the original case—a combined petition for civil and criminal contempt. At the hearing on this petition, the court dismissed the criminal contempt request and granted defendants leave to amend their petition to include only civil contempt allegations. See *supra* ¶¶ 17, 28. Consistent with this ruling, the court treated the contempt action as a civil action. It did not admonish Pfaff of his constitutional rights, nor did it find him guilty of a criminal contempt charge beyond a reasonable doubt. Accordingly, we now vacate the court's indirect contempt finding, which we have found to be solely criminal in nature.

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contempt proceeding seeks primarily to vindicate the court's dignity and authority, a matter transcending the original case. See *Marcisz*, 65 Ill. 2d at 209.

¶ 48 B. Attorney Fee Judgment

¶ 49 The court may require a contemptuous party to bear the contempt action's reasonable costs and attorney fees. *47th & State Currency Exchange, Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 235 (1977). The court's power in this regard is incidental to its inherent contempt powers and may be exercised upon a finding of contempt. See *Comet Casualty Co. v. Schneider*, 98 Ill. App. 3d 786, 793 (1981). When contempt proceedings do not result in a contempt finding, however, the default rule applies: "In the absence of statutory authority or an agreement specifically authorizing them, attorney fees and other ordinary expenses of litigation may not be awarded." *ESG Watts, Inc. v. Pollution Control Board*, 286 Ill. App. 3d 325, 337 (1997).

¶ 50 Here, the court did not invoke specific authority to award attorney fees. It relied only on its inherent contempt powers, referring to its attorney fee judgment as a contempt sanction. See *supra* ¶ 28. Thus, given that the court's contempt finding is void, its corresponding attorney fee sanction is likewise void. See *Freeman v. Myers*, 191 Ill. App. 3d 223, 228 (1989) (circuit court's attorney fee judgment cannot stand absent a contempt finding or specific authority). We therefore vacate the attorney fee judgment of $27,868.

¶ 51 For the foregoing reasons, we reverse the contempt orders outright and release Pfaff from any directives contained therein. Our decision renders defendants' cross-appeal moot, and it is therefore dismissed. *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998) ("As a general rule, courts of review in Illinois do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.").

¶ 52 III. CONCLUSION

¶ 53 The judgment of the circuit court of Tazewell County is reversed, and the cross-appeal is dismissed.

¶ 54 Reversed; cross-appeal dismissed.

Edwards v. Pekin Memorial Hospital, **2023 IL App (3d) 210005**

Decision Under Review:	Appeal from the Circuit Court of Tazewell County, No. 16-L-76; the Hon. Michael D. Risinger, Judge, presiding.
Attorneys for Appellant:	Michael T. Reagan, of Ottawa, and Daniel F. Konicek, of Konicek & Dillon, P.C., of Geneva, for appellant.
Attorneys for Appellee:	Matthew B. Smith, Adam P. Chaddock and J. Matthew Thompson, of Quinn, Johnston, Henderson, Pretorius & Cerulo, of Peoria, and Karen K. DeGrand, of Donohue Brown Mathewson & Smyth, LLC, of Chicago, for appellees.