NOTICE
Decision filed 11/20/26. 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) 260708-U

NO. 5-26-0708

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).

STEVEN LEWIS SCESA,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Jackson County.
	)	
v.	)	No. 26-CH-1
	)	
JEFFREY TYLER SMITH,	)	Honorable
	)	Ella L. Travelstead,
Defendant-Appellee.	)	Judge, presiding.

JUSTICE BOLLINGER delivered the judgment of the court.
Justices Vaughan and McHaney concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err in ordering that the plaintiff retrieve his personal property from the defendant's custody by a certain deadline, after which the property would be deemed abandoned by the plaintiff and forfeited to the defendant. The judgment of the circuit court is affirmed.

¶ 2 Plaintiff Steven Scesa, a self-represented litigant, filed an interlocutory appeal from the Jackson County circuit court's July 21, 2026, order directing that he had until August 15, 2026, to arrange for the removal of his gun safe from the property of defendant Jeffery Smith. For the reasons explained below, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On January 14, 2026, plaintiff filed a "Verified Complaint for Replevin, Sequestration, and Emergency Injunctive Relief," alleging that defendant had in his home certain personal property

belonging to plaintiff—namely, several firearms; various firearm-related accessories, such as cases and ammunition; and a bag containing "pre-1965 US 90% silver currency (face value of $500.00)."

¶ 5 Plaintiff further pled that defendant had previously admitted under oath[1] that the property belonged to plaintiff and was in defendant's home, and also acknowledged possession of the property in communications with law enforcement. Plaintiff alleged that he had emailed defendant on December 18, 2025, proposing five different options for returning plaintiff's personal property to him, but defendant never responded. Plaintiff further alleged that he was informed that defendant was not responding to calls from the county sheriff's office to surrender the property.

¶ 6 Plaintiff sought emergency *ex parte* relief, claiming that the items of personal property could easily be sold off or moved and hidden; that irreparable harm would come to plaintiff if this were to happen, due to his great financial need; and that defendant had a "history" of conversion, theft, and breach of fiduciary duty.[2] Plaintiff asked the circuit court to (1) issue an order directing the county sheriff to seize the disputed property; (2) issue an emergency *ex parte* temporary restraining order prohibiting defendant, his agents, and his family members from moving, selling, or damaging the property; (3) waive the replevin bond as equitable relief to plaintiff, due to defendant's admission under oath that the property was plaintiff's, plaintiff's indigent status, and defendant's aforementioned alleged history; and (4) enter judgment against defendant in the value of the property, if it could not be returned to plaintiff.

¶ 7 Also on January 14, 2026, plaintiff filed an emergency motion for "temporary restraining order and sequestration" (TRO), asking to have the sheriff seize and sequester the property and

[1]This was allegedly during the creditors' meeting of a bankruptcy case defendant had filed in Tennessee. Plaintiff explained that the property, as well as defendant's home, was located in Jackson County, Illinois. Plaintiff further attached as an exhibit to his complaint a copy of an order of the Tennessee bankruptcy court identifying the disputed items as non-bankruptcy estate property.

[2]Plaintiff alleged that while acting as the trustee of plaintiff's special needs trust, defendant stole and converted trust assets. That matter was the subject of unrelated litigation in Florida.

hold it in the custody of the court pending trial. According to the circuit court's docket entry on January 21, 2026, the matter was called for an emergency hearing on that date. Plaintiff appeared and testified that he and defendant were previously friends and co-workers, and defendant became the trustee of plaintiff's special needs trust after plaintiff was seriously injured and needed to liquidate his business assets. Plaintiff further testified that defendant converted in excess of $450,000 in trust assets for his own use and took possession of plaintiff's firearms and silver for safekeeping. Plaintiff was concerned that defendant would also convert those items. The circuit court granted plaintiff's emergency petition and entered the TRO.

¶ 8 Defendant filed an appearance through counsel on February 2, 2026. Following a hearing on February 11, 2026, the circuit court entered an order reflecting that defendant had turned over to the sheriff's department a number of items that were undisputedly plaintiff's property. The order further noted that the sheriff's department had filed with the court an inventory of these items. The court authorized the sheriff's department to release all items to plaintiff.

¶ 9 On February 17, 2026, plaintiff filed with the circuit court what he entitled a "declaration," stating that there remained outstanding property that defendant had not returned, in the form of two firearms, a case, a set of eye and hearing protection, magazines, and ammunition. Plaintiff later filed another declaration listing additional personal property that he alleged was in defendant's possession, consisting of a saw, drill, and their respective accessories.

¶ 10 On March 10, 2026, plaintiff filed a motion to compel and rule to show cause. He asked for the court to order defendant to produce the combination card and photos of plaintiff's gun vault,[3] and to issue a rule to show cause against defendant and/or his counsel for their alleged

[3]There are references in plaintiff's pleadings to a "safe" or "gun vault," and it appears from the record that this refers to the safe in which plaintiff's personal property was held while in defendant's possession. While no safe or vault is mentioned in plaintiff's complaint or in two of his subsequent

refusal to communicate and their "willful failure to comply with" the circuit court's deadline for disclosing exhibits and witnesses. Plaintiff wrote that he had made good-faith efforts to meet and confer with defendant pursuant to Illinois Supreme Court Rule 201(k) (eff. Mar. 17, 2023), but that defendant and counsel ignored his calls and emails for over two weeks.

¶ 11 The circuit court held a status hearing on March 16, 2026. A docket entry from that date indicates that the court heard argument on plaintiff's motion and there was no dispute regarding the ownership of the safe. The court ordered plaintiff to make arrangements to have the safe removed from defendant's property within 21 days.

¶ 12 On May 4, 2026, plaintiff filed a pleading titled "Updated Status Report and Motion to Convert Replevin to Civil Conversion." He stated that he had "exhausted all reasonable efforts to secure professional movers" to remove the safe as per the court's previous order, having allegedly contacted 12 companies across 3 different states. Plaintiff continued, "Professional movers have uniformly refused to accept the job or provide a quote[4] because the object is excessively heavy, [and] the location is remote." Movers would also have to work without any prior inspection of the safe or surrounding premises, because defendant was refusing to allow access to the removal site or provide photos of the safe and premises. Plaintiff further alleged that defendant had not provided him the safe's combination card photos of the interior, which he would need if he wanted to sell the safe.

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declarations, it is referenced throughout the record, including by the circuit court, as part of the outstanding personal property that defendant had not returned to plaintiff after the court's February 11, 2026, order.

[4]Plaintiff also wrote that he did manage to obtain a quote from at least one moving company, which was in excess of $1,500. The company also refused to cap the price before finishing the job. Plaintiff argued that he was indigent, had significant medical expenses, and was unable to earn an income due to his disability. He further referenced his ongoing litigation against defendant over the sum of approximately $479,000 defendant allegedly took from plaintiff's special needs trust.

¶ 13 Therefore, plaintiff concluded that defendant had made physical retrieval impossible, and asked the circuit court to either (1) order defendant to deliver the safe to the sheriff's department at his expense, or in the alternative, (2) convert plaintiff's cause of action from replevin to civil conversion, and enter a monetary judgment against defendant in an amount that plaintiff proposed as the fair market value of the safe and its contents. Plaintiff also requested statutory prejudgment interest on said value, due to defendant's "unreasonable and vexatious delay since December 2025 by continuously obstructing plaintiff's attempts to recover and liquidate his property." Lastly, plaintiff requested punitive damages against defendant for his "five-month campaign of bad-faith obstruction, fabricated excuses regarding 'missing' items, and outright refusal to obey [court] orders." Plaintiff attached a new itemization, with proposed replacement costs, of his alleged personal property still held by defendant. This included the items he previously listed, as well as the safe, approximately 50 plastic bins, and a moving dolly.

¶ 14 Defendant filed his answer to plaintiff's complaint on June 26, 2026. He admitted that plaintiff owned and was entitled to the personal property that defendant placed into the custody of the Jackson County Sheriff's Department in February 2026 and further admitted to being in possession of a gun safe belonging to plaintiff. Defendant denied being in possession of any other items alleged in the complaint, and denied that he had ever wrongfully possessed any of plaintiff's personal property. Defendant also pled the affirmative defense that he had acted as a gratuitous bailee of plaintiff's personal property, and should not be found liable for any loss of that property unless plaintiff proved that defendant actually possessed it, and that it was unreturnable due to defendant's gross negligence.

¶ 15 On July 2, 2026, plaintiff filed a motion asking the circuit court to enter summary judgment against defendant regarding the gun safe,[5] as well as issue a writ of assistance "explicitly commanding" the sheriff's department to seize the safe using "all necessary force" to gain entry and execute the seizure. In a docket entry dated July 8, 2026, the circuit court rejected plaintiff's proposed order on his motion.

¶ 16 The court repeated its finding from its March 16, 2026, order that there was "no dispute as to the ownership of the gun safe," and further noted that defendant had "previously indicated to the Court he [wa]s willing to allow retrieval of the gun safe," by "appropriate movers" who could "come on to his property one time to remove the safe." In March, the court had ordered plaintiff to remove the safe from defendant's property within 21 days, which he had failed to do. Lastly, the court ordered that plaintiff "shall hire appropriate movers and make arrangements through Defense Counsel to schedule removal of the safe."

¶ 17 On July 21, 2026, defendant's counsel filed a proposed order denying plaintiff's motion for summary judgment. The circuit court signed and entered the order that same day. The order reflected the court's prior findings, as referenced above. The court further denied plaintiff's request to direct the sheriff's department to remove the safe, repeating its prior instructions to plaintiff that he was to provide appropriate movers. Lastly, the court ordered that if the safe was not removed by 5 p.m. on August 15, 2026, "said gun safe will be deemed abandoned by plaintiff and forfeited to Defendant."

¶ 18 Also on July 21, 2026, plaintiff filed an objection to defendant's proposed order, arguing that the language deeming the safe to be abandoned and forfeited if not removed by the court's

[5]While not explicitly stated in his motion, based on plaintiff's attached proposed orders, mentions of the gun safe are intended to refer to both the actual safe and its contents, all of which plaintiff claims are his personal property. For simplicity, we will continue the circuit court's usage of "the safe" to refer to any and all personal property belonging to plaintiff, whether that be the safe itself or the items contained therein.

deadline should be stricken from the order because the circuit court's July 8, 2026, order regarding his motion for summary judgment made no such findings or instructions. Therefore, plaintiff contended that defendant was abusing the routine proposed order drafting process to "engineer an unadjudicated, self-executing forfeiture of property that Defendant ha[d] already admitted under oath belong[ed] exclusively to Plaintiff." He also noted that the court had set the case for trial on August 19, 2026, and the August 15 deadline was prior to that date.

¶ 19 Plaintiff next again raised his indigency—which he claimed was in large part due to defendant's conversion of his trust assets—and the unaffordable quotes he had obtained from professional movers. He further argued that the possibility of awarding the safe to defendant, despite the undisputed fact that it belonged to plaintiff, would amount to rewarding defendant for his alleged bad-faith actions obstructing plaintiff's efforts to regain his property. Thus, plaintiff asked the court to reject defendant's proposed order and instead enter an order that either "accurately reflects" the July 8 docket entry, or to reserve any determinations on the safe's removal until after defendant repaid plaintiff the amount he allegedly took from his special needs trust.

¶ 20 In a July 24, 2026, docket entry, the circuit court noted and overruled plaintiff's objection to the proposed order. The court again referenced plaintiff's failure to remove the safe from defendant's property by the deadline in the court's March 16, 2026, order, and repeated that he now had until August 15. The court further wrote that the trial set for August 19 "will have no bearing on the safe."

¶ 21 On July 30, 2026, plaintiff filed a motion for reconsideration of the court's July 21 and 24 rulings, as well as a stay of the August 15 deadline pursuant to Illinois Supreme Court Rule 305 (eff. July 1, 2017). Plaintiff stated that on July 29, the Florida circuit court presiding over his case against defendant regarding his trust assets entered partial summary judgment against defendant

on the issue of liability. He attached a copy of said order to his motion, which contained the Florida court's findings that defendant was liable for conversion, breach of fiduciary duty, and exploitation of a vulnerable adult.

¶ 22 Plaintiff asserted that the ruling in the Florida case constituted newly discovered evidence that "fundamentally alters the equitable dynamics" in the present matter and warranted reconsideration of the circuit court's July orders. He further stated that if his safe were to be forfeited to defendant due to plaintiff's inability to afford its removal, defendant would be profiting from his wrongful acts of converting plaintiff's trust assets.

¶ 23 Plaintiff also requested a stay pursuant to Rule 305 "maintaining the status quo until after plaintiff secures a monetary judgment against Defendant in the Florida trust litigation that would enable plaintiff to pay for the extraction of his safe." He argued a stay would maintain the status quo and not prejudice defendant in any way, as the safe would simply continue to be on his property.

¶ 24 Defendant filed a response in opposition to plaintiff's motion, arguing that he had "gratuitously stored" plaintiff's property for him since 2021, and plaintiff had never once attempted to arrange a date with defendant or his counsel to retrieve the safe. Defendant asserted that plaintiff's motion was a request to compel defendant to "continue to gratuitously store the safe for an indefinite period." He also noted that the Florida partial summary judgment order was a non-final order in an unrelated case, and furthermore did not constitute newly discovered evidence for the purpose of a motion to reconsider.

¶ 25 According to an August 10, 2026, docket entry, the circuit court noted the filings and took plaintiff's emergency motion to stay the matter under advisement. On August 14, 2026, plaintiff

filed a notice of interlocutory appeal pursuant to Illinois Supreme Court Rule 307(a)(1) (eff. Oct. 15, 2026).

¶ 26 II. ANALYSIS

¶ 27 On appeal, plaintiff challenges the circuit court's July 21, 2026, order denying his motion for summary judgment and setting the abandonment and forfeiture deadline, its July 24, 2026, docket entry order overruling his objections to that order, and the court's "implicit denial" of his motion for reconsideration and stay before the August 15, 2026, deadline.

¶ 28 A. Jurisdiction

¶ 29 Before we may consider plaintiff's arguments on appeal, we must review whether we have jurisdiction to address it on the merits. Defendant has not filed a response and therefore does not challenge jurisdiction. However, as our supreme court has stated, a reviewing court "must ascertain its jurisdiction before proceeding in a cause of action, regardless of whether either party has raised the issue." *Secura Insurance Co. v. Illinois Farmers Insurance Co.*, 232 Ill. 2d 209, 213 (2009).

¶ 30 Plaintiff asserts that we have jurisdiction under subsection (a)(1) of Rule 307, which allows for interlocutory appeals as of right from an order "granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction." Ill. S. Ct. R. 307(a)(1) (eff. Nov. 1, 2017). He cites to our supreme court's decision in *In re A Minor* stating that when determining what constitutes an appealable injunctive order, we look to its substance, rather than its form, reflecting a policy of broadly construing the meaning of "injunction." *In re A Minor*, 127 Ill. 2d 247, 260-61 (1989).

¶ 31 An injunction is a " 'judicial process operating *in personam* and requiring [a] person to whom it is directed to do or refrain from doing a particular thing.' " *Id.* at 261 (quoting Black's Law Dictionary 705 (5th ed. 1983)). However, not every nonfinal order is appealable, "even if it compels a party to do or not do a particular thing." *Id.* at 261-62. Instead, the relevant distinction

is whether the order "may be characterized as ministerial or administrative—regulating the procedural details of the litigation—or is instead an order which affects the relationship of the parties in their everyday activities apart from the litigation." *Ebulon Financial Group, LLC v. Politanska*, 2025 IL App (1st) 240948, ¶ 23 (citing *In re A Minor*, 127 Ill. 2d at 262).

¶ 32 For example, an order granting an individual immediate possession of a property was found to be in the nature of an injunction, as it ordered the plaintiff to immediately tender the property to her, and affected the relationship of the parties outside of the courtroom by requiring the plaintiff, as the property owner, to permit a nonowner to occupy the premises. *Id.* ¶ 24. By contrast, discovery orders are not ordinarily subject to interlocutory appeal, even if they compel a party to take or refrain from some action, as they only regulate the procedural aspects of the litigation. See *Khan v. BDO Seidman, LLP*, 2012 IL App (4th) 120359, ¶¶ 48-49.

¶ 33 Here, the circuit court's July 21, 2026, order denied plaintiff's request to have the sheriff's department remove the gun safe, and instead directed plaintiff to "hire appropriate movers and make arrangements through Defense counsel to schedule removal of the safe." The court further ordered that if plaintiff did not remove the safe from defendant's property by 5 p.m. on August 15, 2026, "said gun safe will be deemed abandoned by plaintiff and forfeited to Defendant." The order also included the circuit court's findings that defendant was willing to allow plaintiff to retrieve the safe and have "appropriate movers" come onto his property to do so.

¶ 34 It is clear that the July 21 order is not merely an administrative or ministerial order addressing procedural matters in the litigation. It does, in a sense, compel plaintiff to take certain action by a specific deadline. The court's decision to deem the safe abandoned by plaintiff and forfeited to defendant altered the status quo and affected the parties' relationship in their lives outside of the courtroom, or at least did so if plaintiff failed to take the instructed action by the

stated deadline. As such, the order effectively created a path for defendant to come into ownership of plaintiff's personal property, which did not exist previously.

¶ 35 A notice of interlocutory appeal must be filed within 30 days of the interlocutory order being challenged. Ill. S. Ct. R. 307. A motion to reconsider an interlocutory order does not toll that deadline, as the denial of reconsideration does not grant, modify, refuse, dissolve, or refuse to dissolve or modify an injunction. See *In re Marriage of Gabrys*, 2023 IL App (1st) 221763, ¶¶ 7-8. Plaintiff's pleading entitled "Plaintiff's Objection to Defendant's Proposed Order Denying Motion for Summary Judgment," filed approximately an hour after the circuit court signed and entered the proposed order, could be construed as a motion for reconsideration, despite his subsequent filing of a motion specifically requesting reconsideration. Regardless, plaintiff filed his notice of appeal within 30 days of July 21, 2026, and thus timeliness is not an issue.

¶ 36 Lastly, plaintiff does not provide any authority for our ability to review what he refers to as the circuit court's "implicit denial" of his motion for stay. As he acknowledges, the court entered no order ruling on his motion. The August 10, 2026, docket order states only that the court took the matter under advisement. Plaintiff filed his notice of appeal prior to the abandonment and forfeiture deadline. Furthermore, plaintiff does not provide any support for his position before the circuit court that he was entitled to a stay based on proceedings in an entirely unrelated action involving the parties in Florida. We therefore need not reach this issue, as there is no actual ruling to review.

¶ 37 B. Circuit Court's Removal Deadline

¶ 38 Plaintiff raises three issues on appeal. He argues that the circuit court erred by "*sua sponte* declaring personal property abandoned and forfeited without statutory or procedural authority." He also argues that the court violated his procedural due process rights by "divesting him of title

and possession without an evidentiary hearing or trial." Lastly, he states that the court "improperly entered a mandatory injunction that altered, rather than preserved, the status quo pending final judgment."

¶ 39 Defendant has not filed an appellee's brief. Nevertheless, because the record is simple and the issues straightforward, we will consider the merits of plaintiff's claims pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) ("[I]f the record is simple and the claimed errors are such that the court can easily decide them without the aid of an appellee's brief, the court of review should decide the merits on appeal.").

¶ 40 We understand plaintiff's challenge to be directed at the circuit court's decision to deem the safe abandoned and forfeited if plaintiff did not remove it, at his own expense and/or efforts, by the deadline. The court did not, as plaintiff characterizes it, divest him of any personal property or declare the property abandoned and forfeited. Insofar as plaintiff's arguments on appeal rely on such a mischaracterization, we need not address them.

¶ 41 In his argument, plaintiff places great significance on the fact that his ownership of the safe was undisputed. However, he ignores that the circuit court previously ordered him to retrieve his property within 21 days of its March 16, 2026, order. The circuit court's July 8, 2026, docket entry reflects that the court denied plaintiff's request to have the sheriff's department remove the safe, because defendant had been willing to allow movers to come onto his property to take the safe. and plaintiff had already been instructed to make his own arrangements for the safe's removal. On July 21, the circuit court gave plaintiff additional time until August 15 to remove the safe, even though plaintiff was already in violation of the court's prior instructions and had been reminded of this approximately two weeks earlier.

¶ 42 We note that August 15 was over four months past when plaintiff was supposed to have the safe removed from defendant's property. While plaintiff informed the court of his seemingly extensive and thorough efforts to hire movers as far back as early May 2026 but claimed no movers would take the job, he admitted to having obtained at least a few quotes from movers for how much they would charge to remove the safe. Accordingly, throughout the case, plaintiff was aware that he was responsible for retrieving his safe from defendant's property.

¶ 43 Additionally, while the record on appeal is lacking any transcripts[6] or alternative summaries of hearings in this case, it appears from the circuit court's orders that the court did not *sua sponte* declare plaintiff's property abandoned and forfeited. The July 21 order did not actually terminate plaintiff's ownership rights to the property. Moreover, that order was proposed by defendant, and entered as written. The court granted and entered a proposed order drafted by defendant's counsel. The court also reviewed plaintiff's objection to that order, and decided to overrule it. Plaintiff thus had the opportunity for the circuit court to consider his challenges to the proposed order.

¶ 44 A trial court possesses "inherent powers that are governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." (Internal quotation marks omitted.) *Palos Community Hospital v. Humana Insurance Company, Inc.*, 2021 IL 126008, ¶ 35 (quoting *Dietz v. Bouldin*, 579 U.S. 40, 45 (2016)). The recognition of this inherent authority "is necessary to prevent undue delays in

[6]See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984) ("[A]n appellant has the burden to present a sufficiently complete record *** to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the ***court was in conformity with law and had a sufficient factual basis. Any doubts which may arise from the incompleteness of the record will be resolved against the appellant.").

the disposition of cases caused by abuses of procedural rules, and also to empower courts to control their dockets." *Sander v. Dow Chemical Co.*, 166 Ill. 2d 48, 66 (1995).

¶ 45 This matter began by plaintiff filing suit to recover his personal property from the custody of defendant. The circuit court found that plaintiff's ownership of the property was undisputed. Defendant did not deny that he had it in his home. The court further found that defendant was willing to have plaintiff's movers come onto his property and take the safe and was not obstructing removal efforts, as plaintiff had alleged.[7]

¶ 46 However, plaintiff went months without retrieving his possessions. Indeed, it would appear that plaintiff was attempting to use his lawsuit to get the circuit court to retrieve the safe for him, as the record shows that defendant did not pose any obstacle to him, neither by contesting his ownership nor preventing him from taking the safe back. Plaintiff was not entitled to continue delaying the matter until he obtained the assistance he sought. We find that the circuit court's decisions that plaintiff challenges on appeal fall within the proper exercise of that authority.

¶ 47 III. CONCLUSION

¶ 48 For the reasons stated, the circuit court did not err in ordering that plaintiff retrieve his personal property by the given deadline. The judgment of the circuit court is affirmed.

¶ 49 Affirmed.

[7]The record on appeal does not indicate the basis for the court's findings regarding the parties' conflicting assertions as to whether plaintiff made any effort to retrieve the safe and whether defendant obstructed that process in any way. The same applies to the court's findings relating to plaintiff's descriptions of his efforts to have the safe removed. Plaintiff provides us with no basis to disturb these findings. See *Midstate Siding & Window Co. v. Rogers*, 204 Ill. 2d 314, 318-19 (2003) (Appellant bears the duty of providing a sufficiently complete record of the lower court proceedings to support the claims on appeal.)