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2022 IL App (2d) 210338-U

Order filed December 2, 2022

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

2022

ABDUL MOHAMMED,	)	Appeal from the Circuit Court
	)	of the 18th Judicial Circuit,
Plaintiff-Appellant,	)	DuPage County, Illinois.
	)	
v.	)	
	)	
ICNA RELIEF USA (“ICNA”); SAIMA	)	
ASFAR, individually and as agent, servant,	)	
employee, volunteer of “ICNA”; HAMDARD	)	
CENTER FOR HEALTH AND HUMAN	)	
SERVICES (“HAMDARD”); MOHAMMAD	)	
HAMID, KIRAN SIDDIQUI, MARYAM	)	
MIRZA, HAMDIA RAZVI, individually and	)	
as agents, servants, employees, volunteers of	)	
“Hamdard”; ISLAMIC CENTER OF	)	
NAPERVILLE (“ICN”); SHAHAB SAYEEDI,	)	
KHALID GHORI, BEENA FARID and	)	Appeal No. 2-21-0338
SHOAIB KHADRI, individually and as agents,	)	Circuit No. 19-L-75
servants, employees, volunteers of “ICN”;	)	
PRAIRIE STATE LEGAL SERVICES	)	
(“PRAIRIE STATE”); KERRY O’BRIEN and	)	
MARISA WIESMAN, individually and as	)	
agents, servants, employees, volunteers of	)	
(“Prairie State”) LEGAL SERVICE	)	
CORPORATION, INC., and/or their parent	)	
subsidiaries and affiliates; ICDVP, INC. and/or	)	
their parent subsidiaries and affiliates; and	)	
FARHEEN FATHIMA, individually and as	)	
agent of the defendants other than defendants	)	

Legal Services Corporation and defendants )  
ICDVP, )  
 )  
Defendants-Appellees. ) The Honorable  
Robert G. Kleeman,  
Judge, Presiding.

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JUSTICE HOLDRIDGE delivered the judgment of the court.  
Justices Daugherty and Hettel concurred in the judgment.

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### ORDER

¶ 1 *Held:* (1) The circuit court properly dismissed the plaintiff's complaint with prejudice for failure to state a claim; (2) the plaintiff's arguments challenging the circuit court's orders granting a permanent injunction and imposing sanctions are stricken because the appellant did not appeal those orders, and the appellate court therefore lacked jurisdiction to review them.

¶ 2 Plaintiff-Appellant Abdul Mohammed (Mohammed) filed this action against the defendants to recover damages he claimed to have sustained due to various alleged acts of negligent or intentional conduct committed by the defendants in relation to his divorce proceedings. The circuit court held that the action was barred under principles of *res judicata* and collateral estoppel because the Illinois Appellate Court had affirmed the dismissal of a prior case brought by Mohammad in 2017 involving many of the same parties, claims, and factual allegations as the instant case. In addition, the circuit court held that Mohammed's complaint failed to state a claim. It therefore dismissed the action with prejudice pursuant to sections 2-615 and 2-619 of the Code of Civil Procedure (the Code) (735 ILCS 5/2-615 (West 2020), 735 ILCS 5/2-619 (West 2020)).

¶ 3 The circuit court subsequently entered a permanent injunction barring Mohammed from filing any future actions or complaints in any State court or administrative agency against the defendants pertaining to any claims or charges which have been made or which relate to any of the operative facts, allegations, claims or charges raised in the instant action, the 2017 action,

or the divorce and child custody proceedings. The circuit court also entered sanctions against Mohammed and his attorney.

¶ 4 Mohammed appeals the circuit court’s dismissal of his complaint. He also challenges the circuit court’s permanent injunction and sanctions orders on appeal even though he did not reference either order in his notice of appeal. The defendants have filed a joint motion to strike Mohammed’s arguments on the permanent injunction and sanctions issues, arguing that we lack jurisdiction to consider them. We have taken the defendants’ motion with the case.

¶ 5 **FACTS**

¶ 6 In 2017, Mohammed filed a lawsuit against defendants Hamdard Center for Health and Human Services, Mohammed Hamid, Kiran Siddiqui, Maryam Mirza, Hamdia Mirza (the “Hamdard Defendants”), Imran Mirza, Farheen Fathima, and ICNA Relief USA (the “2017 lawsuit”). The operative complaint alleged claims for defamation *per se*, defamation *per quod*, intentional infliction of emotional distress, hate crimes under 720 ILCS 5/12-7.1, and civil conspiracy.

¶ 7 The claims in the 2017 lawsuit arose out of Mohammed’s allegation that the Hamdard Center, a health and social services agency, housed Mohammed’s ex-wife, defendant Farheen Fathima, in its domestic violence shelter and reported suspected child abuse to the police. Mohammed alleged that the defendants falsely accused him of physically and sexually abusing Fathima and children, both to the Department of Children and Family Services (DCFS) and to other individuals; falsely accused him of turning over Fathima to “the infidels,” and of spying for the U.S. on Pakistan; and harassed, intimidated, and threatened Mohammed in an effort to get

him to drop criminal assault charges against Fathima and to withdraw a federal civil rights suit he had filed against the defendants in May 2016.

¶ 8 On September 6, 2018, the circuit court dismissed the 2017 lawsuit with prejudice pursuant to section 2-615 of the Code for failing to plead a cause of action. Mohammed filed a motion to reconsider, which the circuit court denied. Mohammed appealed both the dismissal and the denial of the motion to reconsider.

¶ 9 On January 22, 2019, while his appeal of the 2017 lawsuit was pending, Mohammed filed the present action (the “2019 lawsuit”) against all of the same defendants in the 2017 lawsuit except Imran Mirza, and added as additional defendants Saima Azfar; Islamic Center of Naperville and its board members, Beena Farid, Khalid Ghori, Shoaib Khadri and Shahab Sayeedi (the “ICN Defendants”); Fathima's divorce attorneys, Kerry O'Brien, Marisa Wiesman and Prairie State Legal Services; Legal Services Corporation; and Illinois Certified Domestic Violence Professionals. Mohammed's complaint included 25 counts, including, *inter alia*, claims for libel, defamation, assault, personal injury, conspiracy, violations of Mohammed's constitutional rights, and sexual harassment. In his complaint, Mohammed alleged that Fathima had falsely claimed that she was a victim of domestic abuse, that the reports of child abuse to DCFS were false, and that the removal of his children was unlawful. He also asserted that all defendants were followers of “Radical Islam,” that he was a follower of “Moderate Islam,” and that all of the defendants considered the police and judges to be infidels. He broadly alleged that the defendants harassed, intimidated, and threatened him based on his national origin, religion, and gender.

¶ 10 On April 15, 2019, the ICN Defendants and the Hamdard Defendants filed a joint motion to stay the proceedings based upon the then-pending appeal of the 2017 lawsuit and the potential

*res judicata* effect that our Appellate Court’s ruling in that case could have on the claims pending in this case.

¶ 11 On June 18, 2019, the circuit court stayed all filings in this case pending our Appellate Court's disposition of the appeal in the 2017 lawsuit and ordered Mohammed not to file anything further in this case without written permission of the court.

¶ 12 Six days later, Mohammed filed a new lawsuit in the Circuit Court of Will County (the Will County lawsuit). The new lawsuit asserted claims against all of the defendants in the present case and against multiple additional defendants, including counsel for the Hamdard Defendants. Mohammed also filed multiple charges of discrimination with the Illinois Department of Human Rights (“IDHR”) against various defendants. The Will County lawsuit and the IDHR charges were based upon substantially the same allegations asserted in the 2017 suit and in the present case.

¶ 13 In August of 2019, several of the defendants filed motions asking the circuit court to enjoin Mohammed from prosecuting or proceeding with the Will County lawsuit and the IDHR charges he filed subsequent to the entry of the circuit court's June 18, 2019 order. On September 10, 2019, the circuit court entered a preliminary injunction prohibiting Mohammed from filing, prosecuting or proceeding with any lawsuits or administrative charges against any of the defendants in any State court or administrative agency that pertain to allegations that were made in either the 2017 lawsuit or the present action.

¶ 14 On September 19, 2019, Fathima filed a motion for sanctions pursuant to Supreme Court Rule 137 (eff. Jan. 1, 2018) and the circuit court's inherent authority. The motion provided a detailed history of multiple actions and charges that Mohammed had filed against her in various courts and administrative agencies. Fathima argued that these actions and charges were frivolous

and duplicative and were filed solely to harass her. Fathima presented specific evidence of Mohammed's vexatious conduct toward her, and she argued that Mohammed had abused the courts by using judicial proceedings for improper purposes.

¶ 15 Four days later, Mohammed filed a timely notice of appeal from the circuit court's preliminary injunction order.

¶ 16 On January 22, 2020, the Second District of our appellate court affirmed the judgment of dismissal in the 2017 lawsuit. *Mohammed v. Hamdard Center for Health and Human Services, et al.*, 2020 IL App (2d) 181017-U (2020), (*Mohammed I*).

¶ 17 On October 19, 2020, the Second District of our appellate court affirmed the circuit court's preliminary injunction order in this case. *Mohammed v. ICNA Relief USA, et al.*, 2020 IL App (2d) 190828-U, (*Mohammed II*). In its Order, the appellate court noted that "[t]he underlying facts and many of the named defendants [in the 2019 lawsuit] are the same as in [the 2017 lawsuit], which was dismissed with prejudice."

¶ 18 The defendants subsequently filed a combined motion to dismiss Mohammed's complaint in this action pursuant to section 2-615 of the Code based on the complaint's legal insufficiency, and pursuant to section 2-619 of the Code on the ground that the action is barred by the prior judgment in the 2017 lawsuit, which had been affirmed by our appellate court.

¶ 19 In March 2021, several of the defendants filed amended motions for sanctions and permanent injunctive relief against Mohammed and his attorney. Their motions advised the circuit court that, in addition to the multiple, duplicative filings that Mohammed had already filed against the defendants in Illinois State and federal courts and agencies, Mohammed had also recently filed two new federal lawsuits against the defendants in the United States District Court for the Northern District of Illinois based on the same core operative facts. The motions

noted that: (1) both Mohammed and his attorney had been sanctioned by the federal court in one of these cases for violating Rule 11 of the Federal Rules of Civil Procedure, which prohibits a party or his attorney from filing pleadings that are frivolous or filed in order to harass the opposing party, and had been ordered to pay the defendants costs and attorney fees; (2) another of Mohammed's federal cases had been dismissed with prejudice; and (3) the federal court had enjoined Mohammed from filing certain new lawsuits in the United States District Court for the Northern District of Illinois. The defendants asked the circuit court to permanently enjoin Mohammed from filing any further proceedings against any of the defendants or their employees, agents or attorneys, in any state court or agency, until and unless he pays all sanctions awarded against him, files an affidavit proving such payment, and obtains leave of court pursuant to a filed motion and notice to the defendants.

¶ 20 On May 12, 2021, Mohammed filed a response to the defendants' motions to dismiss. In that response, Mohammed voluntarily dismissed 20 of the 25 counts alleged in his complaint. He opposed the dismissal of only five counts: Count 1 (violation of the Hate Crimes Act (720 ILCS 5/12-7.1(a) (West 2020)), Count 5 (intrusion upon seclusion and privacy), Count 7 (intentional infliction of emotional distress), Count 9 (defamation), and Count 12 (violation of the Clinical Psychologist Licensing Act of Illinois (225 ILCS 15/1 *et seq.* (West 2020))).

¶ 21 On June 1, 2021, the circuit court heard the motions to dismiss Mohammed's complaint, motions for sanctions, and motions for entry of permanent injunctive relief. On June 2, 2021, the court entered an order dismissing Mohammed's complaint with prejudice, ruling that: (1) Mohammed's complaint is barred by the prior judgment in the 2017 lawsuit under the doctrines of *res judicata* and collateral estoppel, and is therefore dismissed pursuant to section 619(a)(4) of the Code; and (2) the complaint failed to state a cause of action and is therefore dismissed

pursuant to section 2-615 of the Code. The order continued the defendants' motions for sanctions and for the entry of a permanent injunction for further hearing.

¶ 22 On June 23, 2021, Mohammed filed a notice of appeal. In the section of the Notice requiring Mohammed to "list the date of every order or judgment you want to appeal," Mohammed wrote "06/02/2021."

¶ 23 On August 5, 2021, the circuit court entered a permanent injunction order. The Order barred Mohammed from filing any future actions, complaints, or charges in any State court or administrative agency against the defendants or their board members, employees, or agents pertaining to any matters, allegations, claims, or charges which have been made or in any way relate to any of the operative facts, allegations, claims or charges raised in the instant action, the 2017 action, or the divorce and child custody proceedings.

¶ 24 On August 6, 2021, the circuit court entered an Order imposing sanctions on Mohammed and his attorney pursuant to Illinois Supreme Court Rule 137 and the court's inherent authority. The Order awarded the defendants more than \$220,000 in attorney fees.

¶ 25 As noted above, Mohammed's Notice of Appeal, which was filed prior to the circuit court's August 5, 2021, permanent injunction order and its August 6, 2021, sanctions order, appealed only the circuit court's June 2, 2021, dismissal order. Mohammed did not file an amended notice of appeal stating that he was also appealing the circuit court's August 5, 2021, and August 6, 2021, orders. No notice of appeal from those orders is contained in the record on appeal or in any supplemental record filed pursuant to Supreme Court Rule 329.

¶ 26 Nevertheless, in his brief on appeal, Mohammed purports to appeal the circuit court's permanent injunction and sanction orders. After Mohammed filed his opening brief on appeal, the defendants filed a "Joint Motion to Strike and Dismiss Mohammed's Injunction and



Sanctions Order Arguments for Lack of Jurisdiction.” In their joint motion, the defendants argue that we lack jurisdiction to review Mohammed’s arguments challenging the circuit court’s permanent injunction and sanctions orders because Mohammed has not appealed those Orders.

¶ 27

## ANALYSIS

¶ 28

### 1. Dismissal Under Section 2-615

¶ 29

On appeal, Mohammed argues that the circuit court erred by dismissing his complaint for failure to adequately plead a cause of action pursuant to section 2-615 of the Code.

¶ 30

A motion to dismiss under section 2-615 attacks the legal sufficiency of a complaint. 735 ILCS 5/2-615 (West 2020); *Van Horne v. Muller*, 185 Ill. 2d 299, 305 (1998); *Kolegas v. Heftel Broadcasting Corp.*, 154 Ill. 2d 1, 8 (1992). In ruling on such a motion, the trial court must accept as true all well-pleaded facts and reasonable inferences therefrom. *Van Horne*, 185 Ill. 2d at 305. A cause of action should not be dismissed under section 2-615 unless it clearly appears that no set of facts can be proved under the pleadings which will entitle the plaintiff to recover. *Id.*; see also *McGrath v. Fahey*, 126 Ill. 2d 78, 90 (1988).

¶ 31

However, to survive a motion to dismiss under section 2-615, a plaintiff cannot rely on mere conclusions. *McMahon v. City of Chicago*, 339 Ill. App. 3d 41, 44-45 (2003). The complaint must include specific factual allegations supporting each element of a claim. *Id.*; see also *Rabin v. Karlin and Fleisher, LLC*, 409 Ill. App. 3d 182, 186 (2011) (“to survive a 2-615 motion to dismiss, a complaint must set forth a legally recognized claim and contain facts in support of each element that brings the claim within the cause of action.”); *City of Chicago v. Beretta USA Corp.*, 213 Ill. 2d 351, 369 (2004). Illinois is a fact-pleading State, and conclusions of law and conclusory factual allegations unsupported by specific facts are not deemed admitted. *Baird and Warner Residential Sales, Inc. v. Mazzone*, 384 Ill. App. 3d 586, 590 (2008). A

pleading that merely paraphrases the elements of a cause of action in conclusory terms is insufficient. *Alpha School Bus Co. v. Wagner*, 391 Ill. App. 3d 722, 735 (2009). It is not enough merely to “generally inform the defendant of the nature of the claim against him.” *Weidner v. Midcon Corp.*, 328 Ill. App. 3d 1056, 1058 (2002). Moreover, when asserting claims against multiple defendants, the plaintiff must plead facts showing that each particular defendant acted and caused injury. *Rekosh v. Parks*, 316 Ill. App. 3d 58, 68 (2000), *abrogated on other grounds by Cochran v. Securitas Security Services USA, Inc.*, 2017 IL 121200. We review a trial court’s dismissal of a complaint under section 2-615 *de novo*.

¶ 32 The circuit court did not err in dismissing Mohammed’s complaint pursuant to section 2-615. As an initial matter, Mohammed raises arguments on appeal in support of certain claims that he voluntarily dismissed or withdrew before the circuit court, including claims alleging bias and malfeasance by the circuit court. All such arguments are waived.

¶ 33 The factual allegations that Mohammed made in support of counts 1, 5, 7, 9, and 12 of his complaint (the only remaining counts at issue in this appeal) are insufficient to plead a cause of action. Mohammed’s allegations are based largely on generalized assertions and speculation. Mohammed actually admits at times that he “suspects,” but does not *know*, that that certain misconduct occurred. He almost never identifies what, specifically, was done that caused his injuries, or which of the defendants (if any) performed such acts. On the rare occasions that Mohammed does allege specific acts of misconduct performed by one or more specific defendants, he does not show how those alleged actions relate to the causes of action asserted. Many of Mohammed’s allegations are irrelevant to his claims and cannot support them. In sum, Mohammed fails to allege specific facts supporting each element of the claims he raises.

¶ 34 With respect to Mohammed’s claim under the Hate Crimes Act (Count 1), Mohammed fails to allege any predicate acts that could constitute a hate crime. The Hate Crimes Act applies only to certain specific, enumerated criminal acts, including “assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene messages, harassment by telephone, or harassment through electronic communications.” 720 ILCS 5/12-7.1(a) (West 2020). Mohammed fails to allege specific facts supporting a claim that any particular defendant or defendants committed the essential elements of any of these acts.

¶ 35 For example, Mohammed alleges that he was assaulted by someone named “Virisat,” who is not a defendant to this action. He also alleges damage to his car but cannot say who caused it; he speculates that “Defendants or their agents” damaged his car. Mohammed further alleges he was stalked by an “unknown male” and that “three agents of the Defendants” attempted in vain to lure him to a mosque to sexually harass him. He further speculates that the Hamdard Defendants entered his home based only on the facts that his keys were missing for a period of time, his home security camera was unplugged a few times, and he lost some documents.

¶ 36 In an attempt to plead that the defendants committed “disorderly conduct,” Mohammed alleges that some of the defendants took his children from his home, but he does not allege facts explaining why the removal was unlawful given that children were with their mother throughout the alleged incident. Mohammed also characterizes as “disorderly conduct” his allegation that the defendants made false police reports. However, the disorderly conduct statute does not apply to any police report that does not result in a conviction, but rather to “a false request for an

ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required.” 720 ILCS 5/26-1(a)(9) (West 2020).

¶ 37 Mohammed’s allegations in support of his claim for intrusion upon seclusion and privacy (Count 5) are also deficient. “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.” *Busse v. Motorola, Inc.*, 351 Ill. App. 3d 67, 71 (2004). A person intrudes upon the seclusion and privacy of another when he: (1) commits an unauthorized intrusion or prying into the other person’s seclusion; (2) the intrusion would be highly offensive or objectionable to a reasonable person; (3) the matter intruded on was private; and (4) the intrusion caused the other person anguish and suffering. *Id.*

¶ 38 Mohammed’s complaint fails to include specific factual allegations supporting each of these elements. Mohammed makes vague allegations that Fathima, while conspiring with 14 other defendants, intruded on Mohammed’s privacy by obtaining information about his children’s care provider, facilitating an unauthorized entry into his house, and coordinating surveillance of him. Mohammed’s allegations regarding the purported intrusion into his home are wildly conjectural, fanciful, and unsupported by specific facts. Mohammed speculates that, because a child care worker delayed in returning his keys, and because Mohammed’s security camera was sometimes unplugged, on “information and belief” the child care worker must have given Mohammed’s keys to several defendants, who then entered his home and unplugged his security camera. Such speculative allegations are insufficient to state a claim. Mohammed’s allegations of surveillance are also inadequate because he does not allege facts suggesting that

any alleged tracking of his whereabouts captured private activity or otherwise intruded on some private matter. Moreover, Fathima's obtaining information about her own children's care provider, and her disclosure of an argument in which she was a participant, cannot possibly be deemed an unwarranted intrusion on a private matter, much less one that would be "highly offensive or objectionable to a reasonable person."

¶ 39 Mohammed also failed to adequately plead a claim for intentional infliction of emotional distress (Count 7). To plead state a claim, a plaintiff must plead facts supporting each of the following elements: (1) the defendant(s) engaged in extreme and outrageous conduct towards the plaintiff; (2) the defendant(s) intended or recklessly disregarded the likelihood that the conduct would cause the plaintiff to suffer emotional harm; (3) the plaintiff endured severe and extreme emotional distress; and (4) the defendant's or defendants' conduct caused the plaintiff's distress. *Duffy v. Orlan Brook Condominium Owners' Ass'n*, 2012 IL App (1st) 113577. "Extreme and outrageous behavior will not be found with mere insults, indignities, threats, annoyances, petty oppressions, or trivialities." *Id.* (internal citations omitted). "Rather, extreme and outrageous behavior requires conduct that goes beyond all possible bounds of decency, such that a reasonable person would hear the facts and be compelled to feelings of resentment and outrage." *Id.* Moreover, distress that the plaintiff allegedly suffered must "so severe that no reasonable person could be expected to endure it." *Adams v. Sussman & Herzberg, Ltd.*, 292 Ill. App. 3d 30, 39 (1997) (internal citation omitted) ("recurring nightmares and problems with sleeping and fear of re-arrest is not severe distress"). Moreover, "the complaint must be 'specific, and detailed beyond what is normally considered permissible in pleading a tort action.'" *Welsh v. Commonwealth Edison Co.*, 306 Ill. App. 3d 148, 155 (1999) (internal citation omitted).

¶ 40 Mohammed's complaint does not allege specific and detailed facts suggesting that the defendants engaged in objectively extreme and outrageous conduct or that the Mohammed suffered severe emotional distress as a result of that conduct. He simply claims that all 399 of his allegations caused him emotional distress.

¶ 41 Mohammed's allegations of defamation (Count 9) are also inadequate to state a claim. Mohammed complains that the Muslim Community Center defamed him by denying him financial assistance based upon a determination that he was not a good Muslim and was an "infidel." However, Mohammed does not allege when or where the alleged statements occurred or the specific substance of the statements, as is required to satisfy the heightened pleading standard applicable to claims for defamation *per se*. *Green v. Rogers*, 234 Ill. 2d 478, 495 (2009) (defamation *per se* claims "must be pled with a heightened level of precision and particularity"). Moreover, the resolution of Mohammed's claims would require an unconstitutional inquiry into what constitutes a "good Muslim." Such claims cannot be resolved by a court. *Thomas v. Fuerst, et al.*, 345 Ill. App. 3d 929, 934 (2004).

¶ 42 Mohammed also alleges a claim for violation of the Clinical Psychologist Licensing Act of Illinois, 225 ILCS 15/1 *et seq.* (West 2020). This claim is completely devoid of any factual allegations. Mohammed simply asserts that the Hamdard defendants somehow violated the statute by providing unspecified mental health treatment to his children. He does not indicate what treatments were performed on him or his children. Nor does he even allege that he or his children sustained any injury as a result of any such treatments. Such wholly conclusory assertions cannot state a claim.

¶ 43 Because the circuit court properly dismissed Mohammed’s complaint for failing to adequately plead a cause of action, we need not address Mohammed’s challenge to the court’s additional ruling that Mohammed’s claims are barred by *res judicata* or collateral estoppel.

¶ 44 2. The Defendant’s Motion to Strike

¶ 45 The defendants have filed a joint motion to strike and dismiss all arguments in Mohammed’s briefs on appeal challenging or purporting to appeal the circuit court’s permanent injunction order of August 5, 2021, and its sanctions order of August 6, 2021. The defendants argue that we lack jurisdiction to consider Mohammed’s arguments regarding these orders because he has not appealed them.

¶ 46 Illinois Supreme Court Rule 303 provides that:

¶ 47 “[a] party intending to challenge an order disposing of any postjudgment motion or separate claim, or a judgment amended upon such motion, must file a notice of appeal, or an amended notice of appeal within 30 days of the entry of said order or amended judgment, but where a postjudgment motion is denied, an appeal from the judgment is deemed to include an appeal from the denial of the postjudgment motion.” Ill. S. Ct. R. 303(a)(2) (eff. July 1, 2017).

¶ 48 A committee comment on Rule 303 explains that “where the postjudgment order grants new or different relief than the judgment itself, or resolves a separate claim, a second notice of appeal is necessary to preserve an appeal from such order.” (Emphasis added.) Ill. S. Ct. R. 303, Committee Comments (adopted Mar. 16, 2007). See also *Pasquinelli v. Sodexo, Inc.*, 2021 IL App (1st) 200851.

¶ 49 In sum, a premature notice of appeal (*i.e.*, one filed before all of the postjudgment motions in the case are resolved) becomes effective immediately after a postjudgment motion

attacking the merits of that judgment is denied. *Gibson v. Belvidere National Bank & Trust Co.*, 326 Ill. App. 3d 45, 49 (2001). This is so because the denial of such a motion merely confirms the preceding final judgment. *Id.* However, if a postjudgment order *grants new or different relief* than the initial judgment or *resolves a separate claim*, the postjudgment order maybe appealed *only if the appellant files an amended notice of appeal*. Ill. S. Ct. R. 303(a)(2), Committee Comments (adopted Mar. 16, 2007).

¶ 50 Here, Mohammed filed a premature notice of appeal on June 23, 2021, addressing only the circuit court’s dismissal order. Thereafter, the circuit court conducted further proceedings on the defendants’ motions for preliminary injunction and sanctions, and issued orders granting those motions in August 2021. The defendants’ claims for sanctions and injunctive relief were separate from the issues resolved by the underlying judgment, and the circuit court’s judgment on those claims granted new and different relief than the dismissal judgment provided. Because Mohammed failed to file an amended notice of appeal addressed to the August 2021 permanent injunction and sanctions orders, he failed to perfect an appeal of those orders. Accordingly, he may not challenge those orders in this appeal, and we lack jurisdiction to review any arguments he raised against them. See *A.M. Realty Western L.L.C. v. MSMC Realty, L.L.C.*, 2016 IL App (1st) 151087, ¶¶ 82–83 (where the plaintiff filed a premature notice of appeal of the trial court's grant of a motion for summary judgment before the trial court had resolved an outstanding motion to grant attorney fees and costs, the premature notice of appeal gave jurisdiction over the summary judgment claim but not the claims for fees and costs). We therefore grant the defendants’ joint motion to strike Mohammed’s arguments regarding the circuit court’s permanent injunction and sanctions orders.

¶ 51

## CONCLUSION



¶ 52 For the reasons set forth above, we affirm the judgment of the circuit court of DuPage County dismissing Mohammed's complaint. Mohammed's arguments challenging the circuit court's preliminary injunction and sanctions orders are stricken.

¶ 53 Affirmed.