

Nos. 1-15-1082, 1-15-2055, 1-15-3383, 1-15-3384

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

ALTOINE BARKER,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 04 D 80196
)	
MICHELLE RUTH BARNES,)	Honorable
)	James L. Kaplan,
Defendant-Appellee.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Hoffman and Justice Rochford concurred in the judgment.

ORDER

¶ 1 *Held:* Plaintiff-appellant’s consolidated appeals are dismissed for lack of appellate jurisdiction.

¶ 2 The *pro se* plaintiff-appellant, Altoine Barker, filed four notices of appeal from orders of the circuit court of Cook County. We dismiss these consolidated appeals for lack of jurisdiction.

¶ 3 **BACKGROUND**

¶ 4 On April 14, 2015, Barker filed a notice of appeal, No. 1-15-1082, challenging a trial court order of the same date. The only order contained within the record which was entered on April 14, 2015, is an order stating that neither party appeared and striking the matter from the call. On July 15, 2015, Barker filed a separate notice of appeal, No. 1-15-2055, from an order

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entered that same day, which granted a motion by Barnes and required Barker "to pay \$1340.00 for school tuition [for the parties' minor child] due as of Dec. 2013." On November 23, 2015, Barker filed a third notice of appeal, No. 1-15-3383, from an order of November 13, 2015, which, like the July 15, 2015 order, directed him to pay \$1340.00 for school tuition and stating that, if he failed to do so, he would face a possible contempt charge and sanctions. Also on November 23, 2015, Barker filed a fourth notice of appeal, No. 1-15-3384, from an order dated November 17, 2015, which provides that he is to have supervised visitation with the parties' daughter every other Saturday.

¶ 5 Barker's four appeals were consolidated by this court on March 23, 2016. Barker filed his appellate brief on August 30, 2016. Defendant Barnes failed to file a brief, and on January 26, 2017, this court entered an order on its own motion, taking the case for consideration on the record and Barker's brief only.

¶ 6 ANALYSIS

¶ 7 Before addressing Barker's claims of error, we must determine whether this court has appellate jurisdiction over any of the four consolidated appeals. "Our jurisdiction is limited to the review of appeals from final judgments, unless otherwise permitted under the Illinois Supreme Court rules or by statute. [Citations.]" *Inland Commercial Property Management, Inc.*, 2015 IL App (1st) 141051, ¶ 17. "An order is final and appealable if it terminates the litigation between the parties on the merits or disposes of the rights of the parties, either on the entire controversy or a separate part thereof. [Citations.] A judgment is final if it fixes absolutely and finally the rights of the parties in the lawsuit *** [and] determines the litigation on the merits so that, if affirmed, the only thing remaining is to proceed with the execution of the judgment." (Internal quotation marks omitted). *Id.* ¶ 18. It was Barker's burden, as the appellant, to establish

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jurisdiction. *U.S. Bank National Association v. In Retail Fund Algonquin Commons, LLC*, 2013 IL App (2d) 130213, ¶ 24. The following analysis leads us to conclude that this court lacks jurisdiction to entertain any of the consolidated appeals.

¶ 8 The notice of appeal filed on April 14, 2015 is addressed to an order entered that same day. The order entered on April 14, 2015 merely struck the case from the court's call. The order did not dispose of the rights of the parties on any portion of the litigation, and therefore, the notice of appeal docketed as No. 1-15-1082 did not vest this court with jurisdiction.

¶ 9 The notice of appeal docketed as No. 1-15-2055, is addressed to an order of July 15, 2015, granting Barnes' motion to require Barker to pay \$1340.00 for school tuition for the parties' minor child due as of December 2013. However, the record reflects that Barnes had another pending motion to compel Barker to pay 50% of the child's future tuition, and Barker had a separate pending motion to reduce his monthly child support payments. There is "no compelling reason for allowing piecemeal appeals when matters of child support or expenses *** have been only partially determined by the trial court." *Department of Public Aid ex rel. K.W. v. Lekberg*, 295 Ill. App. 3d 1067, 1071 (1998) (order requiring defendant to pay retroactive child support was not final and appealable, where "the order left pending other financial issues" including future child support); see also *Baldassone v. Gorzelanczyk*, 282 Ill. App. 3d 330, 332 (1996) ("Because the temporary child support order expressly continued the matter for a determination of permanent child support, it was not a final order and could not be appealed on an interlocutory basis ***"). Given the pendency of such issues, the July 15, 2015 order was non-final, and we lack jurisdiction over appeal No. 1-15-2055.

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¶ 10 The notice of appeal docketed as No. 1-15-3383 was also addressed to the order of July 15, 2015, regarding the same \$1340 tuition payment. And for the same reason that we lacked jurisdiction over appeal No. 1-15-2055, we lack jurisdiction over appeal No. 1-15-3383.

¶ 11 The fourth and final appeal which Barker filed, No. 1-15-3384, is addressed to the order dated November 17, 2015, which provided that Barker is to have supervised visitation with the parties' daughter every other Saturday. However, an "order modifying supervised visitation does not fix visitation rights in a permanent manner and does not definitely resolve any part of the case," and thus does not constitute a final appealable order. *In re T.M.*, 302 Ill. App. 3d 33, 38 (1998).

¶ 12 As none of the orders from which Barker has appealed is a final order or otherwise appealable pursuant to the Illinois Supreme Court Rules, we dismiss each of the four consolidated appeals for want of jurisdiction.

¶ 13 Appeals dismissed.