2017 IL App (1st) 161306-U
No. 1-16-1306, 1-16-1307, 1-16-1308, & 1-16-1309 (cons.)

THIRD DIVISION
March 29, 2017

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LUZVIMINDA UNGSON SENAS, Plaintiff-Appellant, v. MARCUS MAGALLANES, Defendant-Appellee.	)	Appeal from the Circuit Court of Cook County. No. 15 OP 78184 The Honorable Megan E. Goldish, Judge Presiding.
LUZVIMINDA UNGSON SENAS, Plaintiff-Appellant, v. JOHNNY MAGALLANES, Defendant-Appellee.	)	Appeal from the Circuit Court of Cook County. No. 15 OP 78190 The Honorable Megan E. Goldish, Judge Presiding.
LUZVIMINDA UNGSON SENAS, Plaintiff-Appellant, v. RICARDO MAGALLANES,	)	Appeal from the Circuit Court of Cook County. No. 15 OP 78182 The Honorable

Defendant-Appellee.	)	Megan E. Goldish, Judge Presiding.
LUZVIMINDA UNGSON SENAS, Plaintiff-Appellant,	)	Appeal from the Circuit Court of Cook County.
v.	)	15 OP 78188
LILIAN GARCIA MAGALLANES, Defendant-Appellee.	)	The Honorable Megan E. Goldish, Judge Presiding.

JUSTICE PUCINSKI delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Lavin concurred in the judgment.

ORDER

¶ 1 *Held:* Denial of the plaintiff's requests for orders of protection and a no-contact order affirmed where the trial court did not err in its rulings on the admissibility of evidence, the plaintiff failed to present sufficient credible evidence of abuse or stalking, and the plaintiff failed to demonstrate any bias on the part of the trial court.

¶ 2 In these consolidated *pro se* appeals, the plaintiff, Luzviminda Ungson Senas, appeals from the denial of orders of protection against defendants Marcus Magallanes, Johnny Magallanes, and Ricardo Magallanes, and a no-contact order against defendant Lilian Garcia Magallanes. On appeal, the plaintiff's primary contentions are that (1) the plaintiff sustained her burden of proof of demonstrating abuse and stalking by the defendants; (2) the trial court altered the digital recording of the proceedings; (3) the trial court erred in ruling on numerous evidentiary issues; (4) the trial court improperly required absolute certainty in the plaintiff's testimony; (5) the trial court was biased and prejudiced against the plaintiff; and (6) the trial court erred in concluding that certain issues were better suited for housing court. For the reasons that follow, we affirm.

¶ 3 BACKGROUND

¶ 4 On December 31, 2015, the plaintiff filed petitions for orders of protection against Marcus, Johnny, and Ricardo pursuant to the Illinois Domestic Violence Act of 1986 ("Domestic Violence Act") (750 ILCS 60/101 *et seq.* (West 2014)), and a petition for a no-contact order against Lilian pursuant to the Stalking No Contact Order Act ("Stalking Act") (740 ILCS 21/1 *et seq.* (West 2014)). In the petition against Marcus, the plaintiff alleged that on various dates, Marcus asked the plaintiff to move out of the home that they shared, pressured her to pay rent, discussed with his family how they had made progress in pushing the plaintiff out of the house, shut off her television during a discussion, placed his finger on top of her hand, and threatened to sue her. In her petition against Johnny, the plaintiff alleged that on various dates, Johnny changed the lock on the main door to the plaintiff's home, moved her belongings to various locations in the house and denied her access to them, stole her luggage, told her that she did not live in the home anymore, called the police on her, kicked her bed, fired a gun at her face, and caused her stress. In her petition against Ricardo, the plaintiff alleged that on various dates, Ricardo kicked open her door, yelled and cursed at her, kicked her furniture, slammed a chair toward her, threatened to harm her, denied her access to the bathroom, took her belongings, and smoked and played darts and loud music in the basement where she slept. In her petition against Lilian, the plaintiff alleged that on various dates, Lilian threatened that the plaintiff's grandchildren would "pay" if the plaintiff filed for an order of protection and told the plaintiff that she would "deal with" the plaintiff later, right before assaulting another person in a public restroom.

¶ 5 The plaintiff's request for emergency orders against the defendants was denied on December 31, 2015, by Judge Sebastian Patti, but final hearings on the plaintiff's petitions were

scheduled for February 4, 2016. On February 4, 2016, Judge Patti again continued the final hearings, this time March 15, 2016. Prior to that hearing, however, the plaintiff filed briefs in each case, clarifying her allegations. In her brief in support of her petition against Marcus, the plaintiff restated her original allegations against him, and also alleged Judge Sebastian Patti, who denied her an emergency order of protection, was related to one of the defendants, she observed Marcus dragging her daughter into a car during in an argument, and she heard from other people that Marcus once took her daughter and grandson into the woods where Marcus threw her grandson into the air, but a dog caught the child in the air and protected him from further attack by Marcus.

¶ 6 In her brief in support of her petition against Johnny, the plaintiff restated her original allegations against him, and also alleged that she attempted to call 311 when he moved her belongings to the basement and the garage, but that 311 was not working. She also alleged that Johnny attempted to transfer her vehicle into his name, burned her personal belongings, and attempted to drown her grandson. According to the plaintiff, a person who was taking care of her car in Los Angeles approached her and reported that a group of home invaders, led by Judge Patti, attempted to steal her car. Finally, the plaintiff alleged that her mother was raped in 2009 by former presidents Barack Obama and George W. Bush in a cave. As a result of her injuries from the rape, the plaintiff's mother died. The Magallanes family then removed the body of the plaintiff's mother from the cave and buried it under the home where the plaintiff lived with Marcus. Some unnamed judge told the plaintiff that she could stay at the home until the exhumation of her mother's body, which has yet to occur. In the meantime, she has been subjected to harassing acts by the Magallanes family, including removal and damage to her personal belongings, being forced to sleep in the basement and on the back porch, being denied

heat and electricity, having her bed kicked by Johnny, and being disturbed by Johnny and his friends using the basement at all hours.

¶ 7 In her brief in support of her petition against Ricardo, the plaintiff restated her original allegations against him. She also alleged that Ricardo and his friends hang out in the basement where she sleeps, smoking, talking, and playing darts. It is also in that basement, according to the plaintiff, that Ricardo and others rape and kill women that they abduct. Ricardo in particular is a "known scalper" and she observed numerous scalps all over the basement floor and the yard of the property.

¶ 8 Finally, in her brief in support of the petition against Lilian, the plaintiff clarified her original allegations. On one occasion, while in the restroom of a public library, Lilian approached the plaintiff and told the plaintiff, "I'll deal with you later." Lilian then pulled a gun from her purse and went into one of the bathroom stalls, and the plaintiff heard a commotion inside the stall, causing her to flee the bathroom in fear. The plaintiff heard from others that Lilian stuck the gun in the mouth of the woman who was inside the stall and pulled the trigger several times. The victim of Lilian's assault was a black woman who was a friend of the plaintiff's daughter and who was telling the plaintiff that the home where the plaintiff lived belonged to the plaintiff. The plaintiff alleged that on a second occasion, she encountered Lilian at a financial office and Lilian threatened the plaintiff's grandchildren if the plaintiff pursued an order of protection. At some later point, a blonde came to the plaintiff's "new place" and then Lilian's face appeared before the plaintiff and told the plaintiff that when she (the plaintiff) saw the "blonde face," it was a signal that the plaintiff was going to die. The plaintiff then alleged that at the December 31, 2015, hearing on the plaintiff's request for emergency orders, Judge

Patti was discussing the case with the blonde face, and the judge told the plaintiff that he believed what his niece was saying.

¶ 9 At the hearing in front of Judge Megan Goldish on March 15, 2016, the plaintiff reiterated her claims against the defendants as alleged in her petitions and supporting briefs. The trial court denied all of the plaintiff's petitions, finding that the majority of the plaintiff's claims were irrelevant to the issue of the defendants' treatment of the plaintiff, were inherently incredible, and the plaintiff failed to present any evidence supporting her allegations. The trial court also found that many of the plaintiff's claims related to who had a legal right to be in the home and the removal of the plaintiff's belongings from the home and that the resolution of such claims was more appropriately addressed in housing court, not as part of requests for protective orders.

¶ 10 The plaintiff then filed a "Petition to Vacate Order of Dismissal" in each case. Although labeled petitions to vacate, these petitions are better understood as motions to reconsider. See *Landeros v. Equity Property & Development*, 321 Ill. App. 3d 57, 65 (2001) ("The intended purpose of a motion to reconsider is to bring to the court's attention newly discovered evidence, changes in the law, or errors in the court's previous application of existing law."). In those petitions to vacate, the plaintiff alleged that the trial court committed error when it rejected a transcript of the depositions of the defendants, referred the plaintiff to housing court, was biased against the plaintiff, found the plaintiff was not credible and that the plaintiff failed to prove her claims of abuse by the defendants, and manipulated the audio recording of the hearing. After a hearing on the matter, again in front of Judge Goldish, the trial court denied the plaintiff's petitions to vacate, reiterating its previous finding that the plaintiff's claims were inherently incredible, that the plaintiff was unable to back up her claims with any details or objective

evidence, and that the disputes over the legal right to occupy the house were better suited for the housing court. With respect to the claims that the trial court rejected a deposition transcript of the defendant and manipulated the audio recording, the trial court stated that no transcript was tendered at the previous hearing and denied any alteration of the digital recording.

¶ 11 The plaintiff timely appealed.

¶ 12 ANALYSIS

¶ 13 On appeal, the plaintiff raises a wide variety of claimed errors: (1) the plaintiff sustained her burden of proof of demonstrating abuse and stalking by the defendants; (2) the trial court altered the digital recording of the proceedings; (3) the trial court erred in ruling on numerous evidentiary issues; (4) the trial court improperly required absolute certainty in the plaintiff's testimony; (5) the trial court was biased and prejudiced against the plaintiff; and (6) the trial court erred in concluding that certain issues were better suited for housing court. None of these contentions has merit.

¶ 14 Before we address the merits of the plaintiff's contentions, we observe that none of the defendants filed responsive briefs in these appeals. Nevertheless, because the issues presented on appeal are straightforward and the record is uncomplicated, we may address the merits of the plaintiff's claims. *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 of the appeal.").

¶ 15 Sufficiency of the Evidence

¶ 16 The plaintiff first argues that there is "reasonable and moral certainty" that the defendants committed the alleged acts on which the plaintiff based her requests for orders of protection and

a no-contact order. We understand this argument to be one that the plaintiff presented sufficient evidence to entitle her to orders of protection against Marcus, Johnny, and Ricardo and a no-contact order against Lilian. In this respect, the plaintiff also complains that the trial court found her claims to be inherently incredible.

¶ 17 Section 214(a) of the Domestic Violence Act provides that an order of protection shall issue to the petitioner if the trial court finds that the petitioner has been abused by a family or household member. 750 ILCS 60/214(a) (West 2014). Abuse under the Domestic Violence Act is defined as "physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation." 750 ILCS 60/103(1) (West 2014).

¶ 18 Section 80 of the Stalking Act provides that if the trial court finds the petitioner to be a victim of stalking, it shall issue a no contact order. 740 ILCS 21/80 (West 2014). The Stalking Act defines stalking in relevant part as "engaging in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to fear for his or her safety or the safety of a third person or suffer emotional distress." 740 ILCS 21/10 (West 2014). A course of conduct is defined as "2 or more acts, including but not limited to acts in which a respondent directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other contact, or interferes with or damages a person's property or pet." *Id.*

¶ 19 The trial court's determination regarding whether the plaintiff, by a preponderance of the evidence, was entitled to an order of protection or a no-contact order will be reversed on appeal only if it is against the manifest weight of the evidence. *Best v. Best*, 223 Ill. 2d 342, 350 (2006); *McNally v. Bredemann*, 2015 IL App (1st) 134048, ¶ 12. "A finding is against the manifest

weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented." *Best*, 223 Ill. 2d at 350. Under this standard, we give deference to the trial court's findings, as it is in the best position to observe the conduct and demeanor of the parties and witnesses. *Id.* We may not substitute our judgment for that of the trial court regarding witness credibility, the weight of the evidence, or the inferences to be drawn from the evidence. *Id.*

¶ 20 The plaintiff takes specific issue with the trial court's finding that many of the plaintiff's claims were inherently incredible and even questioned the plaintiff regarding whether she was on any medication or had been diagnosed with any mental illness. Nowhere, however, does the plaintiff contend that the trial court's credibility determinations were incorrect or point to anything in the record that would call into question the trial court's credibility assessment. Rather, the plaintiff quotes various court rules and treatises regarding the competency of witnesses, the sanity of witnesses, and the impropriety of judges interjecting opinions, but the plaintiff does not offer any substantive argument as to how these authorities apply to the present case. From the record, it is apparent that these topics have no application here, as the trial court never made any finding that the plaintiff was incompetent to testify or that she was insane, nor did the trial court interject any personal opinions regarding the plaintiff. Moreover, given the nature of the plaintiff's claims—*e.g.*, a dog catching her grandson in the air, a ring of home invaders lead by Judge Patti, her mother being raped in a cave by Barack Obama and George W. Bush and then buried under her home, and a blonde face randomly materializing as an omen of death—we cannot say that the trial court's determination that the plaintiff's claims were inherently incredible was off base.

¶ 21 In support of her argument that there was "reasonable and moral certainty" that the defendants performed the alleged acts, the plaintiff merely restates her allegations against the defendants and cites only to the allegations in her petition and supporting briefs and to her statements at the March 15 and April 21, 2016, hearings. The trial court found that the plaintiff's allegations were incredible, were irrelevant to establishing abuse or stalking, or did not qualify as abuse or stalking under the Domestic Violence Act or Stalking Act. The plaintiff makes no attempt to explain how the trial court's determinations regarding relevancy and whether acts qualified as abuse or stalking were against the manifest weight of the evidence. Thus, the plaintiff has waived any contentions in this respect. Sup. Ct. R. 341(h)(7) (eff. Jan. 1, 2016) (requiring that the appellant's brief include "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on"); *Three Angels Broadcasting Network, Inc. v. Department of Revenue*, 381 Ill. App. 3d 679, 699 (2008), quoting *People v. Chatman*, 357 Ill. App. 3d 695, 703 (2005) (" 'A reviewing court is entitled to have the issues before it clearly defined and is not simply a repository in which appellants may dump the burden of argument and research; an appellant's failure to properly present his own arguments can amount to waiver of those claims on appeal.' ").

¶ 22 The plaintiff also argues that there was sufficient evidence to justify awarding her orders of protection and a no-contact order because the defendants did not respond to her allegations in a timely fashion and, thus, all of her allegations should have been deemed admitted. In support, the plaintiff cites the case of *Sabatino v. Kozy Kottage Inn, Inc.*, 102 Ill. App. 3d 375 (1981). That case, however, involved a dram shop action and did not involve petitions for orders of protection or no-contact orders. The plaintiff cites no authority for the proposition that a

defendant is required to file a responsive pleading to a petition for order of protection or no-contact order, much less that failure to do so would result in the admission of all of the plaintiff's allegations. Accordingly, the plaintiff has waived this argument. *Northwest Diversified, Inc. v. Desai*, 353 Ill. App. 3d 378, 395 (2004) ("Rule 341(e)(7) [now Rule 341(h)(7)] requires citation to relevant authority and a failure to do so results in waiver of the argument.").

¶ 23 Along the same line, the plaintiff argues that the trial court required the defendants to remain silent during the March 15, 2016, hearing and did not elicit any information from them. According to the plaintiff, by doing so, the trial court effectively invoked the defendants' privilege against self-incrimination on their behalf, despite the fact that they waived that privilege by giving a deposition. The plaintiff appears to believe that if allowed to speak, the defendants would have admitted their abuse of the plaintiff. This contention fails for a number of reasons. First, at the April 21, 2016, hearing, the trial court explained that the reason that she kept the defendants quiet at the March 15, 2016, hearing was to allow the plaintiff every opportunity to present her case. There is no evidence that the trial court intended to prevent the defendants from incriminating themselves. Second, the deposition in which the plaintiff claims the defendants waived the privilege against self-incrimination is the same deposition that the plaintiff claims the trial court improperly excluded. It is also the same deposition that only the plaintiff claims exists, but the existence of which she has never demonstrated. Thus, it is impossible to determine whether, even if the defendants' right against self-incrimination was invoked, they waived that privilege by testifying in the deposition. Finally, there is nothing in the record supporting the plaintiff's belief that had the defendant's spoken up, what they had to say would have changed the outcome of the hearing.

¶ 24 The plaintiff also claims that she submitted sufficient evidence of the valuation of the property she claims the defendants destroyed to warrant a finding in her favor. Section 214(b)(13) of the Domestic Violence Act (750 ILCS 60/214(b)(13) (West 2014)) provides that among the remedies that may be included in an order of protection, a trial court may include an order for payment of losses, including for the repair or replacement of damaged property. Given the fact that the trial court found that there was no abuse justifying an order of protection, the issue of whether an award for the loss of the plaintiff's property should have been included in that order is moot. In any case, although the plaintiff submitted her calculation of the value of the damaged property ($36,931.75), she did not produce any receipts or other objective evidence of the claimed values. On appeal, the plaintiff contends that her receipts were lost when the defendants burned her belongings, but that the charges on her credit cards between 2011 and 2015 are sufficient to show the value of the property she purchased during the time. The problem with this argument, however, is the fact that the plaintiff made no attempt to present the trial court with any evidence of her credit card charges, other than what she claims they were. Given this lack of evidence, we cannot agree with the plaintiff's contention that she presented evidence establishing the value of her destroyed belongings.

¶ 25 Overall, the plaintiff has not offered us sufficient argument or record evidence to justify disturbing the trial court's determination that the plaintiff failed to carry her burden of proof and that the plaintiff's claims were not credible.

¶ 26 Alteration of the Record

¶ 27 The plaintiff next alleges that the trial court altered the digital recording of the March 15, 2016, hearing. Specifically, the plaintiff claims that the trial court changed names in the record, orchestrated the defendants' responses, and removed statements by the plaintiff and defendants

that would have helped the plaintiff's case. Supreme Court Rule 323(b) (eff. Dec. 13, 2005) provides a process through which litigants can seek the correction of a report of proceedings. The record, however, does not reflect any attempt by the plaintiff to avail herself of this process. Moreover, the trial court addressed this claim at the April 21 hearing and specifically any manipulation of the recording. Finally, the plaintiff does not explain how, even if the trial court did manipulate the recording of the March 15, 2016, hearing , that manipulation resulted in the denial of her petitions. *Wodziak v. Kash*, 278 Ill. App. 3d 901, 914 (1996) ("[E]rror is not reversible unless it was substantially prejudicial, thereby affecting the outcome of the trial."). Given this and the fact that the plaintiff made no attempt to have the record corrected in some fashion—either under Rule 323(b) or through a stipulation between the parties—we must conclude that the plaintiff has failed to demonstrate reversible error.

¶ 28 Evidentiary Rulings

¶ 29 The plaintiff next argues that the trial court erred in excluding specific evidence. More specifically, the plaintiff alleges the trial court improperly prevented witnesses for the plaintiff from testifying at the hearing on the plaintiff's petitions to vacate, rejected a deposition transcript of the defendants, excluded plaintiff's diary documenting instances of abuse, excluded evidence that the defendants were involved in the 1978 rape of the plaintiff, and excluded evidence of Johnny's previous conviction of domestic violence. "The admission of evidence is within the circuit court's discretion, and the court's ruling will not be reversed absent an abuse of discretion." *Clayton v. County of Cook*, 346 Ill. App. 3d 367, 377 (2003).

¶ 30 As to all of these pieces of evidence, the record demonstrates that the plaintiff did not offer any of them into evidence at either the March 15 or April 21, 2016, hearing. It is axiomatic that the trial court cannot be said to have erroneously excluded evidence that it was never asked

to admit. Moreover, the record does not contain any offers of proof by the plaintiff as to what these pieces of evidence would have shown or how they were relevant to the issues before the trial court. Accordingly, any error that might exist in this regard is waived. *Dillon v. Evanston Hospital*, 199 Ill. 2d 483, 495 (2002).

¶ 31 The plaintiff next argues that the trial court erred in not considering evidence that Judge Patti was involved in a crime ring with the defendants. According to the plaintiff, Marcus informed her of this fact on February 4, 2016, and such evidence was admissible as a co-conspirator statement. The plaintiff did not present evidence of this at the final hearing on March 15, 2016, however, and instead raised it for the first time in her petitions to vacate. Accordingly, the issue is waived, as an issue may not be raised for the first time in a motion to reconsider, unless the party raising it provides a reasonable explanation for why it was not raised at the original hearing. *Kopley Group V., L.P. v. Sheridan Edgewater Properties, Ltd.*, 376 Ill. App. 3d 1006, 1022 (2007). The plaintiff offers no explanation whatsoever for why she did not attempt to introduce this evidence at the March 15, 2016, hearing.

¶ 32 The plaintiff also argues that the trial court erred in ignoring photographs that she included with her brief in support of her petition against Johnny. The photographs depict what plaintiff claims are her belongings boxed up and stored in the garage, her car parked on the street, the luggage the defendants stole, dump trucks parked outside the home (allegedly to begin the process of demolishing the home to exhume the plaintiff's mother's body), and various rooms of the home. The record demonstrates, however, that the plaintiff provided the trial court with copies of her briefs during the March 15, 2016, hearing and that the trial court went through each brief, point by point. In addition, the plaintiff does not explain how consideration of the photographs (assuming that the trial court did fail to consider them, despite having gone through

the briefs in detail) would have changed the outcome of the hearing. Moreover, it is not apparent from a review of the photographs how they establish any abuse of the plaintiff by the defendants, as they merely depict boxes stored in what appears to be a basement or garage, vehicles parked on a street, various pieces of luggage, and rooms of a home. *Medina v. City of Chicago*, 238 Ill. App. 3d 385, 397 (1992) (the exclusion of evidence is not reversible error unless it prejudiced the plaintiff or unduly affected the outcome of the trial).

¶ 33 Next, the plaintiff contends that the trial court erred in concluding that the plaintiff's testimony that her daughter told her about an incident in which Marcus took the plaintiff's daughter and grandson into the woods and tossed her grandson in the air was inadmissible hearsay. The plaintiff argues that such statements were admissible hearsay pursuant to section 115-10.2a of the Code of Criminal Procedure of 1963 (725 ILCS 5/115-10.2a (West 2014)), which permits the admission of hearsay statements in a domestic violence prosecution, so long as the statements are made by an individual protected under the Domestic Violence Act, there are other guarantees of trustworthiness, and the declarant is unavailable to testify.

¶ 34 We conclude that this hearsay exception does not apply for at least two reasons. First, although the plaintiff sought orders of protection, none of the defendants were being criminally prosecuted for domestic violence. Thus, by its own terms, the exception does not apply. 725 ILCS 5/115-10.2a (providing that the exception applies "[i]n a domestic violence prosecution") Second, the plaintiff failed to present any evidence establishing that her daughter qualified as a protected person under the Domestic Violence Act, that there existed guarantees of trustworthiness in the statements, or that her daughter was unavailable to testify.

¶ 35

¶ 36 Absolute Certainty

¶ 37 The plaintiff also argues that the trial court imposed a standard of "absolute certainty" to the plaintiff's testimony by "pounding" the plaintiff for details of her allegations, *i.e.*, the identity of the judge who told her she could stay in the home awaiting her mother's exhumation, the identity of the people who intervened to prevent Johnny from shooting the plaintiff and a child, the identity of the people whose home was invaded by home invaders led by Judge Patti, and the name of the person who told her that her mother was buried under the home. The plaintiff argues that she was unable to recall such details as a result of a 2005 attack during which she was hit with bottles and electrocuted, had her aorta "pulled," and was dragged down six flights of stairs, with her head hitting each stair on the way down.

¶ 38 Again, the plaintiff fails to explain how the trial court's request for details constituted reversible error. *In re Estate of Elson*, 120 Ill. App. 3d 649, 656 (1983) ("It is well settled that on appeal all reasonable presumptions are in favor of the action of the trial court and that the burden is on the appellant to show affirmatively the errors assigned on review."). What the plaintiff perceives as a barrage of questions from the trial court appears from the record to have been nothing more than an attempt by the trial court to gain additional information and test the credibility of the plaintiff's claims. Moreover, to the extent that the plaintiff intends to argue that the trial court denied her petitions simply because the plaintiff could not recount certain details, the plaintiff is incorrect. Although the trial court did reference the plaintiff's lack of details in making its ultimate determinations, the record reveals that it did so in the context of assessing the plaintiff's credibility. More specifically, the trial court explained that part of the reason that it found the plaintiff's allegations incredible was that the plaintiff was unable to recall details that

most people would be able to recall under such circumstances. As discussed above, we see no basis on which to disturb the trial court's credibility determinations.

¶ 39 Trial Court Bias

¶ 40 The plaintiff next contends that she was denied fair hearings because the judges who handled her cases were biased and prejudiced against her, had personal knowledge of the disputed facts, and placed the court "under siege" so that they could control the proceedings. Trial court judges are presumed to be impartial and the burden of proving otherwise rests on the party claiming bias. *Eychaner v. Gross*, 202 Ill. 2d 228, 280 (2002). To do this, the party must present evidence of prejudicial trial conduct and evidence of the judge's personal bias, which may stem from an extrajudicial source. *Id.* The fact that a judge has ruled against the party does not establish bias or prejudice. *Id.*

¶ 41 In support of her claims of bias, the plaintiff claims that Judge Patti took over Judge Goldish's courtroom, stated he was related to one of the defendants, and was involved in a home invasion with Marcus in 2010 in Los Angeles, California. The plaintiff also alleged that she observed Judge Patti at her home several times. First, the plaintiff observed Judge Patti drop off a dismembered hand to Ricardo. Thereafter, Ricardo called upon unidentified individuals to use high-powered guns to shoot at the plaintiff while she was at the home. The plaintiff claims that "Putin of Russia" and "Rouhani of Iran" were present during this assault and that Putin even tried to use a chemical weapon on her. Rouhani instructed Johnny to "finish" the plaintiff if she returned to the home. Rouhani also told news stations that he had struck a nuclear deal and that the home was part of the deal. Later, when Johnny and Ricardo tried to evict the plaintiff from the home, she observed Putin and Rouhani fall from a tree across the street.

¶ 42 The plaintiff also claims to have seen Judge Patti in the basement of the home, discussing with the defendants the group's recent home invasion in which they killed a Chinese family and then placed them in a car to make their deaths appear to be a result of a car accident. According to the plaintiff, these home invasions and murders were part of a larger scheme in which court fees were imposed on winning parties in court cases, but if they could not pay, they and their families would be harmed or killed. Finally, she claims to have seen Judge Patti with Lilian at the financial office on the day that Lilian allegedly threatened to harm the plaintiff if she sought an order of protection.

¶ 43 Not only does the plaintiff claim that Judge Goldish's courtroom was taken over by by Judge Patti on December 31, 2015, and February 4, 2016, but she also alleges that two individuals impersonated Judge Goldish at the March 15 and April 21, 2016, hearings. According to the plaintiff, at the March 15, 2016, hearing, Donald Geiger impersonated Judge Goldish. In pursuit of the plaintiff's assets, Geiger had stalked the plaintiff in the past. At the hearing, Geiger warned the plaintiff to not anger him and she complied, because Geiger is known as the "black robe killer" for his black robe being soaked in the blood of his victims. During the hearing, Geiger favored the defendants by offering them advice and dismissing the plaintiff's cases against them. Geiger also threatened the defendants with his knowledge of their involvement in the 1978 rape of the plaintiff. The defendants admitted their involvement in the plaintiff's 1978 rape, but claimed that a spell was cast on them to make the children and thus able to evade prosecution for the rape. Leveraging his knowledge of the defendants' involvement in the plaintiff's rape, Geiger informed the defendants that they now work for him, told them he was taking over the home and they would have to pay him rent, and sent them to harm one of the judges who had been helping the plaintiff.

¶ 44 The plaintiff also alleges that Judge Goldish was impersonated at the April 21, 2016, hearing by "Michael Durkin aka Melissa Durkin." According to the plaintiff, in 1978, Durkin, along with several other men (including Donald Trump, who the plaintiff claims killed her "donor parents"), abducted the plaintiff from the university she was attending in the Phillipines, teleported her to the United States where they took turns raping her. The plaintiff managed to escape and teleport back to the Phillipines. The plaintiff claims that Durkin has been "very mean" to her and that at the April 21, 2016, hearing, he continued to ruin her credibility.

¶ 45 Based on these allegations, we conclude that the plaintiff has failed to carry her burden of establishing prejudice. See *Wodziak* 278 Ill. App. 3d at 914 ("[E]rror is not reversible unless it was substantially prejudicial, thereby affecting the outcome of the trial."); *Elson*, 120 Ill. App. 3d at 656 ("It is well settled that on appeal all reasonable presumptions are in favor of the action of the trial court and that the burden is on the appellant to show affirmatively the errors assigned on review."). Initially, we observe that many of the plaintiff's extrajudicial claims of bias are unsupported by any evidence in the record and, regardless, are simply not credible. It is not credible that Judge Patti delivered a dismembered hand to the plaintiff's home, that the leaders of Russia and Iran were involved in the attempted murder of the plaintiff, that the plaintiff's home was part of a nuclear deal with Iran, that Putin and Rouhani watched the defendants' attempts to evict the plaintiff from the limbs of a tree across the street, or that Judge Patti was involved in a crime ring to kill litigants who did not pay their court fees. It is not credible that Geiger and Durkin were able to impersonate Judge Goldish without anyone noticing, especially given that Geiger's robes were supposedly soaked in the blood of his victims. It is not credible that the defendants were involved in the 1978 rape of the plaintiff but evaded prosecution because of a spell that was cast on them, turning them into children. It is not credible that Durkin and Donald

Trump participated in the 1978 rape of the plaintiff or that the plaintiff was teleported between the Phillipines and the United States.

¶ 46 Moreover, those allegations that one would expect to find on the record are not present there. For instance, the record does not support the plaintiff's claim that Geiger (while impersonating Judge Goldish) warned the plaintiff not to anger him, that he discussed the defendants' involvement in the plaintiff's 1978 rape, or that he instructed the defendants to harm another judge. Accordingly, we find there to be no merit to the plaintiff's claim that the trial court acted out of bias or prejudice toward the plaintiff.

¶ 47 Housing Court

¶ 48 The plaintiff next contends that the trial court erred in finding that some of the plaintiff's claims were better suited for housing court instead of requests for orders of protection or a no-contact order. In particular, the trial court concluded that the plaintiff's claims that she owns the home, that the defendants are not entitled to be there, and other issues related to the ownership of the home were disputes to be resolved by the housing court. The plaintiff argues that this is incorrect because there does not exist a landlord-tenant relationship between the parties and because actions that may be pursued in housing court would not provide a remedy to the defendants' alleged abuse of the plaintiff. The plaintiff also contends that even if this were a housing case, she would not owe any rent to the defendants, because their (and Rouhani's) practice of keeping their rape and murder victims in the basement of the home and their practice of scalping their victims and hanging the scalps around the property to dry, breached the implied warranty of habitability. The plaintiff makes several other arguments regarding the police department's authority to evict people, whether the defendants committed theft of the plaintiff's property, and the value of her allegedly burned property.

¶ 49 It appears from these arguments that the plaintiff believes that the trial court denied her requests for orders of protection and a no-contact order on the basis that the entirety of the plaintiff's cases against the defendants belonged in housing court. The record does not support this view. Rather, the record demonstrates that the trial court simply found that the issues related to ownership of the home, which of the parties had legal claim to the tenancy of the property, and whether the plaintiff was lawfully dispossessed of her belongings were not issues to be decided on petitions for orders of protection and a no-contact order. We cannot say that such a determination was error, because the relevant issues on petitions for orders of protection and no-contact orders is whether the plaintiff is a victim of abuse or stalking, not whether the plaintiff has been lawfully evicted, holds an ownership interest in the property, or had her belongings stolen. See 750 ILCS 60/214(a) (providing for the issuance of an order of protection where there is a finding of abuse); 740 ILCS 21/80 (providing for the issuance of a no-contact order if the petitioner is a victim of stalking).

¶ 50 We do note that section 214(b)(2) (750 ILCS 60/214(b)(2) (West 2014)) of the Domestic Violence Act permits the trial court, when it issues an order of protection, to award the petitioner exclusive possession of a residence if the petitioner has a right of occupancy. According to the Domestic Violence Act:

> "A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy ***." 750 ILCS 60/214(b)(2)(A) (West 2014).

The plaintiff in the present case, despite claiming that the house belongs to her because it, at one time, belonged to her mother, did not present any evidence, i.e., a lease or deed, to the trial court proving that she had a right to occupancy of the home. Accordingly, even within the limited confines of determining whether to award the plaintiff exclusive possession of the home under the Domestic Violence Act, the trial court did not err.

¶ 51 Miscellaneous

¶ 52 The plaintiff makes several additional arguments that are clearly without merit. First, the plaintiff argues that she is a protected person under the Domestic Violence Act. Given that the trial court never found otherwise, we see no error. In fact, in addressing all of the plaintiff's petitions, the trial court gave her the benefit of the doubt and assumed that she did qualify as a protected person under the Domestic Violence Act. Second, the plaintiff argues that the orders of protection should have been extended to cover her grandson. As discussed above, the trial court determined that the plaintiff was not entitled to any orders of protection, and we hold that such a determination was not against the manifest weight of the evidence. Accordingly, there is no order of protection to extend to her grandson. Moreover, the plaintiff never made a request in the trial court that any order be extended to her grandson, thus, the issue is waived. *Cambridge Engineering, Inc. v. Mercury Partners 90 BI, Inc.*, 378 Ill. App. 3d 437, 456 (2007) ("An appellant may not raise an issue for the first time on appeal; issues not raised below are considered waived.").

¶ 53 Third, the plaintiff contends that the claims against Lilian fell under the Stalking Act, not the Domestic Violence Act, and that the trial court considered the claims under the latter. Although the plaintiff is correct that the trial court did consider whether the plaintiff demonstrated that she was entitled to an order of protection against Lilian under the Domestic

Violence Act, the record reveals that the trial court also considered whether the plaintiff was entitled to a no-contact order against Lilian under the Stalking Act. The trial court concluded that the plaintiff was not entitled to protection against Lilian under either act. Accordingly, even if it were error for the trial court to consider the claims against Lilian under the Domestic Violence Act, the plaintiff suffered no prejudice.

¶ 54 Fourth, the plaintiff takes issue with the fact that she was required to fill out separate forms for each defendant and to appeal the trial court's decision as to each defendant separately. The plaintiff argues that this created additional paperwork that could have been avoided through the use of a "family pack" of forms in cases for orders of protection. Without passing judgment on the efficiency of the legal system, we conclude that the plaintiff is not entitled to any relief under this contention, because she has failed to make any argument that the alleged inefficiency and voluminous paperwork somehow affected the outcome of her cases. *Wodziak* 278 Ill. App. 3d at 914 ("[E]rror is not reversible unless it was substantially prejudicial, thereby affecting the outcome of the trial."); *Elson*, 120 Ill. App. 3d at 656 ("It is well settled that on appeal all reasonable presumptions are in favor of the action of the trial court and that the burden is on the appellant to show affirmatively the errors assigned on review.").

¶ 55 Waiver

¶ 56 Finally, we note that we have found that the plaintiff waived a number of her contentions on appeal for a variety of reasons. In each of her appellate briefs, the plaintiff argued that none of the errors she raised on appeal should be considered waived, because they are structural errors that require automatic reversal. She does not explain, however, how any of the alleged errors qualify as structural. See Sup. Ct. R. 341(h)(7); *Three Angels*, 381 Ill. App. 3d at 699.

¶ 57 The plaintiff also argues that we should overlook any waiver of issues because this case presents issues of public importance in that it involves deaths, rapes, abductions, human trafficking, extortion, and other crimes involving public and judicial officials. These actions, according to the plaintiff, have "created chaos, insurgencies and division in this nation." As the trial court found and as we have determined, these claims are simply not credible. Accordingly, we decline to set aside waiver on any of the issues that we have previously found waived.

¶ 58 CONCLUSION

¶ 59 For the foregoing reasons, the judgment of the Circuit Court of Cook County is affirmed.

¶ 60 Affirmed.