

No. 1-16-1448

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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TANGIE WOODSON,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County
	)	
	)	No. 14 L 8671
v.	)	
	)	
DAISYLAND, LLC,	)	Honorable
	)	Daniel T. Gillespie
	)	Larry Axelrod
Defendant-Appellant,	)	Judges Presiding.

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PRESIDING JUSTICE ELLIS delivered the judgment of the court.  
Justices McBride and Howse concurred in the judgment.

**ORDER**

¶ 1 *Held:* Appeal dismissed for lack of jurisdiction.

¶ 2 Plaintiff Tangie Woodson filed this *pro se* appeal asking this court to “render a judgment based on the evidence presented in this case” in her underlying action for damage to her property that she alleged was caused by trees on the adjacent vacant lot owned by defendant. Plaintiff’s notice of appeal states that she is appealing from the judgment entered on April 29, 2016, but that judgment was not entered in the instant law-division case. Rather, it was entered in a

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different case that had been filed by plaintiff in the municipal division against a different defendant. We thus have no jurisdiction over this appeal and must dismiss it.

¶ 3 Plaintiff's brief does not comply—at all—with Illinois Supreme Court Rule 341. Ill. S. Ct. R. 341 (eff. Jan. 1, 2016). Plaintiff's brief consists of a lengthy narrative in which she primarily presents her version of the evidence in her case. But no decision on the merits was reached in the trial court, because plaintiff's case was dismissed for want of prosecution when she failed to appear at a case management conference.

¶ 4 Supreme Court Rule 341(h)(4) requires an appellant's brief to contain a "statement of jurisdiction." Plaintiff's brief contains no statement of jurisdiction. But before proceeding to the merits of a case, this court has an independent duty to consider our jurisdiction. *Almgren v. Rush-Presbyterian-St. Luke's Medical Center*, 162 Ill. 2d 205, 210 (1994). When our jurisdiction is lacking, we must dismiss the appeal. *Id.* "[A]bsent a supreme court rule, the appellate court is without jurisdiction to review judgments, orders or decrees which are not final." *EMC Mortgage Corp. v. Kemp*, 2012 IL 113419, ¶ 9. As we explain below, it appears that no final judgment was entered by the trial court on plaintiff's motion to vacate, and we lack jurisdiction over this appeal.

¶ 5 We briefly summarize the procedural history of the case. On August 19, 2014, plaintiff filed a complaint against Suzie B. Wilson for damages to plaintiff's house and property that plaintiff alleged were caused by trees on the adjacent vacant lot. Plaintiff alleged that she had contacted the assessor's office and was informed that Suzie B. Wilson had owned the lot since 2008.

¶ 6 Wilson moved to dismiss, asserting that she was not the owner of the adjacent vacant lot. Wilson also argued that Discount Inn, Inc. obtained title to the subject property through a tax

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deed in 2004. Wilson further argued that the subject property had been conveyed in 2008 by Discount Inn, Inc. to Daisyland, LLC. In support of her argument, Wilson attached as an exhibit a copy of a tract search report prepared by Thomson Abstract Company.

¶ 7 In response, plaintiff filed a motion “to amend complaint to address the true owner.”

¶ 8 On October 6, 2014, the trial court granted Wilson’s motion to dismiss but granted plaintiff leave to file a first amended complaint. The court continued the case until November 14, 2014, for status of service.

¶ 9 On October 9, 2014, plaintiff filed her first amended complaint against Daisyland, LLC. The complaint, similar to plaintiff’s brief in this appeal, was a lengthy narrative. She made numerous claims related to the ownership of the subject property. She claimed that, up until 2013, a sign posted on a tree on the subject property stated that, for any information concerning the lot, persons should contact “Tax Property Sales, Discount Inn Inc.” and listed an address and telephone number. Plaintiff attached as an exhibit to her complaint a copy of a letter she had sent to Discount Inn, Inc., dated January 14, 2011. Plaintiff alleged that “[t]he owners had knowledge of this problem [concerning the trees on their lot] and did not respond properly to fixing the problem.” Plaintiff alleged that the owners instead “took steps to hide” from plaintiff to avoid liability. Plaintiff made numerous allegations concerning the relationship between Daisyland, LLC and Discount Inn, Inc. Plaintiff alleged that “[I]n 2008 Discount Inn, Inc. was familiar with the Daisyland LLC when Discount Inn Inc. (Suzie B. Wilson President) quit claimed the property at 604 W. 62nd Street to Daisyland LLC.”

¶ 10 A case management conference was held on November 14, 2014. The record contains no copy of service of process on Daisyland, LLC. There is no reference to the status of service in

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the order. But the case was continued until December 15, 2014 for another case management conference on “pleading status.”

¶ 11 On December 15, 2014, the court held another case management conference. The order contains language setting another case management conference for January 21, 2015. Beneath that portion of the order are the handwritten words, “Come back with representation.”

¶ 12 Apparently, plaintiff did not appear at the case management conference on January 21, 2015—with or without representation—and the case was dismissed for want of prosecution. The record contains a copy of the postcard notice that was sent to plaintiff by the circuit court telling her that her case had been dismissed for want of prosecution “against Wilson, Suzie B” by Judge Daniel T. Gillespie. A similar notice was sent to counsel for Suzie B. Wilson.

¶ 13 Plaintiff also received a postcard notice from the circuit court that her case had been reassigned to Judge Axelrood and had been set for an initial case management on February 20, 2015. On that date, Judge Axelrood entered an order striking the matter from the case management call because the case had been dismissed for want of prosecution on January 21, 2015.

¶ 14 Over a year later, on March 29, 2016, plaintiff filed an “Emergency Motion To Vacate Judgment” regarding the December 15, 2014 order that continued the matter and that contained the words, “come back with representation.” Apparently, plaintiff believed this was her only option of obtaining a court order “allowing” her to attend the court sessions in the instant case. Plaintiff stated: “We are requesting that the Judge that will be in session on April 29, 2016 vacate the Court order issued on December 15, 2014, so that we are allowed to attend the court sessions concerning this case: 2014 L 008671.”

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¶ 15 Notably, though her emergency motion references this April 29, 2016 hearing date, no order from that date appears in the record, and, according to the docket of the circuit court of Cook County, no order was entered *in this case* on that date.

¶ 16 It appears that plaintiff confused proceedings in the instant case with the proceedings of another case she had filed against another defendant, Tax Property Sales, in the municipal division. According to the docket of the circuit court, that municipal-division case was set for status on April 29, 2016. And on that date of April 29, 2016, *that* case was also dismissed for want of prosecution.<sup>1</sup>

¶ 17 In her notice of appeal, filed on May 19, 2016, plaintiff states she is appealing from an order of April 29, 2016.

¶ 18 Plaintiff, in other words, is appealing from an order entered in a different, municipal-division case, not in the case before this court. And as best we can discern, plaintiff has never received a ruling on her emergency petition to vacate judgment in the circuit court concerning the case before us, filed in the law division.

¶ 19 For both of these reasons, we lack jurisdiction over this matter. With a few exceptions not relevant here, an appeal will lie only from a final order entered in the trial court. S. Ct. R. 301 (eff. Feb. 1, 1994); *In re A.H.*, 207 Ill. 2d 590, 593–94 (2003). Plaintiff is not appealing from a final order entered in this case. We have no choice but to dismiss the appeal.

¶ 20 We echo the sentiment of the initial circuit judge in this case, who encouraged plaintiff to obtain counsel. We are sympathetic to plaintiff, who says she has tried without success to obtain a lawyer to help her navigate the legal system. We have done our best to review the record to understand the procedural posture and the jurisdictional issues. But no matter how much leeway

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<sup>1</sup> This court may take judicial notice of public records (*Blumenthal v. Brewer*, 2016 IL 118781, ¶ 35), including those of the circuit court.

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we might try to extend *pro se* litigants, they “must comply with the same rules and procedures as would be required of litigants represented by attorneys.” *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009). In the end, we cannot create jurisdiction where none exists and, in fact, have a duty to dismiss an appeal when jurisdiction is lacking. *In re Marriage of Mardjetko*, 369 Ill. App. 3d 934, 935 (2007).

¶ 21 Appeal dismissed.