2019 IL App (1st) 180977-U

No. 1-18-0977

Third Division
September 30, 2019

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

	)	Appeal from the
DONNA M. BETTS,	)	Circuit Court of
	)	Cook County.
Plaintiff-Appellant,	)	
	)	No. 16 CH16 007
v.	)	
	)	Honorable
ILLINOIS DEPARTMENT OF HUMAN SERVICES,	)	Diane Joan Larsen,
	)	Judge, presiding.
	)	
Defendant-Appellee	)	

JUSTICE COBBS delivered the judgment of the court.
Presiding Justice Ellis and Justice Howse concurred in the judgment.

O R D E R

¶ 1 *Held*: Plaintiff's appeal is dismissed as moot because there is no actual controversy for this court to decide.

¶ 2 Plaintiff-appellant, Donna M. Betts, appeals *pro se* from an order remanding the case back to the Illinois Department of Human Services for further proceedings and an order of the trial court denying Betts' "SCR 304 Motion" and "SCR 137 Motion" and striking her "SCR 375 Motion for Imposition of Sanctions for Failure to Comply." As best as we can surmise, Betts' main contentions are that: (1) the allegations contained in her complaint are

"judicially admitted" as fact because the Department failed to file an answer; (2) the trial court judge and administrative law judge are disqualified because of their failure to perform their mandatory statutory duties; and (3) the trial court improperly remanded the matter back to the Department. For the following reasons, we dismiss this appeal as moot.

¶ 3 I. BACKGROUND

¶ 4 Betts is a participant in the Department's "Medical Spenddown Program" that allows individuals who have too high an income or too many assets to qualify for a medical card to pay a portion of medical care costs. An individual pays the cost of his or her own medical care up to a certain set amount each month, also known as the "spenddown amount." After that amount is reached, the individual receives a medical card to pay for other medical care needed that month. Betts' spenddown obligation for each month is $232.00. Betts submitted to the Department a $372.00 receipt dated June 29, 2016; a $186.00 receipt dated June 29, 2016; and a $441.91 bill dated April 28, 2016.

¶ 5 Prior to September 12, 2016, Betts submitted a $372.00 receipt dated June 29, 2016; a $186.00 receipt dated June 29, 2016; and a $441.91 bill dated April 28, 2016, which were rejected. On August 24, 2016, Betts filed an appeal, requesting a hearing regarding her spenddown status. On September 12, 2016, Betts met with Department caseworkers to address her spenddown status. She had medical bills and receipts totaling $999.91. A verbal agreement was made to apply the amount in $232 increments from October 2016 to December 2016 and to apply the remaining $71.91 to January 2017. This would satisfy her monthly spenddown obligation for those months. At that meeting, Betts also signed an Appeal Withdrawal Agreement. This agreement contains a reference to the verbal agreement between Betts and the Department.

¶ 6 On September 19, 2016, the Department sent Betts a letter stating that she did not meet her spenddown obligation for October 2016. Betts filed an appeal with the Department's Bureau of Hearings. On October 24, 2016, Manuel Flores, an administrative law judge, conducted a hearing.

¶ 7 Jataun Robinson, a caseworker for the Department, testified regarding the spenddown determinations. She stated that "the computer *** determines how you're going to use [the bills]. So if [the spenddown amount is] met for that month it will not use that bill to meet for another month" and she "had to go back and recalculate it separately so to give her [*sic*] each month." She further stated that Betts' spenddown obligation has been met from September 2016 through March 2017. The reports submitted by the Department reflect the same. The reports showing her spenddown status for those months appear to have been generated on the date of the hearing.

¶ 8 On November 17, 2016, the Department issued its final administrative decision, which adopted Flores' findings that the Department had placed Betts' on "met status" for June 2016, July 2016, and September 2016. The Department dismissed her appeal as moot because there was nothing upon which to rule.

¶ 9 On December 12, 2016, Betts filed a complaint seeking administrative review of the Department's decision. She later filed an amended complaint, alleging that the Department's decision was incorrect and did not accurately reflect the terms of the verbal agreement. On February 14, 2017, the Department filed the administrative record in the case, which constituted its answer to Betts' complaint. The Department also filed a motion to dismiss unnecessary parties, which the court granted on March 31, 2017. At this point, Betts had already filed numerous motions, including a motion for sanctions, which sought sanctions on

the basis that the Department failed to answer her complaint for administrative review. The court denied that motion, stating that the Department had, in fact, filed its answer in the form of the record of administrative proceedings in accordance with the Illinois Administrative Review Law. 735 ILCS 5/3-108(b) (West 2016).

¶ 10 On June 23, 2017, the trial court heard arguments on Betts' amended complaint. On August 23, 2017, the court found that the Department's decision to dismiss the appeal as moot was clearly erroneous and remanded the matter back to the Department for "an explicit finding on [Betts'] spenddown status for September 2016 through January 2017, and to determine whether the $372.00 June 29, 2016 receipt and the $441.91 bill were and should have been applied."

¶ 11 On September 25, 2017, Betts filed 22 motions, including motions for sanctions, motions to vacate void orders, and motions to strike. The Department filed a consolidated response to her motions, requesting that her motions be denied or stayed pending the outcome following the court's remand. On February 28, 2018, the court denied 20 of her motions, finding that there was no basis for each of them. The court struck her "Objections and Bill of Exceptions" because it was improperly filed and granted her "Motion for Leave to File a Motion in Excess of 15 Pages." The order stated that it was final.

¶ 12 The Department issued another final administrative decision following the court's remand. The document is undated but was filed with the court by Betts on March 19, 2018. The decision states that administrative law judge, Kelly Pasholk, held a telephonic hearing on November 15, 2017. It stated the issue as "[w]hether [the Department] calculated [Bett's] Medicaid spenddown for the period of September 2016 through January 2017 using medical

expenses referenced in a September 12, 2016 withdrawal agreement." The decision concluded that:

> "Medical expenses are used to determine whether the spenddown has been met. [Betts'] spenddown has been met from September 2016 through April 2017. [Betts] argues that she is harmed by not having specific expenses applied to her spenddown, however this action does not harm [Betts] because the spenddown has been met and any current expenses that have not been applied to [Betts'] spenddown may be applied to [her] spenddown in the future."

¶ 13 Notwithstanding the Department's final administrative decision in favor of Betts, she continued to submit filings in the trial court alleging and seeking enormous sanctions, such as "$175 [million] per minute per allegation and per prayer of mine" and "$500 [million] per hour for each order entered unfavorably to me." On April 17, 2018, the court entered an order denying Betts' "SCR 304 Motion" and "SCR 137 Motion" and striking her "SCR 375 Motion for Imposition of Sanctions for Failures to Comply." The order indicates that Betts' filed a separate administrative review action in the circuit court as of January 12, 2018, wherein she appeals the Department's new decision. It further states that the court's February 28, 2018 order "disposed of all pending motions before it" and Betts' new administrative review action left "no part of her case pending before this court." The order states that it is final as well.

¶ 14 On May 14, 2018, Betts filed a timely notice of appeal requesting this court to "vacate each unfavorable order issued to me[,] *** strike all defenses ***, and vacate the Aug. 23, 2017 Remand[.]"

¶ 15 II. ANALYSIS

¶ 16 Before reaching the merits of Betts' appeal, we must address her failure to comply with the requirements for briefs filed with this court. Betts' opening brief and reply brief contain multiple deficiencies pursuant to Illinois Supreme Court Rule 341 (eff. Nov. 1, 2017) that hinder this court's ability to conduct a meaningful review of her claims of error. Although we recognize that plaintiff is proceeding *pro se*, compliance with these rules is mandatory for all litigants. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Parties proceeding *pro se* are presumed to know the rules and procedures and must comply with them, just as are those parties who are represented by attorneys. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009).

¶ 17 We first note that while Betts' brief and reply brief appear to be well over the page limitations laid out in Illinois Supreme Court Rule 341(b)(1) (eff. Nov. 1, 2017), she has certified that they are both under the alternative word limitations also contained in that rule. However, various sections of her briefs still fail to conform to Rule 341.

¶ 18 First, Betts' woefully fails to comply with the requirements for the "Points and Authorities" section. It is to "consist of the headings of the points and authorities and subpoints as in the Argument, with the citation under each heading of the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and each authority appear." Ill. S. Ct. R. 341(h)(1) (eff. Nov. 1, 2017). This section often appears similar to a table of contents. Instead, Betts' included each of her arguments in full in this section, which is unnecessary and unhelpful to this court.

¶ 19 Betts also fails to present the facts and procedural history in a manner that aids our understanding of the case or in a manner that is clear, accurate, and without argumentative commentary. See *MHM Services, Inc. v. Assurance Co. of America*, 2012 IL App (1st)

112171, ¶ 2 (finding that the plaintiff's statement of facts was "argumentative, occasionally lack[ed] citation to the record on appeal, convey[ed] insufficient facts in some respects and irrelevant details in others, and [was] unnecessarily confusing"). Moreover, her arguments are not coherent and are simply a replication of her points and authorities section. See *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 6 ("[P]laintiff failed to provide a cohesive legal argument or a reasoned basis for his contentions."). The briefs consist mostly of incomprehensible run-on sentences and citations to authorities that are irrelevant and inapplicable here. Additionally, she repeatedly makes incorrect statements of law and alleges that the administrative law judge, the trial court judge, and the Department are involved in an "illegal trick and scheme" and "bogus and sham proceedings." Without the record and the Department's brief, we would not have any comprehension of the action's origins, its path through the Department and the trial court, or the underlying issues to be resolved.

¶ 20 Finally, Betts' "short conclusion stating the precise relief sought" (Ill. S. Ct. R. 341(h)(8) (eff. Nov. 1, 2017)) consists of five pages of extensive and confusing requested findings and relief. For instance, Betts requests that this court find "[t]hat each of my facts and prayers contained in my Administrative Appeal filed before the DHS are unanswered, judicially admitted, astronomically and exponentially recoverably by me" and enter an order for her "to recover $5 [million] per day for each individual allegation and prayer contained in each of my papers filed before the DHS, and before the Circuit Court, in that each such allegation and prayer of mine is continuously not duly processed to be judicially admitted." Thus, we find that her conclusion is neither short nor precise.

¶ 21 This court has the discretion to strike a brief for failure to comply with the rules and dismiss the appeal. *Holzrichter*, 2013 IL App (1st) 110287, ¶ 77. We have dismissed Betts'

appeals on three prior occasions due to her briefs' flagrant violations of the appellate procedural rules. See *Betts v. Malone*, 2017 IL App (1st) 170514; *Betts v. Illinois Dept. Of Assistance Hearings*, 2013 IL App (1st) 130587-U; *Betts v. Riley*, 2013 IL App (1st) 123001-U. However, because we have the benefit of a cogent brief from the Department, we do not elect do so here. See *Tardowski v. Holiday Hospitality Franchising Inc.*, 321 Ill. App. 3d 509, 511 (2001). Instead, we dismiss the appeal on another basis: Betts' appeal is moot.

¶ 22 The Department argues that this appeal should be dismissed as moot because the Department issued an amended final administrative decision that upheld the September 12, 2016 verbal agreement regarding Betts' spenddown status for June 2016 through January 2017. That decision corrected its prior errors and specifically found that she had met her spenddown obligations for those months.

¶ 23 "The existence of an actual controversy is an essential requisite to appellate jurisdiction, and courts of review will generally not decide abstract, hypothetical, or moot questions." *In re Andrea F.*, 208 Ill. 2d 148, 156 (2003); see also *In re Marriage of Peters-Farrell*, 216 Ill. 2d 287, 291 ("The existence of a real dispute is not a mere technicality but, rather, is a prerequisite to the exercise of this court's jurisdiction."). An appeal is moot "where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party." *In re J.T.*, 221 Ill. 2d 338, 349-50 (2006).

¶ 24 Here, the Department issued a new final administrative decision following remand from the trial court. That decision explicitly found that Betts had met her spenddown obligation for June 2017 through January 2018. The prior injury committed by the Department has been remedied as Betts' spenddown status is now accurate, and yet Betts continues to pursue

litigation in this matter by filing several motions in the trial court and now appealing to this court. There is no relief that we can give Betts' at this stage as her injuries have already been redressed. Accordingly, there is no actual controversy for this court to decide.

¶ 25 Moreover, the trial court disposed of all of Betts' pending motions on February 28, 2018 in a final order, and Betts had already instituted a new administrative review action based on the Department's new decision. There was nothing remaining in this action for the trial court to resolve when Betts filed her additional motions involved here, and again, we find that there is no actual controversy for this court to address.

¶ 26 Because Betts does not address the exceptions to the mootness doctrine in her reply brief, it is unnecessary for this court to analyze whether any of them apply here. See *Felzak v. Hruby*, 226 Ill. 2d 382, 392 (2007); *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998) (stating that because the parties did not brief or argue the applicability of an exception, the court shall not address it). Additionally, because we conclude that this appeal is moot, there is no need to address Betts' arguments regarding the court's denial of her various motions following the remand and resolution of the contested issue in this case.

¶ 27 Finally, we admonish Betts once again that failure to comply with the appellate procedural rules will result in dismissal of her appeal. We further inform her that Illinois Supreme Court Rule 375(b) (eff. Feb. 1, 1994) allows for sanctions against parties who file frivolous appeals or other actions. A frivolous appeal is one that "would not have been brought in good faith by a reasonable, prudent attorney." *Dreisilker Electric Motors, Inc. v. Rainbow Electric Co.*, 203 Ill. App. 3d 304, 312 (1990). Although we grant a margin of latitude to *pro se* litigants who do not conform precisely to our rules, we will order sanctions against them under sufficiently egregious circumstances. *Parkway Bank & Trust Co. v.*

Korzen, 2013 IL App (1st) 130380, ¶ 87. Both the trial court record and our appellate record demonstrate Betts' frivolous conduct with respect to this litigation due to her repeated filings of baseless motions. Accordingly, we caution Betts' that if she continues to file frivolous motions and to fail to comply with the appellate procedural rules, she is at risk of being sanctioned by this court. See *Stolfo v. KinderCare Learning Centers, Inc.*, 2016 IL App (1st) 142396, ¶¶ 31-34 (granting respondents' motion for sanctions in light of petitioner's "blatant disregard for our court's prior admonitions" to cease filing frivolous motions and appeals); *Kim v. Alvey, Inc.*, 322 Ill. App. 3d 657, 673 (2001) ("[T]his court may invoke Supreme Court Rule 375(b) on its own initiative where it deems it appropriate.").

¶ 28 III. CONCLUSION

¶ 29 For the reasons stated, we dismiss this appeal as moot.

¶ 30 Appeal dismissed.