2019 IL App (1st) 181407-U

FIRST DIVISION
March 25, 2019

No. 1-18-1407

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

ANGELA A. MASOURIDIS, Plaintiff-Appellant/Cross-Appellee, v. MARY H. OCASEK and CHRISTINE KONDRAT DAVIS GREVE, Defendants-Appellees (Mary H. Ocasek, Defendant-Appellee/Cross-Appellant).	)	Appeal from the Circuit Court of Cook County No. 16 L 9015 The Honorable Kathy M. Flanagan, Judge Presiding.

JUSTICE PIERCE delivered the judgment of the court.
Presiding Justice Mikva and Justice Walker concurred in the judgment.

ORDER

¶ 1 *Held:* The judgment of the circuit court is affirmed in all respects. Plaintiff forfeited several of her appellate arguments by failing to develop and advance any meaningful argument. Plaintiff failed to sufficiently allege any extreme and outrageous conduct to support an intentional infliction of emotional distress claim. Plaintiff failed to allege sufficient facts to support an abuse of process claim. Finally, we have no basis from which to conclude that the circuit court abused its discretion by denying defendants' request for Rule 137 sanctions.

¶ 2 Plaintiff Angela A. Masouridis appeals from the circuit court's dismissal of her fourth amended complaint against defendants Mary H. Ocasek and Christine Kondrat Davis Greve. The

circuit court concluded that plaintiff failed to state claims for intentional infliction of emotional distress, defamation, abuse of process, and invasion of privacy, and dismissed plaintiff's complaint with prejudice. Mary cross-appeals from the circuit court's denial of her motion for sanctions against plaintiff pursuant to Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018). For the reasons that follow, we affirm the judgment of the circuit court.

¶ 3 I. BACKGROUND

¶ 4 Plaintiff filed her initial complaint against defendants in September 2016. On defendants' motions, the circuit court dismissed plaintiff's initial and three successive complaints without prejudice pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2016)). The circuit court ultimately dismissed plaintiff's six-count fourth amended complaint with prejudice pursuant to section 2-615 of the Code, which is the subject of this appeal. We accept as true all the well-pleaded facts in plaintiffs' fourth amended complaint and draw all reasonable inference in her favor. *Edelman, Combs & Latturner v. Hinshaw & Culbertson*, 338 Ill. App. 3d 156, 164 (2003). Although not expressly alleged in any iteration of plaintiff's complaints, we discern from the parties' appellate briefs that plaintiff began dating James Ocasek[1] while James and defendant Mary Ocasek were going through dissolution of marriage proceedings. Mary's alleged conduct in response to plaintiff and James's purported relationship is the backdrop for this litigation.

¶ 5 According to the allegations in count I—intentional inflectional of emotional distress—of the fourth amended complaint, Mary made "untrue and disparaging remarks" about plaintiff to Mary's daughter Eileen through e-mail and phone calls by calling plaintiff "deceitful and a whore," and by claiming that plaintiff was seeking to "bleed Eileen's father of his money," was

[1]James, a licensed attorney, filed the initial complaint on behalf of plaintiff, as well as the first and second amended complaints, but subsequently withdrew as plaintiff's counsel.

"mentally unstable," "lacked morals," "was a piece of trash and a waste," and "was not fit to live." Mary "requested and encouraged Eileen to harass and disparage [p]laintiff," which Eileen allegedly did. Mary also made "untrue and disparaging" statements to Greve, who was Mary's coworker. Mary "encouraged and incited" Greve to make a post to plaintiff's Facebook page calling plaintiff a whore. Furthermore, Mary requested that her divorce attorney subpoena plaintiff for a deposition in Mary and James Ocasek's divorce case, even though Mary knew that James's deposition had not yet been taken, and knew that plaintiff "had no relevant knowledge or evidence related to the [divorce] case." Mary requested plaintiff's deposition in order to "pry into [p]laintiff's personal life and just to cause embarrassment, inconvenience and emotional distress." Plaintiff alleged that Mary "adopted and ratified" Eileen's and Greve's conduct.

¶ 6 Count II asserted that Mary's "defamatory" statements "to [Mary's] daughters, co-workers ***, and in particular, *** Greve, members of her family and friends, in face to face social situations and in emails and telephone conversations at numerous and various times," included calling plaintiff "deceitful and a whore," and stating that plaintiff was seeking "to bleed James [Ocasek] of his money," was "mentally unstable," "lacked morals," "was a piece of trash and a waste," and "was not fit to live." Count III asserted that Mary committed an abuse of process by having her attorney subpoena and depose plaintiff in Mary and James Ocasek's dissolution of marriage proceeding "solely to annoy, humiliate and harass" plaintiff and to attack her reputation and character. Count IV asserted that all of the conduct pleaded was an invasion of plaintiff's "privacy and right to quiet enjoyment." Counts V and VI were directed at Greve and asserted claims for intentional infliction of emotional distress and defamation, respectively, for calling plaintiff a "whore" in a post to plaintiff's Facebook page.

¶ 7 For each of the six counts, plaintiff asserted that, as a proximate result of Mary and Greve's intentional conduct, plaintiff suffered

> "extreme emotional distress, depression, humiliation, anguish, and emotional upset, inability to concentrate and physical injuries, aggravation of physical conditions, as well as economic losses in that these factors interfered with and interrupted her graduate studies causing [p]laintiff to withdraw from classes for the semester thus forfeiting her tuition and delaying her graduation all to her damage."

¶ 8 Attached to plaintiff's fourth amended complaint was a copy of plaintiff's deposition transcript in Mary's divorce action. Also attached was a screenshot of the Facebook post alleged to have been made by Greve.

¶ 9 Defendants moved to dismiss plaintiff's fourth amended complaint with prejudice pursuant to section 2-615 of the Code. Defendant's motion to dismiss also requested that the circuit court "consider and grant [d]efendants' request for relief consistent with *** Rule 137" because the fourth amended complaint contained allegations that were substantially similar to prior versions of the complaint, and was plaintiff's "fifth bite at the apple." Defendants requested that "relief be consistent with *** Rule 137." The motion to dismiss was fully briefed. Plaintiff did not respond to defendants' request for relief pursuant to Rule 137. On May 30, 2018, the circuit court entered a written order granting defendants' motion to dismiss with prejudice, and denying defendants' motion for Rule 137 sanctions. Plaintiff filed her notice of appeal on June 27, 2018, and defendants filed a notice of appeal on June 28, 2018, with both notices of appeal directed at the circuit court's May 30, 2018, judgment.[2]

[2]Although Greve was named in the June 28, 2018, notice of appeal, Mary is the only party listed on the appellee/cross-appellant briefs filed in this court.

¶ 10 II. ANALYSIS

¶ 11 On appeal, plaintiff argues that her complaint stated claims for intentional infliction of emotional distress, defamation, abuse of process, and invasion of privacy. Mary's cross-appeal argues that the circuit court abused its discretion by denying her request for Rule 137 sanctions. We address the parties' contentions in turn.

¶ 12 A motion to dismiss pursuant to section 2-615 of the Code challenges the legal sufficiency of a complaint. *Bonhomme v. St. James*, 2012 IL 112393, ¶ 34. We accept as true all well-pleaded facts in the complaint. *Id.* "The critical inquiry is whether the allegations of the complaint, when construed in the light most favorable to the plaintiff, are sufficient to establish a cause of action upon which relief may be granted." *Id.* Additionally, "[a]n exhibit attached to a complaint becomes part of the pleading for every purpose, including the decision on a motion to dismiss." *Gagnon v. Schickel*, 2012 IL App (1st) 120645, ¶ 18. Our review of a dismissal under section 2-615 of the Code is *de novo*. *Id.*

¶ 13 Plaintiff first argues that counts I and V of the fourth amended complaint stated claims for intentional infliction of emotional distress against Mary and Greve, respectively. We find that plaintiff has failed to adequately brief these issues, resulting in forfeiture. First, the arguments in plaintiff's appellate brief appear to have been simply copied and pasted, with some minor alterations, from her response to defendants' motion to dismiss in the circuit court. Second, her arguments are not supported by citations to the record on appeal, in violation of Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018). Third, while plaintiff does cite authority regarding the elements of a claim of intentional infliction of emotional distress, she improperly cites to an order from this court entered pursuant to Illinois Supreme Court Rule 23(e)(1) (eff. Apr. 1, 2018). Furthermore, plaintiff generally cites three defamation cases without offering any

explanation of why those cases are relevant to her argument, and without providing specific citations to the portions of those cases that might support her argument. A cursory review of those cases shows that they do not involve claims of intentional infliction of emotional distress. Finally, and most importantly, plaintiff fails to develop any meaningful argument on appeal that her complaint alleged adequate facts to satisfy the pleading standard of extreme and outrageous conduct necessary to sufficiently plead a claim for intentional infliction of emotional distress. Having failed to advance any argument on a necessary element of her claim, plaintiff has forfeited any such argument. Ill. S. Ct. R. 341(h)(7) ("Points not argued are forfeited[.]"). We find that plaintiff has forfeited the issue of whether her counts I and V in fourth amended complaint stated claims for intentional infliction of emotional distress against defendants.

¶ 14 Forfeiture aside, plaintiff's intentional infliction of emotional distress claims are insufficient as a matter of law. In order to state a claim for intentional infliction of emotional distress, "a plaintiff must allege that (1) the defendant engaged in conduct that was 'extreme and outrageous'; (2) the defendant intended to inflict severe emotional distress or knew that there was a 'high probability' that [her] conduct would cause the plaintiff to experience severe emotional distress; and (3) the defendant's 'conduct must in fact cause severe emotional distress.' " (Emphasis omitted.) *Schweihs v. Chase Home Finance, LLC*, 2015 IL App (1st) 140683, ¶ 27, *aff'd*, 2016 IL 120041 (quoting *McGrath v. Fahey*, 126 Ill. 2d 78, 86, 127 (1988)). "[T]he tort does not extend to 'mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities.' " *McGrath*, 126 Ill. 2d at 86 (quoting Restatement (Second) of Torts § 46, cmt. *d*, at 73 (1965)). "Rather, the nature of the defendant's conduct must be so extreme as to go beyond all possible bounds of decency, and to be regarded as intolerable in a civilized community." *Schweihs*, 2015 IL App (1st) 140683, ¶ 27. Our supreme court has identified

several factors to be considered when determining whether conduct rises to the level of extreme and outrageous, including whether the defendant was in some position that gives her authority over the plaintiff or the power to affect the plaintiff's interests (*McGrath*, 126 Ill. 2d at 86-87), or the defendant's awareness that the plaintiff is particularly susceptible to emotional distress (*Koelgas v. Heftel Broadcasting Corp.*, 154 Ill. 2d 1, 21 (1992)). "The outrageousness of a defendant's conduct must be determined in view of all of the circumstances pled *** in a particular case." *Schweihs*, 2016 IL 120041, ¶ 52.

¶ 15 Plaintiff's allegations fall below the pleading standard for extreme and outrageous conduct. In count I, plaintiff alleged that Mary made statements to Mary's daughter Eileen calling plaintiff "deceitful" and "a whore," claiming that plaintiff was seeking to "bleed Eileen's father of his money," that plaintiff was "mentally unstable" and "lacked morals," that plaintiff "was a piece of trash and a waste," and that plaintiff "was not fit to live." These statements are certainly insulting, and we do not condone them, but plaintiff offers no authority to support that, viewed in context, the statements are "so extreme as to go beyond all possible bounds of decency, and to be regarded as intolerable in a civilized community." *Schweihs*, 2015 IL App (1st) 140683, ¶ 27. Plaintiff also alleged that Mary encouraged Eileen to harass plaintiff by making similar statements on one occasion. But again, no argument is developed and supported with authority that such conduct is so extreme and outrageous that it amounts to an actionable tort, and it is not the job of the appellate court to make that case for the plaintiff. Plaintiff's claim against Greve in count V is even weaker, as the only conduct alleged there is that Greve posted the word "whore" on plaintiff's Facebook account. Again, we do not condone such conduct but absent any persuasive argument from plaintiff, the only conduct alleged is an insult, which cannot form the basis of a claim for intentional infliction of emotional distress. *McGrath*, 126

Ill. 2d at 86. We therefore affirm the circuit court's dismissal pursuant to section 2-615 of the Code of counts I and V of the fourth amended complaint.

¶ 16 Next, plaintiff argues that counts II and VI of the fourth amended complaint stated claims for defamation *per se* against Mary and Greve, respectively. We do not reach the merits of plaintiff's arguments on appeal. The argument in plaintiff's appellate brief—which is copied and pasted verbatim from her response to defendants' motion to dismiss—is deficient. She merely recites black-letter law regarding the elements of a defamation claim and the categories of statements that are defamatory *per se*, then restates the allegations of her complaint, and concludes that her complaint sufficiently alleged claims for defamation without any meaningful analysis or citation to any authority tending to show—or advancing any argument tending to suggest—that the facts she pleaded in her fourth amended complaint satisfy the pleading standard for a claim for defamation *per se*.

¶ 17 This court is not a depository in which the appellant may dump the burden of argument and research (*Housing Authority of Champaign County v. Lyles*, 395 Ill. App. 3d 1036, 1040 (2009)), and it is not the job of this court to scour the record and make arguments for the appellant (*In re Estate of Parker*, 2011 IL App (1st) 102871, ¶ 47). Even though we review *de novo* a circuit court's dismissal of a claim under section 2-615 of the Code, an appellant still bears the burden of persuasion on appeal; she must do more than present us with the record and simply assert that circuit court's judgment should be reversed because what she filed was sufficient. Rule 341(h)(7) requires the appellant's brief contain "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor." Ill. S. Ct. R. 341(h)(7). Here, plaintiff's appellate brief does not contain any "contentions" or "reasons" in support of her "argument" that the circuit court's judgment should be reversed. For us to conclude that plaintiff

alleged sufficient facts to state a claim for defamation *per se* would require us, on our own initiative, to conduct the legal research that plaintiff failed to submit to us. Plaintiff filed five iterations of her defamation claims in the circuit court; her failure to advance a developed argument on appeal simply cannot be tolerated, and we therefore decline to develop and research the arguments that plaintiff could have advanced but did not. Plaintiff's failure to develop and advance an argument supported by relevant authority that counts II and VI of the fourth amended complaint stated claims for defamation results in forfeiture of those issues on appeal. Ill. S. Ct. R. 341(h)(7). Therefore, the circuit court's dismissal of counts II and VI of the fourth amended complaint is affirmed.

¶ 18 Plaintiff argues that count III of the fourth amended complaint stated a claim for abuse of process. She contends that her complaint alleged that in Mary's dissolution of marriage proceeding against James, Mary caused her attorney to subpoena plaintiff for a discovery deposition before taking James's deposition, and that Mary knew that plaintiff "had no relevant knowledge or evidence related to the case, or any knowledge that could lead to relevant information or evidence, pertaining to the issues in the divorce." Plaintiff alleged that Mary's counsel asked "invasive and abusive questions," including questions about the parentage of plaintiff's children, plaintiff's own divorce, plaintiff and her children's education, plaintiff's employment, and the death of plaintiff's uncle, as well as questions about this lawsuit. Plaintiff alleged that the purpose of the subpoena and discovery deposition was to "annoy, humiliate and harass" plaintiff and to cause her "to incur expenses and financial losses in attending the deposition and losing time from work." Plaintiff alleged that Mary "adopted and ratified" the conduct of her attorney.

¶ 19 "Abuse of process is defined as the misuse of the legal process to accomplish some purpose outside the scope of the process itself." *Kumar v. Bornstein*, 354 Ill. App. 3d 159, 165 (2004). The necessary elements of a claim for abuse of process are "(1) the existence of an ulterior purpose or motive and (2) some act in the use of legal process not proper in the regular prosecution of the proceedings." *Id.* "In order to satisfy the first element, a plaintiff must plead facts that show that the defendant instituted proceedings against him for an improper purpose, such as extortion, intimidation, or embarrassment." *Id.* "In order to satisfy the second element, the plaintiff must show that the process was used to accomplish some result that is beyond the purview of the process." *Id.* at 165-66. The second element "has been generally defined *** as existing only in instances in which [the] plaintiff has suffered an actual arrest or a seizure of property" (*Holiday Magic, Inc. v. Scott*, 4 Ill. App. 3d 962, 969 (1972)), but an arrest or seizure of property is not a necessary element of a claim for abuse of process (*Kumar*, 354 Ill. App. 3d at 165-68 (2004)). Instead, we must analyze the facts of each case "to determine whether process has been used to accomplish some result beyond the purview of the process or to compel the party against whom it is used to do some collateral thing that he or she could not legally be compelled to do." *Id.* at 168 (citing *Neurosurgery & Spine Surgery, S.C. v. Goldman*, 339 Ill. App. 3d 117, 183 (2003), and *Community National Bank in Monmouth v. McCrery*, 156 Ill. App. 3d 580, 583 (1987)). The elements are strictly construed, as the tort of abuse of process is not favored under Illinois law. *Id.*

¶ 20 Here, we view plaintiff's abuse of process allegations in count III in light of the transcript of her discovery deposition that was attached as an exhibit to the fourth amended complaint. At her deposition, plaintiff—who was represented by an attorney—answered questions regarding (1) whether she had any children; (2) whether her ex-husband was the biological father of those

children; (3) whether James Ocasek referred her to the attorney that represented her in her divorce; (4) whether James represented her in her divorce or any postdecree proceedings; (5) whether James made any payments on plaintiff's behalf for legal services in her divorce; (6) the legal status of plaintiff's former marital residence; (7) whether James had been to plaintiff's home; (8) whether James had ever spent the night at her home; (9) whether James ever purchased groceries or food items for plaintiff's home; (10) whether James paid for any improvements for plaintiff's home, assisted in paying her mortgage, or assisted in paying any of her utility bills; (11) whether James paid for any of plaintiff's educational expenses or gave her any graduation gifts; (12) plaintiff's business as a part-time nail technician; (13) how she met James; (14) a personal injury lawsuit that James handled on behalf of plaintiff's daughter; (15) when plaintiff and James became friends; (16) whether plaintiff and James spent time together in Paris, France in May 2015; (17) whether James paid for any portion of plaintiff's transportation or lodging in Paris, or whether James gave plaintiff any gifts from Paris; (18) who paid for meals that plaintiff and James had together while in Montreal, Canada, in July 2015; (19) whether plaintiff ever stayed with James at his residence in Chicago; (20) whether James paid for meals they had together in Chicago; (21) whether James gave plaintiff or her children any gifts for their birthdays or for holidays; (22) whether plaintiff received items from James from certain retailers; (23) any pending litigation in which James represented plaintiff or her family members; (24) the use of certain funds that plaintiff gave to James and that were deposited into James and Mary Ocasek's joint bank account; (25) communications that plaintiff had with one of James and Mary Ocasek's daughters; (26) whether plaintiff was aware of any communications between James and one of his daughters; and (27) who paid for items for plaintiff's pets.

¶ 21 We conclude that plaintiff's abuse of process claim fails to adequately allege any "act in the use of legal process not proper in the regular prosecution of the proceedings." *Kumar*, 354 Ill. App. 3d at 165. Even accepting as true plaintiff's allegations that she was subpoenaed to give a discovery deposition and that Mary had an ulterior motive in having plaintiff deposed, a review of the deposition transcript does not show—and plaintiff has not identified any other facts to show—that the subpoena for a deposition was "used to accomplish some result beyond the purview of the process." *Id.* at 168. The purpose of a discovery deposition is to explore the facts of a case (*In re Estate of Rennick*, 181 Ill. 2d 395, 401 (1998)), and a deponent "may be examined regarding any matter subject to discovery under [our supreme court's] rules" (Ill. S. Ct. R. 206(c)(1) (eff. Feb. 16, 2011)). Here, it is clear from the deposition transcript that the majority of the questions focused on plaintiff's relationship and interactions with James Ocasek, and whether James made any payments on plaintiff's behalf for her personal, professional, and educational obligations. These topics are somewhat customary and appropriate for a discovery deposition in a dissolution proceeding, as they could lead to relevant evidence regarding the dissipation of marital assets. Plaintiff does not advance any argument on appeal that these questions sought information that was not subject to proper discovery in James and Mary Ocaseks's dissolution of marriage proceeding. Once again, plaintiff cites to no authority that would persuade us that this would be sufficient to withstand a motion to dismiss an abuse of process pleading. In sum, we are not persuaded that plaintiff pleaded sufficient facts to state a claim for abuse of process.

¶ 22 We also note that plaintiff does not allege in her complaint whether she moved to quash the subpoena for her deposition, or whether she ever sought a protective order from the circuit court prior to sitting for her deposition (see Ill. S. Ct. R. 201(c)(1) (eff. July 1, 2014)). The

deposition transcript reveals that at no time did plaintiff or her attorney seek to terminate or limit the deposition pursuant to our supreme court's rules. See Ill. S. Ct. R. 206(e) (eff. Feb. 16, 2011) (permitting a deponent to seek a court order terminating or limiting the deposition upon a showing that "the examination is being conducted in bad faith or in any manner that unreasonably annoys, embarrasses, or oppresses the deponent"). Furthermore, the transcript shows numerous occasions on which plaintiff refused to answer questions on the basis that her attorney instructed her not to answer, particularly with regard to: (1) when plaintiff finalized her divorce from her ex-husband; (2) her home address; (3) the names of her children; (4) whether she was receiving any support from her ex-husband; (5) the names of the attorneys that represented her in her divorce; (6) the name of the university where she worked as a graduate assistant; (7) the nature of her postgraduate studies; (8) how much money she earned per week; and (9) any litigation matters in which James represented plaintiff's family members. Some of these questions appear to be purely foundational, while others arguably may have strayed into topics that were less likely to reveal information relevant to any issue in the dissolution proceedings. However, when viewed as a whole, and absent reasoned argument supported with relevant authority, we find that the pleading related to the subpoena for a discovery deposition was not sufficient to sustain a cause of action for abuse of process. The circuit court therefore properly dismissed plaintiff's claim for abuse of process in count III of the fourth amended complaint.

¶ 23 Finally, plaintiff argues that count IV of the fourth amended complaint stated a claim for invasion of privacy. Once again, plaintiff fails to develop any meaningful argument in support of her contentions supported by citations to the record and relevant authority. She merely cites black-letter law regarding the elements of an invasion of privacy claim, restates her pleading, and

concludes that count IV stated a claim for invasion of privacy. She makes no effort to show that the facts she alleged in her complaint satisfy the pleading standard for each element of the tort. Plaintiff's failure to develop a meaningful argument on appeal results in forfeiture, which we elect not to excuse. We therefore affirm the circuit court's judgment dismissing count IV of the fourth amended complaint.

¶ 24 In sum, we affirm the circuit court's dismissal of plaintiff's fourth amended complaint in its entirety. We additionally note that plaintiff asserts in her brief that she should have been permitted leave to further amend her claims. Plaintiff fails, however, to direct our attention to any portion of the record demonstrating that she requested leave to amend in the circuit court following the dismissal of her fourth amended complaint, or that she presented the circuit court with a proposed amended pleading. "In order for the circuit court to exercise its discretion in deciding on the motion [to file an amended pleading], it must review the proposed amended pleading to determine whether it would cure the defect in the pleadings, whether it was timely, whether it prejudiced the opposing party, and whether there were previous opportunities to amend." *In re Huron Consulting Group, Inc. Shareholder Derivative Litigation*, 2012 IL App (1st) 103519, ¶ 68. In order to be a proper motion for leave to amend, the motion "must contain an argument for permitting amendment *** and include a copy of the proposed amended pleading." *Id.* Plaintiff has failed to demonstrate that she made a proper request for leave to amend in the circuit court. We therefore have no basis from which to conclude that further amendment was requested or likely to cure any defects in the fourth amended complaint. The circuit court's judgment dismissing plaintiff's fourth amended complaint with prejudice is affirmed.

¶ 25 We turn next to Mary's cross-appeal. Mary argues that the circuit court abused its discretion by denying Mary's "request to even file/present a *** petition for sanctions." The focus of Mary's appellate argument is that the circuit court abused its discretion by effectively denying Mary the opportunity to seek sanctions, but her contention is not supported by the record. Defendants' motion to dismiss the fourth amended complaint requested "relief consistent with *** Rule 137." The circuit court's written order states "[t]he [d]efendants also suggest that [Rule] 137 sanctions should be imposed. However, the [d]efendants have not demonstrated that sanctions are warranted in this instance. Accordingly, the motion for the imposition of sanctions pursuant to [Rule] 137 is denied." It is clear that the circuit court considered defendants' request for sanctions contained in the motion to dismiss as a motion for Rule 137 sanctions, considered the motion on its merits, and denied the motion. Therefore, Mary's contention that the circuit court effectively denied her an opportunity to seek sanctions pursuant to Rule 137 is incorrect. Furthermore, Mary does not direct our attention to any portion of the record to show whether she informed the circuit court that she wished to more vigorously pursue Rule 137 sanctions.

¶ 26 Finally, Mary does not advance any argument on appeal as to whether the circuit court's refusal to impose sanctions under Rule 137 was an abuse of discretion. Because Mary has failed to advance any argument with respect to the propriety of the circuit court's judgment, she has forfeited her argument. Ill. S. Ct. R. 341(h)(7). The circuit court's denial of Mary's motion for sanctions is therefore affirmed.

¶ 27 III. CONCLUSION

¶ 28 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 29 Affirmed.