2019 IL App (2d) 180792-U
No. 2-18-0792
Order filed May 30, 2019

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

SACRED HEART KNANAYA CATHOLIC COMMUNITY CENTER BUILDING BOARD, Plaintiff-Appellant, v. ST. THOMAS SYROMALABAR DIOCESE OF CHICAGO, Defendant-Appellee.	)	Appeal from the Circuit Court of Du Page County. No. 16-CH-928 Honorable Bonnie M. Wheaton, Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices McLaren and Hudson concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the orders of the trial court granting summary judgment in favor of defendant and denying plaintiff's motion for reconsideration; the appellate court struck plaintiff's statement of the facts for numerous violations of Illinois Supreme Court rules.

¶ 2 Plaintiff, Sacred Heart Knanaya Catholic Community Center Building Board, appeals from the orders of the circuit court of Du Page County, granting defendant's motion for summary judgment and denying plaintiff's motion for reconsideration. The court found that the dispute arose out of an application of church doctrine and that the ecclesiastical abstention doctrine

applied. It further found that plaintiff presented no new evidence in its motion for reconsideration that was not available at the time of the summary judgment hearing. Plaintiff contends that the trial court erred because (1) it is not a church, (2) the controversy did not involve interchurch business, (3) the parties had no interchurch relationship, (4) the motion for summary judgment was supported by a fraudulent affidavit, and (5) equitable considerations, such as the destruction of the Knanayan culture, require that the court resolve this dispute. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Plaintiff is a board that operates the Sacred Heart Knanaya Catholic Community Center (Community Center) in Tampa, Florida. The Community Center is owned by the Knanaya Catholic Congress of Central Florida (Knanaya Catholic Congress). Defendant, St. Thomas Syro-Malabar[1] Diocese of Chicago (St. Thomas), is a non-profit Catholic diocese in Du Page County that asserts that it has religious authority over the Knanaya Catholic Congress.

¶ 5 In July 2015, Nativity Catholic Church (Nativity) agreed to rent the Community Center from plaintiff. Nativity was to pay $1500 to rent the Community Center from 4 p.m. to 10 p.m. on December 12, 2015, when Nativity intended to conduct a "Spanish Latin Rite Mass." They expected 800 people to attend the Mass, which would celebrate the "Feast of Our Lady of Guadalupe."

[1] We refer to defendant in the caption of this disposition with the nonhyphenated "Syromalabar," which is as its name appeared in the original complaint. The record, however, denotes that defendant generally refers to itself as "Syro-Malabar," and thus, we employ the hyphenated version in our references that use defendant's full name.

¶ 6 The agreement fell apart after St. Thomas refused to sanction Nativity's Mass at the site. On December 8, 2015, Nativity's pastor, Father John Tapp (Fr. Tapp), wrote the Community Center, stating that Father Dominic Madathil Kalathil (Fr. Dominic) told him that Bishop Angadiath of St. Thomas denied Nativity permission to celebrate Mass at the Community Center. Fr. Tapp then personally called on the bishop, who confirmed the denial. Fr. Tapp asked that plaintiff refund its money since it would not offer the Mass without permission of the bishop.

¶ 7 On June 14, 2016, plaintiff filed its one-count complaint of tortious interference with a business relationship, alleging that St. Thomas "intentionally, knowingly, maliciously, and without justification interfered with the Agreement." Plaintiff claimed that the interference damaged its reputation in the community, triggering current and future losses of income. It sought injunctive relief and money damages.

¶ 8 St. Thomas denied that it interfered with the relationship without legal right or authority. In its motion for summary judgment, St. Thomas asserted that the Community Center is owned by the Knanaya Catholic Congress, which is under the religious jurisdiction of St. Thomas. It attached the affidavit of Fr. Dominic, who averred that he was the spiritual director for the Knanaya Catholic Congress from 2014 to 2017, and that the Knanaya Catholic Congress was under the religious jurisdiction of St. Thomas "in all spiritual and religious matters." He stated that Bishop Angadiath had the power to grant or withhold permission to conduct Masses or spiritual activities at the Community Center. In a letter attached to his affidavit, Fr. Dominic wrote that the Community Center is a Florida non-profit organization whose purpose is "enrichment of the spiritual life of its members by engaging in religious, cultural, and charitable activities while withholding and promoting all the traditions of the Knanaya Catholic

Community under the Syro Malabar diocese [*sic*] of Chicago." St. Thomas argued that the undisputed facts demonstrated that the dispute was grounded in the church's ecclesiastical authority, and therefore, the "ecclesiastical abstention doctrine" barred the claim of tortious interference.

¶ 9 Plaintiff responded that it has no affiliation with St. Thomas and that Nativity is a third party not under St. Thomas's jurisdiction. Therefore, this dispute does not "fall under the umbrella of the ecclesiastical abstention doctrine." Additionally, plaintiff argued that whether Fr. Dominic was an agent of St. Thomas was a question of fact, and thus, summary judgment was inappropriate. Plaintiff further contended that St. Thomas "should have affirmatively pled [the ecclesiastical abstention doctrine] as a defense, pursuant to 735 ILCS §5 / 2-613 ***," apparently arguing that St. Thomas waived this defense by not including it in its initial answer to the complaint. Plaintiff attached four documents to its memorandum in opposition to the motion for summary judgment:

(1) a sample rental agreement for the Community Center and "Rules and Regulations of the Building Body,"

(2) two letters from Nativity's pastor explaining why Nativity would not hold the agreed upon Mass and seeking a refund of monies paid,

(3) a copy of our order in *Puskar v. KRCO*, 2013 IL App (2d) 120847-U, and

(4) a copy of the appellate court opinion in *Diocese of Quincy v. Episcopal Church*, 2014 IL App (4th) 130901.

Plaintiff included no affidavits or evidence that disputed the information in Fr. Dominic's affidavit.

¶ 10 On March 16, 2018, the trial court granted St. Thomas's motion for summary judgment. It found that St. Thomas had interfered with the relationship between plaintiff and Nativity, but that the interference was not tortious because it was part of church doctrine: "[T]his is a dispute between the local church and the governing body that deals with, I guess, canon law or the—whatever the governing—the governance of the religion is."

¶ 11 On April 16, 2018, plaintiff filed its motion for reconsideration. It argued that (1) the ecclesiastical abstention doctrine does not apply where the subject matter of the dispute does not involve internal church matters, (2) St. Thomas's claimed hierarchal relationship with plaintiff was a material fact in dispute, (3) the dispute did not involve church doctrine, (4) Fr. Dominic's communication with Nativity went beyond the scope of his position, and (5) the court's failure to resolve the dispute would allow St. Thomas to "overrun the Knanayan culture, unfettered." Plaintiff attached 10 exhibits to its motion for reconsideration, including: the Knanaya Catholic Conference's constitution and bylaws, the Knanaya Catholic Conference's articles of incorporation, an affidavit from plaintiff's director refuting any affiliation between plaintiff and St. Thomas, and a letter jointly signed by the president and the general secretary of the Knanaya Catholic Conference that denounced Fr. Dominic's assertion that the Knanaya Catholic Conference was under the religious jurisdiction of St. Thomas.

¶ 12 On August 28, 2018, the trial court denied plaintiff's motion for reconsideration. The court reaffirmed its earlier determination that this was an "ecclesiastical disagreement" between organizations carrying out religious functions, and therefore, the ecclesiastical abstention doctrine applied. Apart from the merits, the trial court found that plaintiff had not presented new evidence that warranted reconsideration: "[T]here is nothing in the motion that it does not

appear to have been available at the time the original motion was argued. I'm going to deny the motion to reconsider." Plaintiff timely appealed.

¶ 13 II. ANALYSIS

¶ 14 Before addressing the substance of this appeal, we find it necessary to comment on the state of plaintiff's brief. Illinois Supreme Court Rule 341 (eff. May 25, 2018) and Rule 342 (Ill. S. Ct. R. 342) (eff. July 1, 2017)) govern the content of an appellant's brief and appendix. The purpose of these rules, *inter alia*, is to require the parties to provide the reviewing court with the facts necessary to obtain an understanding of the case, as well as clear and orderly arguments so that the court can ascertain and dispose of the issues. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶¶ 7-10. The provisions of Rule 341 and Rule 342 provide step-by-step instructions for the creation of an appellate brief. See Ill. S. Ct. R. 341 (eff. May 25, 2018); R. 342 (eff. July 1, 2017). These rules are not mere suggestions, but compulsory rules, the violations of which subject an appellant to the possibility of striking its brief and dismissing its appeal. *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999).

¶ 15 Here, plaintiff's attorney ignored many of the provisions of Rules 341 and 342. Ill. S. Ct. R. 341 (eff. May 25, 2018); R. 342 (eff. July 1, 2017). She filed the paper copy of the brief as 192 loose pages in violation of Rule 341(e) (Ill. S. Ct. R. 341(e) (eff. May 25, 2018)), which mandates that the brief shall be securely bound on its left side. "Footnotes are discouraged" in briefs per Rule 341(a) (Ill. S. Ct. R. 341(a) (eff. May 25, 2018)), but plaintiff's attorney nevertheless dropped 111 citations in footnotes between the opening and reply briefs. Illinois Supreme Court Rule 341(f) (eff. May 25, 2018) directs parties to omit the words "appellant" and "appellee" in favor of referencing parties as they were in the trial court, *e.g.*, plaintiff and defendant, or by their names. In violation of this rule, Plaintiff's attorney uses the terms

"appellant" and "appellee" throughout the brief. The argument section of the brief contains no citations to the pages of the record relied on in any of plaintiff's five arguments, in violation of Illinois Supreme Court Rule 341(h)(7) (eff. May 25, 2018). Further, plaintiff's attorney cited to the North Eastern Reporter for Illinois cases, in violation of Rule 341(g) (Ill. S. Ct. R. 341(g) (eff. May 25, 2018)).

¶ 16 In accordance with Rule 342, appellants are required to file an appendix with their opening brief, which shall include, at a minimum: a table of contents to the appendix with consecutively numbered pages; the notice of appeal; the judgment appealed from; and a complete table of contents of the record on appeal, which states the nature of each document or exhibit and the date of filing or entry of pleadings and orders. Ill. S. Ct. R. 342 (eff. July 1, 2017). Plaintiff's "appendix" contains no tables of content of the types described in Rule 342 and does not include the notice of appeal. Ill. S. Ct. R. 342 (eff. July 1, 2017). Instead, the "appendix" consists of 16 unbound, non-consecutively paginated exhibits, preceded by a single page that merely lists them in order from "Exhibit A" to "Exhibit P." While these might otherwise be relatively minor infringements, plaintiff exacerbates the violations by the manner in which it utilizes these exhibits. The contents of the exhibits conflict with identically labeled exhibits in the various memoranda in the record, such that "Exhibit A" could refer to a rental agreement, a summons, the summary judgment order, a proposed order, correspondence from the Knanaya Catholic Conference of North America, or letters from Fr. Tapp of Nativity. The same identity ambiguity problem applies to "Exhibit B," "Exhibit C," through to "Exhibit P." Plaintiff cites to exhibits, and even attachments to exhibits, throughout its brief, rather than pages of the record, but with multiple identically labeled exhibits in the record as well as plaintiff's "appendix," it is often difficult to ascertain which exhibit plaintiff references in its citations. Had

plaintiff paginated the appendix pursuant to Rule 342 and cited to those pages or to pages of the record, the violations of Rule 342 would be far less glaring and disruptive.

¶ 17 Plaintiff's statement of facts is replete with egregious violations. Illinois Supreme Court Rule 341(h)(6) (eff. May 25, 2018) requires that this section of the brief "shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal ***." It is fair to say that plaintiff's attorney violated all of these requirements. Instead of providing a fair and accurate account of the events, she supplied few facts, inaccurately stated or expressed, and needlessly sprinkled with inappropriate comments and argument. These comments maligned St. Thomas and the trial court alike: "Most concerning, the affidavit has patently false and disprovable information contained within it, and as a whole, the affidavit suggests fraud;" and, "Again, despite the fact that [plaintiff] is not a church and that neither of the contracting parties have an ecclesiastical relationship with [St. Thomas], the Circuit Court denied [plaintiff's] motion for reconsideration."

¶ 18 As an example of the inaccuracies, plaintiff asserts in its statement of facts that the dispute arose: (1) from a December 2015 agreement, (2) for an April 2016 Mass, (3) celebrating Easter, (4) before the alleged interference in February 2016. The record, however, reveals that this dispute arose: (1) from a July 2015 agreement, (2) for a December 2015 Mass, (3) celebrating the "Feast of Our Lady of Guadalupe," (4) before the alleged interference in early December 2015. Adding to the inaccurate facts and improper comments, there are no citations to the pages of the record in this entire section, greatly hindering our review.

¶ 19 The numerous violations of Illinois Supreme Court rules rendered plaintiff's statement of the facts unusable. We are left with no choice but to strike the entire statement of facts section.

However, because St. Thomas provided sufficient information in its "supplemental statement of facts" with citations to the record, and because the record is not long and the issues are simple, we do not penalize plaintiff with the ultimate sanction of dismissal of its appeal for the blatant disregard of the numerous court rules by its counsel. See *Niewold*, 306 Ill. App. 3d at 737.

¶ 20 A. Motion for Reconsideration

¶ 21 Turning to the merits, we first note that plaintiff indicated in its notice of appeal that it was appealing the order denying its motion for reconsideration as well as the order granting summary judgment. Plaintiff asks us to reverse the denial of its motion for reconsideration in the conclusion section of its opening brief, but makes no arguments on that point. It first argues the issue in its reply brief, and thus, has forfeited its right to appellate review of that order. *Amalgamated Transit Union v. Illinois Labor Relations Board*, 2017 IL App (1st) 160999, ¶ 59 (points not argued in the initial brief are forfeited). Forfeiture aside, St. Thomas correctly notes that plaintiff made no effort to provide the trial court with a reasonable explanation of why the new evidence presented in its motion for reconsideration was not available at the time of the summary judgment hearing, and it was within the court's discretion to disregard such evidence. *Spencer v. Wayne*, 2017 IL App (2d) 160801, ¶ 26 ("In the absence of a reasonable explanation as to why the evidence was not available at the time of the hearing, the court is under no obligation to consider it."). Accordingly, plaintiff's argument would fail notwithstanding the forfeiture.

¶ 22 B. Summary Judgment—Standard of Review

¶ 23 Summary judgment is proper where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (West 2018). An order granting summary judgment presents a question of law, which we review *de novo*.

A.B.A.T.E. of Illinois, Inc. v. Quinn, 2011 IL 110611, ¶ 22. In that review, we look only to the record and arguments as they existed at the time the trial court made its ruling. *Laverty v. CSX Transportation., Inc.*, 404 Ill. App. 3d 534, 539 (2010); see also *Rayner Covering Systems, Inc. v. Danvers Farmers Elevator Co.*, 226 Ill. App. 3d 507, 509-10 (1992). Indeed, plaintiff's argument to the contrary at pages 12-14 of its reply brief misses the mark. An appellant challenging an order granting summary judgment may refer to the record only as it existed at the time of the ruling, and may outline any arguments made at that time. *Simmons v. Reichardt*, 406 Ill. App. 3d 317, 322 (2010). Here, we disregard any references by plaintiff to items in the record or arguments introduced after the court's order granting summary judgment.

¶ 24 C. Summary Judgment—Ecclesiastical Abstention Doctrine

¶ 25 At the heart of this matter is the ecclesiastical abstention doctrine, which was the basis of the trial court's order granting summary judgment for St. Thomas. The doctrine prohibits civil courts from resolving disputes that require extensive inquiries into religious law and polity. *Serbian Eastern Orthodox Diocese for United States of America and Canada v. Milivojevich*, 426 U.S. 696, 708-09 (1976). The ecclesiastical abstention doctrine is rooted in the free exercise and establishment clauses of the first amendment:

> " 'Of course, the government cannot declare which party is correct in matters of religion, for that would violate the principles of both religion clauses. A judicial declaration of such matters would simultaneously establish one religious view as correct for the organization while inhibiting the free exercise of the opposing belief.' " *Bruss v. Przybylo*, 385 Ill App. 3d 399, 406 (2008), quoting J. Nowak & R. Rotunda, Constitutional Law § 17.12, at 1413 (6th ed. 2000).

The abstention decision rests entirely on the subject matter of the dispute. *Bruss*, 385 Ill. App 3d at 421. Thus, when faced with decisions of a religious organization regarding matters of "discipline, faith, internal organization, or ecclesiastical rule, custom, or law" (*Milivojevich*, 426 U.S. at 713), the subject matter is forbidden to civil courts and is in no way defeated by the structure of the church, or by the presence of any formal adjudication of the matter within the church. *Bruss*, 385 Ill. App. 3d at 423.

¶ 26 In each of plaintiff's arguments regarding the summary judgment order, it suggests that the trial court improperly applied the ecclesiastical abstention doctrine. It contends that: (1) plaintiff is not a church, (2) the dispute does not relate to interchurch business, (3) plaintiff has no affiliation with St. Thomas, (4) St. Thomas's only evidence that the doctrine applies is tainted by an "indicia of fraud," and (5) the application of the doctrine "would result in the destruction of culture, in contravention of the First Amendment of the U.S. Constitution." St. Thomas responds that the trial court properly granted summary judgment based on the undisputed facts, and that we should not consider evidence not before the court at the time of its ruling. We consider these arguments in turn.

¶ 27 1. *Plaintiff's Claim: Doctrine Does not Apply Because Plaintiff is not a Church*

¶ 28 According to plaintiff, the ecclesiastical abstention doctrine does not apply because it is not a church: "As briefed at length, the building [plaintiff] operates is not a church, but instead is a community center, akin to the YMCA." Therefore, according to plaintiff, the dispute did not arise from within a church, and the ecclesiastical abstention doctrine cannot apply.

¶ 29 St. Thomas attached Fr. Dominic's affidavit to its motion for summary judgment. Fr. Dominic averred that he was appointed from 2014 to 2017 to "take care of spiritual matters of the Knanayan Catholics in the Tampa area," and that he "was the spiritual director of [Knanaya

Catholic Congress]," under the authority of Bishop Angadiath of the St. Thomas Syro-Malabar Diocese of Chicago. He related that the Knanaya Catholic Congress is under the religious jurisdiction of St. Thomas, and that Bishop Angadiath has the power to grant or withhold permission to conduct "Holy Masses or any spiritual activities" at the Community Center.

¶ 30 Plaintiff asserts that it submitted "multiple affidavits, its Constitution, bylaws, articles of incorporation, and IRS forms to show that it is not a church and has no affiliation with [St. Thomas]." Each of these exhibits, however, was attached to plaintiff's motion for reconsideration, which was submitted only after the trial court's order granting summary judgment. For the reasons addressed in paragraph 22 above in conjunction with the motion for reconsideration, we must disregard those exhibits. The undisputed evidence before the court at the time of its summary judgment ruling was that the Community Center was under the religious jurisdiction of St. Thomas. Plaintiff presented no evidence to the contrary.

¶ 31 2. *Plaintiff's Claim: Dispute Does not Relate to Interchurch Business*

¶ 32 Plaintiff next argues that the ecclesiastical abstention doctrine is inapplicable because the controversy does not relate to interchurch business. It correctly notes that the doctrine does not apply when the "general subject matter of the dispute does not involve internal church matters." *Duncan v. Peterson*, 408 Ill. App. 3d 911, 918 (2010). In *Duncan*, the defendant, a church pastor, sent derogatory letters about the plaintiff, a former pastor at the defendant's church, to board members at the plaintiff's new church. *Duncan*, 408 Ill. App. 3d at 912. In one of the letters, the defendant purportedly revoked the plaintiff's licensing and ordination credentials and requested that he no longer function as a minister. *Duncan*, 408 Ill. App. 3d at 913-14. We determined that the subject matter of the dispute was whether the defendant invaded the plaintiff's privacy by publishing the letters outside of the defendant's church. *Duncan*, 408 Ill.

App. 3d at 916. This subject matter did not "require extensive inquiry into religious law and polity," and thus, the ecclesiastical abstention doctrine did not apply. *Duncan*, 408 Ill. App 3d at 916.

¶ 33 Plaintiff equates the dissemination of the derogatory letters to an outside church in *Duncan* to the communication between St. Thomas and Nativity: "Just as in Duncan, the communication that forms the basis of [plaintiff's] claim cannot be internal to the church because it was made to a third-party." Plaintiff misconstrues *Duncan*. There, the distribution of the letters to a party outside of the church was not a procedure internal to the defendant's church. *Duncan*, 408 Ill. App. 3d at 917-18. Here, it is true that St. Thomas communicated its decision to withhold permission to Nativity, a third party. The decision pertained, however, not to whether Nativity could celebrate a Mass anywhere outside of its own church facility, but specifically to whether it could hold a Catholic Mass at the Community Center. Thus, the thrust of this dispute is the decision to grant or withhold permission for a religious activity at a facility owned and operated by the Knanaya Catholic Congress, which in turn, is under the religious jurisdiction of the St. Thomas Syro-Malabar Diocese of Chicago. The trial court could not resolve this dispute without an extensive inquiry into religious law and polity.

¶ 34 3. *Plaintiff's Claim: St. Thomas has no Authority Over Plaintiff or Nativity*

¶ 35 Plaintiff argues that St. Thomas has no hierarchal authority or other relationship with plaintiff or Nativity. It cites *Milivojevich*, where it notes that the Court looked to the corporate bylaws and proposed constitutional changes to find a hierarchal relationship between the parties. See *Milivojevich*, 426 U.S. at 715 n.9. Plaintiff contends that the Knanaya Catholic Congress's constitution, resolutions, and bylaws indicate that it has no hierarchal relationship with St. Thomas. Plaintiff further contends that itself and Nativity "are nowhere mentioned in [the] St.

Thomas Syro-Malabar Catholic Diocese of Chicago Statistical Overview." All of these exhibits were attached to plaintiff's motion for reconsideration. None were presented to the court before its ruling granting summary judgment. As discussed above, we do not consider these documents on review. The trial court did not err by not considering documents that it did not have.

¶ 36 4. *Plaintiff's Claim: Fr. Dominic's Affidavit has Indicia of Fraud*

¶ 37 Plaintiff next argues that Fr. Dominic's affidavit has an "indicia of fraud," which removes the dispute from under the umbrella of the ecclesiastical abstention doctrine. It cites *Serbian Eastern Orthodox Diocese for United States of America and Canada v. Ocokoljich*, 72 Ill. App. 2d 444, 457 (1966), where we observed that trial courts need not accept ecclesiastical decisions tainted with fraud. Plaintiff directs us to a supporting letter attached to Fr. Dominic's affidavit to illustrate its assertion of "indicia of fraud." It argues that the letter cannot be trusted because it uses unauthorized letterhead, changes the wording of the "purpose clause" of the Knanaya Catholic Congress, and was written after the lawsuit was filed to bolster Fr. Dominic's statement that he was the spiritual director. Plaintiff further contends that the statements in the affidavit were "ominously vague," not supported by documentary evidence, and were rebutted by plaintiff's evidence.

¶ 38 It is arguable whether there remains a fraud exception to the ecclesiastical abstention doctrine in the wake of the decision of the Supreme Court of the United States in *Milivojevich* (426 U.S. 696 (1976)) and our decision in *Bruss* (385 Ill. App. 3d 399 (2008)), but we need not reach that question. A review of the record reveals that plaintiff did not present its "indicia of fraud" argument to the trial court in the summary judgment proceedings. Plaintiff referenced this issue only obliquely in its memorandum opposing the motion for summary judgment, but framed it in terms of inadmissible hearsay:

> "[St. Thomas's] whole claim of 'religious jurisdiction' stems from one inadmissible paragraph in an affidavit of someone who purports to be an agent of [St. Thomas]. [The affidavit] is no more than inadmissible hearsay statements with one sided [*sic*] correspondence attached as proof."

Despite its current contention that there are "clear signs of fraudulent activity, and the evidence to refute those direct statements was provided to the Circuit Court," plaintiff presented absolutely no supporting evidence to the trial court. Again, the only exhibits plaintiff presented at or before the time of the summary judgment hearing was a sample rental agreement and rules for the community center, two letters from a pastor at Nativity, a copy of an unreported order in an appellate court case, and a copy of an opinion in an appellate court case. None of these documents support allegations that Fr. Dominic used unauthorized letterhead, misrepresented the "purpose clause" of the Knanaya Catholic Congress, or made any other fraudulaent statements in his affidavit. Without support, these allegations are nothing more than conclusory statements, and a "mere conclusory assertion does not raise a question of fact." *Burghardt v. Remiyac*, 207 Ill. App. 3d 402, 407 (1991). Moreover, plaintiff failed to raise the specific issues to the trial court that it now argues, and it has forfeited its right to appellate review of this issue. *Sheth v. SAB Tool Supply Co.*, 2013 IL App (1st) 110156, ¶ 59.

¶ 39 5. *Plaintiff's Claim: Equitable Considerations*

¶ 40 Plaintiff lastly argues that "[i]f the Court does not get involved in this dispute between separate entities, [St. Thomas] will be permitted to overrun the Knanayan culture, unfettered." It contends, without elaboration, that applying the ecclesiastical abstention doctrine would contravene the first amendment to the United States Constitution. It then posits that applying the ecclesiastical abstention doctrine in this case "would amount to a blanket grant of immunity to

any religious organization for all matters." On this issue, plaintiff presents no cogent legal argument, and offers no citations to any authority whatsoever, or pages of the record on which it relied. Accordingly, plaintiff has forfeited this argument. Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) ("Argument *** shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on."). *Hall*, 2012 IL App (2d) 111151, ¶ 12 (forfeiture is the consequence of failing to comply with Rule 341(h)(7)).

¶ 41 III. CONCLUSION

¶ 42 For the reasons stated, we affirm the judgment of the circuit court of Du Page County.

¶ 43 Affirmed.