

**NOTICE:** This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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ALEXANDER KOBY,	)	Appeal from the Circuit Court
	)	of Cook County.
Respondent-Appellant,	)	
	)	
v.	)	
	)	No. 23OP75205
NORTHWESTERN MEMORIAL HEALTHCARE,	)	
BRITNEY GOLDSTEIN,	)	Honorable
	)	Jennifer P. Callahan and
Petitioner-Appellees.	)	Elizabeth Condrón Ryan,
	)	Judges, presiding.

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JUSTICE C.A. WALKER delivered the judgment of the court.  
Presiding Justice Tailor and Justice Gamrath concurred in the judgment.

**ORDER**

¶ 1 In June 2023, Petitioners-Appellees Northwestern Memorial Healthcare (“Northwestern”) and Dr. Brittany Goldstein (collectively, “Petitioners”) initially petitioned the court for a workplace protection restraining order under the Workplace Violence Prevention Act (820 ILCS 275/1 *et. seq.* (West 2022) (“the Act”)), after Respondent-Appellant Alexander Koby expressed a

desire to kill Dr. Goldstein, his therapist, and her family, and had discovered where she and her family members lived. The circuit court issued an emergency order of protection against Respondent on June 20, 2023, and entered an agreed plenary workplace protection order on July 21, 2023. The court further amended the plenary order twice by agreement, setting its expiration to January 17, 2025. Petitioners moved to extend the plenary order on January 13, 2025 and presented their motion on January 17, 2025. At the presentment, the court continued the motion for hearing to January 31, 2025, and extended the expiration date of the plenary order to that date. On January 31, 2025, the court then extended the plenary order to expire on February 20, 2025. Respondent appeals the circuit court's January 17, 2025 and January 31, 2025 orders, arguing that the Act does not provide the circuit court the ability to extend the plenary order. For the following reasons, we affirm.

¶ 2

#### BACKGROUND

¶ 3 Respondent became a patient of Dr. Goldstein in July 2022 and engaged in individual psychotherapy with her. In April 2023, Respondent was hospitalized and following his admission, he admitted to Dr. Goldstein that he looked online to find information about her to make her feel uncomfortable. On June 15, 2023, after his final session with Dr. Goldstein, Respondent sent a document to her from his journal that noted where she lived along with the names of her husband and sister. The journal further expressed a desire to kill all three individuals.

¶ 4 On June 20, 2023, Dr. Goldstein and her employer Northwestern, petitioned for an emergency workplace protection restraining order under the Act. The circuit court granted the petition, barring Respondent from contacting Dr. Goldstein, her husband, her sister, and Northwestern's employees. The court then issued an agreed plenary workplace order of protection on July 21, 2023, containing the same terms as the emergency order.

¶ 5 Following entry of the agreed plenary order, Respondent began posting information on social media regarding issues raised in his therapy sessions with Dr. Goldstein. He also contacted other members of Dr. Goldstein's family, including her high-school-aged cousin, to obtain additional information about Dr. Goldstein. On November 9, 2023, Petitioners filed a rule to show cause against Respondent, stating his behavior violated the July 2023 plenary order. On November 14, 2023, the court issued an agreed emergency order of protection, prohibiting Respondent from contacting any friends, relatives, co-workers, or associates of Dr. Goldstein. The order also prohibited Respondent from entering Dr. Goldstein's name on any electronic platform unless it was to communicate with medical treaters or legal representatives.

¶ 6 On January 17, 2024, the court issued an agreed plenary order incorporating terms in the July 2023 and November 2023 orders. Under the January 2024 plenary order, Respondent was prohibited from making any contact with Dr. Goldstein, her husband, her sister, and any other friends or relatives of hers. Respondent was still prohibited from entering Dr. Goldstein's name on any electronic platform unless to communicate with medical treaters or legal representatives. The January 2024 plenary order was set to expire on January 17, 2025.

¶ 7 Later in 2024, Respondent filed a separate action in the law division of the circuit court of Cook County against Dr. Goldstein and other Northwestern employees. On December 30, 2024, Respondent filed an amended complaint in the separate lawsuit, alleging various claims from malpractice to wrongful imprisonment. On January 13, 2025, Petitioners filed a motion to extend the January 2024 plenary order to expire on January 17, 2026. Petitioners presented the motion on January 17, 2025. At the presentment hearing, counsel for Respondent withdrew and Respondent proceeded in this matter *pro se*. The court proposed to hear the motion later in the day on January 17th, but Respondent was not available due to a previously scheduled doctor's

appointment. Given the upcoming status in the law division action on January 28, 2025, Petitioners proposed continuing their motion for date after January 28. Over Respondent's objection, the court continued the Petitioners' motion for hearing to January 31, 2025 and extended the expiration date of the January 2024 plenary order to January 31, 2025. Respondent appealed the extension order on January 21, 2025.

¶ 8 During the January 31, 2025 hearing, the court extended the January 2024 plenary order again to February 20, 2025, stating: "I will extend out this Workplace Order of Protection temporarily and then look for guidance as to how the Appellate Court would like us to proceed moving forward." Respondent appealed the January 31, 2025 extension order on February 3, 2025<sup>1</sup>.

¶ 9

#### JURISDICTION

¶ 10 Before considering the merits of Respondent's appeals, we must first determine whether appellate jurisdiction exists in this case. A reviewing court has a duty to consider jurisdiction because a jurisdictional claim is a threshold issue that must be addressed before ruling on the merits. *Village of Kirkland v. Kirkland Properties Holdings Company, LLC I*, 2023 IL 128612, ¶ 37. The court must dismiss an appeal if it determines it lacks jurisdiction. *In re Estate of York*, 2015 IL App (1st) 132830, ¶19.

¶ 11 Respondent brings his appeals pursuant to Illinois Supreme Court Rule 307(a) (eff. Nov. 1, 2017). Rule 307 governs interlocutory appeals from orders "granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction." *Id.* To determine what constitutes an appealable injunctive order under Rule 307, Illinois courts look to the substance of the action, and not its form. *Doe v. Northwestern Memorial Hospital*, 2014 IL App (1st) 140212, ¶ 29. An

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<sup>1</sup> This court consolidated the appeals on February 5, 2025.

injunction is a judicial process, by which a party is required to do a particular thing, or to refrain from doing a particular thing, the most common sort of which operate as “a restraint upon the party in the exercise of his real or supposed rights.” *Id.*

¶ 12 Not every order that compels a party to do or not do a particular thing is an injunction. *In re A Minor*, 127 Ill.2d 247, 261-62 (1989). Court orders that are ministerial or administrative cannot be the subject of an interlocutory appeal. *Id.* Examples of such orders include subpoenas, discovery orders, and orders relating to the court’s control of its docket. *Zitella v Mike’s Transportation, LLC*, 2018 IL App (2d) 160702, ¶ 14. An order is deemed ministerial or administrative if it regulates only procedural details of the litigation before the court. *In re Marriage of Molloy*, 407 Ill.App.3d 998, 992 (2011). Such an order does not affect the relationship of the parties in their everyday activity apart from the litigation and are distinguishable from traditional forms of injunctive relief. *Id.*

¶ 13 Here, the circuit court entered two orders on January 17th – one continuing the matter to January 31, 2025 and another extending the January 2024 plenary order to that date. The court did this to accommodate the *pro se* Respondent who could not attend a hearing on Petitioners’ motion later in the day due to a doctor’s appointment. On January 31, the court entered additional orders continuing the matter and extending the plenary order. An order continuing a matter is not injunctive as such an order is part of the inherent power of the court to control its own docket. *Short Bros. Const. Inc. v. Korte & Luitjohan Contractors, Inc.*, 356 Ill.App.3d 958, 960 (2005). Yet the orders to extend continued the prohibitions on the Respondent past the stated expiration date of January 17, 2025. The court extending the January 2024 plenary order is similar to it using its discretionary powers to grant an injunction, as it seeks to maintain the status quo until

Petitioners' motion could be heard. See *Schweickart v. Powers*, 245 Ill.App.3d 281, 291 (1993) ("Injunctions that preserve the status quo are within the trial court's jurisdiction.")

¶ 14 If Respondent were only appealing the continuance portion of these orders, then we would not have appellate jurisdiction. Yet the rulings to continue the January 2024 plenary order is more than administrative as it continues the terms of the order beyond the stated expiration date of January 17, 2025. The extensions are appealable under Rule 307 as it they have the force and effect of injunctions.

¶ 15 Rule 307(d) requires an appellant to file their notice of appeal within two days of the entry or denial of the order from which review is being sought. Ill. S. Ct. R. 307(d) (eff. Nov. 1, 2017). When computing time, an individual excludes the first day and includes the last. 5 ILCS 70/1.11 (West 2022). Illinois courts have long viewed a day as an indivisible, twenty-four-hour period lasting from 12 midnight to 12 midnight. See *Rock Finance Co. v Central Nat. Bank of Sterling*, 339 Ill.App. 319, 325 (1950); *Kuznitsky v. Murphy*, 381 Ill. 182, 186 (1942). Here, the circuit court entered its order on Friday, January 17, 2025. Respondent filed his initial appeal one minute before 12 midnight on January 21, 2025. The circuit court entered its subsequent order on January 31, 2025. Respondent filed his appeal to that order on February 3, 2025. Both appeals are timely, and this court has jurisdiction under Rule 307(a)<sup>2</sup>.

¶ 16 ANALYSIS

¶ 17 Where an interlocutory appeal is brought pursuant to Rule 307(a), controverted facts or the merits of the case are not decided. *Woods v. Patterson Law Firm, P.C.*, 381 Ill. App. 3d 989, 993

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<sup>2</sup> In computing time, if the last day is on a weekend or holiday, then it is excluded. 5 ILCS 70/1.11 (West 2022). Both the January 17, 2025 and January 31, 2025 orders were entered on a Friday. The appellate court was closed on Monday, January 20, 2025 in observance of Martin Luther King Jr. Day. Under Rule 307(d), the deadline to appeal the two orders was the end of the day Tuesday, January 21, 2025 and Monday, February 3, 2025, respectively.

(2008). The only question on appeal is whether there was a sufficient showing to affirm the order of the trial court granting or denying relief. *Id.* Generally, the standard of review in addressing this question is whether the circuit court abused its discretion in granting or denying the relief requested. *Fricke v. Jones*, 2021 IL App (5th) 200044, ¶ 33. We will find an abuse of discretion where the record shows the circuit court acted arbitrarily without the employment of conscientious judgment or, in view of all the circumstances, exceeded the bounds of reason and ignored recognized principles of law so that substantial prejudice resulted. *Id.*

¶ 18 The question before us is whether the circuit court abused its discretion to extend the terms of the January 2024 plenary order. On appeal, Respondent argues: (1) as a matter of law, the Act does not allow plenary orders to extend past one year; (2) Petitioners’ motion to extend the January 2024 plenary order did not toll its expiration date of January 17, 2025; (3) the court’s extension of the January 2024 plenary order unconstitutionally imposed prior restraint on Respondent’s speech; (4) the court erred in extending a prior agreed order without Respondent’s consent; (5) the court abused its discretion in granting Petitioners a temporary restraining order (“TRO”); and (6) the court did not have jurisdiction to further extend the January 2024 plenary order on January 31, 2025. We address each argument below.

¶ 19 As to Respondent’s argument that the Act does not provide a provision for the court to extend the expiration date of a plenary order, an issue of statutory construction is presented. Statutory construction is a question of law reviewed *de novo*. *Victim A. v. Song*, 2021 IL App (1st) 200826, ¶ 8. The primary objective of statutory construction is to determine and give effect to the legislature’s intent, and the best indicator is the statute’s language which must be given its plain and ordinary meaning. *Id.* Where statutory provisions are clear and unambiguous, the plain language as written must be given effect without reading into it exceptions, limitations, or

conditions that the legislature did not express. *People v. Leavitt*, 2014 IL App (1st) 121323, ¶ 45. Words and phrases in statutory language must not be considered in isolation; instead, the language of each section must be examined in light of the statute as a whole and interpreted in conjunction with other statutes touching upon the same or related subjects. *Saunders v. Symphony Beverly, LLC*, 2024 IL App (1st) 230996, ¶ 13.

¶ 20 Section 75 of the Act requires the court to issue a plenary workplace restraining order against a respondent if the petitioner establishes a set list of conditions. 820 ILCS 275/75 (West 2022). Section 85(b) states a plenary workplace protection restraining order is effective for a fixed period of time not to exceed one year. *Id.* § 85(b). Respondent argues Section 85(b) states a plenary order cannot exceed one year and that the court may not add an extension. We disagree because by giving the language of Sections 75 and 85(b) their plain and ordinary meaning, if the petitioner establishes the conditions listed in the statute, the court shall issue an order that is effective for a fixed period of time. The statute allows courts to set any fixed amount of time for a plenary order, so long as that time period does not extend beyond a year. But we do not find the Act prevents the circuit court from extending a plenary order (beyond that fixed period of time when the Act so authorizes.).

¶ 21 As relevant here, one circumstance on which the Act permits an extension is a change in facts. Upon motion of the petitioner, Section 100(b) allows a court to modify a plenary order if a change in the applicable law or facts since the order was entered warrants a modification of its terms. *Id.* § 100(b). Here, the January 2024 plenary order states it was to expire on January 17, 2025. Petitioners filed their motion to extend the plenary order in response to Respondent's amended complaint in a separate law division action. While the court in this matter proposed to hear Petitioners' motion later in the day on January 17th, prior to its expiration, the *pro se*

Respondent could not attend due to a doctor's appointment. Petitioners suggested the court continue their motion to shortly after an upcoming hearing in the separate law division action, as the hearing could change the circumstances of their motion to extend.

¶ 22 Caselaw on this subject is limited, but we find the analysis by the Fifth District of this court in *Fricke* instructive. In *Fricke*, the court issued an emergency protection order against a respondent under the Domestic Violence Act and extended the expiration date for the order multiple times as the parties prepared for a plenary hearing in the matter. *Fricke*, 2021 IL App (5th) 200044, ¶ 3-10. During the plenary hearing, counsel for the petitioner informed the court of a family emergency and the court continued the hearing date and the emergency order for over a month because the court had a crowded docket. *Id.* ¶ 11-12. On appeal, the respondent argued the Domestic Violence Act specifically stated an emergency order cannot be effective beyond 21 days. *Id.* ¶ 34. The appellate court interpreted the plain text of the statute to give the circuit court the discretion to extend the emergency order, as without the discretion, the court would be powerless to protect victims from further abuse where circumstances beyond its control require a continuance beyond 21 days. *Id.* ¶ 37. The court noted denial of this discretion would not only be contrary to the plain language of the statute but would also frustrate the statute's expressly stated purpose. *Id.*

¶ 23 While we note the statutory differences between the Domestic Violence Act in *Fricke* and the Act on review here, both statutes touch upon related subjects. One of the purposes of the Domestic Violence Act is to support the efforts of victims of domestic violence to avoid further abuse by reducing the abuser's access to the victim. 750 ILCS 60/102(4) (West 2022). The purpose of the Workplace Violence Prevention Act is to assist employers in protecting their workforce by limiting potentially violent individuals' access to workplace venues. 820 ILCS 275/5 (West 2022). Because of the related subject matter of the statutes, we may interpret their language in conjunction

with each other. *Saunders*, 2024 IL App (1st) 230996, ¶ 13. Similar to how the provisions of the Domestic Violence Act give the court the discretion to extend an order to prevent abusers from having access to a victim, Section 100(b) of the Workplace Violence Prevention Act grants the court discretion to modify an order to prevent potentially violent individuals from having access to employees. Respondent's interpretation of Section 85(b) frustrates the purpose of the Act as prescribed by the legislature. Thus, we reject the argument that the circuit court did not have the authority to extend the January 2024 plenary order.

¶ 24 Respondent next argues the circuit court erred in extending the January 2024 plenary order as the order was expired on January 17, 2025. Respondent claims the January 2024 plenary order expired before the Petitioners' motion could be ruled upon. Respondent relies on *People ex. Rel. Webb v. Wortham*, 2018 IL App (2d) 170445, ¶ 31, to contend Petitioners' motion to extend the plenary order did not toll the expiration of the January 2024 plenary order.

¶ 25 Respondent's argument misapplies the law. The plain text of Section 85(b) computes time in years. When computing time, an individual excludes the first day and includes the last. 5 ILCS 70/1.11 (West 2022). As stated above, Illinois courts have long viewed a day as an indivisible, twenty-four-hour period lasting from 12 midnight to 12 midnight. Here, the January 2024 plenary order was entered on January 17, 2024 and set to expire at the end of the day on January 17, 2025. Respondent's reliance on *Webb* is similarly mistaken. Unlike in *Webb*, where a plenary order expired before the circuit court could order an extension, the January 2024 plenary order was still in effect when the court issued its order to extend here. Hence, we find the circuit court did not err in extending the January 2024 plenary order as Section 100(b) of the Act gave the court the discretion to extend it, and the court did so before it expired.

¶ 26 Respondent further asserts the language of the January 2024 plenary order meant that it expired on January 16, 2025. He contends he was no longer bound to its terms beginning on January 17, 2025. Relying on *Same Condition, LLC v. Codal, Inc.*, 2021 IL App (1st) 201187, Respondent claims the circuit court's order imposed a prior restraint on his right to free speech. As stated above, the January 2024 plenary order was effective until the end of the day on January 17, 2025. Respondent's argument that the January 2024 plenary order expired on January 16, 2025 reflects a previous approach to computing time by the year, which was superseded by statute. See *Parker v. Murdock*, 2011 IL App (1st) 101645, ¶ 22-23 (court refused to apply previous computation in light of the enactment of the current statute).

¶ 27 Here, because the January 2024 plenary order did not expire until the end of the day on January 17, 2025, the court extended the terms of an order that was still in effect. This matter is dissimilar to *Codal*, as the order at issue in that case initially imposed restrictions on the respondent from making online posts about the petitioner. *Codal, Inc.*, 2021 IL App (1st) 201187, ¶ 17. The January 17, 2025 order extended restrictions that the Respondent already agreed to that were still in place at the time. Respondent does not present any relevant authority to support his contention that the extension of the January 2024 plenary order imposed a separate prior restraint on his speech. Respondent failed to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020), and we find he forfeited this argument on appeal.

¶ 28 Next, Respondent claims the court erred in extending the January 2024 plenary order without his consent. Respondent acknowledges both he and the Petitioners agreed to the January 2024 plenary order, yet argues the court granted Petitioners additional relief beyond that agreement. Respondent does not provide any relevant authority to support his contention that the circuit court was bound to the terms of the agreed January 2024 plenary order and unable to amend

it in light of a change in facts. Accordingly, we find Respondent violated Rule 341(h)(7) and thus waived this argument on appeal.

¶ 29 Respondent subsequently argues the circuit court abused its discretion in granting Petitioners a TRO in a non-emergency situation. Respondent frames Petitioners' motion as a TRO and claims they failed to establish the necessary elements for relief. Respondent's argument misconstrues the facts. The circuit court issued two orders on January 17, 2025 – one continuing Petitioner's motion to January 31, 2025 and the other extending the terms of the January 2024 plenary order to the same date. Section 65(b) of the Act requires a court to grant a continuance “only for good cause shown” and that continuances should be “kept to a minimum reasonable duration, taking into account the reason for the continuance.” 820 ILCS 275/65(b) (West 2022). Here, the court was unable to hear Petitioners' timely motion on January 17, 2024 as the *pro se* Respondent had a doctor's appointment. The court continued Petitioners' motion until after the January 28, 2025 hearing in the separate law division action as the court's ruling in that matter could affect the motion. We find the circuit court did not abuse its discretion as it granted a continuance based on reasons pertaining to the Respondent.

¶ 30 Finally, Respondent claims the circuit court did not have jurisdiction to further extend the January 2024 plenary order when it ruled on January 31, 2025. Respondent notes his initial appeal challenges the ability of the court to extend the January 2024 plenary order. He relies on *Home Sav. and Loan Ass'n of Joliet v. Samuel T. Issac and Associates, Inc.*, 99 Ill.App.3d 795, 804 (1981), to assert since the issue of extending the plenary order was on appeal, the circuit court could not extend the plenary order. The filing of an interlocutory appeal divests the circuit court of jurisdiction to change or modify the interlocutory order that is on appeal under Rule 307(d). *Landmarks Illinois v. Rock Island County Board*, 2020 IL App (3d) 190159, ¶ 36. Orders entered

after filing a notice of appeal are valid if the orders do not affect the substantive issues on appeal or change the nature of the appeal. *Hartz v. Brehm Preparatory School, Inc.*, 2021 IL App (5th) 190327, ¶ 32.

¶ 31 Here, Respondent's January 21, 2025 notice of appeal challenges the circuit court's January 17, 2025 order. The court's January 31, 2025 order states that it extends the January 2024 plenary order. It does not address the order entered on January 17, 2025. Respondent's reliance on *Home Sav. Loan v. Samuel T. Isaac Assoc* is misplaced. In *Home Savings*, the defendants filed an interlocutory appeal of an injunction order against them. *Home Sav. and Loan Ass'n of Joliet v. Samuel T. Issac and Associates, Inc.*, 99 Ill.App.3d 795, 799 (1981). While the appellate court considered the appeal, the circuit court entered summary judgment and dissolved the injunction. *Id.* at 800. Defendants filed a second appeal arguing *inter alia* the circuit court did not have jurisdiction to dissolve the injunction once the notice of appeal was filed. *Id.* at 804. The appellate court found that upon the filing of the notice of appeal, the circuit court had no jurisdiction to take any further action regarding the issue pending on appeal. *Id.*

¶ 32 Here, the January 31, 2025 order does not affect the January 17, 2025 order, it merely extends the January 2024 plenary order. Under the specific conditions of this case, when the hearing was continued to accommodate Respondent and there were other judicial matters pending affecting the circumstances of the motion, we find the circuit court had jurisdiction to extend the January 2024 plenary order. This court's finding should not be misunderstood as a cosmic ruling allowing for the extension of injunctions without the circuit court having a hearing at which the court determines whether Petitioner can sustain the burden of showing that a new plenary order should be granted. While the factors in this case are unique, the court should take the necessary steps to ensure the timely disposition of a motion to extend.

¶ 33

CONCLUSION

¶ 34 The decision of the circuit court is affirmed.

¶ 35 Affirmed.