

2025 IL App (1st) 241157-U
No. 1-24-1157
Order filed November 26, 2025

Sixth Division

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

<i>In re</i> MARRIAGE OF VICTORIA ZISKIND,)	Appeal from the
)	Circuit Court of
Petitioner-Appellee,)	Cook County.
)	
and)	No. 21 D 308
)	
YURIY ZISKIND,)	Honorable
)	Andrea M. Webber,
Respondent-Appellant.)	Judge, presiding.

PRESIDING JUSTICE C.A. WALKER delivered the judgment of the court.
Justices Pucinski and Justice Hyman concurred in the judgment..

ORDER

- ¶ 1 *Held:* We affirm the trial court's judgment where respondent has not presented a sufficient record for our review of his claims.
- ¶ 2 Respondent Yuriy Ziskind appeals *pro se* from the trial court's order lifting the stay of a body attachment order and entering an order of commitment against him. On appeal, respondent argues, *inter alia*, that the trial court violated his civil rights by finding him in indirect civil contempt and was biased against him. We affirm.

¶ 3 The record on appeal lacks a complete report of proceedings.¹ The following facts are adduced from the common law record, which includes the parties' filings and court orders.

¶ 4 Petitioner and respondent married on June 4, 2001. On January 14, 2021, petitioner filed petitions for dissolution of marriage and temporary and permanent child support.

¶ 5 On February 16, 2021, petitioner filed a motion requesting that respondent be held in default for failing to file an appearance. Petitioner attached an affidavit from the special process server who averred that respondent was personally served on January 14, 2021. Respondent was found in default on March 26, 2021.

¶ 6 The matter proceeded to a prove-up hearing on May 7, 2021. The court found respondent in default and entered a judgment for dissolution of marriage. Petitioner was awarded, in relevant part, sole custody of the two minor children, \$1000 monthly in child support retroactive to January 14, 2021, and a judgment in the amount of the outstanding balance of \$4591.78. The court also awarded petitioner the marital residence, divided a stimulus check between the parties, and ordered respondent to reimburse petitioner for repair of the damage he caused to a leased vehicle. Lastly, the court prohibited respondent from harassing petitioner, posting derogatory messages about her on social media, entering petitioner's residence, and contacting petitioner's family and employer.

¶ 7 On May 12, 2021, respondent filed a *pro se* appearance, and on May 24, 2021, he filed a motion to vacate the default judgment. On June 23, 2021, an attorney filed an appearance on respondent's behalf.

¶ 8 Petitioner filed a motion to strike and dismiss respondent's motion to vacate default judgment on December 1, 2021. She also filed a verified petition for indirect civil contempt.

¹ The filed report of proceedings comprises the May 7, 2021, prove-up hearing.

According to the petition, respondent had not paid any child support or child-related expenses and did not reimburse petitioner's costs related to the damaged vehicle.

¶ 9 On January 18, 2022, the court granted petitioner's motion to strike and dismiss respondent's motion to vacate, allowed respondent to amend his motion, and continued the petition for indirect civil contempt.

¶ 10 Respondent, through counsel, filed an amended motion to vacate the default judgment on February 16, 2023. He also moved to quash the service of process, arguing that petitioner never filed a motion requesting the appointment of a special process server.

¶ 11 The court granted respondent's counsel leave to withdraw on June 14, 2022 and respondent represented himself for the rest of the proceedings.

¶ 12 After a hearing on September 21, 2022, the court found, in part, that respondent transferred his interest in the marital residence to petitioner by quitclaim deed prior to the filing of the petition for dissolution of marriage, and that the award of the property to petitioner was not unconscionable. The court denied respondent's motion to vacate and quash service of process and issued a rule to show cause for his failure to comply with the judgment.

¶ 13 On February 27, 2023, the court found respondent to be in indirect civil contempt for willful failure to obey the court's order to pay child support and reimburse petitioner for expenses related to the leased vehicle and stayed commitment until March 27, 2023. On that same day, the court also entered a permanent injunction against respondent enjoining him from posting on social media regarding petitioner or the litigation and otherwise discussing the litigation with third parties. On March 27, 2022, the court issued a body attachment order related to the contempt orders entered on February 27, 2023.

¶ 14 On April 26, 2023, the court entered an order setting forth respondent's remaining child support balance, which it modified on July 14, 2023. The court issued a second body attachment order on August 4, 2023, related to respondent's continued failure to comply with the court's judgment, but stayed enforcement.

¶ 15 On October 5, 2023, the court lifted the stay of the body attachment order as respondent failed to satisfy the remaining purge amount as noted in the April 26, 2023, order, and remanded him to the custody of the sheriff of Cook County. On November 9, 2023, the court allowed his release to secure the purge amount.

¶ 16 Respondent filed motions on December 7, 2023 alleging that the trial judge discriminated against him and the notary who executed the quitclaim deed violated the law. The matter was continued and on February 1, 2024, the trial judge recused himself. The case was then reassigned to the Honorable Andrea M. Webber

¶ 17 On April 12, 2024, respondent filed motions arguing that (1) petitioner used "deception and fraud" to induce him to sign the quitclaim deed, (2) his child support payment should be modified, (3) he should receive a \$300 monthly benefit amount from petitioner, and (4) the purge balance should be reduced based upon his disability.

¶ 18 After a hearing on April 22, 2024, the court found respondent guilty of willful contempt for failing to pay the remaining purge balance and placed him in the custody of the sheriff. The court also ordered respondent to pay the remaining purge balance by April 29, 2024, and lifted the stay of the body attachment entered on October 5, 2023.

¶ 19 On April 29, 2024, the court entered a second order of commitment regarding petitioner's failure to comply with the court's April 22, 2024, order. The court ordered that the sheriff take

custody of respondent until he purged himself of contempt, and the court entered a separate order again stating that the stay of the body attachment entered on October 5, 2023, was lifted.

¶ 20 On April 30, 2024, respondent filed a motion for a court date and attached a November 2023 order from the Social Security Administration finding that he was disabled since May 12, 2022.

¶ 21 Respondent filed a timely notice of appeal from the April 29, 2024, orders on May 29, 2024.

¶ 22 On June 6, 2024, the court entered an order finding that respondent paid the remaining purge balance and calculated the remaining arrearage as \$22,678.09. The court also quashed the body attachment order entered on October 5, 2023, and set the matter for further status. On July 11, 2024, the court entered an agreed order granting judgment for petitioner in the amount of the arrearage, \$22,678.09, and took the matter off call.

¶ 23 On February 26, 2025, this court entered an order taking the case on respondent's *pro se* brief only. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 24 Respondent appeals from the trial court's orders of April 29, 2024, which lifted the stay of the October 5, 2023, body attachment, found him in contempt of court, and ordered that the sheriff take custody of respondent until he purged himself of contempt. In substance, however, respondent contends that the initial trial judge erred in granting a default judgment for petitioner, violated his parental rights by not allocating any parenting time or parental responsibilities to him, and was biased against him. Respondent also contends that the court incorrectly calculated his child support

payments and issued a purge amount which “ignored” his disability and inability to earn money.

He also argues that the substituted judge “ignored” his April 12, 2024, motions.

¶ 25 As an initial matter, respondent’s brief fails to comply with many of the supreme court rules governing appellate briefs. For example, his brief does not contain, *inter alia*, a statement of the issues presented for review; a statement of jurisdiction; a statement of facts necessary to understanding the case, stated accurately and fairly without argument or comment; an argument section containing citations either to the record or to legal authority supporting his claims; or an appendix containing a table of contents and materials from the record pertinent to the appeal. See Ill. S. Ct. R. 341(h)(3), (4), (6), (7), (9) (eff. Oct. 1, 2020); R. 342 (eff. Oct. 1, 2019).

¶ 26 A reviewing court is entitled to briefs that present an organized and coherent legal argument in accordance with the supreme court rules. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001). A party’s status as a *pro se* litigant does not relieve his obligation to comply with appellate practice rules. *Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 26. The supreme court rules are not suggestions, and we may strike a brief for failure to comply with the rules. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Likewise, we have the authority to dismiss an appeal where the appellant’s brief does not comply with Rule 341’s requirements. *Epstein v. Davis*, 2017 IL App (1st) 170605, ¶ 22.

¶ 27 Notwithstanding, we elect not to dismiss respondent’s appeal due to its Rule 341 deficiencies. See *Estate of Jackson*, 354 Ill. App. 3d 616, 620 (2004) (the reviewing court may review the merits of the appeal despite Rule 341 deficiencies).

¶ 28 We first consider whether the orders appealed from, namely, the April 29, 2024, orders (1) lifting the stay of the body attachment order entered on October 5, 2023, and (2) committing respondent and finding him in contempt, are final and appealable.

¶ 29 First, we consider the order lifting the stay of the body attachment order. Here, on April 29, 2024, the trial court lifted the stay of the writ of body attachment in conjunction with the imposition of the second order of commitment. Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017), provides a basis to appeal an interlocutory order “granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction.” Courts have considered the lifting of a stay of a writ of body attachment as an appealable order under Rule 307(a)(1). See *Revolution Portfolio, LLC v. Beale*, 341 Ill. App. 3d 1021, 1027 (2003). Thus, we will review the appeal from this order as an interlocutory appeal.

¶ 30 Next, we consider the second order of commitment finding respondent in contempt. Under Illinois Supreme Court Rule 304(b)(5) (eff. Mar. 8, 2016), an order finding a person in contempt of court which imposes a monetary or other penalty is appealable without a special finding. See *In re Marriage of Gutman*, 232 Ill. 2d 145, 152 (2008) (a civil contempt petition is “an original special proceeding, collateral to, and independent of, the case in which the contempt arises” (internal quotation marks omitted)). The imposition of the sanction upon respondent, *i.e.*, remanding him to the custody of the sheriff until he paid the purge amount, triggered the Rule. See *Revolution Portfolio, LLC*, 341 Ill. App. 3d at 1026 (where the circuit court issued a writ of attachment but no sanction, a contempt order is not final and appealable). Thus, the April 29, 2024, second order of commitment is final and appealable.

¶ 31 However, respondent's appeal from both the lifting of the body attachment and the second order of commitment fails because he did not provide an adequate record on appeal for this court's review. Respondent, as the appellant, has the burden to provide a sufficiently complete record to support a claim of error. *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001); see Ill. S. Ct. R. 321 (eff. Oct. 1, 2021); R. 323 (eff. July 1, 2017). Absent such a record, we must presume the trial court acted in conformity with the law and with a sufficient factual basis for its findings. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts which may arise from the incompleteness of the record will, therefore, be resolved against the appellant. *Id.* at 392.

¶ 32 Here, the record on appeal does not contain a report of proceedings, a bystander's report, or an agreed statement of facts regarding the ongoing contempt proceedings. See Ill. S. Ct. R. 323(a), (c), (d) (eff. July 1, 2017). Without such record, we cannot determine the facts presented by the parties, the admissibility of evidence and other legal issues, or whether support exists for respondent's claims that the calculation of the purge amount disregarded his disability and financial status. Due to the inadequate record, we must presume that the trial court acted in conformity with the law and had a sufficient factual basis for its findings. See *Foutch*, 99 Ill. 2d at 391-92.

¶ 33 Respondent additionally contends that the court erred by "ignor[ing]" his April 12, 2024, motions. The record does not contain any disposition by the trial court for these motions. Nor, as stated, is there a complete report of proceedings. We, therefore, cannot determine whether the court did, in fact, disregard the motions. Absent such a record, we must presume that the trial court acted in conformity with the law. See *id.*

¶ 34 In sum, where the record on appeal is insufficient for our review, we must presume the trial court's order conformed with the law and had a sufficient factual basis. See *id.* Accordingly, we affirm the trial court's ruling.

¶ 35 Affirmed.