

No. 1-07-0088

plaintiff filed her motion for substitution of judge on November 3, 2005, and the court denied the motion on November 17, 2005. On December 8, 2005, the court entered an order to transfer the case to another courtroom. Plaintiff has not attempted to show that the trial court erred in denying the motion, and we will not presume to make her argument for her here.

Negligent Infliction of Emotional Distress

Next, plaintiff contends that the trial court improperly dismissed her claims for negligent infliction of emotional distress for failure to state causes of action upon which relief could be granted. We disagree.

A section 2-615 motion to dismiss (735 ILCS 5/2-615 (West 2002)) challenges the legal sufficiency of a complaint based on defects apparent on its face. Marshall v. Burger King Corp., 222 Ill. 2d 422, 429 (2006). In reviewing the sufficiency of a complaint, we accept as true all well-pleaded facts and all reasonable inferences that may be drawn from those facts, and we construe the allegations in the complaint in the light most favorable to the plaintiff. Marshall, 222 Ill. 2d at 429. While it is true that the complaint should be liberally construed in order to effectuate justice, this "does not lessen the obligation of the plaintiff to set out facts necessary for recovery under the theory asserted." Kirk v. Michael Reese Hospital & Medical Center, 117 Ill. 2d 507, 516 (1987); Canel v. Topinka, 212 Ill. 2d 311, 318 (2004). We review an order granting or denying a section 2-615 motion *de novo*. Marshall, 222 Ill. 2d at 429.

To sufficiently state a claim for negligent infliction of emotional distress, a plaintiff must articulate, in relevant part, that she was endangered by defendant's negligence, and "severe" or "serious" emotional injury resulted. Hiscott v. Peters, 324 Ill. App. 3d 114, 126 (2001).