

No. 1-09-1796

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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INNOCENT OBI,	)	Appeal from the Circuit Court
	)	of Cook County.
Plaintiff-Appellant,	)	
	)	No. 08 M1 717632
v.	)	
	)	Honorables
SHIKARA GRANDBERRY,	)	Joan Powell and
	)	Sheldon C. Garber,
Defendant-Appellee.	)	Judges Presiding.

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JUSTICE CAHILL delivered the judgment of the court.  
Justices McBRIDE and R.E. GORDON concurred in the judgment.

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**ORDER**

**Held:** Where plaintiff failed to provide a sufficient record to show that the circuit court erred in granting defendant's motion to vacate an *ex parte* monetary judgment, the circuit court's order is affirmed.

In this forcible entry and detainer action, *pro se* plaintiff Innocent Obi appeals from an order of the circuit court granting defendant's *pro se* motion to vacate an *ex parte* monetary judgment. On appeal, plaintiff contends that the circuit court erred in vacating the judgment because defendant's motion was not a proper petition for relief from judgment. Plaintiff also contends that the court lacked jurisdiction to vacate the judgment more than 30 days after it was entered. We affirm.

Plaintiff has appeared *pro se* throughout these proceedings. Documents contained in the record show that on July 11, 2008, plaintiff filed a *pro se* complaint against his tenant, defendant Shikara Grandberry, seeking possession of the rental unit along with \$1,335 for July 2008 rent and court fees. On September 2, 2008, the circuit court entered an agreed order for possession in favor of plaintiff, staying enforcement of that judgment until October 4, 2008. The court reserved the issue of the amount of the monetary judgment.

Plaintiff filed several subsequent motions, alleging defendant owed him three months' past due rent in the amount of \$3,900, plus \$4,359 for damage to his property, totaling \$8,259. Plaintiff subtracted defendant's security deposit of \$1,250 from this amount and concluded that defendant owed him a total of \$6,959. In other motions, plaintiff claimed that defendant owed him \$25,000 for property damage. Defendant was initially represented by an attorney who withdrew in February 2009, at which time defendant proceeded *pro se*.

On March 18, 2009, defendant failed to appear in court and the circuit court entered an "*ex parte* judgment" in favor of plaintiff in the amount of \$6,500 plus court costs. In April 2009, plaintiff filed citations to discover assets against defendant's two alleged employers in an attempt to collect his monetary judgment. Defendant was also sent a citation notice to appear in court on May 13, 2009, for discovery of her income and assets. On that date, the court entered orders dismissing the citations against defendant's former employers and ordering defendant to provide copies of her financial information to plaintiff.

The following week, on May 19, 2009, defendant filed a two-sentence *pro se* motion simply stating that she did not owe plaintiff \$6,500, and that he had "unrightfully filed this amount to [be] paid to him." Plaintiff filed a "Motion to Quash Defendant's Motion," arguing that the circuit court had lost jurisdiction to vacate the March 18, 2009, order because more than 30 days had passed since it had been entered. Plaintiff also filed a motion to reinstate the citation to discover assets against defendant and to compel her to produce her financial documentation.

On June 15, 2009, the circuit court granted defendant's motion and vacated the March 18, 2009, judgment. The court's order further stated that the case was set for status on August 4, 2009, and that defendant had 21 days to respond to outstanding discovery. Ten days later, plaintiff filed additional discovery requests.

On June 29, 2009, plaintiff filed a motion to reconsider, asking the court to vacate its June 15, 2009, order and to reinstate the March 18, 2009, judgment. Plaintiff alleged that defendant's motion was not a proper motion for relief from judgment under section 2-1401 of the Code of Civil Procedure (the Code) (735 ILCS 5/2-1401 (West 2008)). The circuit court denied plaintiff's motion on July 8, 2009. The following day, plaintiff filed his *pro se* notice of appeal from the June 15, 2009, order.

On appeal, plaintiff contends that the circuit court lacked jurisdiction to vacate the March 18, 2009, judgment because defendant filed her motion challenging that judgment on May 19, 2009, more than 30 days after it had been entered. Plaintiff also contends that defendant's motion was not a proper petition for relief from judgment under section 2-1401 of the Code because she did not attach the required affidavit and did not provide proof of facts of new evidence in the case. Plaintiff also asserts that defendant's motion was not a petition to vacate the judgment, but instead, only disputed the total amount due. Plaintiff argues that the circuit court erred because it failed to conduct a hearing on the motion, and no evidence was presented to show that the amount of the judgment was incorrect. Plaintiff asks this court to reverse the circuit court's June 15, 2009, order which vacated the judgment, and to reinstate the March 18, 2009, monetary judgment.

Our review of this appeal is hampered by an incomplete record. An appellant has the burden of presenting a sufficiently complete record of the circuit court proceedings to support claims of error, and in the absence of such a record, this court will presume that the circuit court's order conformed with the law and had a sufficient factual basis. *Foutch v. O'Bryant*, 99 Ill. 2d

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389, 391-92 (1984). Doubts arising from an incomplete record will be resolved against the appellant. *Id.*

Under Supreme Court Rule 323 (eff. Dec. 13, 2005), an appellant may file a bystander's report (Rule 323(c)) or an agreed statement of facts (Rule 323(d)) in lieu of a circuit court transcript. The record here does not contain a report of the circuit court proceedings in any format.

The record before this court consists of one volume of common law documents. There is no showing in the record of what occurred in the circuit court on any of the court dates, including March 18, 2009, when the "*ex parte* judgment" was entered, and June 15, 2009, when that judgment was vacated. Therefore, this court has no knowledge of what, if any, evidence was presented, what arguments were made, what findings the court made, or the reasoning and rationale that provided the bases for the circuit court's rulings.

Plaintiff claims that the court did not conduct a hearing or receive evidence when it considered defendant's motion challenging the judgment. But, we have not been provided with a bystander's report or agreed statement of facts to substantiate that claim. Plaintiff also claims that defendant's motion was not a proper petition for relief from judgment under section 2-1401 of the Code, but there is no showing in the record that the circuit court considered it as such. None of the circuit court's orders, all of which were drafted by plaintiff, show the reasons for the rulings. Under these circumstances, this court must presume that the circuit court acted in conformity with the law and ruled properly after considering the evidence before it. *Webster v. Hartman*, 195 Ill. 2d 426, 433-34 (2001); *Foutch*, 99 Ill. 2d at 391-92.

We affirm the judgment of the circuit court of Cook County.

Affirmed.