

of plaintiff's rights in connection with his refusal to prosecute plaintiff's former spouse for theft.

In March 2010, the trial court dismissed plaintiff's complaint for failure to follow the pleadings requirements under the Act.

Plaintiff appeals, arguing (1) the trial court erred and abused its discretion in dismissing his complaint; (2) plaintiff was denied a fair hearing because the Attorney General represented Hamilton instead of the taxpayers; (3) defendants manipulated and deceived plaintiff, the courts, the taxpayers, the post office, and public aid with regard to the theft of at least \$53,947; and (4) plaintiff and the citizens of Illinois were denied a fair hearing due to the court's failure to appoint an independent and/or special counsel. We affirm.

I. BACKGROUND

In August 2002, a jury convicted plaintiff of home invasion (720 ILCS 5/12-11(a)(1) (West 2000)). The trial court sentenced him to 20 years' imprisonment. In *People v. Carter*, 362 Ill. App. 3d 1180, 1195, 841 N.E.2d 1052, 1064 (2005), this court affirmed plaintiff's conviction and sentence. Since that time, plaintiff has been a party to a number of appeals before this court.

In July 2006, plaintiff filed a motion for declaratory judgment, arguing his former spouse committed fraud and theft in

a child-support proceeding against him. During the course of that case, Hamilton, representing the Illinois Department of Health and Family Services (Department) in her capacity as an assistant Attorney General, filed a motion to dismiss plaintiff's complaint. The trial court dismissed plaintiff's claim, and this court affirmed. *People v. Carter*, No. 4-09-0776 (September 2, 2010) (unpublished order under Supreme Court Rule 23).

In February 2009, plaintiff, proceeding *pro se*, filed a complaint under the Act against the Department, Debra Wellborn, Patricia Bizailion, Pamela Schwartz, Hamilton, and Barnard. As Hamilton points out, the record on appeal indicates service only as to her. While service on Barnard does not appear in the record, Barnard's counsel appeared and contested the complaint in the trial court. However, it appears the Department, Wellborn, Bizailion, and Schwartz were never served notice of plaintiff's complaint and did not appear in the trial court. Further, plaintiff appeals from the trial court's order granting Hamilton and Barnard's motion to dismiss plaintiff's complaint as to them. It does not appear the court considered the claims against the others named in the complaint. Moreover, while Hamilton raises the issue of service on appeal, plaintiff has not responded to argue otherwise. Thus, we will treat Hamilton and Barnard as the sole defendants to this appeal.

In his complaint, plaintiff alleged Hamilton conspired

to conceal the theft of \$53,947 in taxpayer money by filing a motion to dismiss his motion for declaratory judgment in a prior case involving child-support payments. Plaintiff also alleged Barnard was guilty of malicious prosecution, conspiracy, fraudulent concealment, and violations of plaintiff's constitutional rights for refusing to prosecute plaintiff's former spouse for theft and for dismissing a postconviction petition.

In December 2009, Hamilton filed a combined motion to dismiss pursuant to sections 2-615 and 2-619 of the Code of Civil Procedure (Code) (735 ILCS 5/2-619.1 (West 2008)), arguing plaintiff's complaint should be dismissed because, *inter alia*, he failed to follow the Act's pleading requirements.

In December 2009, Barnard filed a motion to dismiss plaintiff's complaint pursuant to section 2-615 of the Code (735 ILCS 5/2-615 (West 2008)), arguing plaintiff (1) failed to state a claim upon which relief could be granted and (2) failed to follow the procedures for bringing an action under the Act.

In March 2010, the trial court dismissed plaintiff's complaint on the ground he "failed to follow the requirements for pleading a whistle-blower action" under the Act.

This appeal followed.

II. ANALYSIS

On appeal, plaintiff, proceeding *pro se*, argues (1) the

trial court erred and abused its discretion in dismissing his complaint; (2) he was denied a fair hearing because the Attorney General represented Hamilton instead of the taxpayers; (3) defendants manipulated and deceived him, the courts, the taxpayers, the post office, and public aid with regard to the theft of at least \$53,947; and (4) he and the people of Illinois were denied a fair hearing due to the court's failure to appoint an independent and/or special counsel to represent him and/or the people of Illinois.

A. Forfeiture

We initially note a reviewing court is entitled to have issues clearly defined with pertinent authority cited and coherent arguments presented. *Klein v. Caremark International, Inc.*, 329 Ill. App. 3d 892, 905, 771 N.E.2d 1, 11 (2002). An appellate court is *not* a depository for an appellant to dump the burden of argument and research. *In re Estate of Thorp*, 282 Ill. App. 3d 612, 616, 669 N.E.2d 359, 362 (1996).

Supreme Court Rule 341(h) (7) requires the argument section of an appellant's brief "contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. *** Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing." Ill. S. Ct. R. 341(h) (7) (eff. Sept. 1, 2006).

In this case, plaintiff has cited to the record on appeal just once in over 50 pages of argument. Further, plaintiff does not present arguments relating to the trial court's dismissal of his complaint. Instead, plaintiff cites statutes, cases, and constitutions for broad points of law without a clear explanation how that law applies to the facts in this case.

We recognize plaintiff is proceeding *pro se*. However, forfeiture principles apply equally to *pro se* litigants as well as those represented by counsel. *Porter v. Urbana-Champaign Sanitary District*, 237 Ill. App. 3d 296, 299, 604 N.E.2d 393, 395-96 (1992). Moreover, this is not plaintiff's first *pro se* appeal before this court. By our count, defendant has filed 19 separate appeals to date. Nonetheless, plaintiff has failed to address why the court's dismissal of his complaint constituted error. Thus, plaintiff has forfeited his contentions on appeal.

Absent forfeiture, plaintiff's appeal fails on the merits. The record contains plaintiff's complaint, the parties' motions to dismiss, and the docket entry showing the trial court's reason for dismissing plaintiff's complaint. Our standard of review for dismissals under both sections 2-615 and 2-619 of the Code is *de novo*. *Doe v. Chicago Board of Education*, 213 Ill. 2d 19, 23-24, 820 N.E.2d 418, 421 (2004). As a result, we have a sufficient record to determine whether the trial court

erred in dismissing plaintiff's complaint.

B. Pleading Requirements Under the Act

Defendants argue the trial court's dismissal of plaintiff's complaint should be affirmed because plaintiff failed to follow the pleading requirements of the Act. We agree.

The purpose of the Act is to impose civil liability against any person who, *inter alia*, conspires to defraud the State by getting a false or fraudulent claim allowed or paid. 740 ILCS 175/3(a)(1) (West 2008). An action under the Act may be commenced by the Attorney General (740 ILCS 175/4(a) (West 2008)) or by a private person (740 ILCS 175/4(b) (West 2008)). A private person may bring a *qui tam* action "for the person and for the State." 740 ILCS 175/4(b)(1) (West 2008). However, the "action shall be brought in the name of the State." 740 ILCS 175/4(b)(1) (West 2008); *Scachitti v. UBS Financial*, 215 Ill. 2d 484, 505, 831 N.E.2d 544, 556 (2005).

In addition to bringing the complaint in the name of the State, a private person must also serve the Attorney General with a copy "of the complaint and written disclosure of substantially all material evidence and information the person possesses." 740 ILCS 175/4(b)(2) (West 2008). The Act also requires the complaint (1) *shall* be filed *in camera*, (2) *shall* remain under seal for at least 60 days, and (3) *shall* not be served on the defendant until the court so orders. 740 ILCS

175/4(b)(2) (West 2008). After the Attorney General receives both the complaint and the material information, it has 60 days to investigate the claim and decide whether to intervene. 740 ILCS 175/4(b)(2) (West 2008).

If the Attorney General chooses to proceed, it assumes "primary responsibility for prosecuting the action." 740 ILCS 175/4(c) (West 2008). However, the private person may still continue as a party. 740 ILCS 175/4(c) (West 2008). If the Attorney General declines to proceed, the private person may proceed on his own. 740 ILCS 175/4(c)(3) (West 2008). The Attorney General still may choose to intervene later. 740 ILCS 175/4(c)(3) (West 2008).

In this case, plaintiff did not follow any of the section 4(b) pleading requirements. Plaintiff did not (1) name the State as a party, (2) serve the Attorney General with a written disclosure, or (3) file his complaint *in camera*, all of which are required under the Act. On appeal, plaintiff does not explain why his failure to follow the pleading requirements should be excused.

Instead, plaintiff's total argument regarding those requirements is contained in his reply brief on appeal and amounts to the following:

"the 'state' and numerous state agencies were repeatedly contacted with details of the

frauds and thefts and requests for investigations and assistance. The attorney general, the states [sic] attorneys, the various agencies literally ignored or blew off [plaintiff's] 'Whistleblowing' for years. Therefore[, the State officials] were well aware of and had years (not just '60 days') to review and take action against the ongoing criminal activity."

Plaintiff also insists defendants are just throwing "mud against a wall" with their "boilerplate allegations" in attempts to divert this court's attention from the real issues. Plaintiff also maintains the "alleged 'procedural' errors should not stop the criminal prosecution that is needed." We are unpersuaded.

In this case, plaintiff chose to file his claim under the Act. The Act has very specific pleading requirements, which plaintiff failed to follow. Plaintiff offers no argument why these pleading requirements do not apply to him. The trial court did not err in dismissing plaintiff's complaint for his failure to follow the pleading requirements of the Act.

III. CONCLUSION

For the reasons stated, we affirm the trial court's judgment.

Affirmed.