

No. 1-10-0958

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

RADOMIR FILIPOVIC,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	Nos. 06 L 51228
)	09 L 51552
)	
SVETISLAV BULATOVIC,)	Honorable
)	Elmer James Tolmaire, III,
Defendant-Appellant.)	Judge Presiding.

JUSTICE STERBA delivered the judgment of the court.
Presiding Justice Lavin and Justice Pucinski concurred in the judgment.

ORDER

- ¶ 1 *Held:* Where defendant failed to cite to the record in his brief, present a cohesive legal argument supported by legal authority, and provide an adequate record on appeal in this worker's compensation dispute, we affirm the circuit court's judgment.
- ¶ 2 Defendant Svetislav Bulatovic d/b/a Djina Construction Company appeals, *pro se*, from an order of the circuit court entering judgment for plaintiff, Radomir Filipovic, pursuant to an application for entry of judgment filed by Filipovic under section 19(g) of the Workers' Compensation Act (Act) (820 ILCS 305/19(g) (West 2010)). Filipovic has not filed a brief in

response; however, we may proceed under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Co.*, 63 Ill. 2d 128, 133 (1976), which permits this court to decide the merits of the appeal without the aid of an appellee's brief. For the following reasons, we affirm.

¶ 3 The record shows that on May 12, 1999, Filipovic suffered injuries to his head, back, and thumb while working for Bulatovic. On June 1, 2006, following a hearing, an arbitrator issued a decision granting Filipovic benefits under the Act.

¶ 4 The arbitrator found Bulatovic was responsible for paying medical bills totaling \$2,317 to Filipovic. The arbitrator also found that Filipovic was temporarily and totally disabled from May 12, 1999, through May 9, 2006. Because Bulatovic failed to pay any money to Filipovic for temporary total disability, the arbitrator ordered him to pay Filipovic \$121,617.83, which represents 364 6/7 weeks at a rate of \$333.33 per week. The arbitrator further ordered Bulatovic to pay permanent partial disability for 25% of Filipovic's thumb in the sum of \$5,250 and permanent partial disability for Filipovic's back injuries at 25% of a person as a whole in the sum of \$37,500.

¶ 5 Bulatovic subsequently filed a petition for review of the arbitrator's decision. While Bulatovic's petition for review was pending before the Illinois Workers' Compensation Commission (Commission), Filipovic filed in the circuit court an application for entry of judgment pursuant to section 19(g) of the Act. The circuit court dismissed the application for entry of judgment without prejudice finding the matter to be premature because the arbitrator's award was pending on appeal.

¶ 6 On March 7, 2008, the Commission modified the arbitrator's decision, finding that Filipovic was entitled to \$333.33 per week for a period of 2 6/7 weeks (May 12, 1999, to May 31, 1999) for temporary and total disability, and \$300 per week for a period of 75 weeks for the

reason that the injuries sustained caused a 15% loss of use to Filipovic's person as a whole. The Commission affirmed and adopted the remainder of the arbitrator's award.

¶ 7 Following the Commission's decision, Filipovic filed several amended petitions to reduce his worker's compensation award to judgment pursuant to section 19(g) of the Act. On November 18, 2009, Bulatovic filed a *pro se* response to Filipovic's petitions to reduce the worker's compensation award to judgment, alleging fraud and that Bulatovic should not be personally responsible for the arbitrator's award. Filipovic replied that Bulatovic's response was libelous and attempted to reargue the facts and decision of the underlying arbitration award. On March 2, 2010, Filipovic filed an "Application via Verified Complaint to Reduce Award to Judgment Pursuant to Section 19(g) of the Illinois Worker's Compensation Act." In the complaint, Filipovic requested that the circuit court enter judgment on the arbitration award as modified by the Commission. Filipovic asserted that Bulatovic had not made any payments and that he owed a total sum of \$48,132.16, which included the arbitrator's award as modified by the Commission, interest, costs, and attorney fees.

¶ 8 On March 16, 2010, the circuit court granted Filipovic's March 2 application and reduced his award to judgment against Bulatovic and Djina Construction Company pursuant to section 19(g) of the Act. The circuit court entered a total judgment against Bulatovic in the sum of \$48,507.16 and itemized the judgment as follows: \$2,317 for medical benefits; \$952.37 in temporary total disability benefits; \$22,500 and \$5,250 in permanent partial disability; \$2,846.79 in interest; \$14,183 in attorney fees; and \$458 in costs.

¶ 9 On March 29, 2010, Bulatovic filed a *pro se* motion to vacate judgment and schedule oral argument, alleging, based on our interpretation, that he was absent when the circuit court entered its judgment. On April 6, 2010, the circuit court denied Bulatovic's motion and noted that the March 16 judgment was to stand. Bulatovic appealed from both the March 16 and April 6

orders.

¶ 10 Although it is difficult to decipher, Bulatovic appears to argue on appeal that the arbitrator's award is a forgery and that orders entered in the circuit court were illegal. We are unable to determine the merits of Bulatovic's contentions because he has not complied with Supreme Court Rule 341 (eff. July 1, 2008), which governs appellate briefs. We observe that Bulatovic has failed to cite to the record in his brief, or present a cohesive legal argument supported by legal authority, in violation of Rule 341(h)(6) and (h)(7). *Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074-75 (1982)). We further note that Bulatovic has failed to provide an adequate record on appeal to allow our review of his claims. The record consists of only the common law record and does not include a transcript of the proceedings from the arbitration hearing.

¶ 11 Under these circumstances, we presume that the March 16 and April 6, 2010 orders of the court were entered in conformity with the law and had a sufficient factual basis. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984). Bulatovic has failed to overcome this presumption; and we, therefore, affirm the judgment of the circuit court.

¶ 12 Affirmed.