

No. 1-10-3596

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

DONG JUN KIM and YOON SOON CHUNG,)
) Appeal from the
) Circuit Court of
 Plaintiffs-Appellants,) Cook County
)
 v.)
) No. 09 L 8342
 JIN YOUNG PARK, YUN JOUNG KIM, Individually and)
 as officers and/or agents of WAND DENTAL LAB)
 CORPORATION, and CENTRAL DENTAL LAB, INC.;)
 WAND DENTAL LAB CORPORATION,) Honorable
) Daniel J. Pierce
) Judge Presiding.
 Defendants-Appellees.)

JUSTICE MURPHY delivered the judgment of the court.
Presiding Justice Steele and Justice Salone concurred in the judgment.

ORDER

¶ 1 *HELD:* Plaintiffs failed to meet their burden of presenting a sufficiently complete record on appeal, and the circuit court's rulings are therefore presumed to have had a sufficient factual basis and conformed with the law.

¶ 2 Plaintiffs, Dong Jun Kim and Yoon Soon Chung, appeal from an order of the circuit court of Cook County entering judgment in favor of defendants, Jin Young Park, Hyun Joung Kim, Central Dental Lab, Inc., and Wand Dental Lab Corporation. On appeal, plaintiffs contends that

1-10-3596

the court erred by entering judgment in favor of defendants and by refusing to accept admissions made by defendants in an earlier proceeding in federal court into evidence. For the reasons that follow, we affirm.

¶ 3

BACKGROUND

¶ 4 On July 16, 2009, plaintiffs filed a complaint against defendants alleging violations of the Minimum Wage Law (820 ILCS 105/1 *et seq.* (West 2008)) and Wage Payment and Collection Act (820 ILCS 115/1 *et seq.* (West 2008)) and counts of fraud, conversion, breach of contract, and unjust enrichment. On March 3, 2010, plaintiffs filed a motion for default judgment against Central Dental Lab., Inc., which was granted by the circuit court. On November 4, 2010, the court entered an order granting judgment in favor of defendants and against plaintiffs on all counts. Plaintiffs now appeal from this order.

¶ 5

ANALYSIS

¶ 6 Defendants contend that this court should dismiss plaintiffs' appeal because they have failed to present an adequate record. Plaintiffs respond that they may correct any inaccuracies or omissions in the record by supplementing it with an agreed statement of facts pursuant to Illinois Supreme Court Rule 329 (eff. Jan. 1, 2006). However, this court denied plaintiffs' motion for leave to file an agreed statement of facts on December 16, 2011, and the record therefore does not contain a report of proceedings or acceptable substitute as required by Illinois Supreme Court Rule 323 (eff. Dec. 13, 2005).

¶ 7 The appellant is required to present a sufficiently complete record, and a reviewing court will presume the circuit court's holding has a sufficient factual basis and that its order conforms

1-10-3596

with the law where the record is inadequate. *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156-57 (2005). "An issue relating to a circuit court's factual findings and basis for its legal conclusions obviously cannot be reviewed absent a report or record of the proceeding." *Id.* at 156.

¶ 8 In this case, plaintiffs, as the appellants, were required to present a sufficiently complete record, but failed to do so. As such, we cannot review the circuit court's findings of fact or legal conclusions in granting judgment in favor of defendants and declining to accept defendants' alleged admissions into evidence, and we must therefore presume that the court's rulings had a sufficient factual basis and conformed with the law.

¶ 9 CONCLUSION

¶ 10 Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 11 Affirmed.