

2012 IL App (1st) 113300-U

No. 1-11-3300

FIFTH DIVISION  
July 20, 2012

**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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KENNETH J. CONNER,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 08 L 011470
	)	
FEDERAL DEPOSIT INSURANCE CORPORATION,	)	
	)	Honorable
Defendant-Appellee.	)	Sanjay Tailor,
	)	Judge Presiding.

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JUSTICE HOWSE delivered the judgment of the court.  
Presiding Justice Epstein and Justice McBride concurred in the judgment.

**ORDER**

- ¶ 1 HELD: Judgment is affirmed where plaintiff fails to cite to any supporting authority for his argument in violation of Supreme Court Rule 341(h)(7).
- ¶ 2 This appeal arises as the result of orders of the circuit court dismissing both counts of plaintiff Kenneth Conner's suit for retaliatory discharge and sexual harassment against defendant,

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Federal Deposit Insurance Corporation (FDIC), as Receiver for Mutual Bank (Bank). On appeal, plaintiff contends that: (1) the trial court erred in dismissing his retaliatory discharge claim with prejudice and (2) the trial court erred in dismissing his sexual harassment claim for want of prosecution due to his failure to appear in court. For the following reasons, we affirm.

### ¶ 3 BACKGROUND

¶ 4 Briefly stated, the record reveals that plaintiff is a former employee of the Bank who filed a one-count complaint for retaliatory discharge against the Bank on October 16, 2008. On June 4, 2009, the Bank filed a section 2-615 (735 ILCS 5/2-615 (West 2008)) motion to dismiss the complaint with prejudice. Subsequently, on July 24, 2009, after receiving leave to amend the complaint, plaintiff added a second count of sexual harassment. The Bank has since been declared insolvent, and the FDIC accepted the appointment as Receiver of the bank, and is charged with winding up the affairs of the Bank. On August 11, 2009, the proceedings in the case were stayed to allow plaintiff an opportunity to file a claim with the FDIC as Receiver. The claim was denied on December 18, 2009.

¶ 5 The FDIC subsequently amended the Bank's section 2-615 motion to dismiss, including both counts. The trial court granted FDIC's motion to dismiss the retaliatory discharge claim on June 18, 2010, but denied its motion to dismiss the sexual harassment charge. Plaintiff's counsel did not appear at a September 14, 2010, status hearing and filed a motion to withdraw on November 12, 2010. On November 19, 2010, the trial court granted the motion to withdraw and ordered plaintiff to file a supplemental appearance, either *pro se* or through counsel within 28 days. The trial court also ordered plaintiff to personally appear at the next status hearing on

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January 7, 2011, with or without counsel. Plaintiff did not file his appearance within 28 days nor did he appear at the status hearing. The trial court subsequently dismissed the case for want of prosecution pursuant to its previous order.

¶ 6 On February 7, 2011, plaintiff filed a *pro se* motion to vacate the dismissal for want of prosecution, stating that he had been diligently attempting to find an attorney and inadvertently missed the January 7, 2011, status hearing. An attorney attended the hearing on the motion to vacate on March 10, 2011, on plaintiff's behalf, and told the court that he had not yet filed an appearance and was working on getting his fee arrangement in place. The trial court struck the motion to vacate, ordered the attorney to file an appearance, and gave the attorney leave to file a new motion to vacate the dismissal for want of prosecution. The case was then rescheduled for a status hearing on April 11, 2011.

¶ 7 The attorney who attended the March 10, 2011, hearing neither filed an appearance or a new motion to vacate. No one appeared at the April 11, 2011, status hearing on plaintiff's behalf, and the trial court ordered the case off the call.

¶ 8 On May 9, 2011, plaintiff filed a second *pro se* motion to vacate the dismissal for want of prosecution which was identical to the first one. A hearing was held on plaintiff's motion to vacate on September 1, 2011. Plaintiff attended, but no attorney appeared on his behalf. The trial court denied plaintiff's motion to vacate, and on September 30, 2011, plaintiff, through counsel, filed a motion to reconsider the denial of his motion to vacate. Plaintiff's counsel also filed an appearance that same day. On October 13, 2011, after a hearing on plaintiff's motion to reconsider, the trial court denied the motion, finding that the September 1, 2011, dismissal was

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on the merits after the trial court reviewed the file. This timely *pro se* appeal followed.

¶ 9 ANALYSIS

¶ 10 On appeal, plaintiff contends that: (1) the trial court erred in dismissing his retaliatory discharge claim with prejudice and (2) the trial court erred in dismissing his sexual harassment claim for want of prosecution due to his failure to appear in court.

¶ 11 Illinois Supreme Court Rule 341(h) (eff. July 1, 2008), governs the content of an appellant's brief. The rules of procedure concerning appellate briefs are rules and not mere suggestions. *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999). The purpose of the rules is to require parties before a reviewing court to present clear and orderly arguments so that the court can properly ascertain and dispose of the issues involved. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 7.

¶ 12 Plaintiff's argument section does not contain any citations to authority or refer to any pages of the record, in violation of Rule 341(h)(7). At best, plaintiff's argument section consists of conclusory statements and random musings. An appellant's failure to cite to legal authority in support of his arguments in his appellate brief results in waiver of those arguments. *Krklus v. Stanley*, 359 Ill. App. 3d 471, 488 (2005). While this court is not bound to enforce strict, technical compliance with the rules where, despite minor inadequacies in an appellate brief, the basis for an appeal is fairly clear, a party's failure to comply with basic rules is grounds for disregarding his or her arguments on appeal. *Epstein v. Galuska*, 362 Ill. App. 3d 36, 42 (2005). Here, plaintiff's brief does not comply with the basic rules for appellate briefs in many respects, namely, the brief contains no certificate of compliance in violation of Rule 341(c); the nature of

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the case section does not comply with Rule 341(h)(2); the statement of the issues section does not comply with Rule 341(h)(3); the statement of jurisdiction does not comply with 341(h)(4)(ii); the conclusion does not request any specific relief as required by Rule 341(h)(8); and the brief does not contain an appendix in violation of Rule 341(h)(9). Accordingly, plaintiff's arguments are waived for review.

¶ 13 CONCLUSION

¶ 14 For the foregoing reasons, we find that plaintiff waived (forfeited) our review of the merits of his appeal. The judgment of the circuit court of Cook County is affirmed.

¶ 15 Affirmed.