

No. 1-12-0897

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

RITA V. FUERTES,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	
)	
LI XIA YEE,)	No. 09 L 3076
)	
Defendant-Appellee,)	
and)	
)	
A.G. PHILLIPS, M.D.,)	Honorable
)	Jeffrey Lawrence,
Appellant.)	Judge Presiding.

JUSTICE HYMAN delivered the judgment of the court.
Presiding Justice Neville and Justice Sterba concurred in the judgment.

ORDER

- ¶ 1 *Held:* Where doctor challenges amount of medical lien but fails to provide report of proceedings or explanation of court's ruling, judgment will not be disturbed; the order of the circuit court is affirmed.
- ¶ 2 Dr. A.G. Phillips appeals from the circuit court's denial of his motion to reconsider the adjudication of his medical lien in the amount of \$1,551 against Rita Fuertes' personal injury

action. On appeal, Phillips contends the amount of that lien should be \$3,760.50, which is the unpaid balance of his bill for Fuertes' treatment. We affirm.

¶ 3 After being injured in a 2007 car accident, Fuertes received treatment from Phillips and incurred charges of \$8,760.50 for her treatment. Phillips filed a health care provider's lien against Fuertes' recovery from her auto insurance company (Allstate) and the insurer of the other driver involved in the accident (Farmers). Phillips received a total of \$5,000 from Allstate, which was the maximum amount of Fuertes' medical benefits coverage.

¶ 4 Fuertes accepted a settlement of \$39,000 from Farmers. On May 25, 2011, her attorney filed a motion to adjudicate the medical liens against that settlement. According to the motion, Phillips did not accept his proportionate share of the settlement, and he requested adjudication of the lien. On June 23, 2011, the court entered an order adjudicating Phillips' lien at \$1,551.

¶ 5 On July 14, 2011, Phillips filed a motion to reconsider the June 23 ruling. The motion asserted Phillips was still owed \$3,760.50 for treating Fuertes and he should be compensated for the full amount of her treatment without regard to the Allstate policy limits. The motion stated that no other lienholder had appeared in court on June 23 and because no evidence or testimony was offered in opposition, the full amount of Phillips' lien must be awarded.

¶ 6 On November 4, 2011, the circuit court entered an order allowing Phillips' motion to reconsider and adjudicating Phillips' lien in the amount of \$3,760.50. The order also stated that Fuertes' attorney had not filed a written response to Phillips' motion and the court had "refused oral argument by plaintiff." But, for reasons not evident from the record, the court entered an order on March 1, 2012, denying a motion for turnover brought by Phillips and vacating the November 4, 2011, order allowing the motion to reconsider. The court affirmed its earlier June 23 order adjudicating the lien in the lesser amount of \$1,551.

¶ 7 On appeal, Phillips contends this court should affirm the circuit court's November 4, 2011, ruling on the motion to reconsider, and he asks this court to remand with instructions to enter an order adjudicating a lien in the amount of \$3,760.50. Although neither Fuertes nor the appellee has filed a brief in this court, we can consider the merits of Phillips' appeal on his brief alone. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (review allowable if record is simple and errors can be considered without additional briefing).

¶ 8 As set out in the notice of appeal, Phillips asks this court to "reverse the denial of his 'motion for turnover' of March 1, 2012," and remand this case to the circuit court for enforcement of the November 4, 2011, order. Any challenge by Phillips to the trial court's decision is hampered by the absence of a report of proceedings, an appropriate substitute such as a bystander's report or an agreed statement of facts under Supreme Court Rule 323(c),(d) (eff. Dec. 13, 2005), or a written order explaining the basis of any of the court's rulings. As the appellant, Phillips bears the burden of presenting a sufficiently complete record to support his claims of error, and doubts arising from the incompleteness of the record will be resolved against him. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392-92 (1984). Absent a record, the reviewing court must indulge in every reasonable presumption favorable to the judgment and will presume the trial court followed the law and had a sufficient basis for its ruling. *Id.*; see also *Lewandowski v. Jelenski*, 401 Ill. App. 3d 893, 902 (2010).

¶ 9 Accordingly, the judgment of the circuit court is affirmed.

¶ 10 Affirmed.