2013 IL App (1st) 121414-U

SECOND DIVISION
June 28, 2013

No. 1-12-1414

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

CONSTANTINE PAVLOPOULOS and, MADISON BUILDERS, LLC,	)	Appeal from the Circuit Court of Cook County.
Plaintiffs-Appellants,	)	
v.	)	
	)	No. 08 CH 18717
DANIEL G. LAUER,	)	
Defendant-Appellee,	)	
(PHILLIP CIACCIO, DOMUS GROUP, LLC, UP PROPERTIES, LLC, and GUARANTY NATIONAL TITLE TRUST #06-0374-1031,	)	
	)	Hon. Franklin Ulyses Valderrama,
Defendants.)	)	Judge Presiding.

Justice Simon delivered the judgment of the court.
Presiding Justice Harris and Justice Quinn concurred in the judgment.

O R D E R

¶ 1 *HELD*: Where plaintiffs fail to provide a proper appendix to their brief, fail to provide any citation to record in support of their recitation of facts or analysis, and fail to provide citation to authority in support of their arguments, they waive their arguments and affirm the trial court's grant of summary judgment.

¶ 2 On May 21, 2008, plaintiffs Constantine Pavlopoulos and Madison Builders, LLC, filed a seven-count complaint against defendants Daniel G. Lauer, Phillip Ciaccio, Domus Group, LLC, Up Properties, LLC, and Guaranty National Title Trust #06-0374-1031 asserting various claims related to a 2006 real estate transaction for the property located at 2654 West Madison Street, Chicago, Illinois. Ultimately, defendants filed separate motions for summary judgment. Defendant Lauer's motion for summary judgment was granted on April 12, 2012. This appeal followed, involving only defendant Lauer as appellee. For the following reasons, we affirm the circuit court's grant of summary judgment.

¶ 3 Counts I and II of plaintiffs' seven-count complaint were brought against defendant, sounding in professional negligence and breach of contract. Following an extended period of discovery in which numerous delays and extensions are detailed in the record, defendant moved for summary judgment arguing that plaintiffs failed to provide any factual basis for the two counts against defendant. Plaintiffs failed to file a response brief. After repeatedly failing to appear at status hearings and seeking extensions of time to file a brief, the circuit court denied any more time to plaintiffs for failure to show good cause and granted summary judgment to defendant.

¶ 4 We begin by addressing defendant's argument that plaintiffs' statement of facts should be disregarded for their failure to comply with our Supreme Court rules. We note that " '[a] reviewing court is entitled to have the issues on appeal clearly defined with pertinent authority cited and a cohesive legal argument presented. The appellate court is not a depository in which the appellant may dump the burden of argument and research.' " *Gandy v. Kimbrough*, 406 Ill. App. 3d 867, 877 (2010), quoting *In re Marriage of Auriemma*, 271 Ill. App. 3d 68, 72 (1995).

Supreme Court Rule 341(h) requires a statement of the facts, with citation to the record, necessary for an understanding of the case and a clear statement of contentions with supporting citation of authorities and pages of the record relied on. Ill. S. Ct. R. 341(h)(6), (7) (eff. July 1, 2008). In addition, Rule 342 requires the appellant's brief include an appendix containing, *inter alia*, a copy of the judgment appealed from and a complete table of contents with page references of the record on appeal. Ill. S. Ct. R. 342(a) (eff. Jan. 1, 2005).

¶ 5 These rules are not merely suggestions, but are necessary for the proper and efficient administration of the courts. *First National Bank of Marengo v. Loffelmacher*, 236 Ill. App. 3d 690, 691-92 (1992). We will not sift through the record or complete legal research to find support for this issue. Ill-defined and insufficiently presented issues that do not satisfy the rule are considered waived. *Express Valet, Inc. v. City of Chicago*, 373 Ill. App. 3d 838, 855 (2007). In fact, for these violations, this court may not only strike portions of the brief or consider arguments waived, but strike a brief in its entirety and dismiss the matter. *Marengo*, 236 Ill. App. 3d at 692.

¶ 6 Summary judgment may be granted when the pleadings, depositions, admissions and affidavits on file demonstrate no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (West 2006). Where parties file cross-motions for summary judgment, they concede the absence of a genuine issue of material fact and invite the resolution of the matter by the court as a matter of law. *Chicago Hospital Risk Pooling Program v. Illinois State Medical Inter-Insurance Exchange*, 397 Ill. App. 3d 512, 523 (2010). We review an order granting summary judgment *de novo*. *Id.* at 523. While we also review the evidence in a light most favorable to the nonmovant, we cannot ignore evidence

unfavorable to the nonmovant and may sustain the trial court on any basis called for in the record. *Ruane v. Amore*, 287 Ill. App. 3d 465, 474 (1997).

¶ 7 We agree with defendant that plaintiffs' recitation of the facts is wholly deficient and should be disregarded. There are no citations to the record anywhere in plaintiffs' brief. As expressed in the case law above, it is not for this court to request a record and conduct research for the parties, but for the parties to prepare and submit a complete record and provide citation to the record and authority in support of its arguments. Plaintiffs have simply provided a list of numerous dates of rulings by the circuit court below on various discovery and briefing issues. Plaintiffs do not provide any facts concerning the underlying claims against defendant.

¶ 8 Furthermore, plaintiffs have failed to provide any legal support or analysis on appeal with the exception of two cases explicating the standard of review on appeal of a grant of summary judgment. While plaintiffs advance two alleged bases for reversal, both arguments are without any authority whatsoever and each argument consists only of a single three-sentence paragraph with numerous spelling and grammatical errors that make any possible "argument" indecipherable.

¶ 9 Consistent with prior deficiencies, we are also without the benefit of a reply brief by plaintiffs to rebut defendant or provide any discussion of these issues. Therefore, plaintiffs' conclusory statements are disregarded and the unsupported arguments are considered waived. Not having been presented any reason to overcome the presumption that the trial court correctly followed the law in granting defendant's motion for summary judgment, we affirm that ruling.

¶ 10 For the foregoing reasons, the judgment of the trial court is affirmed.

¶ 11 Affirmed.