

1-12-3001

**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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DONNA M. BETTS,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 12 CH 29915
	)	
JUDGE JAMES RILEY, JAMES BETTS, and	)	
LOUIS R. FINE,	)	Honorable
	)	Thomas Allen,
Defendants-Appellees.	)	Judge Presiding.

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JUSTICE CUNNINGHAM delivered the judgment of the court.  
Presiding Justice Connors and Justice Delort concurred in the judgment.

**ORDER**

¶ 1 *Held:* Plaintiff's appeal is dismissed for failure to comply with Illinois Supreme Court rules.

¶ 2 Plaintiff, Donna Betts, filed a *pro se* complaint in the Chancery Division of the circuit court of Cook County against defendants, circuit court judge James Riley (Judge Riley), her brother, James Betts (James), and James' attorney, Louis Fine (Fine). The circuit court dismissed the complaint, and the plaintiff, *pro se*, now appeals that ruling.

¶ 3 The common law record shows that the plaintiff filed her complaint on August 3, 2012. The record shows that her action stemmed from a probate matter involving the estate of the plaintiff's mother, Norma Betts. She complained of misconduct by James and Fine; and alleged that Judge Riley was required to withdraw, but refused to do so. She also claimed that "[e]ach statement of facts and laws made by me in each of my papers is judicially admitted by the opposing parties."

¶ 4 On August 6, 2012, the plaintiff filed a motion to "terminate the administration of James Betts and His Attorney" of her mother's estate. Essentially, the plaintiff alleged that James and Fine did not take the necessary steps to qualify as administrators of her mother's estate, such as filing the requisite bond and two sureties. The plaintiff also alleged that James and Fine were engaging in continuous illegal and wrongful acts for the purpose of harassing and "looting" her by "probating" the estate of her mother; and that by opening the estate of her mother 11 years after her death, they were violating the statute of limitations. The plaintiff sought one trillion dollars in damages and sanctions against James and his agent, and requested that the papers filed by James and Fine in the probate court be designated null and void. She also requested that the petition filed by James and Fine for "letters of administration [] be dismissed with prejudice."

¶ 5 Also, on August 6, 2012, the plaintiff appeared before the court on her "emergency motion for restraining order and injunction." In a written order, the court denied the motion, and dismissed the case.

¶ 6 On August 8, 2012, Fine, apparently unaware that the chancery complaint had been dismissed, filed a motion in the Chancery Division to consolidate the chancery case with the case involving the estate of Norma Betts, which was currently pending in the Probate Division under case number 12 P 002252. Fine alleged that the plaintiff had repeatedly filed frivolous, defamatory and unnecessary pleadings in an attempt to interfere with the orderly process of discovery and recovery of the assets to which the estate is entitled. He maintained that the issues raised in the complaint had been argued and adjudicated, and thus, were *res judicata*. Fine further alleged that the probate court has held hearings and entered orders denying the relief sought by the plaintiff; has required her to appear for a deposition, which she failed to do; and that there are motions pending in the probate court to compel testimony by the plaintiff, as well as petitions for sanctions against her for her unconscionable, willful and contumacious behavior during the probate proceedings. Fine asserted that the only reason for the pending chancery complaint was to re-litigate the same issues already

decided in the probate court. Thus, Fine requested that the chancery case be consolidated with the probate case, or dismissed with prejudice.

¶ 7 On August 10, 2012, the plaintiff filed a 22-page "petition to issue a SCR 133(a) Citation for Breaches of Mandatory Statutory Duties Required by 735 ILCS 5/2-610 et al." In this petition, the plaintiff set forth a number of rambling allegations, essentially alleging that Judge Riley ignored and breached his duties, and continuously violated her rights. She also argued that James and Fine have continuously violated her rights and committed wrongs against her. She maintained that Judge Riley assisted James and Fine "by opening an estate to be a shake-down of me," and had continuously "breached mandatory statutory duties" to her. She complained of Judge Riley's appointment of James as the administrator of her mother's estate while she had the general Durable Power of Attorney to perform the duties of that position. She also complained of the orders entered by Judge Riley in the probate matter. The plaintiff further maintained that James and Fine are "judicially admitted" co-conspirators with Judge Riley, and requested that a citation be issued against Judge Riley.

¶ 8 On August 13, 2012, the plaintiff filed a 26-page motion "to issue SCR 133(a) citations for breaches of mandatory statutory duties required by 755 ILCS 5/12-2(a)." In this motion she essentially repeated her allegations of misconduct by James, Fine and Judge Riley. She also claimed that James and Fine have no legal justification or proof to invalidate her power of attorney and quit claim deed.

¶ 9 On August 14, 2012, Judge Thomas Allen entered a written order dismissing the matter with prejudice. In that order, he noted that the parties were present in open court, and that he had been "fully advised in the premises."

¶ 10 The plaintiff subsequently filed a 15-page "post-judgment motion to reconsider allowing [her] to sue the defendants now, concurrently in the circuit court pursuant to SCR 277(g) and motion to vacate orders." In this motion, the plaintiff again complained of the probate matter, and the

dismissal of her case in the Chancery Division which was based on the wrongs inflicted upon her in the Probate Division. She also claimed that Judge Riley had no immunity, and requested that the chancery matter "proceed as a concurrent matter with the probate matter."

¶ 11 On September 17, 2012, the circuit court, after being fully advised in the premises, issued a written order denying the plaintiff's motion to reconsider and vacate, and the trial court dismissed the case. The plaintiff filed a timely notice of appeal from that ruling, and has submitted a brief, acting *pro se*.

¶ 12 We initially observe that James and Fine have not filed a brief in response. However, we may consider the appeal pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976). In *First Capitol Mortgage*, the supreme court held that the judgment of the trial court should not be reversed *pro forma* for the appellee's failure to file its brief as required by rule. *Id.* We also have the benefit of the cogent brief filed by the Attorney General as counsel for Judge Riley. See *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001). Thus, we are able to consider the plaintiff's appeal.

¶ 13 In his brief, the Attorney General first argues that plaintiff's appeal should be dismissed because she has failed to comply with Illinois Supreme Court Rules 341 (eff. Feb. 6, 2013), and 342 (eff. Jan. 1, 2005), governing appellate briefs, and that her brief is unintelligible. Substantively, the Attorney General claims that the plaintiff did not state a cause of action; that judicial immunity bars the action against Judge Riley; and that the court's dismissal was proper under section 2-619(3) of the Code of Civil Procedure (Code) (735 ILCS 5/2-619(3) (West 2010)) because the plaintiff improperly sought to challenge the pending probate proceedings in chancery.

¶ 14 The Attorney General's argument regarding the plaintiff's failure to comply with the supreme court rules governing appellate review, is well taken. We observe that the plaintiff's brief is missing the following elements: an introductory paragraph stating the nature of the action; a statement of

the issues presented for review; a statement of the standard of review; points and authorities; a jurisdictional statement; a statement of facts; a short conclusion containing the relief sought; and an appendix. We also note that the plaintiff's brief, as well as her reply brief, are incoherent. Further, she has not cited relevant legal authority, or the parts of the record she is relying upon to support her claims.

¶ 15 The purpose of the aforementioned rules is to require the parties to present clear and orderly arguments so that the reviewing court may ascertain and dispose of the issues involved. *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095 (1993). A plaintiff's *pro se* status does not relieve her of the burden of complying with the rules governing the format for appellate briefs (*Biggs v. Spader*, 411 Ill. 42, 44-46 (1951), *cert. denied*, 343 U.S. 956 (1952)), and where the plaintiff fails to articulate an organized and cohesive argument for the court's consideration, the appeal must be dismissed (*Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074-75 (1982)).

¶ 16 Here, the plaintiff clearly failed to articulate an organized and cohesive legal argument for our consideration. Although she seeks to vacate all the "unfavorable" orders entered against her and requests recovery of monies allegedly due her, this mere listing of vague, conclusory and confusing allegations of error is not argument. Moreover, the plaintiff's brief does not satisfy the requirements of Rule 341(h)(7). *Vancura v. Katris*, 238 Ill. 2d 352, 370 (2010). Accordingly, we cannot reach the merits of the plaintiff's appeal, and have no recourse but to dismiss it.

¶ 17 Appeal dismissed.