

FIFTH DIVISION
May 1, 2015

No. 13-3366

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

<i>In re</i> ESTATE OF BARBARA GILL)	Appeal from the
(RONALD PARKER,)	Circuit Court of
)	Cook County.
Plaintiff-Appellant,)	
)	
v.)	No. 13 P 3509
)	
BARBARA GILL,)	Honorable
)	Carolyn Quinn,
Defendant-Appellee.))	Judge Presiding.

JUSTICE REYES delivered the judgment of the court.
Justices McBride and Gordon concurred in the judgment.

O R D E R

- ¶ 1 *Held:* Appellant's brief is stricken and his appeal dismissed where his opening brief was completely deficient and failed to comply with Supreme Court Rules 341 (eff. Feb. 6, 2013) and 342 (eff. Jan. 1, 2005).
- ¶ 2 Plaintiff Ronald Parker, *pro se*, appeals from an order of the circuit court of Cook County striking his petition for appointment of guardianship of respondent Barbara Gill and appointing Deborah Tate as guardian of Gill's estate. Although neither Gill nor Tate have filed a brief in response, we will 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).

¶ 3 The pleadings in the common law record show that on June 14, 2013, plaintiff filed a *pro se* "Petition for Appointment of Guardian For Disabled Person," wherein he sought to be appointed as the guardian for Gill, his aunt, who he maintained was a disabled person due to her age and health. On July 18, 2013, Tate filed a counter-petition wherein she sought to be appointed as the guardian for Gill, her aunt, who she maintained was disabled due to memory loss and possible dementia.

¶ 4 On July 18, 2013 the trial court appointed a guardian *ad litem* (GAL) for Gill, and continued the case to August 5, 2013. On that date, the court continued the case to September 12, 2013, for receipt of the GAL's report. On September 10, 2013, plaintiff filed a "Motion for Expedited and Emergency Hearing," in which he alleged that Tate and her mother had taken actions pertaining to Gill's real and personal property which caused Gill irreparable harm, emotional distress, and severe consternation. Plaintiff thus requested that an immediate hearing be held and that he be appointed as the temporary guardian over Gill's person and temporary conservator over her real and personal property.

¶ 5 On September 12, 2013, the GAL filed her report. Therein she summarized her interactions with Gill, noted that Gill was very articulate, and stated that Gill was willing to entertain the idea of a limited guardian to assist in making decisions relating to her property, but that she was capable of making decisions for her own health and well being. The GAL thus recommended that a limited guardian be appointed for Gill's estate. Also on September 12, 2013, the court entered an order in which it (1) appointed an attorney to represent Gill, (2) directed plaintiff to secure an attorney to represent his interests and ordered that the attorney be present at the next scheduled court date of September 23, 2013, (3) ordered the parties to report the status of the keys to a particular automobile owned by Gill, as well as keys to all of Gill's real property,

and (4) ordered that the automobile in question be secured in a particular garage and that the keys to the vehicle be delivered to Gill's GAL.

¶ 6 On September 23, 2013, the court entered an order continuing the case to September 25, 2013. On September 25, 2013, the court entered an order in which it found that Gill was a disabled person who was totally unable to manage her estate or financial affairs and that a factual basis existed for the appointment of a guardian of her estate. The court further found that plaintiff had failed to retain counsel to represent him, and had transferred title to the automobile at issue into his name in contravention of the court's order of September 12, 2013. The court appointed Tate as plenary guardian of Gill's estate with power to make decisions pertaining to Gill's real and personal property, bank accounts and bills. The court noted that Gill retained the right to make decisions concerning the care of her person, and continued the petition for the guardianship of Gill's person to November 20, 2013. The court also struck plaintiff's petition for appointment of guardianship, and directed that title to the automobile in question be transferred back to Gill.

¶ 7 Plaintiff filed a notice of appeal on October 25, 2013, in which he appealed from the order entered on September 25, 2013. Thereafter, on November 4, 2013, plaintiff filed an emergency motion to reconsider. However, on November 20, 2013, the court informed plaintiff that due to his previously filed notice of appeal, it had been divested of jurisdiction to hear the arguments contained in his motion, and would thus not rule on it.

¶ 8 Plaintiff now appeals from the trial court's order of September 25, 2013. In his *pro se* brief before this court, plaintiff asks us to reverse the judgment of the circuit court and award him a *de novo* hearing.

¶ 9 After reviewing plaintiff's brief, however, we find that it fails to conform with Illinois Supreme Court Rule 341 (eff. Feb. 6, 2013), which governs the form and content of appellate briefs. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Compliance with this rule is mandatory, and plaintiff's status as a *pro se* litigant does not excuse him from complying with the rules of appellate practice. *Id.* This court has the discretion to strike a brief and dismiss an appeal based on the failure to comply with the applicable rules of appellate procedure. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 77.

¶ 10 Plaintiff's brief contains numerous violations of Supreme Court Rule 341. For example, subsections (h)(6) and (7) of Rule 341 require citation to the record in both the statement of facts and argument sections of an appellant's brief. Ill. S. Ct. R. 341 (h)(6), (7) (eff. Feb. 6., 2013). Plaintiff makes no citations to the record in any section of his brief. Subsection (h)(9) of Rule 341 requires an appendix in accordance with Supreme Court Rule 342 (eff. Jan. 1, 2005), which, in turn, requires a complete table of contents, with page references, of the record on appeal. Ill. S. Ct. R. 341 (h)(9) (eff. Feb. 6., 2013); Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). Plaintiff did not include either an appendix or a table of contents to the record. Plaintiff also failed to include a proper statement of the standard of review in violation of subsection (h)(3) of Rule 341. Ill. S. Ct. R. 341(h)(3) (eff. Feb. 6, 2013). Here, plaintiff's standard of review section consists of statements such as "did Circuit Court [*sic*] Abuse the litigation process," with no statement regarding the applicable standard of review to his claims of error.

¶ 11 Additionally, and more importantly, plaintiff cited no authority for his position. His argument section consists entirely of the following two sentences: "In the instant case the circuit court did not have standing prior to a finding of respondent adjudication of disability [*sic*] in violation of respondent wisher [*sic*] for her car. The circuit court abused the litigation process in

failing to hear plaintiff's motion and appointing counter petitioner guardian without plaintiff rights in the litigation process." As can be plainly seen, this argument is not cohesive, coherent, or developed. This court has held that the failure to elaborate on an argument, cite persuasive authority, or present a well-reasoned argument violates Rule 341(h)(7) and results in waiver of that argument. *Sakellariadis v. Campbell*, 391 Ill. App. 3d 795, 804 (2009).

¶ 12 In this case, plaintiff's brief does not cite authority, or present an argument with reasons for his position, in violation of the applicable rules of appellate practice. Accordingly, we exercise our discretion and strike plaintiff's brief and dismiss his appeal. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 20; see also *Holzrichter*, 2013 IL App (1st) 110287, ¶¶ 77, 80.

¶ 13 Appeal dismissed.