

FIFTH DIVISION
November 20, 2015

No. 1-14-2620

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

SHAQUITA WINDOM,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 14 M1 109139
)	
WEE CARE NURSERY SCHOOL AND)	
KINDERGARTEN,)	Honorable
)	Joyce Marie Murphy-Gorman,
Defendant-Appellee.)	Judge Presiding.

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

O R D E R

- ¶ 1 *Held:* Trial court was presumed to have acted in accordance with the law where the record was insufficient on appeal.
- ¶ 2 Following a bench trial, the trial court entered a judgment in favor of plaintiff, Shaquita Windom, for \$327.69 against defendant, Wee Care Nursery School and Kindergarten, in a small claims action. On appeal, *pro se* plaintiff contends that the trial court abused its discretion by not considering pertinent evidence and by not compelling defendant to produce subpoenaed evidence. We affirm.

¶ 3 Initially, we note that defendant has not filed a brief on appeal. However, because we can decide plaintiff's claims without the aid of defendant's brief, we are not precluded from determining the merits of the appeal. *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 4 Plaintiff submits that defendant employed her as a state-certified pre-kindergarten teacher for six months, beginning in August 2013. After leaving employment, she filed an amended complaint on May 29, 2014, alleging, *inter alia*, that defendant wrongfully suspended her without pay on two occasions and caused her undue emotional distress causing aggregate damages in the amount of \$6,622.40. The record does not contain an answer by defendant.

¶ 5 A bench trial took place on August 7, 2014. Following trial, the court found for plaintiff in the sum of \$327.69. The court's order contains no discussion of its reasoning or particularized findings. Plaintiff filed a motion to reconsider judgment which the trial court denied. Plaintiff appeals.

¶ 6 Plaintiff contends that the trial court did not consider certain evidence and erroneously failed to compel production of subpoenaed evidence. She argues that defendant wrongfully suspended her without pay and caused her emotional distress by denying her legally-mandated breaks. She seeks an additional \$2,242.50 in damages for lost wages and emotional distress.

¶ 7 Before addressing the merits of plaintiff's claim, we note that plaintiff's brief fails to adhere to the supreme court rules governing appellate review. Particularly, she fails to cite any legal authority on which to base her claims, violating Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013). However, even if we overlook plaintiff's deficient brief, her claims must fail.

¶ 8 The record on appeal reveals only that the trial court determined a judgment following a trial. There is no record of the evidence and arguments presented before the court or of the

reasons behind the court's legal conclusions. As such, we are left with insufficient facts by which to evaluate plaintiff's claims. When the record is insufficient to determine a claim, the reviewing court must presume that the court below acted in full accordance with the law and that its findings had sufficient evidentiary support. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984); *Midstate Siding & Window Co. v. Rogers*, 204 Ill. 2d 314, 319 (2003). Furthermore, all "doubts which may arise from the incompleteness of the record" must be resolved against the appellant. *Foutch*, 99 Ill. 2d at 392. Thus, without facts of record to enable a full examination of the lower court's rulings, we must presume the court's findings had sufficient evidentiary support and that the lower court acted in full accordance with the law. Accordingly, the judgment of the circuit court is affirmed.

¶ 9 Affirmed.