

No. 1-14-3521

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

EUGENIUSZ DOBROGOWSKI,)	Appeal from the Circuit Court
)	of Cook County.
Plaintiff-Appellant,)	
)	
v.)	No. 12 M1 300839
)	
XAVIER LOZA,)	Honorable
)	Mary R. Minella,
Defendant-Appellee.)	Judge, Presiding.

JUSTICE HOFFMAN delivered the judgment of the court.
Presiding Justice Rochford and Justice Hall concurred in the judgment.

ORDER

¶ 1 *Held:* The judgment of the circuit court in favor of the defendant was affirmed, where: (1) the plaintiff forfeited any challenge to the allowance of testimony by a court reporter regarding statements in the plaintiff's deposition that were allegedly inconsistent with his trial testimony; (2) his claim that the court impeded his counsel's attempts to impeach the defendant with prior inconsistent statements from his deposition lacked merit; (3) the defendant forfeited his challenge to the exclusion of photographic evidence, but regardless of forfeiture, such exclusion was not an abuse of discretion; (4) there was no error in the court's refusal to give jury instructions tendered by the plaintiff which were unsupported by the evidence; (5) any prejudice resulting from the defense's improper cross-examination of a witness was cured by the court's immediate admonishment; and

(6) the plaintiff failed to show that he was denied a fair trial as a result of defense counsel's objections during his closing arguments or the trial court's admonishments to the plaintiff's counsel.

¶ 2 The plaintiff, Eugeniusz Dobrogowski, filed suit against the defendant, Xavier Loza, for personal injuries he sustained following an automobile collision between himself and the defendant. The case proceeded to a jury trial, and the circuit court entered judgment on the verdict in favor of the defendant. The plaintiff's motion for a new trial was denied, and he now appeals, claiming that the circuit court erred in (1) permitting a court reporter to testify regarding statements in his deposition that allegedly contradicted his trial testimony; (2) preventing his attorney from effectively cross-examining the defendant on an issue critical to the case; (3) refusing to admit certain photographs into evidence or to allow the admission of a tow truck bill in an un-redacted form; (4) failing to charge the jury with his proposed instructions; (5) refusing to grant a mistrial after defense counsel insinuated that his counsel paid physical therapy bills on his behalf; (6) sustaining the defendant's ongoing and improper objections during his attorney's closing arguments and needlessly admonishing his attorney before the jury regarding his performance. For the reasons that follow, we affirm.

¶ 3 The evidence at trial may be summarized as follows. At approximately 5:15 p.m. on March 31, 2010, the plaintiff was driving southbound on Central Avenue in Chicago, and the defendant was proceeding northbound on Central. Both parties were going in the direction of Eddy Street, an east-west road that intersects with Central. There was a pedestrian crosswalk on Central to the north of Eddy. The plaintiff was intending to turn left, or eastbound, into the driveway of a Citibank located north of the intersection of Central and Eddy, and north of the crosswalk.¹ In order to reach the driveway, the plaintiff had to cross two lanes of northbound

¹ The transcripts of the plaintiff's trial and deposition testimony were omitted from the

traffic. According to the plaintiff's testimony, the driver of a vehicle approaching in the inner northbound lane waved to the plaintiff to proceed in front of him. The plaintiff proceeded into his turn, and was in the outer "curb" lane of northbound traffic when his car was struck by the defendant's pickup truck.

¶ 4 The evidence established that the northbound traffic on Central was "stop and go" at the time of the accident. At some point before the collision, the defendant had changed lanes from the inner northbound lane to the curb lane of Central. Testifying as an adverse witness for the plaintiff, the defendant stated consistently that he could not recall exactly when he moved over from the inner northbound lane to the curb lane; however, he believed he made the lane change either "in the middle of the intersection [with Eddy] or a little bit before the intersection." The defendant testified that, prior to changing lanes, he looked into his right mirror and over his right shoulder to ensure the lane was clear. Traffic was moving slowly, and the defendant had to drive cautiously. He was certain that, by the time he reached the crosswalk north of Eddy, he was completely in the far right lane. According to the defendant, the collision occurred approximately one car length, maybe two, north of the crosswalk. He stated that he first saw the plaintiff's car as it began to come into his lane, at which point the defendant began to apply his brakes. The defendant described the plaintiff's turn as being from an angled position, which enabled the defendant to see a portion of the plaintiff's front "fender" as the car began to turn. The defendant attempted to stop, but struck the plaintiff's car near the front right passenger door, and also on the fender just behind the right front wheel. The defendant testified that, after the vehicles collided,

record on appeal. Accordingly, we rely, where necessary, upon the factual representations in the circuit court's memorandum order denying the plaintiff's motion for a new trial (memorandum order).

the plaintiff continued accelerating up the driveway and "kind of *** rubbed up against" or "scraped up his car against" the defendant's truck. Both vehicles came to a stop on the grass next to the Citibank parking lot. The defendant called the police to the scene. According to the defendant, at the moment of impact, the plaintiff's vehicle was no more than 50% into the defendant's lane. The defendant also testified that no part of the plaintiff's front bumper hit the defendant's car at the initial contact.

¶ 5 In support of his claim for bodily injuries, the plaintiff presented the deposition testimony of Dr. Jaroslaw Leszczak, M.D., and also evidence and testimony regarding his medical bills. In the defendant's case-in-chief, he relied upon his own testimony and exhibits related to that testimony. Following arguments, the jury returned a verdict in favor of the defendant. The plaintiff filed a motion for a new trial, which was denied. The instant appeal followed.

¶ 6 Prior to addressing any of the issues raised by the plaintiff in this appeal, we find need to make several observations applicable to a number of his assignments of error. It was the plaintiff's burden, as the appellant, to present us with a sufficiently complete record to support each claim of error, and any doubt arising from the incompleteness of the record will be resolved against him. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Further, we are entitled to have the issues on appeal clearly defined with pertinent authority cited and a cohesive legal argument presented. We are not a depository in which an appellant may dump the burden of research. *Waters v. Rodriguez*, 2011 IL App (1st) 103488, ¶ 5. Supreme Court Rule 341(h)(7) (eff. July 1, 2008) requires that an appellant support his arguments with citations of the authorities relied upon. Points raised in an appellant's brief but not supported by citation to relevant authority are forfeited. *Cholipski v. Bovis Lend Lease, Inc.*, 2014 IL App (1st) 132842 ¶ 36. An appellant's failure to comply with Rule 341 may lead to a forfeiture of his arguments (*Cholipski*, 2014 IL

No. 1-14-3521

App (1st) 132842, ¶ 36), the striking of his brief (*Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 25), or, in certain circumstances, the dismissal of his appeal (*id.*).

¶ 7 For his first assignment of error, the plaintiff argues that the court erroneously allowed a court reporter to testify regarding statements in his deposition that allegedly contradicted his testimony at trial.

¶ 8 During discovery, the defendant obtained a deposition of the plaintiff with the use of a Polish-speaking interpreter because the plaintiff had difficulty communicating in English. The interpreter translated the plaintiff's responses into English, and they were transcribed by the court reporter, Kristi Landolina. At trial, the defendant attempted to use excerpts from the deposition to impeach the plaintiff's trial testimony. However, the plaintiff's attorney repeatedly objected to the impeachment, claiming that the deposition did not accurately reflect the testimony given by the plaintiff. As a result of these objections, defense counsel sought and was granted leave to present Landolina's testimony "solely to verify the accuracy of the transcription" of the translated testimony. The plaintiff made no objection to the proffered testimony, other than to state "I think it's a sideshow."

¶ 9 During Landolina's testimony, she read five specific questions that were posed to the plaintiff in his deposition, along with his responses, and verified that they were transcribed truly and accurately. Near the end of Landolina's testimony, the plaintiff objected on the basis of "improper impeachment" and "best evidence." The plaintiff then cross-examined Landolina attempting to expose bias and a lack of accuracy both on Landolina's part, and also on the part of the translator used in the deposition. The trial court noted "this has gotten out of control," and abruptly terminated the cross-examination, striking Landolina's entire testimony and admonishing the jury to disregard it.

¶ 10 The plaintiff now argues that, even though the court ultimately struck Landolina's testimony, it was error to permit it in the first instance because it amounted to nothing more than an improper attempt to impeach the plaintiff's trial testimony. He contends that this "impeachment" irreparably prejudiced him before the jury. Alternatively, he argues that, as the court did permit the testimony to go forward, it should have required the defense to complete its impeachment of the plaintiff by "calling the interpreter" from the plaintiff's deposition, rather than to impeach by innuendo. He further contends that the court's admonishment when it struck the testimony was confusing to the jury.

¶ 11 We find this entire argument to be forfeited. In order to preserve a claim regarding the admissibility of evidence for review in a jury case, a party must *both* make a timely objection at trial when the evidence is admitted (*Simmons v. Garces*, 198 Ill. 2d 541, 569 (2002); *Dixon v. Industrial Comm'n*, 60 Ill. 2d 126, 132 (1975)) and, under Supreme Court Rule 366(b) (2) (iii) (eff. Aug. 31, 2015), clearly and succinctly articulate the allegation of error in a post-trial motion. *Wilson v. Clark*, 84 Ill. 2d 186, 189 (1981). Further, it is axiomatic that the objection must be sufficiently specific to apprise the trial court of its underlying grounds. *Dixon*, 60 Ill. 2d at 132.

¶ 12 Here, when the defendant requested leave to present Landolina's testimony, the plaintiff's counsel made no remark other than to state "it's a sideshow." This does not constitute a valid objection. Counsel then stood by as the testimony proceeded, objecting only when it was nearly completed. He cannot now be heard to complain that the testimony was improper to begin with. Additionally, when the court discontinued the cross-examination of Landolina and struck her testimony, the plaintiff remained silent, other than to verify that the court was in fact striking the entire substance of her testimony. He raised no issue concerning a need to perfect impeachment,

confusion on the part of the jury, nor any other prejudice to him resulting from Landolina's testimony. We note that he filed a motion for a mistrial the following day, raising several allegations of trial error. However, the trial court denied the motion on the basis that it failed to include specifics regarding the claimed errors or cite to any supporting case law. Therefore, the plaintiff has failed to preserve his assignment of errors relating to Landolina's testimony for review by this court.

¶ 13 Even if we were inclined to relax the forfeiture and consider the plaintiff's argument, we are prevented from doing so by the lack of a complete record on appeal. We have reviewed the allegedly impeaching statements to which Landolina testified. However, we were not provided with a transcript of the plaintiff's trial testimony. We are accordingly unable to make any determination as to whether the deposition testimony was, in fact, impeaching, or otherwise prejudicial to the plaintiff. Accordingly, we do not reach this issue. See *Foutch*, 99 Ill. 2d at 391-92.

¶ 14 Next, the plaintiff argues that the trial court prevented his counsel from effectively cross-examining the defendant on a critical issue in the case. At trial, the plaintiff's attorney sought to impeach the defendant with statements from his deposition which allegedly differed from his trial testimony on the question of when he changed lanes prior to the collision. However, according to the plaintiff, the court "unnecessarily interfered with" his counsel's efforts. In particular, the court improperly denied his counsel's request to have the defendant identify where on "Exhibit F," a photograph of the intersection of Central and Eddy, he moved from the inner-northbound lane of Central to the far-right curb lane.

¶ 15 At trial, testifying for the plaintiff as an adverse witness, the defendant stated as follows:

"Q: Isn't it true that the intersection of Eddy and Central in the middle of the

intersection, you switched lanes from the left lane to the right lane?

A. I switched from the left lane to the right lane but I don't remember if it was in the middle of the intersection or a little bit before the intersection. Somewhere in that vicinity I switched lanes, yes.

Q: So somewhere in the intersection of Eddy and Central, going northbound on Central, you switched lanes into the right lane, correct?

DEFENSE COUNSEL: Objection. Asked and answered.

THE COURT: Sustained. Asked and answered. Ask another question."

¶ 16 The plaintiff's attorney made repeated attempts to rephrase the same question, drawing objections by defense counsel which were sustained by the trial court. He then showed the defendant Exhibit F, and attempted to have him designate where on the photograph he switched into the right lane. An objection by defense counsel was sustained, on the basis that the defendant had already stated that he could not recall exactly where he changed lanes. Following a sidebar, the plaintiff's counsel attempted to impeach the defendant with the answer that he gave during his deposition, where he testified that he switched lanes "as [he] was passing Eddy." He elicited the following testimony:

"Q: Mr. Loza, did you ever testify that as you were passing Eddy that's when you moved over to the right lane?

A. I might have.

A: I'm sorry?

A. I'm not sure.

Q: Would reading your deposition transcript refresh your recollection?

A. Yes.

Q: Can I show you a copy of your deposition transcript page 65, lines 5 through 8.

Let me know after you've had a chance to refresh your recollection.

A. Okay.

Q: So will you answer now or—Do you know now whether or not you had ever testified that as you were passing Eddy, that's when you moved over into the right lane?

DEFENSE COUNSEL: Objection.

THE COURT: I'm going to allow it. Go ahead and answer if you can.

A: Yes, I know now that I testified in my deposition (*sic*)."

¶ 17 Matters regarding proper impeachment are left to the discretion of the trial court. *Ogg v. City of Springfield*, 121 Ill. App. 3d 25, 39 (1984). In general, a witness is subject to impeachment with prior testimony only if that testimony is inconsistent with that he gives at trial. *Baumgartner v. Ziessow*, 169 Ill. App. 3d 647, 659 (1988). As the above testimony makes clear, the trial court permitted the plaintiff's counsel to directly inquire not once, but twice, whether the defendant stated in his deposition that he moved into the right lane as he was "passing Eddy." The defendant's response, though evasive, was sufficient to bring to light any perceived inconsistency in his testimony. Accordingly, we find no "unnecessary interference" by the trial court with regard to the plaintiff's attempted impeachment of the defendant.

¶ 18 We also conclude that the trial court did not abuse its discretion in preventing the plaintiff's attorney from seeking to impeach the defendant through the use of Exhibit F. After the defendant denied being able to recall exactly where he had changed lanes, the plaintiff's attorney

No. 1-14-3521

requested that he designate on the photograph "where [he] switched to the right lane." Defense counsel objected, and the trial court properly sustained the objection. As the defendant was consistently unable to pinpoint where he changed lanes throughout his testimony, there is no basis to conclude that he could have done so in any meaningful way on the image depicted in Exhibit F.

¶ 19 The plaintiff next argues that the court erred in refusing to admit into evidence several photographs of the parties' vehicles following the collision. He argues only that these photographs were "relevant and probative" of disputed issues in the case. First, he disputes the exclusion of proposed Exhibit H, which depicts the plaintiff's car with a large dent primarily to the front passenger's side door and some damage to the rear passenger's side. He similarly challenges the exclusion of Exhibit G, a composite of four photographs depicting the vehicles of both the plaintiff and the defendant, taken by the defendant after the collision. According to the plaintiff, Exhibits H and G were relevant to: corroborate his own testimony as to a "hard" or "heavy" force of impact; aid the jury in "determining relative fault, speed, and direction"; prove the point of impact between the defendant's and the plaintiff's vehicles; and disprove the defendant's testimony that the plaintiff had continued driving forward immediately after impact, hitting the defendant's car again.

¶ 20 Much of the plaintiff's argument here turns upon his own theory of the case and version of the facts. However, as we are lacking his trial testimony, we have no basis to revisit the findings underlying the trial court's decision to exclude the photographs, and must resolve any doubts arising from the incompleteness of the record against the plaintiff. *Foutch*, 99 Ill. 2d at 391-92. Contrary to the plaintiff's assertion on appeal, the trial court did provide its rationale for excluding Exhibits H and G. The court found that proposed Exhibit H lacked relevance because

this case involved exclusively a claim for personal injury, and there was no issue regarding the damage to the plaintiff's vehicle or the parties' speed at the time of impact. The court also observed that Exhibit H depicted damage to the front hood of the plaintiff's car, where there was no evidence of a frontal impact in this case. The court therefore concluded that the photograph was not only irrelevant but potentially confusing to the jury. We also note the court's statement at trial that there was at least one other photograph, Exhibit A, which is absent from the record, already depicting the side damage to the plaintiff's car.

¶ 21 With regard to Exhibit G, the court similarly found that it revealed nothing more than the destruction to the parties' vehicles. In addition, the court observed that the impact to the plaintiff's vehicle shown both in Exhibit H and G was not impeaching to the defendant; rather, it was consistent with his testimony that the heaviest damage was to the area behind the right front wheel and to the passenger door of the plaintiff's car. There was also some damage to the rear door, which corroborated the defendant's testimony that the plaintiff had continued accelerating after impact, scraping against the defendant's truck towards the rear.

¶ 22 We have reviewed Exhibits H and G, in conjunction with the testimony of record, and conclude that the testimony sufficiently supports the trial court's findings on this issue. Accordingly, we find no abuse of discretion in the court's decision to exclude the photographs.

¶ 23 The plaintiff also argues that the court erred in redacting a portion of a bill from the towing service that towed his car from the accident scene. In particular, he claims that the jury should have been permitted to see a section of the bill allegedly showing that a winch was used to tow the vehicle.

¶ 24 According to the trial court's memorandum order, the towing bill itself was admitted solely to support the plaintiff's testimony as to the amount charged. The method of towing was

redacted, however, because the court found it to be unsubstantiated hearsay. The plaintiff fails to state why he believes this finding was an abuse of discretion. He asserts only that the fact that a winch was necessary to tow his car was corroborative of his testimony as to the impact of the collision. However, as the trial court correctly ruled, the notation that a winch was used constituted hearsay, and it was properly redacted.

¶ 25 The plaintiff next argues that the trial court erred by giving a modified version of his proposed jury instruction number 8, and by refusing to give proposed instruction number 12.² We address each instruction in turn.

¶ 26 Although a party has a right to have the jury instructed on his theory of the case, there must be evidence providing support for the instruction. *Ferry v. Checker Taxi Co.*, 165 Ill. App. 3d 744, 749 (1987). It is reversible error for a court to instruct a jury on an issue that is without support in the evidence. *Id.* The test is whether the given instructions, considered as a whole, are sufficiently clear, and fairly and correctly state the principles of law pertaining to the case. *Rowe v. State Bank of Lombard*, 247 Ill. App. 3d 686 (1993). The determination of whether a particular instruction is a correct statement of the law and supported by the evidence is reserved for the discretion of the trial court, and will not be reversed absent an abuse of that discretion. *Kirkham v. Will*, 311 Ill. App. 3d 787 (2000).

¶ 27 Plaintiff's proposed instruction number 8 contained an introductory phrase from Illinois Pattern Jury Instructions, Civil, No. 20.01 (2d ed. Supp.) (hereinafter IPI Civil No. 20.01), and stated as follows:

² The instructions that were given to the jury during trial were omitted from the record. Instead, the plaintiff refers us to alleged copies of the instructions at issue, which were attached as exhibits to his motion for a new trial. As the parties do not dispute the substance of these unsigned copies, we will accept them as accurate.

"1. The plaintiff contends that he was injured and sustained damage, and that the defendant was negligent in one or more of the following respects:

- a. The failure to exercise ordinary care and not to injure Plaintiff;
- b. The failure to keep a proper and sufficient lookout;
- c. The failure to use every precaution to avoid a collision;
- d. The failure to keep a vehicle under control so as to avoid a collision."

f. The failure to remain entirely within a single lane until having first ascertained that movement from the single lane can be made with safety."

¶ 28 The given instruction contained the same introductory phrase, but was supplemented with the following language:

- "a. Failed to keep a proper and sufficient lookout;
- b. Operated a vehicle too fast for conditions;
- c. Failed to keep his vehicle under control and avoid a collision;
- d. Passed a vehicle on the right."

¶ 29 The plaintiff argues that the court should not have redacted paragraph "f" from his proposed instruction because that single paragraph "encapsulates the essence of the case." According to the plaintiff, a central question on the issue of liability was whether, when the defendant moved into the far right lane of Central prior to the accident, he did so without sufficient time to ensure that the lane was reasonably clear. In particular, the plaintiff asserts there was evidence that the defendant changed lanes "very close to the point of impact with the plaintiff's car."

¶ 30 We have reviewed the portions of the defendant's testimony upon which the plaintiff relies, and cannot agree, based upon that testimony alone, that the defendant's care in changing lanes was materially at issue in this case. It was undisputed that, by the time the accident occurred, the defendant had already completed his lane change and was fully into the far right lane. In fact, he testified he was in the far right lane when he reached the crosswalk north of Eddy and that the parties did not make contact until one to two car lengths beyond that point. The defendant also stated that he was looking straight ahead prior to the impact and could see a portion of the plaintiff's front fender as it emerged into his lane. The proposed instruction relating to the plaintiff's failure to remain entirely within his lane was therefore not supported by the evidence.

¶ 31 Similarly, the plaintiff argues that the court erred in refusing to give his proffered instruction number 12, which incorporates section 11-709(a) of the Illinois Vehicle Code (625 ILCS 5/11-709(a) (West 2010)). Section 11-709(a) requires that a vehicle be driven entirely within a single lane and that the driver not move from that lane without first ensuring it is safe to do so.

¶ 32 Proposed instruction number 12 finds no support in the evidence. Notwithstanding the plaintiff's efforts to create confusion surrounding the defendant's account of his actions preceding the accident, the defendant established clearly and consistently that his move into the far right lane was completed well prior to the collision. It is possible that the plaintiff's version of events may have called into question or even contradicted the defendant's account. Based upon the record provided, however, there was no evidence linking the defendant's move from the center to the far right lane to the accident itself. In the absence of any evidence of record contradicting

No. 1-14-3521

the defendant's testimony, we find no error in the trial court's refusal to give the plaintiff's proffered instructions 8 and 12.

¶ 33 Next, the plaintiff contends that a mistrial was warranted based upon the conduct of defense counsel, who insinuated that the plaintiff's attorney paid for the plaintiff's physical therapy treatments necessitated as a result of the collision. The plaintiff asserts that the suggestion of such unethical behavior on the part of his counsel, coupled with "myriad other errors," irreparably prejudiced him in the eyes of the jury. We disagree.

¶ 34 During his direct examination of Marie Andres, a billing records keeper for Vital Rehabilitation, the plaintiff's attorney elicited testimony concerning the amount and payment of certain physical therapy bills incurred by the plaintiff. The disputed comments occurred during defense counsel's cross-examination of Andres, and are set forth below:

"Q. Do you know how long these therapy sessions lasted for?

A. No, I do not.

Q. And in—Do you know who—This bill does not indicate who the bill was sent to; is that correct?

A. Yes, that's correct.

Q. And on this bill, is the Groszek Law Firm listed?

A. Yes.

Q. And from (*sic*) who is the payment from?

A. Groszek Law Firm."

¶ 35 A sidebar ensued, during which the trial court ascertained that, although the law firm's name appeared on the bill, defense counsel was aware that the bill actually had been paid by an insurer and not the law firm of the plaintiff's counsel.

¶ 36 There can be no dispute that this line of questioning by defense counsel served no purpose other than to arouse bias on the part of the jury against the plaintiff and his counsel. However, we do not agree that this improper conduct alone was sufficient to require a mistrial. In general, a court can cure any prejudice caused by an attorney's improper comments by sustaining a timely objection and instructing the jury to disregard the comments. *Willaby v. Bendersky*, 383 Ill. App. 3d 853 (2008); see *Chiricosta v. Winthrop-Breon*, 263 Ill. App. 3d 132, 150 (1994); *People v. DeBord*, 61 Ill. App. 3d 239, 242 (1978). After thoroughly reprimanding defense counsel during the sidebar, the trial court addressed the jury, stating that the "Groszek Law Firm did not pay the bills *** in any way, shape or form." The court instructed the jury "not [to] *** conclude by any of Ms. Gallanis's questions or any insinuations that the Groszek Law Firm paid for the medical services" to the plaintiff. The court offered the plaintiff an opportunity to further rehabilitate Andres, but it appears from the record that the plaintiff opted against this course. The court's action in directing the jury to disregard defense counsel's line of questioning and in seeking to correct any misconception by the jury regarding the payment of the plaintiff's medical bills was sufficient to cure any prejudice resulting from such questioning. See *Chiricosta*, 263 Ill. App. 3d at 150; *Adami v. Belmonte*, 302 Ill. App. 3d 17, 27 (1998). We therefore reject the plaintiff's assertion that the trial court "allowed prejudicial conduct to occur" and permitted both the plaintiff and his counsel to be cast in a false light.

¶ 37 The plaintiff argues that, although the improper questioning alone may not require reversal, there were other errors which operated to deprive him of a fair trial. However, as he

No. 1-14-3521

fails to even identify the substance of these alleged errors, we are unable to review them on appeal.

¶ 38 Finally, the plaintiff alleges errors that occurred during his closing argument which, taken together, operated to deny him a fair trial. He claims that defense counsel's "constant interruptions" in the form of objections harassed his attorney and prevented him from effectively arguing his case to the jury. In support of his contention, the plaintiff refers us to two tables appearing in the appendix of his brief, wherein he sets out a total of 21 objections made by defense counsel, nineteen of which he argues were without basis.

¶ 39 We reiterate that the plaintiff's brief on appeal is insufficient under Supreme Court Rule 341(h), and this insufficiency inhibits our review of this case. Although his tables reference each individual defense objection, he provides little more than a conclusory statement as to why the particular objection was unwarranted. Nonetheless, we have reviewed the plaintiff's closing arguments, and conclude that defense counsel's objections, on the whole, were neither excessive nor without basis. We note that the comments of the plaintiff's attorney frequently overstated the evidence or assumed facts not in evidence, and that, at times, he made improper personal references and invited the jury to engage in speculation. Notwithstanding the objections made by the defense, the plaintiff's lengthy closing argument proceeded without significant interruption or disruption in flow.

¶ 40 To the extent the plaintiff suggests the court unduly reprimanded him or was biased against him, we fail to find evidence in the record supporting the contention. Rather, the court's admonishments were appropriate and warranted by the valid objections made by defense counsel. Therefore, the court did not err in refusing to grant the plaintiff a mistrial.

No. 1-14-3521

¶ 41 For the foregoing reasons, we affirm the judgment of the circuit court in favor of the defendant.

¶ 42 Affirmed.