

No. 1-15-0111

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 DISTRICT

BOB BOFMAN SELECTIONS, LLC., an Illinois)	Appeal from the
Limited Liability Company,)	Circuit Court of
)	Cook County
Plaintiff,)	
)	
v.)	No. 12 L 7225
)	
MILLER SQUARED, INC., an Illinois Corporation,)	
)	
Defendant-Appellee,)	
)	
(BERNARD P. EDELMAN and ROBERT R. TEPPER)	Honorable
)	Irwin J. Solganick,
Lien Claimants-Appellants).)	Judge, Presiding.

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

ORDER

¶ 1 *Held:* The circuit court's order denying the Lien Claimants' motion to reinstate case No. 12 L 7225, renumber the case, and assign the matter for adjudication of their claimed attorneys' lien is affirmed by reason of the Lien Claimants failure to present a sufficiently complete record to support their claims of error.

¶ 2 Benard P. Edelman and Robert R. Tepper (hereinafter referred to as the Lien Claimants), appeal from an order of the circuit court of Cook County which denied their motion to reinstate the underlying action, renumber the case, and assign the matter for adjudication of their claimed attorneys' lien. For the reasons which follow, we affirm.

¶ 3 The underlying case, docketed in the circuit court as case No. 12 L 7225, was a breach of contract action filed by the plaintiff, Bob Bofman Selections, LLC., against a number of defendants, including Miller Squared, Inc. (Miller). The Lien Claimants acted as attorneys for the plaintiff. The circuit court entered an order dismissing the underlying action pursuant to section 2-615 of the Code of Civil Procedure (735 ILCS 5/2-615 (West 2012)), and the plaintiff appealed. See *Bob Bofman Selections, LLC. v. Miller Squared, Inc.*, No. 1-14-0546 (hereinafter referred to as *Bofman I*).

¶ 4 During the pendency of *Bofman I*, the Lien Claimants filed a motion before this court to adjudicate and enforce their claimed attorneys' lien on the proceeds of a settlement allegedly entered into between the plaintiff and Miller without the Lien Claimants' participation. In response to that motion, this court entered an order on July 31, 2014, which, *inter alia*, remanded the matter to the circuit court for "presentation" of the motion. Thereafter, on August 13, 2014, the Lien Claimants filed a motion to withdraw their appearance on behalf of the plaintiff in *Bofman I* and this court subsequently granted that motion.

¶ 5 On August 22, 2014, the plaintiff filed a motion in *Bofman I*, seeking leave for Ariel Weissberg and the law firm of Weissberg & Associates, Ltd. to appear as its counsel and to dismiss its appeal. On September 11, 2014, this court entered an order granting the motion for substitution of counsel and dismissing *Bofman I*.

¶ 6 On December 5, 2014, the Lien Claimants filed a motion in the circuit court, seeking an

order reinstating and renumbering the underlying action, and assigning the matter for adjudication of their claimed attorneys' lien. On December 12, 2014, the circuit court denied the Lien Claimants' motion, and on January 9, 2015, the Lien Claimants filed their notice of appeal from that order.

¶ 7 In urging reversal of the December 12, 2014 order, the Lien Claimants argue that the circuit court failed to follow this court's remand order in *Bofman I* and that the motion to adjudicate their claimed attorneys' lien was denied without any basis in the record. The plaintiff has not filed a brief in this appeal. In its brief, Miller argues that the circuit court's order should be affirmed by reason of the Lien Claimants' failure to file a sufficient record to support their claims of error. We agree with Miller.

¶ 8 As the appellants, the Lien Claimants had the burden of providing this court with a sufficiently complete record to support their claims of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). As it relates to the issues in this appeal, the record that was filed contains: a copy of this court's order of July 31, 2014, entered in *Bofman I*, remanding the underlying case to the circuit court for "presentation" of the Lien Claimants' motion to adjudicate and enforce their claimed attorneys' lien; a copy of the Lien Claimants' motion filed in the circuit court on December 5, 2014, seeking an order reinstating and renumbering the underlying action, and assigning the matter for adjudication of their claimed attorneys' lien; and a copy of the circuit court's order of December 12, 2014, denying that motion.

¶ 9 The circuit court's order of December 12, 2014, recites that the matter came to be heard on the Lien Holders' motion and states that the motion was denied. The order does not state the grounds upon which the circuit court denied the motion, and we have not been provided with a transcript of the hearing leading up to the entry of that order. Nor have the Lien Claimants

presented a bystander's report as authorized by Illinois Supreme Court Rule 323(a) (eff. Dec. 13, 2005). In the absence of either a transcript of the trial court's hearing on December 12, 2014, or a bystander's report, we have no basis upon which to review the propriety of the order denying the Lien Claimants' motion.

¶ 10 When, as in this case, an appellant fails to provide a sufficient record to support a claim of error or permit any meaningful review, we will presume that the order entered by the circuit court was in conformity with the law. *Foutch*, 99 Ill. 2d at 391-92. It is for this reason that we affirm the circuit court's order of December 12, 2014.

¶ 11 Affirmed.