

No. 1-15-0420

**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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GREGG MOORE,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 14 M1 1140
	)	
FIRST CHICAGO INSURANCE COMPANY,	)	
GOLD COAST TAXI, JAMES INCSLE,	)	
and MICHAEL ODURO,	)	Honorable
	)	Anita Rivkin-Carothers,
Defendants-Appellees.	)	Judge Presiding.

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PRESIDING JUSTICE McBRIDE delivered the judgment of the court.  
Justices Howse and Cobbs concurred in the judgment.

**O R D E R**

¶ 1 Held: When the appellant files in the appellate court a record that does not adequately support his factual assertions and arguments, the appellate court must affirm the trial court's judgment.

¶ 2 *Pro se* plaintiff Gregg Moore appeals from the trial court's grant of a motion for a directed verdict in favor of defendants, Michael Oduro, James Incsle, Gold Coast Taxi Association, and First Chicago Insurance Company. On appeal, Moore contends that the trial

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court erred when it granted the motion for a directed verdict and that the trial court gave "undue influence" to defendants' attorneys when granting a motion in *limine* that prohibited Moore from "address[ing] himself as Reverend or Pastor" before the jury. Moore also contends that this court failed to grant him a fee waiver and improperly dismissed the appeal for want of prosecution. We affirm.

¶ 3 The limited record on appeal establishes the following facts. On January 23, 2014, a vehicle driven by Moore was involved in a traffic accident with a taxi driven by defendant Oduro.

¶ 4 In February 2014, Moore filed a *pro se* complaint against defendants, Oduro, Incsle and Gold Coast Taxi Association, seeking \$10,000 in damages plus costs. Moore alleged that his vehicle was damaged in the accident and that defendant Oduro had admitted fault. Moore also alleged that defendant Incsle was the "owner" of the taxi. Defendants, Oduro, Incsle and Gold Coast Taxi Association, appeared through counsel. Although the trial court later granted Moore's *pro se* motion to name First Chicago Insurance Company as an additional defendant, it is not clear from the record whether First Chicago Insurance Company was properly served. The record does not include an appearance from First Chicago Insurance Company.

¶ 5 The matter was set for a mandatory arbitration hearing on September 10, 2014. See Cook Co. Cir. Ct. R. 18.3 (eff. Aug. 1, 2001); Ill. S. Ct. R. 86 (eff. Jan 1, 1984). Moore and defendants, Oduro, Incsle and Gold Coast Taxi Association, appeared. Defendant First Chicago Insurance Company did not appear. An award was entered in favor of all defendants. Moore then filed *pro se* motions to "remand" the matter to the trial court and to reject the "award" of the arbitrators. The matter was set for a trial on February 13, 2015.

¶ 6 The half-sheet entry for February 13, 2015 reflects that Moore appeared *pro se* and that a jury was selected. The record reveals that the trial court entered an order granting the motion of defendants, Oduro, Incsle and Gold Coast Taxi Association, for a directed verdict. The order stated that Moore "presented no evidence of damages." The court dismissed the case and awarded defendants, Oduro, Incsle and Gold Coast Taxi Association, \$198.50 in costs. Moore now appeals.

¶ 7 Initially, we note that no defendant has filed an appellee's brief. However, the record is simple and the claimed errors are such that we can easily decide this case without the aid of an appellee's brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 8 In the case at bar, Moore has failed to comply with our supreme court's rules governing appellate court briefs in numerous respects. The brief does not contain a proper summary statement, introductory paragraph, or statement of the issues presented for review as required by Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013).

¶ 9 Our review of Moore's appeal is hindered by his failure to comply with our supreme court's rules. It is well established that a court of review is entitled to briefs that conform to supreme court rules. *Schwartz v. Great Central Insurance Co.*, 188 Ill. App. 3d 264, 268 (1989) (appellants' briefs are to provide cohesive legal arguments in conformity with supreme court rules). Here, defendant's brief is devoid of any citations to the record or legal authority (see Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013)), and fails to explain what claims of error are being presented or exist on appeal. Additionally, the record on appeal does not include any reports or transcripts of the underlying proceedings and, therefore, the record could be considered inadequate to

review this appeal. See, e.g., *Landau & Associates, P.C. v. Kennedy*, 262 Ill. App. 3d 89, 92 (1994) (an appeal may be dismissed absent a proper record, even in a small claims case).

¶ 10 Moore's *pro se* status does not excuse him from complying with supreme court rules governing appellate procedure (*Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010)), and he is expected to meet a minimum standard before this court can adequately review the trial court's order (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). Although a reviewing court is entitled to have all the issues clearly defined and be provided with coherent argument and citation to pertinent authority (Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013)), Moore has failed to articulate a legal argument which would allow any meaningful review of his appeal. This court may, in its discretion, 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. Considering the form and content of both Moore's brief and the record, it would be well within our discretion to dismiss the instant appeal. However, despite these shortcomings, we choose, in our discretion and in the interests of judicial economy, to review Moore's claims. See *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620 (2004).

¶ 11 Although Moore's brief is largely a narrative of the case from his perspective, we are able to glean from the brief a challenge to the trial court's grant of a motion for a directed verdict and to the trial court's grant of a motion in *limine*.

¶ 12 Moore also alleges that this appeal was improperly dismissed for want of prosecution and that he was not granted a fee waiver. However, these claims are moot, as this court granted Moore's motion to waive docketing fees on August 4, 2015, and this court vacated its previous order dismissing the appeal for want of prosecution on September 10, 2015. To the extent Moore

raises other arguments, they are forfeited on appeal, as he fails to adequately explain his claims of error or support them with reasoned argument and citation to legal authority. See *Vancura v. Katris*, 238 Ill. 2d 352, 369-70 (2010) (because both argument and citation to relevant authority are required, "[a]n issue that is merely listed or included in a vague allegation of error is not 'argued' and will not satisfy the requirements of" Rule 341(h)).

¶ 13 Here, Moore appeals the trial court's order, entered after Moore's case-in-chief, granting a directed verdict because Moore "presented no evidence of damages." However, the record does not contain a transcript, report of proceedings, bystander's report or an agreed statement of facts regarding the February 13, 2015 trial. See Ill. S. Ct. R. 323 (eff. Dec. 13, 2005). Moore, as the appellant, has the burden to present a sufficiently complete record of the proceedings in the trial court to support a claim of error. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts arising from the incompleteness of the record will be resolved against Moore. *Id.* at 392.

¶ 14 In light of the fact that the record does not contain a report of proceedings or other record of the trial, we have no basis for disturbing the trial court's judgment. *Id.* at 393. We do not know what evidence or arguments were presented, or the trial court's reasoning in entering its judgment. See *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156 (2005). Because we have no meaningful record from which to review any claimed error (*id.* at 156-57), we presume that the court's ruling was entered in conformity with the law and was properly supported by evidence (*Foutch*, 99 Ill. 2d at 393).

¶ 15 Moore also challenges the trial court's grant of a motion in *limine* which prevented him from referring to himself as "Reverend or Pastor" in front of the jury. Although we generally review a trial court's decision on a motion in *limine* for an abuse of discretion (*Bank of America*

*v. WS Management, Inc.*, 2015 IL App (1st) 132551, ¶ 76), our review is hindered by the fact that the complained-of motion is not included in the record on appeal.

¶ 16 While the record contains the trial court's February 13, 2015 order stating that Moore may refer to himself as "Reverend" but not "Pastor," the record on appeal does not contain a transcript or report of proceedings detailing the trial court's reasoning in ruling as it did. Moore's brief does not state the trial court's basis for partially granting the motion in *limine*, nor does it explain Moore's reasoning for overturning the order. As discussed above, it is Moore's burden, as the appellant in this case, to present a "sufficiently complete record of the proceedings at trial to support a claim of error" and any doubts arising from the incompleteness of the record will be resolved against him. See *Foutch*, 99 Ill. 2d at 391-92. We therefore presume that the trial court's partial grant of the motion in *limine* had a sufficient factual basis and conformed with the law. *Corral*, 217 Ill. 2d at 156-57.

¶ 17 Because the record on appeal does not support any of Moore's allegations of trial court error and he has forfeited any other allegations of error by failing to argue them, we affirm the judgment of the circuit court of Cook County.

¶ 18 Affirmed.