

FIRST DIVISION  
May 9, 2016

No. 1-15-2622

**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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VENDETTA NAGASK CECE-JACKOWIAK,	)	Appeal from the
a/k/a; d/b/a NOEL ALEXIS KAPETANAKOS,	)	Circuit Court of
	)	Cook County.
Plaintiff-Appellant,	)	
	)	
v.	)	No. 2015 L 062036
	)	
JOSEPH SPELLONE, a/k/a/ JOSEPH SPALLONE,	)	
d/b/a CITY OF DES PLAINES, ILLINOIS,	)	Honorable
	)	Roger G. Fein,
Defendant-Appellee.	)	Judge Presiding.

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JUSTICE HARRIS delivered the judgment of the court  
Presiding Justice Cunningham and Justice Connors concurred in the judgment.

**ORDER**

¶ 1 *Held:* The circuit court's dismissal of plaintiff's complaint is affirmed where she failed to obtain leave of court to file the complaint, as required by previous court orders. Given plaintiff's history of filing frivolous appeals, plaintiff is warned that if she files another frivolous appeal this court will consider sanctions.

¶ 2 Plaintiff, appearing *pro se*, appeals the order of the circuit court dismissing her complaint with prejudice. For the following reasons, we affirm.

¶ 3

### JURISDICTION

¶ 4 The trial court dismissed plaintiff's complaint on August 18, 2015. Plaintiff filed her notice of appeal on September 16, 2015. Accordingly, this court has jurisdiction pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994) and 303 (eff. May 30, 2008) governing appeals from final judgments entered below.

¶ 5

### BACKGROUND

¶ 6 The following facts are relevant to the determination in this appeal. Plaintiff was a party in a marriage dissolution proceeding titled *In Re Marriage of Kapetanakos*, No. 11 D 7466. Several orders were filed in that case which barred plaintiff from further legal filings without obtaining leave of court. The trial court entered an order on February 28, 2014, finding that plaintiff had abused the legal process by filing "frivolous motions, filings, petitions, subpoenas, memoranda, letters, emails, facsimiles and related communications." The order barred plaintiff from any further legal filings unless the court grants her leave to file with a copy of the February 28, 2014, order attached. An order entered on March 26, 2014, established a procedure for plaintiff to follow as to any documents or filings she requests leave of court to file, and provided that her failure to follow the procedure would subject her to appropriate legal sanctions.

¶ 7 Plaintiff did not obtain leave of court to file her complaint here. The trial court found that plaintiff filed her complaint "contrary to the 2-28-14 Order, the 3-26-14 Order and the 10-24-14 Order in the Divorce Case, as well as the Orders entered on March 20, 2015 in Case Nos. 14 M2 1905 and 14 M2 1941, which prohibit[] such filing without prior leave of Court." The trial court therefore found plaintiff's complaint "prohibited and invalid" and dismissed it with prejudice. The order also stated that there was no just reason to delay enforcement or appeal of the order. Plaintiff filed a timely notice of appeal.

¶ 8

ANALYSIS

¶ 9 We must first mention that plaintiff's brief is in severe violation of Illinois Supreme Court Rule 341(h) (eff. Jan. 1, 2016). Her brief does not contain a "Points and Authorities" outlining the arguments and authorities cited in support, or an appendix, as required by Rules 341(h)(1) and (9). Her nature of the case is not an introductory paragraph, but instead goes on for 27 pages, in violation of Rule 341(h)(2). Furthermore, her brief contains considerable text and exhibits that do not appear to relate to any of her claimed causes of action. Plaintiff cites to no authority in support of her arguments and her brief is generally incomprehensible. Rule 341(h)(7) provides that an appellant's brief must contain contentions and the reasons therefor, with citation to the authorities upon which the appellant relies. As a reviewing court, we are entitled to have the issues clearly defined, pertinent authority cited, and a cohesive legal argument presented. *Walters v. Rodriguez*, 2011 IL App (1st) 103488, ¶5. "The appellate court is not a depository in which the appellant may dump the burden of argument and research." *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986). Arguments that are not supported by citations to authority fail to meet the requirements of Supreme Court Rule 341(h)(7) and are procedurally defaulted. *Vilardo v. Barrington Community School District 220*, 406 Ill. App. 3d 713, 720 (2010). *Pro se* litigants are not excused from following rules that dictate the form and content of appellate briefs. *In re Marriage of Barile*, 385 Ill. App. 3d 752, 757 (2008). Accordingly, plaintiff has forfeited review of her contentions.

¶ 10 In addition, plaintiff improperly filed her complaint without obtaining leave of court and without attaching the February 28, 2014, order. The trial court's order dismissing plaintiff's complaint, and the reasons therefor, were delivered to her at an address she provided, and also to an attorney plaintiff requested to also be served. This appeal is the third of its kind disposed of by

the appellate court. In each case, plaintiff's complaint was dismissed for the same reason: she failed to obtain leave of court to file her complaint and failed to follow the procedures required by the trial court. For each dismissal, plaintiff filed an appellate brief in severe violation of Illinois Supreme Court rules.

¶ 11 Illinois Supreme Court Rule 375(b) provides for the imposition of sanctions when a party files a frivolous appeal. The rule states that an appeal "will be deemed frivolous where it is not reasonably well grounded in fact and not warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law." Rule 375(b) (eff. Feb. 1, 1994). Rule 375(b) further provides that a reviewing court may impose a sanction on any party upon the motion of another party if appropriate. Defendants here request sanctions under Rule 375(b).

¶ 12 We agree with defendants that plaintiff's present appeal is frivolous. Although sanctions will not be imposed at this time, we must warn plaintiff that this court will consider Rule 375(b) sanctions if she files another frivolous appeal. The fact sheet of this appeal shows that plaintiff has at least five related appeals pending. We strongly urge plaintiff to examine the merit of these pending appeals.

¶ 13 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 14 Affirmed.