

**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).

2016 IL App (4th) 150970-U

NO. 4-15-0970

**FILED**

August 24, 2016  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

IN THE APPELLATE COURT  
OF ILLINOIS  
FOURTH DISTRICT

DENISE KATHRYN SULLIVAN, as Executrix for the	)	Appeal from
Estate of Mary Ann Beyer,	)	Circuit Court of
Plaintiff-Appellant,	)	McLean County
v.	)	No. 12P32
ANDREW BEYER,	)	
Defendant-Appellee.	)	Honorable
	)	Paul G. Lawrence,
	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.  
Justices Appleton and Holder White concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court affirmed the trial court's judgment, finding plaintiff forfeited her claim on appeal due to her failure to comply with Illinois Supreme Court rules.

¶ 2 In January 2014, defendant, Andrew Beyer, filed an amended petition for damages against plaintiff, Denise Kathryn Sullivan, as executrix for the estate of Mary Ann Beyer. In May 2015, the trial court found, in part, in favor of Beyer and entered judgment in the amount of \$18,954.56.

¶ 3 On appeal, Sullivan argues Beyer failed to meet his burden of proof on his amended petition for damages. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In December 2011, Mary Ann Beyer executed a last will and testament, appointing Sullivan as executrix and distributing her estate evenly between her children, Sullivan

and Beyer. Mary Ann died on February 6, 2012. Sullivan filed a petition for probate of will and letters testamentary on February 10, 2012, and the letters of office were issued to her on February 14, 2012.

¶ 6 In the years that followed, the parties have engaged in acrimonious litigation involving documents and assets relating to two businesses owned by Mary Ann, *i.e.*, Circle City Cab, Inc., and Circle City Delivery, Inc. The litigation has resulted in petitions for contempt findings, sanctions, awards of attorney fees, and a prior trip to this court. *In re Estate of Beyer*, 2013 IL App (4th) 130076-U.

¶ 7 In January 2014, Beyer filed petitions for adjudication of indirect civil contempt and attorney fees. Beyer also filed an amended petition for damages. In count I of the amended petition, Beyer stated Sullivan had been found to have wrongfully concealed certain real estate, which should have been held by Mary Ann's estate, and employed certain assets belonging to the estate. Count I alleged Sullivan had been employing assets of Circle City Cab, Inc., and Circle City Delivery, Inc., including nine automobiles and three shuttle buses, and had not produced an accounting for her use of the assets, despite court orders directing her to do so. Count I sought reasonable rent in the amount of \$3,000 per month and \$10,000 per month for her use of assets. Count II of the amended petition stated a claim of lost profits. Count III sought a claim of lost profits and fraud. Count IV alleged fraudulent transfer of real estate in Mary Ann's McLean County land trust.

¶ 8 The amended petition for damages also included a second count IV of breach of fiduciary duty. The count alleged Sullivan wrongfully gained control of the two businesses shortly before Mary Ann's death. It also alleged she employed certain assets of the two businesses, namely five credit card machine leases and certain tools which Beyer had personally

guaranteed. The count alleged Sullivan breached her fiduciary duty to the estate by not making required payments on the credit card machines and tools. The count sought damages in the amount of \$18,954.56. Count V raised a claim of *quantum meruit*.

¶ 9 In January 2014, Sullivan filed a motion for sanctions. The trial court conducted several hearings on the petitions and motions. In May 2015, the court issued its written order. On Beyer's amended petition for damages, the court denied the petition except for the count involving breach of fiduciary duty. The court entered judgment in favor of Beyer and against Sullivan in the amount of \$18,954.56. The court reserved ruling on Beyer's petition for attorney fees. The court also denied Beyer's petition for adjudication of indirect civil contempt and Sullivan's motion for sanctions.

¶ 10 In June 2015, Sullivan filed a motion to reconsider. In July 2015, Beyer filed his response to the motion to reconsider. In November 2015, the trial court denied the motion to reconsider, although it did vacate its previous order reserving a determination on attorney fees and instead denied all attorney fee requests. This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 In her brief, Sullivan claims the only issue on appeal is the trial court's award of damages on the count of breach of fiduciary duty as set forth in Beyer's amended petition for damages. We find this issue forfeited.

¶ 13 Supreme court rules governing the contents of appellate briefs are not mere suggestions. *Niewold v. Fry*, 306 Ill. App. 3d 735, 737, 714 N.E.2d 1082, 1084 (1999). "The purpose of the rules is to require parties to proceedings before a reviewing court to present clear and orderly arguments so that the court may properly ascertain and dispose of the issues involved." *La Grange Memorial Hospital v. St. Paul Insurance Co.*, 317 Ill. App. 3d 863, 876,

740 N.E.2d 21, 32 (2000) (quoting *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095, 618 N.E.2d 771, 776 (1993)).

¶ 14 Illinois Supreme Court Rule 341(h)(7) (eff. Jan. 1, 2016) provides that an appellant's brief shall contain "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." "Bare contentions in the absence of argument or citation of authority do not merit consideration on appeal and are deemed waived." *Obert v. Saville*, 253 Ill. App. 3d 677, 682, 624 N.E.2d 928, 931 (1993); see also *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises*, 2013 IL 115106, ¶ 56, 4 N.E.3d 1 (stating the "[f]ailure to comply with the rule's requirements results in forfeiture").

¶ 15 In the case *sub judice*, Sullivan's brief cites only one case, stating our standard of review is *de novo*. Sullivan offers no other case law in support of her argument on appeal. Counsel stated he could not "spend hours writing this brief," so he relied on large portions of pleadings filed in the trial court. However, "a reviewing court is not simply a depository into which a party may dump the burden of argument and research." *E.R.H. Enterprises*, 2013 IL 115106, ¶ 56, 4 N.E.3d 1. We find Sullivan's brief fails to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Jan. 1, 2016). Accordingly, the issue raised in the brief is forfeited.

¶ 16 III. CONCLUSION

¶ 17 For the reasons stated, we affirm the trial court's judgment.

¶ 18 Affirmed.