

No. 1-17-0514

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 JUDICIAL DISTRICT

DONNA M. BETTS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	
)	No. 12 P 2252
JUDGE DANIEL B. MALONE, JUDGE JAMES RILEY,)	
JAMES BETTS, and LOUIS FINE,)	Honorable
)	Daniel B. Malone,
Defendants-Appellees.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Justices Connors and Delort concurred in the judgment.

ORDER

¶ 1 *Held:* The appeal is dismissed for the brief’s failure to comply with Illinois Supreme Court Rule 341(h).

¶ 2 Plaintiff-appellant Donna M. Betts, who is *pro se*, appeals the order of the circuit court of Cook County denying her “bill of exceptions” seeking to vacate prior orders in her late mother’s probate case and to impose sanctions against the defendants-appellants, including two circuit court judges who have presided over the case. We dismiss the appeal for significant and pervasive violations of the Illinois Supreme Court Rules regarding appellate briefs.

¶ 3

BACKGROUND

¶ 4 This is the latest of several appeals brought by plaintiff-appellant, Donna Betts, arising from a dispute with her brother James Betts (James) concerning property owned by their late mother, Norma Jean Betts (Norma Jean). Norma Jean died on August 9, 2000. On April 17, 2012, James petitioned for letters of administration to open an estate for Norma Jean. The petition indicated that Norma Jean's assets included certain real property in Chicago (the property).

¶ 5 On May 1, 2012, the plaintiff filed objections to James' petition. The plaintiff asserted that she was the owner of the property, based upon a general power of attorney and a quitclaim deed to the property that Norma Jean allegedly executed in the plaintiff's favor in April 2000. The plaintiff's objections also asserted that James' petition was barred "because of a three (3) years statute of limitations after the death of Norma Betts." In May 2012, the circuit court (Judge James G. Riley) entered orders that denied the plaintiff's objections and appointed James as the representative of Norma Jean's estate.

¶ 6 On August 3, 2012, plaintiff filed a separate chancery court action against James, James' attorney Louis Fine, and Judge Riley. In that action, she complained of misconduct by James and Fine, alleged that Judge Riley had improperly refused to withdraw, and asserted that each of her allegations had been "judicially admitted" by the defendants. *Betts v. Riley*, 2013 IL App (1st) 123001-U, ¶ 3. The circuit court dismissed her action, and the plaintiff appealed. This court dismissed her appeal for failure to comply with Illinois Supreme Court Rules, noting that her briefs were "incoherent" and "failed to articulate an organized and cohesive legal argument." *Id.*, ¶¶ 14-16.

¶ 7 The plaintiff continued to file motions in the probate case, in which she maintained that she was the sole owner of the property, accused James and Fine of fraud, and accused Judge Riley of judicial misconduct. In October 2012, the circuit court in the probate action entered an order declaring that the April 2000 deed relied on by the plaintiff was void due to Norma Jean's "lack of cognitive ability" at that time. The circuit court's order concluded that title to the property was vested in Norma Jean's estate.

¶ 8 On June 17, 2013, James filed his final account of the estate's assets, which provided that each of Norma Jean's heirs (including the plaintiff) would hold equal interests in the property as tenants in common. On the same date, the circuit court entered an order approving the final account and closing the estate. In July 2013, plaintiff filed a notice of appeal, but the appeal was later dismissed as untimely. *In re Estate of Norma Jean Betts*, 2014 IL App (1st) 132244-U.

¶ 9 Notwithstanding the June 2013 order declaring the estate closed, the plaintiff continued to submit filings in the probate case alleging fraud by James and Fine, judicial misconduct by Judge Riley, and seeking enormous sanctions. In an April 2016 motion, she sought a "\$1 billion" sanction against the court plus "\$100 million per day" as well "\$10 billion per unfavorable order" against her and "20 billion per favorable order entered for Mr. Fine and or James Betts." On May 16, 2016, the circuit court denied her motion for sanctions, again noting that Norma Jean's estate was closed. Nevertheless, the plaintiff's filings continued. The plaintiff subsequently filed a "Bill of Exceptions" in June 2016 and a "Bill of Exceptions, Part 2" (filed August 25, 2016) which, *inter alia*, accused James, Fine, and Judge Riley of fraud and misconduct sanctionable under Supreme Court Rule 137; argued that Judge Riley's orders were "void" because they lacked proper signatures; and sought a declaration that her prior allegations were "judicially admitted." The circuit court's denial of the motion for sanctions, as well as her

first two “bills of exceptions,” led the plaintiff to file two additional appeals, no. 1-16-1084 and no. 1-16-1628. Those appeals were dismissed by separate orders of this court in September 2016 for want of prosecution.¹

¶ 10 Judge Daniel B. Malone presided over subsequent proceedings in the probate case. On December 7, 2016, the plaintiff filed a motion entitled “Bill of Exceptions, Part 3, SCR 137 Motion to Strike Void Verbal Decisions, Written Order and Defendants’ Papers and to Impose Astronomical Sanctions and Continuing SCR 137 Sanctions” (the Third Bill of Exceptions). The Third Bill of Exceptions asserted numerous claims, including a claim that Judge Malone erred in his November 2016 verbal ruling in which he concluded that he lacked jurisdiction to consider additional motions by the plaintiff due to the pendency of an appeal on the same matter. The plaintiff also asserted in her Third Bill of Exceptions that each order entered against her was null and void due to “fraud, deception and failure [of Fine, Judge Riley, and Judge Malone] to perform mandatory statutory duties.” Among other relief, the Third Bill of Exceptions sought that (1) the probate case should not be considered closed; (2) all of her allegations should be deemed judicially admitted; (3) all orders entered by Judges Riley and Malone against the plaintiff should be void; and (4) that James’ petition for letters of administration should be stricken as void. The Third Bill of Exceptions also sought “astronomical and exponential” sanctions, including “over \$100,000,000.00 for each order entered” which was adverse to her, and “for each fact and each prayer stated in each of my pleadings, for each hour that each such

¹The plaintiff’s notice of appeal for No. 1-16-1084 was filed on April 15, 2016. On September 7, 2016, this court dismissed appeal No. 1-16-1084 due to the plaintiff’s failure to file a record on appeal. The plaintiff commenced appeal No. 1-16-1628 by filing a notice of appeal on June 10, 2016, in which she filed an amended notice of appeal on August 22, 2016. That appeal was also dismissed for want of prosecution on September 9, 2016.

fact and prayer is continuously not entered into the official record to be favorable to me as judicially admitted.”

¶ 11 On January 25, 2017, the circuit court (Judge Malone) denied the Third Bill of Exceptions in an order also directing the plaintiff “not to file any further pleadings or motion” in the probate case without prior leave of court. On February 23, 2017, the plaintiff filed her timely notice of appeal. Accordingly, we have jurisdiction.

¶ 12 ANALYSIS

¶ 13 The plaintiff’s appellate brief (like her submissions in the circuit court) largely consists of rambling accusations of fraud and misconduct by James, Fine, and Judges Riley and Malone. She repeats her claims that her allegations have been “judicially admitted,” that the circuit court’s orders against her are void, and that she is entitled to enormous sanctions.

¶ 14 Defendants James and Fine have not filed a response brief in this appeal. The Attorney General, who represents Judges Riley and Malone, has filed a response brief which urges that we dismiss the plaintiff’s appeal because her brief is “unintelligible” and violates Supreme Court Rule 341(h)(7) (eff. July 1, 2017). The Attorney General otherwise argues that the circuit court lacked jurisdiction to consider the Third Bill of Exceptions’ request for sanctions against judges Riley and Malone, and that, in any event, they are not subject to sanctions under Supreme Rule Court Rule 137. For the reasons discussed below, we agree that the plaintiff’s violations of Supreme Court Rules are so serious as to warrant dismissal of the appeal.

¶ 15 Illinois Supreme Court Rule 341(h) governs the contents of an appellant’s brief. Our court has repeatedly recognized that the Supreme Court Rules with respect to appellate briefs are mandatory. “[R]eviewing courts are entitled to have briefs submitted that present an organized and cohesive legal argument in accordance with the Supreme Court Rules. [Citation.]” *Harvey*

v. Carponelli, 117 Ill. App. 3d 448, 450 (1983). “The rules of procedure concerning appellate briefs are rules and not mere suggestions. [Citation.] Failure to comply with the rules regarding appellate briefs is not an inconsequential matter. [Citation.] The purpose of the rules is to require parties before a reviewing court to present clear and orderly arguments so that the court can properly ascertain and dispose of the issues involved. [Citation.] A brief that lacks any substantial conformity to the pertinent supreme court rules may justifiably be stricken. [Citation.]” *Hall v. Naper Gold Hospitality LLC*, 2012 IL App 2d 111151, ¶ 7. “Where an appellant’s brief fails to comply with the rules, this court has inherent authority to dismiss the appeal for noncompliance.” *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095 (1993). A *pro se* litigant “must comply with the same rules of procedure required of attorneys” and “this court will not apply a more lenient procedural standard to *pro se* litigants than is generally allowed attorneys.” *Harvey*, 117 Ill. App. 3d at 450.

¶ 16 Applying these authorities, we conclude that the plaintiff’s flagrant violations of Supreme Court Rule 341(h) warrant dismissal. We recognize that the plaintiff’s brief contains headings which include citations to various subparts of Rule 341(h). Although these headings on their face might suggest an attempt to comply with the rules, the substance of the brief clearly fails to adhere to numerous subparts of that rule.

¶ 17 For example, Rule 341(h)(2) requires an “introductory paragraph” stating the “nature of the action and of the judgment appealed from.” Ill. S. Ct. R. 341(h)(2) (July 1, 2017). The plaintiff’s “Nature of the Action” section runs over *18 pages* long. It consists of rambling, run-on sentences alleging collusion among the defendants (including the circuit court judges) to deprive her of her rights. For example, one sentence states, in part:

“I continuously suffer the shocks, emotional distress, emotional duress, traumas and outrages of continuously being subjected to Judge Riley’s and Mr. Fine’s conspiracies against my rights under color of law by their continuing routine of normalization of steam-rolling prohibited representations by papers and by verbal representations, denials of my property without due process, acts and omissions which facilitate and enabled thefts of my property, shams, scams, bogus procedures, raids of property, shake-downs, simulations of legal processes, abuse of processes and services of the Court, fraudulent affixations of Court stamps and seals upon illegal and void papers, illegal and surprise submissions, presentations and approval of papers simultaneously, denials of freedom of speech to me, retaliations inflicted by the Court for Mr. Fine and James Betts for not cooperating with them in their acts designed to steal property from me ***.”

Such rambling, broad accusations hinder, rather than aid, our court’s ability to identify any legal issues subject to review.

¶ 18 The rest of the plaintiff’s brief fares no better in complying with Rule 341. For example, Rule 341(h)(3) requires “A statement of the issue or issues presented for review, without detail or citation of authorities.” Ill. S. Ct. R. 341(h)(3) (eff. July 1, 2017). The plaintiff’s brief, under the heading “Issue Presented for Review,” states: “The issue is the Circuit Court’s continuing breaches, failures and refusals to apply laws to each of the undenied facts contained in each of

my pleadings and prayers filed before the Circuit Court.” Such a vague statement is of no help to this court in identifying the issues that are relevant to this appeal.

Rule 341(h)(6) calls for a “Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.” Ill. S. Ct. R. 341(h) (eff. July 1 2017). The “Statement of facts” in the plaintiff’s brief does not even attempt to present the history of the case in any logical manner. Rather, the first several pages of that section consist largely of a list of 257 citations to legal authorities, followed by a list of 54 citations to the record, which she claims correspond to “judicially admitted facts and prayers.”

¶ 19 Finally, the plaintiff violates Rule 341(h)(8), which contemplates a “short conclusion stating the precise relief sought.” Ill. S. Ct. R. 341(h)(8) (eff. July 1, 2017). The “conclusion” portion of the plaintiff’s brief is neither short nor precise, but consists of over five pages of requested findings and relief. Among other findings, the plaintiff requests the reversal of “each unfavorable order” by the circuit court, as well as findings that Judges Riley and Malone committed “due process and equal protection violations” as part of as “continuing conspiracies” against her. The “conclusion” also seeks the monetary sanctions that she requested in the circuit court “raised to the power of 5” as well as “\$25 Million a day” against Judge Riley and “\$50 Million a day for life” against Fine and Betts. The conclusion also asks our court to find the defendants “guilty of Class X felonies and frauds” and to freeze and liquidate their assets. On its face, the findings and relief sought in the conclusion are frivolous. Such violations hinder our review and warrant dismissal.

¶ 20 In light of these flagrant violations of the Supreme Court Rules, we exercise our discretion to dismiss the appeal. We are mindful of the plaintiff’s *pro se* status, and we do not

dismiss a *pro se* appeal lightly. Nonetheless, the Supreme Court Rules apply to the plaintiff, just as they do to appellants represented by counsel. Moreover, as this court has previously dismissed one of her related prior appeals for failure to present a coherent argument (*Betts v. Riley*, 2013 IL App (1st) 123001-U), the plaintiff has been warned and was certainly on notice of the potential consequences for her continued noncompliance with the Supreme Court Rules.

¶ 21 For the foregoing reasons, we dismiss the appeal.

¶ 22 Appeal dismissed.