2018 IL App (1st) 162534-U

No. 1-16-2534

Order filed April 20, 2018

Sixth Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

ELLIS JOHNSON,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	
	)	No. 16 M1 040116
TYRON JORDAN and FELECIA JORDAN,	)	
	)	
Defendants	)	Honorable
	)	Leon Wool,
(Tyron Jordan, Defendant-Appellee).	)	Judge, presiding.

JUSTICE DELORT delivered the judgment of the court.
Justices Cunningham and Connors concurred in the judgment.

ORDER

¶ 1 ***Held:*** We affirm the circuit court's judgment in favor of defendant. The record is insufficient to review for any possible error and we presume the court ruled in conformity with the law.

¶ 2 This is an action for property damage resulting from an automobile accident. Plaintiff Ellis Johnson appeals *pro se* from an order of the circuit court of Cook County granting

judgment after trial in favor of defendants, Tyron Jordan and Felecia Jordan.[1] Plaintiff's notice of appeal indicates that he is appealing only as to Tyron Jordan. On appeal, plaintiff contends that the circuit court erred when it vacated the default judgment initially entered against him. Plaintiff also takes issue with the circuit court's not accepting his version of the case at trial. Plaintiff asks this court to award him the original default judgment of $2,319.

¶ 3 Defendant has not filed a responsive brief. We will consider this appeal under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 4 Plaintiff filed a *pro se* complaint against defendants seeking $2,000 for property damage to his vehicle following an automobile accident. On April 14, 2016, the court entered a default judgment in favor of plaintiff for $2,000 in damages plus $319 in court costs, after defendants failed to appear in court. On July 11, 2016, defendants, through counsel, filed a motion to vacate that judgment claiming insufficient service of process. On July 21, the court granted defendants' motion, quashed service against defendants, noted that defendants submitted to the jurisdiction of the court, and set the case for trial. On August 22, 2016, the court entered judgment in favor of defendants following a trial.

¶ 5 Initially, we observe that plaintiff's *pro se* brief fails to conform with many of the requirements in Supreme Court Rule 341(h) (eff. Jan. 1, 2016) and Rule 342 (eff. Jan. 1, 2005). Most notably, his brief is completely devoid of any facts, argument and citation to legal authority. Plaintiff used the form brief approved by the Illinois Supreme Court, however, he failed to include all of the required sections of the form. Based on plaintiff's noncompliance with

[1] Felecia's name is spelled in the record as both "Felecia" and "Felicia." We use "Felecia" as it is spelled on most of the documents, including the complaint.

these rules, his appeal is subject to dismissal. *LaGrange Memorial Hospital v. St. Paul Insurance Co.*, 317 Ill. App. 3d 863, 876 (2000).

¶ 6 Moreover, plaintiff has also failed to meet his burden of providing this court with a sufficient record to review for any possible error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). The record on appeal consists of one 48-page volume of common law documents, including plaintiff's complaint, and several service of process forms. The circuit court's order is a preprinted form with a box checked off indicating "Judgment for Defendant Felicia Jordan + Tyron Jordan, after trial." The record does not contain the trial transcript, or any substitute report of proceedings pursuant to Supreme Court Rule 323 (eff. Dec. 13, 2005). Consequently, this court has no knowledge of what evidence or arguments were presented at trial, what findings the trial court made, or the reasoning and rationale that provided the basis for the court's ruling. Under these circumstances, this court must presume that the court acted in conformity with the law and ruled properly after considering the evidence before it. *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156-57 (2005); *Foutch*, 99 Ill. 2d at 391-92.

¶ 7 Even if plaintiff had provided this court with the trial transcript, we note that when a party challenges the circuit court's ruling following a bench trial, we will not disturb the court's factual findings unless they are against the manifest weight of the evidence. *Staes & Scallan, P.C. v. Orlich*, 2012 IL App (1st) 112974, ¶ 35. A finding is against the manifest weight of the evidence when the opposite conclusion is clearly evident, or the finding is unreasonable, arbitrary, or not based on the evidence. *Id.* Sitting as the trier of fact, it is the circuit court's duty to weigh all of the evidence and determine the credibility of the witnesses. *Id.* We give great deference to the circuit court's credibility determinations, and will not substitute our judgment for that of the circuit court because the trial judge was in the best position to evaluate the conduct

and demeanor of the witnesses. *Id.* We will not disturb the findings and judgment of the circuit court where there is any evidence in the record that supports those findings. *Id.* Here, we must presume that the evidence presented at trial supported the court's judgment. *Foutch*, 99 Ill. 2d at 391-92.

¶ 8 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 9 Affirmed.