

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 DISTRICT

JOHN ROPER,)	Appeal from the Circuit Court of
)	Cook County, Law Division.
Plaintiff-Appellant,)	
)	No. 15 L 6442
v.)	
)	Honorable Ronald F. Bartkowicz,
KEVIN M. EMKES and KE TRANSPORTS, LLC,)	Judge presiding.
)	
Defendants-Appellees.)	

JUSTICE GRIFFIN delivered the judgment of the court.
Justices Harris and Mikva concurred in the judgment.

ORDER

¶ 1 *Held:* We dismiss the appeal due to plaintiff's failure to comply with the rules of appellate procedure governing the requirements for appellate briefs.

¶ 2 Plaintiff John Roper appeals *pro se* from a jury verdict awarding him \$3,600 in damages from an August 20, 2013, automobile accident wherein plaintiff's car was struck by a tractor trailer owned by KE Transports, L.L.C. (KE Transports), and driven by its employee, Kevin M. Emkes. On appeal, plaintiff argues that defense counsel engaged in unethical pretrial delay tactics and that defendants did not comply with discovery where they did not make themselves

available to be deposed or provide phone records. Plaintiff also asserts that the trial court erred: in granting defendants' motions *in limine*, which sought to prevent him from presenting evidence of his injuries; and by failing to furnish him with information sheets related to jury panels during *voir dire*. We dismiss plaintiff's appeal for his failure to comply with the rules governing appellate briefs and the multiple defects in the record which preclude considering the appeal.

¶ 3 The record shows that, on June 24, 2015, plaintiff filed his initial *pro se* complaint, alleging that, on August 20, 2013, he was injured in a car accident with Emkes. On January 5, 2016, after the trial court dismissed several of plaintiff's complaints without prejudice, he filed an amended complaint. In the amended complaint, plaintiff alleged that, on August 20, 2013, he was in the southbound lane of Langley Avenue behind Emkes, who was in a semi tractor-trailer owned by KE Transports. Plaintiff and Emkes stopped at a traffic light at 111th Street and, while they waited, a westbound semi-truck began making a right-hand turn from 111th onto the northbound lane of Langley. The semi-truck did not have sufficient room to complete the turn and Emkes, without any warning, began reversing to provide the semi-truck more room to make the turn. Plaintiff, who had another car behind him, could not move out of the way before Emkes' tractor trailer collided into the front of his car.

¶ 4 Plaintiff's complaint contained two counts. The first was a negligence count that alleged Emkes negligently caused plaintiff's injuries when he reversed without warning and crashed into plaintiff's car. The second count alleged KE Transports was liable for Emke's negligence under the doctrine of *respondeat superior* because KE Transports owned the vehicle Emkes was driving and Emkes was working as an employee of KE Transports when he caused the collision with plaintiff's vehicle. Plaintiff asserted that, as a result of the collision, he suffered bodily

injury and physical and emotional pain, had incurred and would continue to incur medical expenses, and was temporarily unable to work or earn a living. He requested a total of \$150,000 in damages.

¶ 5 On August 25, 2016, defendants filed an answer and affirmative defenses to plaintiff's complaint. In their answer, defendants requested legal costs and asserted that any damages awarded to plaintiff be reduced by his own contributory negligence.

¶ 6 Prior to trial, the trial court granted defendants' motions *in limine*, barring plaintiff from: calling witnesses that had not previously been disclosed; testifying as to any medical conclusions because he was not qualified to provide such testimony; referring to whether defendants' had insurance coverage; discussing healthcare providers' statements regarding the treatment of his injuries; presenting evidence of future pain and suffering; presenting evidence of the permanency of his injuries; discussing the injuries to his neck, back, arm, and hand; and testifying about possible wage loss. The case proceeded to a jury trial.

¶ 7 The jury found in favor of plaintiff and awarded him \$6,000: \$3,000 for pain and suffering and \$3,000 for medical expenses. The jury decreased the award by 40%, the amount it found plaintiff to be contributorily negligent, which resulted in a judgment of \$3,600 for plaintiff. This timely appeal followed.

¶ 8 On appeal, plaintiff argues that defense counsel engaged in unethical pretrial delay tactics, that defendants did not comply with discovery where they did not make certain parties available to be deposed or provide Emkes' phone records. Plaintiff also argues that the trial court erred by granting defendants' motions *in limine* and by not providing him with all of the information sheets regarding the jury panels during *voir dire*.

¶ 9 We entered an order taking the case for consideration on the record and plaintiff's brief based on defendants' failure to file a brief within the time prescribed by Illinois Supreme Court Rule 343(a). Ill. S. Ct. R. 343(a) (eff. July 1, 2008). Thus, we consider plaintiff's appeal without the benefit of defendants' brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976) (setting forth the principles for the disposition of appeals in cases where the appellees have not filed their briefs).

¶ 10 Plaintiff's *pro se* brief, which can best be described as cursory, fails to comply with several requirements of Illinois Supreme Court Rule 341 (Ill. S. Ct. R. 341 (eff. Nov. 1, 2017)). "Rule 341 governs the form and content of appellate briefs." *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Rule 341(h) provides that all briefs should contain a statement of "the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment" and an argument "which shall contain the contentions of the appellant and reasons therefore, with citation of the authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(6), (7) (eff. Nov. 1, 2017).

¶ 11 Under Rule 341(h)(7), a reviewing court is entitled to have issues clearly defined with "cohesive arguments" presented and pertinent authority cited. *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993). "The failure to elaborate on an argument, cite persuasive authority, or present a well-reasoned argument violates Rule 341(h)(7) and results in waiver of that argument." *Sakellanadis v. Campbell*, 391 Ill. App. 3d 795, 804 (2009). "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." *Hall v. Naper Gold Hospitality, LLC*, 2012 IL App (2d) 111151, ¶ 7

¶ 12 Here, without outlining all of the shortcomings of plaintiff's brief, we point out that his statement of facts and argument are inadequate and provide little understanding of the case. Plaintiff is required to cite to the pages and volume of the record on appeal to which he is referring "so that we are able to assess whether the facts which [the appellant] presents are accurate and a fair portrayal of the events in this case." *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶ 58; Ill. Sup. Ct. R. 341(h)(7) (eff. Nov. 1, 2017). In his brief, plaintiff fails to cite to any portions of the record in his statement of facts or argument or cite to any pertinent legal authority to support his arguments on appeal. See *Gandy v. Kimbrough*, 406 Ill. App. 3d 867, 875 (2010) (this court is not a depository in which the burden of argument and research may be dumped); *People v. Hood*, 210 Ill. App. 3d 743, 746 (1991) ("A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research.").

¶ 13 We recognize plaintiff's *pro se* status, but that status does not relieve him of the obligation to comply with Rule 341. See *People v. Richardson*, 2011 IL App (4th) 100358, ¶ 12 (*pro se* litigants must comply with the same rules and are held to the same standards as licensed attorneys); *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009) ("*pro se* litigants are presumed to have full knowledge of applicable court rules and procedures and must comply with the same rules and procedures as would be required of litigants represented by attorneys."). Compliance with these procedural rules is mandatory and this court may, in its discretion, strike a brief and dismiss an appeal for failure to comply with Rule 341. *Dart*, 2015 IL App (1st) 141291, ¶ 12; *Alderson v. Southern Co.*, 321 Ill. App. 3d 832, 845 (2001). Here, in our

discretion, we strike plaintiff's brief and dismiss the appeal. See *Dart*, 2015 IL App (1st) 141291, ¶ 20.

¶ 14 That said, we observe that, even if we were inclined to consider the appeal on the merits, defects in the record preclude us from so doing. See *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620-21 (2004). Plaintiff's *pro se* brief makes numerous allegations regarding discovery, pretrial proceedings, and jury selection, including allegations of: defense counsel's use of pretrial delay tactics; defendants' failure to comply with discovery; and the trial court erroneously granting motions *in limine* and failing to give plaintiff information sheets during *voir dire*. However, the record on appeal consists solely of the common law record, which is void of any information from which we could decide whether or not the arguments in plaintiff's *pro se* brief have merit. The record does not contain any transcripts from the proceedings before the trial court that would allow us to address plaintiff's arguments on appeal. See Ill. S. Ct. R. 323 (eff. July 1, 2017). " 'Without an adequate record preserving the claimed error, the court of review must presume the circuit court's order conforms with the law.' " *Illinois Neurospine Institute, P.C. v. Carson*, 2017 IL App (1st) 163386, ¶ 33 (quoting *People v. Carter*, 2015 IL App (1st) 117709, ¶ 19).

¶ 15 Plaintiff, as the appellant, has the burden to furnish a sufficiently complete record of the proceedings of the trial court in order to facilitate meaningful review. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984) ("Any doubts which may arise from the incompleteness of the record will be resolved against the appellant"). Thus, even if we did not dismiss plaintiff's appeal based on his violations of Rule 341, we would be unable to address his claims because they are not supported by the record.

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¶ 16 Accordingly, we exercise our discretion and strike plaintiff's brief and dismiss his appeal.

¶ 17 Dismissed.