2018 IL App (1st) 171944-U

No. 1-17-1944

April 10, 2018

Second Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

PAPER STREET REALTY LLC, as Manager for CHA,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	
	)	
JERRY HYDE, JOYCE AARON, and ALL UNKNOWN OCCUPANTS ,	)	No. 17 M1350192
	)	
	)	
Defendants	)	Honorable
	)	David A. Skryd,
(Jerry Hyde and Joyce Aaron, Appellants).	)	Judge, presiding.

PRESIDING JUSTICE NEVILLE delivered the judgment of the court.
Justices Hyman and Mason concurred in the judgment.

ORDER

¶ 1 *Held*: The judgment of the trial court was affirmed where the limited record on appeal was inadequate for our review of defendants' assertions of error.

¶ 2 This appeal arises from the trial court's order granting plaintiff Paper Street Realty, LLC, "as manager for CHA," possession of the apartment leased by defendants Jerry Hyde and Joyce

Aaron and recovery of $4083 in unpaid rent. The court denied defendants' motion to vacate and defendants appeal *pro se*, raising a litany of errors. We affirm.

¶ 3 The record on appeal consists of only the common law record. There are no reports of proceedings, bystander's reports, or agreed-to written statement of facts. All of defendants' filings in the trial court were *pro se*, as are their briefs on appeal.

¶ 4 The common law record shows that, on June 6, 2017, plaintiff filed a complaint against defendants for possession of the premises at 8216 S. Ingleside Ave., Apt. 3B, in Chicago (premises) and recovery of past due rent. Plaintiff alleged defendants unlawfully withheld possession of the premises from plaintiff from June 1, 2016, to June 6, 2017, and owed $4083 in unpaid rent for that period, plus costs and rent accrued through the time of trial. Affidavits of service in the record show that, on June 27, 2017, defendants were served with summons by personal service on Aaron at the premises. The summons notified defendants that trial would be heard on the attached eviction complaint at 9 a.m. on July 6, 2017, in courtroom 1402.

¶ 5 On July 3, 2017, defendant Aaron filed her *pro se* appearance.[1] On the same day, defendants filed a motion to continue the July 6, 2017, court date to July 27, 2017. On July 6, 2017, the trial court entered an order awarding plaintiff possession of the premises and a judgment of $4083 against defendants, and denying defendants' motion to continue.

¶ 6 Defendants filed a motion to vacate the order of possession. They claimed they were present in courtroom 1402 at 9 a.m. on July 6, 2017, plaintiff or its attorney "were never present

[1] We note a typographical error on the appearance form. The typed name indicates "Joyce Adams" as appearing *pro se*, but the signature is that of defendant Joyce Aaron.

during this time," and their case was "not even on the roster for call" that day. Defendants asserted the case was "entered for July 27, 2017, which was never denied" and that they never owed plaintiff $4083.

¶ 7 The court denied defendants' motion to vacate on August 8, 2017. That same day, defendants filed a notice of appeal from the trial court's orders granting possession to plaintiff and denying defendants' motion to vacate. They also filed a motion to "stay/stop" eviction, arguing that they were present in court on July 6, 2017, but their case was not on the roster, never called, and "never presented for trial." On August 17, 2017, the trial court denied defendants' motion to stay eviction. Defendants made numerous motions for stay in the appellate court. This court ultimately granted defendants a stay on November 29, 2017, on the condition that defendants' rent had to be paid on the first day of each month.

¶ 8 On appeal, defendants request that this court overturn the trial court's order of possession and "hear this trial case." They argue, *inter alia*, that (1) they were never served a five-day notice for nonpayment of June 2017 rent, (2) they were never served with summons and complaint to appear in court because the wrong documents were left at their address, (3) their case was not called or ruled on on July 6, 2017, and, instead, the trial judge "stated that there was a continuance entered for July 27, 2017," (4) they never owed plaintiff $4083, and (5) the trial court improperly denied their motion to continue, motion to vacate, and trial request.

¶ 9 "A reviewing court is entitled to the benefit of clearly defined issues with pertinent authority cited and a cohesive legal argument." *Wing v. Chicago Transit Authority*, 2016 IL App

(1st) 153517, ¶ 11. To that end, the Illinois Supreme Court Rules for practice are mandatory, not suggestive. See *Enadeghe v. Dahms*, 2017 IL App (1st) 162170, ¶ 23. A party's status as a *pro se* litigant does not absolve them from complying "as nearly as possible" with the Illinois Supreme Court Rules for practice before this court. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8.

¶ 10 Defendants' briefs contain numerous violations of Illinois Supreme Court Rules for practice before the appellate court. For example, in violation of Illinois Supreme Court Rule 341(h)(7) (eff. Jan. 1, 2016), defendants have not set forth their contentions on appeal and the reasons therefor with citation to the relevant legal authorities and pages of the record. In violation of Illinois Supreme Court Rule 341(h)(6) (eff. Jan. 1, 2016), they have not provided an accurate statement of the facts without argument or comment.

¶ 11 Instead, defendants' opening brief consist of bullet points setting forth, without citation to record or authority, their argumentative version of the facts in the case. Much of the brief consists of a recitation of events that occurred after defendants filed their notice appeal, such as their eviction from the premises and subsequent reinstatement of possession pursuant to our order staying eviction. All of these facts are irrelevant on appeal. Crucially, defendants present no legal arguments, let alone citation to legal authority. The reply brief is similarly deficient. This court is not a repository into which an appellant may foist the burden of argument and research. *Enadeghe*, 2017 IL App (1st) 162170, ¶ 23. Accordingly, we may decline to address any arguments made without appropriate citation. *Id.*

¶ 12 Nevertheless, this court does have the benefit of plaintiff's brief on appeal, which illuminates somewhat the issues defendants appear to raise. However, even when we consider the merits of defendants' appeal, defects in the record prevent us from granting the requested relief. See *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620-21 (2004).

¶ 13 Defendants, as the appellants, have the burden of providing this court with a sufficiently complete record on appeal to support a claim of error. *Midstate Siding & Window Co. v. Rogers*, 204 Ill. 2d 314, 319 (2003) (citing *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). In the absence of such a record on appeal, we presume that the order entered by the trial court had a sufficient factual basis and conformed to the law. *Id.* Any doubts that may arise from the incompleteness of the record are to be resolved against the appellant. *Id.*

¶ 14 Here, although defendants properly filed a common law record on appeal, they did not file transcripts of the trial court's hearings on the complaint, defendants' motion to vacate, or any other proceedings. Nor did they file an acceptable substitute such as a bystander's report or an agreed statement of facts. 166 Ill. 2d Rs. 323(c), (d) (eff. July 1, 2017). Essentially, all we have in the record are the complaint, affidavits of service, motions, and the court's orders thereon. As a result, we do not know what evidence or arguments were presented to the court. We do not know the trial court's reasons for its judgments or even whether, as defendants assert, their names were not called in court. All we know is that the trial court awarded possession and unpaid rent to plaintiff and denied defendants' assorted motions. Without an adequate record, "it [is] presumed that the order entered by the trial court [is] in conformity with the law and had a

sufficient factual basis." *Foutch*, 99 Ill. 2d at 392. Accordingly, under these circumstances, we will presume the trial court heard sufficient evidence to support its decisions and that its orders were in conformity with the law. See *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001).

¶ 15 For the foregoing reasons, we affirm the judgment of the trial court.

¶ 16 Affirmed.