

No. 1-13-3481

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

MELVIN STARKS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 13 M1 18403
)	
COLUMBUS MANOR,)	Honorable
)	Rhoda Davis Sweeney,
Defendant-Appellant.)	Judge Presiding.

JUSTICE HALL delivered the judgment of the court.
Presiding Justice HOFFMAN and Justice ROCHFORD concurred in the judgment.

O R D E R

- ¶ 1 **Held:** Judgment in favor of defendant affirmed where plaintiff failed to comply with the rules for appellate briefs or provide a sufficient record for review.
- ¶ 2 On March 20, 2013, plaintiff, Melvin Starks, filed a *pro se* complaint against defendant, Columbus Manor, alleging commercial fraud. Following a bench trial, the circuit court of Cook County entered a finding in favor of defendant. On appeal, plaintiff contends that the circuit court abused its discretion by failing to consider the evidence presented at trial, and that defendant made false statements to the court. Although defendant has not filed a response brief,

we may proceed under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 3 The common law record filed on appeal shows that plaintiff alleged in his complaint that defendant had received checks from the Social Security Administration (SSA) on his behalf, and then failed to forward the money to him. On July 10, 2013, defendant answered that the SSA funds were applied towards plaintiff's stay at its facilities, that it had returned most of the surplus funds to the SSA or to plaintiff, and that it still owed him \$1365.97. On July 17, 2013, the trial court entered an order stating that defendant had agreed to pay plaintiff that amount in open court, and dismissed the matter without prejudice. A second hearing followed on October 3, 2013, after which the court entered a form order showing "Judgment for Defendant, Columbus Home, after trial." Plaintiff filed a timely notice of appeal from that order, and now challenges the ruling entered.

¶ 4 As a preliminary matter, we note that plaintiff has failed to comply with the supreme court rules governing appellate review. Illinois Supreme Court Rules 341 (eff. Feb. 6, 2013) and 342 (eff. Jan. 1, 2005). Plaintiff's brief lacks, *inter alia*, a statement of jurisdiction or the applicable standard of review, a proper statement of facts containing those facts necessary to an understanding of the case, argument with citation to authorities and the record, and an appendix. *Id.* Plaintiff's *pro se* status does not relieve him of the burden of complying with the format for appeals as mandated by the supreme court rules (*Twardowski v. Holiday Hospital Franchising*, 321 Ill. App. 3d 509, 511 (2001)), and here, plaintiff has failed to articulate an organized and cohesive legal argument for this court's consideration (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 463 (1993)).

¶ 5 Plaintiff has also failed to file a report of proceedings from the bench trial, or an

acceptable substitute (Supreme Court Rule 323 (eff. Dec. 13, 2005)), to permit this court to be fully informed of the pertinent issues (*Adams v. Sarah Bush Lincoln Health Center*, 369 Ill. App. 3d 988, 997 (2007)). Where, as here, plaintiff raises claims relating to the evidence, and fails to provide a report of the proceedings, we must assume that the trial court's decision was in conformance with the law and is supported by the evidence. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 393-94 (1984).

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

¶ 7 Affirmed.