

No. 1-14-2985

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

CARL E. THOMAS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 14 M1 130720
)	
RICHARD PRICE and IRENE JONES,)	Honorable
)	Jim Ryan,
Defendants-Appellees.)	Judge Presiding.

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

O R D E R

- ¶ 1 *Held:* The judgment of the trial court is affirmed where defendants were not required to file an answer to plaintiff's complaint and all other claims were waived or barred from consideration.
- ¶ 2 In this breach of contract action, *pro se* plaintiff-lessee Carl Thomas ("plaintiff") appeals from the ruling of the circuit court in favor of defendant-lessors Richard Price and Irene Jones ("defendants"). On appeal, plaintiff contends, *inter alia*, the trial court committed reversible error

when it allowed defendants to introduce evidence at trial without requiring defendants to file an answer to plaintiff's complaint.

¶ 3 In his initial complaint, plaintiff asserted defendants erroneously withheld his security deposit upon expiration of a rental agreement between the parties in violation of the Security Deposit Return Act (765 ILCS 710/1 (West 2012)) and the City of Chicago Residential Landlord and Tenant Ordinance (Chicago Municipal Code § 5-12-080/081 (eff. Oct. 8, 2010)). Defendants did not file an answer, but appeared in court in accordance with the summons. Following a trial, the circuit court entered judgment in favor of defendants. Plaintiff timely appealed. Neither a transcript of the trial proceedings, nor an acceptable substitute was included in the record.

¶ 4 Although defendants did not file a response brief, we can consider this appeal pursuant to *First Capital Mortgage Corp. v. Talandis Const. Corp.*, 63 Ill. 2d 128 (1976).

¶ 5 Nevertheless, plaintiff's brief is seriously deficient and in violation of Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013). It does not contain a statement of the standard of review; a jurisdictional statement; a statement of facts; or a statement regarding the issues presented on appeal, among other defects. Furthermore, although plaintiff references the applicable municipal ordinance and statute regarding his underlying claim, he fails to cite any authority to support his contention of procedural defects.

¶ 6 Rule 341's mandates regarding format and content of appellate briefs are compulsory. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Where a party's brief does not comply with these rules, this court has discretion to strike and dismiss the brief for failure to comply. *Rosestone Investments, LLC v. Garner*, 2013 IL App (1st) 123422, ¶ 18. The fact that a party appears *pro se* does not relieve him from complying as nearly as possible with the rules of our court. *Voris*, 2011 IL App (1st) 103814, ¶ 8. Where the plaintiff fails to articulate an organized and cohesive

argument for the court to consider, the appeal must be dismissed. *Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074-75 (1982). Accordingly, this court is within its discretion to dismiss this appeal. However, because plaintiff's brief contains a single cognizable claim that defendants failed to file an answer to his complaint, we decline to dismiss his appeal without considering the merits of this argument.

¶ 7 Illinois Supreme Court Rule 286(a) (eff. Aug. 1, 1992) allows a defendant to appear in small claims court without filing an answer unless ordered to do so by the trial court. The record clearly indicates that defendants filed a general appearance, and were therefore, not required to file an answer. Furthermore, the court may adjudicate a claim in small claims court at an informal hearing and relax the rules of procedure. Ill. S. Ct. R. 286(b) (eff. Aug. 1, 1992). As such, defendants' failure to file an answer cannot support a claim for relief on appeal.

¶ 8 To the extent that plaintiff alleges other procedural deficiencies, these claims have been waived (*Roe v. Jewish Children's Bureau of Chicago*, 339 Ill. App. 3d 119, 125 (2003) (failure to provide a coherent argument supported by citations to the record and relevant authority waives an issue on appeal)) or alternately barred from our consideration by *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984) (when no record of proceedings was provided on appeal, we must presume the order entered by the circuit court was in accordance with the law and had a sufficient factual basis).

¶ 9 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 10 Affirmed.