

No. 1-13-1067

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

SCHAUMBURG EXECUTIVE SUITES, LLC,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 12 M6 2809
)	
JACQUWLYN JACKSON d/b/a VIOLA'S)	
ANOINTED WELLNESS SPA,)	Honorable
)	Laurence J. Dunford,
Defendant-Appellant.)	Judge Presiding.

JUSTICE REYES delivered the judgment of the court.
Presiding Justice Palmer and Justice Gordon concurred in the judgment.

O R D E R

¶ 1 *Held:* Judgment affirmed on presumption of correctness where defendant failed to provide a sufficiently complete record in support of her claims of error, or comply with Illinois Supreme Court Rules 341 (eff. Feb. 6, 2013) and 342 (eff. Jan. 1, 2005) in presenting her arguments.

¶ 2 Defendant Jacquwlyn Jackson, d/b/a Viola's Anointed Wellness Spa, appeals from an order of the circuit court of Cook County denying her motion to vacate a default judgment that was entered in favor of plaintiff Schaumburg Executive Suites, LLC. Defendant contends that

the trial court erred in denying her motion to vacate the default judgment because: (1) sanctions were imposed based upon erroneous information provided to the trial court by her attorney; (2) her attorney abandoned her without notice; and (3) she was not notified about the entry of the default judgment. For the following reasons, we affirm the judgment of the circuit court.

¶ 3 BACKGROUND

¶ 4 The record on appeal reflects that on August 8, 2012, plaintiff filed an action against defendant for possession of the leased premises at 17516 South Carriageway Drive, Suite B in Hazel Crest, Illinois (the premises), and for unpaid rents, attorney fees and costs. On September 24, 2012, the trial court awarded plaintiff possession of the premises and continued the matter to October 18, 2012, for trial on the remaining issues. On the day of trial, however, the trial court granted defendant's oral motion for a continuance to allow her newly hired attorney time to prepare for trial, reset the case for trial on November 8, 2012, and ordered that defendant pay plaintiff the cost of roundtrip airfare for plaintiff's principal to attend the new trial date.

¶ 5 On November 8, 2012, the trial court granted defendant leave to file a counterclaim and reset the matter for trial on January 7, 2013. On that date, the trial court also ordered defendant to reimburse plaintiff \$750 for airfare within 14 days. The defendant, on November 12, 2012, filed a counterclaim alleging retaliatory and constructive eviction and seeking monetary damages.

¶ 6 On November 29, 2012, plaintiff filed a petition for rule to show cause against defendant due to her failure to pay the \$750 airfare reimbursement. On December 12, 2012, following a hearing on the matter, the trial court entered an order noting that defendant had admitted in open court that she had not paid the \$750, and thus was in default. Accordingly, the trial court entered

judgment in favor of plaintiff in the amount of \$6,100.57 plus costs, struck defendant's counterclaim, and set a hearing date for plaintiff's request for attorney fees as well as defense counsel's motion to withdraw.

¶ 7 On December 17, 2012, defendant filed a request that the trial court "revoke" the trial court's prior order requiring her to pay for the airfare of plaintiff's principal. Defendant also requested that her "case continue to be heard and settled without further delay[.]"

¶ 8 On February 11, 2013, the trial court awarded plaintiff \$1,500 in attorney fees, rendering a total monetary judgment of \$7,600.57 plus costs against defendant. On that same date, the trial court denied defendant's motion to vacate the default judgment entered against her on December 12, 2012. On March 6, 2013, defendant filed a timely notice of appeal to this court.

¶ 9 ANALYSIS

¶ 10 Defendant now appeals, arguing that the trial court erred in denying her motion to vacate the default judgment because: (1) sanctions were imposed based upon erroneous information provided to the trial court by her attorney; (2) her attorney abandoned her without notice; and (3) she was not notified about the entry of the default judgment.

¶ 11 We conclude, however, that we cannot reach the merits of defendant's appeal of the denial of her motion to vacate the default judgment that was entered against her due to her failure to conform with the supreme court rules governing appellate briefs. Ill. S. Ct. R. 341(h) (eff. Feb. 6, 2013); Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). For example, defendant's brief was required to include a "Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal[.]" Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6, 2013). Her brief was

also required to present "Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). Moreover, defendant was required to include "as an appendix, a table of contents to the appendix, a copy of the judgment appealed from, any opinion, memorandum, or findings of fact filed or entered by the trial judge *** any pleadings or other materials from the record which are the basis of the appeal or pertinent to it, the notice of appeal, and a complete table of contents, with page references, of the record on appeal." Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). The failure to provide any citation to the record and include the required appendix may result in dismissal on an appeal. See, e.g., *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095-96 (1993). When the appellant fails to include record citations and a table of contents for the record on appeal, it is "next to impossible" for this court to assess whether the appellant's statement of facts is fair and accurate. *Id.* at 1095. An appellant's brief that fails to refer to the record on appeal and merely lists general citations to authorities without relating them to the argument is inadequate for appellate review. *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993). An appellant's *pro se* status does not entirely excuse compliance with our supreme court's rules governing appellate procedure. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010).

¶ 12 In this case, defendant's *pro se* brief consists of a one-paragraph statement of facts and numerous conclusory arguments, with no citations to the record on appeal. Her attempts to cite authority consist of long lists which are included at the end of each paragraph in her argument section, as opposed to after each specific proposition she is attempting to support. Defendant's brief also lacks an appendix, thus depriving this court of a table of contents to the record on

appeal which may have assisted this court in determining the merits of this appeal. Accordingly, we conclude defendant's brief is inadequate for appellate review and defendant has forfeited her contentions of error. See *Rock Island County*, 242 Ill. App. 3d at 462; *Coleman*, 402 Ill. App. 3d at 825.

¶ 13 Furthermore, "in order to support a claim of error on appeal the appellant has the burden to present a sufficiently complete record." *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001) (citing *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984)). In the absence of a complete record, a reviewing court presumes the order entered by the trial court was in conformity with the law and had a sufficient factual basis. *Foutch*, 99 Ill. 2d at 392. "In fact, when the record on appeal is incomplete, a reviewing court should actually 'indulge in every reasonable presumption favorable to the judgment from which the appeal is taken, including that the trial court ruled or acted correctly.' " *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757-58 (2006) (quoting *People v. Majer*, 131 Ill. App. 3d 80, 84 (1985)).

¶ 14 In this case, the record on appeal does not contain any transcript, substitute report of proceedings, or agreed statement of facts pursuant to Illinois Supreme Court Rule 323. See Ill. S. Ct. R. 323(a),(c),(d) (eff. Dec. 13, 2005). Defendant also repeatedly refers to matters outside of the record, such as erroneous information that her attorney purportedly provided to the trial court, and her financial situation. Given the record on appeal, this court has no knowledge of the evidence or arguments presented to the trial court, or the reasoning or rationale that provided the basis for the trial court's denial of defendant's motion to vacate the default judgment.

Accordingly, this court must presume that the circuit court acted in conformity with the law and

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ruled properly after considering the evidence before it. See *Webster*, 195 Ill. 2d at 433-34; *Foutch*, 99 Ill. 2d at 391-92.

¶ 15

CONCLUSION

¶ 16 For all of the aforementioned reasons, we affirm the judgment of the circuit court of Cook County.

¶ 17 Affirmed.