SECOND DIVISION
March 29, 2016

No. 1-15-0252

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

NAGESWAR R. LINGA,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 14 M3 595
	)	
ACORN TIRES,	)	Honorable
	)	Sandra Tristano,
Defendant-Appellee.	)	Judge Presiding.

JUSTICE NEVILLE delivered the judgment of the court.
Presiding Justice Pierce and Justice Hyman concurred in the judgment.

O R D E R

¶ 1 *Held*: Judgment entered in favor of defendant on plaintiff's claim for breach of contract affirmed where plaintiff failed to provide adequate record on appeal.

¶ 2 Plaintiff, Nageswar Linga, *pro se*, appeals from an order of the circuit court of Cook County entering judgment in favor of defendant, Acorn Tires, on plaintiff's breach of contract claim. On appeal, plaintiff contends that defendant breached a contract to repair his taxi, and deprived him of the use of his commercial vehicle resulting in lost wages. He also contends that he was entitled to cross-examine defendant's employee who agreed to repair his vehicle, and that

this court should grant him relief in the form of lost wages and actual damages in amounts paid to repair his vehicle, as well as other expenses related to the inability to use his vehicle for commercial purposes. Defendant has not filed a brief in response, however, we may consider the merits of this appeal under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 3 The record shows that plaintiff filed a *pro se* civil complaint against defendant on February 28, 2014, alleging breach of contract based on defendant's failure to repair his vehicle. On May 28, 2014, counsel appeared in court on behalf of plaintiff and the cause was continued until August 27, 2014, for trial. On August 27, 2014, the cause was again continued until October 28, 2014. On October 28, 2014, with plaintiff, his counsel, and defendant present, the court entered a judgment for the defendant. On November 18, 2014, plaintiff filed a *pro se* motion to reconsider that judgment, which the trial court denied on December 19, 2014. Plaintiff now appeals.

¶ 4 In this court, plaintiff repeats the allegations contained in his *pro se* complaint before the trial court, and further contends that he should have been entitled to cross-examine the employee who agreed to repair his vehicle on defendant's behalf.

¶ 5 We initially note plaintiff has filed only the common law record, and the brief he submitted does not conform to the Supreme Court Rules governing appellate review. Ill. S. Ct. R. 341 (eff. Feb. 6, 2013); Ill S. Ct. R. 342 (eff. Jan 1, 2005); *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001). It is the responsibility of plaintiff, as appellant, to provide an adequately complete record of the proceedings that is sufficient for reviewing the issues raised on appeal. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the

absence of such a record, it is presumed that the trial court's judgment conformed with the law and had a sufficient factual basis, and any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Id*. at 392.

¶ 6 Although we are cognizant of the basic elements of fairness and procedural due process, a party appealing *pro se* must still comply with the rules of procedure. *Lill Coal Co. v. Bellario,* 30 Ill. App. 3d 384, 385 (1975). In his brief, plaintiff makes factual allegations that are unsupported by references to pages in the record on appeal, and his statement of facts contains a mixture of fact, argument, and comment, in violation of Supreme Court Rule 341(h)(6) (Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6, 2013)). *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 824 (2010).

¶ 7 In light of the fact there is no report of proceedings or other record of the hearing on defendant's complaint, we have no basis for disturbing the trial court's judgment. *Foutch*, 99 Ill. 2d at 392. From our examination of the record, we know only that the court found in favor of defendant. We do not know what evidence or arguments were presented, nor are we informed of the trial court's findings of fact or its reasoning in entering its judgment. See *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156 (2005). Accordingly, we have no meaningful record from which to review any claimed error (*id.*), and we presume that the judgment was entered in conformity with the law and was properly supported by evidence. *Foutch*, 99 Ill. 2d at 393.

¶ 8 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 9 Affirmed.