2018 IL App (1st) 163112-U

SIXTH DIVISION
February 2, 2018

No. 1-16-3112

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

STEPHANIE PARKS, Plaintiff-Appellant, v. RUSH UNIVERSITY MEDICAL CENTER, JOAO BUSHELLO, KERI LYNN ELIAS, KRISTEN KLEIDER and TOM VADAKARA, Defendants-Appellees.	)	Appeal from the Circuit Court of Cook County. No. 15 L 13122 Honorable Larry Axelrood, Judge Presiding.

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

ORDER

¶ 1 ***Held:*** The appeal in this false imprisonment case is dismissed because the appellant's brief fails to set forth a coherent argument directed at the judgment below as required by the Illinois Supreme Court rules.

¶ 2 On December 31, 2015, plaintiff Stephanie Parks filed a *pro se* complaint against Rush University Medical Center and various Rush staff members. The amended version of Parks' complaint at issue in this appeal alleges that on August 3, 2015, Parks was falsely imprisoned in that she was not allowed to leave Rush's emergency room, and was forced to remain at Rush, and at another hospital to which she was transferred, for a period of several days despite her demands to leave. The amended complaint also alleges that certain unspecified "defendants acted

without having reasonable grounds." The amended complaint recites various conversations Parks had with Rush personnel to the effect that she was being held because she was "suicidal," despite her protestations that she was not. Much of the remainder of the amended complaint consists of rambling recitations of various complaints Parks made to various hospital and law enforcement authorities, and accusations that Rush physicians "falsified notes" and failed to keep other patients' confidential files out of Parks' view. Copies of several statutes are also attached to the amended complaint.

¶ 3 Rush and the other defendants filed a combined motion to dismiss the first amended complaint pursuant to section 2-619.1 of the Code of Civil Procedure (Code) (735 ILCS 5/2-619.1 (West 2014)). The section 2-615 portion of the motion asserted that the first amended complaint failed to state any recognizable cause of action. In particular, the motion noted that the amended complaint was so badly pled that it was "impossible to determine which facts apply to which defendants." The defendants also claimed that Parks appeared to be asserting two separate causes of action, both for false imprisonment, which were not separated into separate counts as required by section 2-603 of the Code (735 ILCS 5/2-603 (West 2014)). The section 2-619 portion of the motion stated that, in the amended complaint, Parks made numerous judicial admissions which negated the cause of action she was asserting. In particular, she cited statutes specifically allowing hospitals to restrain persons who appear to be suicidal, homicidal, or unable to take care of themselves. In the amended complaint, Parks herself alleged, among other things, that she attempted to exit a moving security van which was transporting her to the hospital and that she was assessed as presenting herself with a manic episode.

¶ 4 On October 7, 2016, the circuit court granted the defendants' motion to dismiss, finding that the amended complaint failed to divide multiple claims into separate counts as required by

the Code, and failed to allege sufficient facts to bring Parks' "claim for a remedy within the scope of a legally recognized cause of action." Citing *Meerbrey v. Marshall Field & Co.*, 139 Ill. 2d 455, 474 (1990) for the proposition that to state a claim for false imprisonment in Illinois, a plaintiff must allege that her personal liberty was unreasonably or unlawfully restrained against her will and that the defendants caused or procured the restraint, the court concluded that the amended complaint failed because Parks had not specifically alleged how "each of the Defendants caused or procured her restraint without reasonable grounds." The court dismissed the first amended complaint pursuant to section 2-615 of the Code and granted Parks leave to amend her complaint by October 28, 2016.

¶ 5 On October 28, the court entered an order reciting that the parties were present before it, and that Parks had not filed an amended complaint as permitted by the October 7 order. The court ordered that the October 7 dismissal would then be with prejudice and stand as a final and appealable order. This appeal followed. The notice of appeal indicates that Parks only seeks review of the October 28, 2016 order.

¶ 6 As an aside, we note that on July 20, 2017, long after the case was terminated, Parks filed a motion in the circuit court which is not in the record before us. On August 10, 2017, a different circuit court judge than the one who had dismissed the case entered an order apparently in response to Parks' July 20 motion. The order, handwritten by Parks, states in its entirety: "Plaintiff/Appellant Stephanie Parks, RN is allowed to submit new discovery/evidence to the Appellant [sic] Court of Illinois First Judicial District Re: Above Lawsuit #2015 L 013122."

¶ 7 On September 9, 2017, Parks then filed, in this court, a motion for leave to file a supplemental record *instanter*, relying on an attached copy of the August 10, 2017 circuit court order. As reasons why this court should grant that motion, Parks stated that when she originally

filed the underlying lawsuit, she was unaware of certain fraudulent actions relating to billing which certain defendants had allegedly committed, and that she reported these actions to various enforcement agencies. This court granted the motion. The supplemental record largely consists of various written complaints which Parks made to enforcement agencies. It appears that none of these materials were before the court when it dismissed the amended complaint.

¶ 8 From all of this, we conclude that the circuit court was erroneously led to believe it was granting a routine motion to supplement the appellate record with stray pleadings missing from the original record, and that Parks believed that she could make additional arguments or allegations through the mechanism of filing a motion for supplemental record with this court. Parks' belief is incorrect, as this court has no jurisdiction to consider pleadings filed after the date of the notice of appeal. See *Cygnar v. Martin-Trigona*, 26 Ill. App. 3d 291, 293 (1975). Accordingly, we will not consider the additional arguments made in Parks' September 8, 2017 motion nor any materials contained in the supplemental record.

¶ 9 Parks has filed a *pro se* brief in this court which contains no argument specifically addressing whether the circuit court erred when it found that the amended complaint failed to state a valid cause of action. Instead, her brief is devoted almost exclusively to completely new issues never raised below: (1) that the court erred by refusing to allow her to submit evidence that a physician lied about whether she had an office visit; (2) that she had reported alleged misconduct by a different physician to various regulatory agencies; and (3) that certain medical personnel denied requests she made and were rude to her. None of these claims are properly before us. The Appellate Court of Illinois is a court of review, not first view. See, *e.g.*, *McWilliams v. Dunn*, 137 S. Ct. 1790, 1801 (2017). The brief concludes by repeating allegations made in the first amended complaint, but it cites no legal authorities nor contains any argument

explaining why the circuit court might have erred by granting the defendants' section 2-615 motion. Supreme Court Rule 341(h)(7) governs the requirements for appellants' briefs. Ill. Sup.Ct. R. 341(h)(7) (eff. Feb. 6, 2013). The rule requires that the briefs shall include: "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." *Id*. Both an argument and citation to relevant authority are required. Accordingly, we must find that Parks has forfeited any argument regarding the validity of the circuit court's dismissal order.

¶ 10 The rules of procedure concerning appellate briefs are rules, not mere suggestions, and it is within our discretion to strike a brief and dismiss the appeal for failure to comply with those rules. See *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999). A *pro se* litigant "must comply with the same rules of procedure required of attorneys" and "this court will not apply a more lenient procedural standard to *pro se* litigants than is generally allowed attorneys." *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 450 (1983). Due to the violations of applicable court rules exhibited by Parks' brief, we must strike the brief and dismiss the appeal.

¶ 11 Appeal dismissed.