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2015 IL App (3d) 140851-U

Order filed September 15, 2015

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2015

TARA McNEAL,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois
)	
v.)	Appeal No. 3-14-0851
)	Circuit No. 06-F-657
JASON HALE,)	
)	
Defendant-Appellant.)	Honorable Marilee Viola,
)	Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices Holdridge and Lytton concurred in the judgment.

ORDER

- ¶ 1 *Held:* Plaintiff waived all issues by failing to cite any authority to support his arguments.
- ¶ 2 Pursuant to plaintiff Tara McNeal’s petition for support, the court ordered defendant, Jason Hale, to pay child support and arrears, healthcare expenses, and daycare expenses. After numerous motion hearings, spanning over seven years, regarding Hale’s failure to comply with

the court's order, the court ultimately ordered Hale to pay McNeal's attorney fees in the amount of \$6,335.50.

¶ 3 Hale appeals, arguing that the court denied him the right to present a defense. For the following reasons, we affirm.

¶ 4 BACKGROUND

¶ 5 McNeal filed a petition for nonsupport against Hale for support of the parties' minor child. The court ordered Hale to pay child support in the amount of \$36.25 each week, plus 20% of any net income received in excess of \$181.23 per week and complete a job search diary; the court reserved the issue of arrearage payments. Subsequently, McNeal filed a motion for rule to show cause against Hale and a petition to modify child support and for contribution of daycare expenses. The court entered a rule requiring Hale to show cause why the court should not adjudicate Hale in civil contempt for his failure to pay child support and healthcare expenses. Shortly thereafter, the parties entered into an agreed order requiring Hale to pay: child support in the amount of \$505 per month; \$100 per month toward daycare expenses; and past due medical expenses.

¶ 6 Hale filed a petition to determine the amount that he owed in child support arrears. The parties stipulated that Hale owed \$1,511.94 for past child support, healthcare expenses, daycare expenses, and summer camp expenses. The court ordered Hale to pay \$100.90 per month until he paid the arrears in full, in addition to the \$505 per month for child support and the \$100 per month for daycare obligations. The court also ordered the parties to complete mediation.

¶ 7 McNeal's attorneys filed a petition for attorney fees and a second motion for rule to show cause against Hale. The motion alleged that Hale failed to pay child support and arrearage and did not participate in mediation as the court previously ordered. Again, the court entered a rule

requiring Hale to show cause why the court should not adjudicate Hale in civil contempt for failure to: pay child support and arrears; pay daycare costs; and participate in mediation. The court then conducted a hearing on the rule entered against Hale. After oral arguments, the court found Hale in willful indirect civil contempt of the court's prior orders for failing to pay child support, daycare expenses and medical expenses and for not participating in meditation. The court sentenced Hale to an indeterminate period in the Will County jail, not to exceed 90 days. The court stayed the *mittimus* of Hale's sentence to provide him with an opportunity to purge his contempt. Ultimately, Hale purged his contempt and the court discharged the rule entered against Hale. The court conducted a hearing on McNeal's attorney's motion for fees and ordered Hale to pay McNeal's attorney fees in the amount \$6,337.50.

¶ 8 Hale appeals. We affirm.

¶ 9 ANALYSIS

¶ 10 Hale argues that the court denied him a right to present a defense. Specifically, Hale argues that the court confronted him and interrupted him while he attempted to present his defense. McNeal argues that Hale did not present sufficient evidence to overturn the trial court's decision. We agree with McNeal.

¶ 11 Hale neither complies with Rule 341 (Ill. S. Ct. R. 341(eff. Feb. 6, 2013)), nor advances a cogent argument supported by case law. Rule 341(h) governs the contents of appellant's brief. The rules regarding appellant's briefs are rules that must be followed, not mere suggestions. *Hall v. Naper Gold Hospitality, LLC*, 2012 IL App (2d) 111151, ¶ 7. Failure to comply with Rule 341 is not an inconsequential matter. *Id.*; *Burmac Metal Finishing Co. v. West Bend Mutual Insurance Co.*, 356 Ill. App. 3d 471, 478 (2005). We recognize that Hale is *pro se*, but the rules of procedure apply to him all the same. *Lewis v. Heartland Food Corp.*, 2014 IL App (1st)

123303. We will not search the record in order to find error where plaintiff has failed to make a good faith effort to comply with the Supreme Court Rules regarding his brief. *Hall*, 2012 IL App (2d) 111151, ¶ 15.

¶ 12 Rule 341(h)(4) requires that an appellant provide this court with a statement of jurisdiction setting forth the supreme court rule or other appropriate law conferring jurisdiction upon this court. Appellate litigation is expensive to the parties and utilizes judicial resources; a statement of jurisdiction is important to keep an orderly administration of justice. *Hall*, 2012 IL App (2d) 111151, ¶ 8. Here, Hale violated the rule by failing to include a statement of jurisdiction.

¶ 13 Pursuant to Rule 341(h)(3) an appellant must include a “concise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument or under a separate heading placed before the discussion in the argument.” Ill. S. Ct. R. 341(h)(3) (eff. Feb. 6, 2013). Again, Hale failed to include such a statement in his brief; thus violating yet another rule.

¶ 14 Hale’s most egregious violation of the rules is his failure to state his argument and support his position with appropriate legal authority. An appellant must clearly set forth his contentions and cite authority in support of his arguments. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). Hale’s initial brief was stricken by this court for failing to provide a: statement of facts necessary to understand the case with appropriate citations to the record; and separate argument section containing Hale’s contentions with appropriate citations to the record and legal authority. This court provided Hale with additional time to file a brief that complied with Rule 341(h). Hale filed a second brief but, again, failed to advance a cogent argument supported by case law. As the appellant, Hale bears the burden of proving the trial court erred. *Commonwealth Edison*

Co. v. Illinois Commerce Comm'n, 2014 IL App (1st) 130302, ¶ 82. He failed to do so. While Hale argues that the court denied him the right to present a defense, he did not include the court's specific statements or actions, which allegedly prevented Hale from presenting his defense. In his brief, Hale restated some procedural history and then stated: "[Hale] could not present [his] defense against the amount of attorney fees because Judge Viola kept interrupting and would not allow him to effectively present his defense." Hale failed to provide us with any evidence that the court erred. It is not our responsibility to review the record to find error. *Hall*, 2012 IL App (2d) 111151, ¶ 15. In his reply brief, Hale highlighted a few court actions allegedly supporting his argument. However, he simply quoted the record; he still failed to argue how such actions denied him a right to present a defense.

¶ 15 Moreover, Hale did not include a single case citation in the argument section of his original brief or his reply brief. He waived all issues by failing to cite to any authority. *People v. Clinton*, 397 Ill. App. 3d 215, 223-24 (2009); Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). We accordingly affirm the trial court's ruling.

¶ 16 CONCLUSION

¶ 17 For the foregoing reasons, the judgment of the circuit court of Will County is affirmed.

¶ 18 Affirmed.