



defendant failed to properly investigate alleged meter problems, that defendant failed to provide plaintiff with various records, that defendant engaged in unfair collection practices, and that defendant breached a contract regarding net metering and solar charges. In June of 2010, the parties filed a joint stipulation for dismissal after signing a settlement agreement. The trial court subsequently dismissed plaintiff's cause of action with prejudice because the parties had reached a settlement agreement. On March 10, 2011, plaintiff filed a small claims complaint for tort against defendant, which he subsequently amended, alleging maintenance and inspection issues with respect to plaintiff's meter and monthly billing, unfair collection practices on the part of defendant, defendant's failure to investigate and keep records, and other issues pertaining to defendant's alleged monopoly status and instances of misconduct by defendant and/or its employees. Defendant filed a motion to dismiss based on the doctrine of *res judicata*. After a hearing on defendant's motion to dismiss, the trial court granted the motion. Plaintiff appeals *pro se* the dismissal of his case.

¶ 4 As defendant states in its brief, it is extremely difficult to understand plaintiff's brief and arguments on appeal. Additionally, we find that the record on appeal is lacking given that there is no transcript or bystander's report of the proceeding below. If a record on appeal is incomplete, we will indulge every reasonable presumption favorable to the judgment from which the appeal is taken, and any doubt arising from the incompleteness of the record will be resolved against the appellant. *In re Marriage of Cepek*, 230 Ill. App. 3d 1045, 1046, 596 N.E.2d 131, 133 (1992).

¶ 5 *Res judicata* is an equitable doctrine designed to prevent multiple lawsuits between the same parties where the facts and issues are the same. *Murneigh v. Gainer*, 177 Ill. 2d 287, 299, 685 N.E.2d 1357, 1363 (1997). If there is a final judgment on the merits rendered by a court of competent jurisdiction, an identity of the causes of action, and an identity of the parties, *res judicata* will bar not only every matter that was actually determined in the first

suit but also every matter that might have been raised and determined in the first suit. *Rein v. David A. Noyes & Co.*, 172 Ill. 2d 325, 335-36, 665 N.E.2d 1199, 1204 (1996). A dismissal with prejudice based on the settlement of the parties is a final judgment on the merits. *People ex rel. Ulrich v. Bosmann*, 279 Ill. App. 3d 36, 45, 664 N.E.2d 119, 125 (1996). Given that the parties here are clearly identical, the only question remaining is whether there is an identity of the causes of action between the two suits. "Separate claims will be considered the same cause of action for purposes of *res judicata* if they arise from a single group of operative facts, regardless of whether they assert different theories of relief." *River Park, Inc. v. City of Highland Park*, 184 Ill. 2d 290, 311, 703 N.E.2d 883, 893 (1998). The issues raised in both cases here appear to be the same, and those that are not could have been raised in the first cause of action brought against defendant. We cannot find from the record before us that plaintiff alleged any new matter which would prevent the application of *res judicata* to his second suit. We therefore conclude that the trial court correctly found that the doctrine of *res judicata* applied in this instance and properly dismissed plaintiff's latest complaint against defendant. Accordingly, we affirm the judgment of the circuit court of Williamson County.

¶ 6 Affirmed.