

No. 1-13-0113

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

MOBILE MANAGEMENT, INC., as agent for)	Appeal from the
ALPINE VILLAGE MHC, LLC,)	Circuit Court of
)	Cook County.
Plaintiff-Appellee,)	
)	
v.)	No. 12 M1 710739
)	
ADRIENNE JETT,)	Honorable
)	Robert J. Clifford,
Defendant-Appellant.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Connors and Justice Hoffman concurred in the judgment.

ORDER

¶ 1 *Held:* Appeal dismissed in part for lack of jurisdiction; judgment on remaining issue affirmed on presumption of correctness where defendant failed to provide a sufficiently complete record in support of her claims of error, or comply with Supreme Court Rule 341 in presenting her arguments.

¶ 2 Defendant Adrienne Jett, *pro se*, appeals from orders of the circuit court of Cook County entering judgment in favor of plaintiff Mobile Management Inc., as agent for Alpine Village

MHC, LLC, for possession of the premises at issue and for \$4,590 plus costs, and dismissing her counterclaim without prejudice.

¶ 3 The common law record reflects that on May 11, 2012, plaintiff filed an action against defendant for possession of the premises commonly described as 477 Linda Lane, Lot 477 – Mobile Home in Lynwood, Illinois (the Premises), and for unpaid rents. On October 22, 2012, defendant filed a counterclaim alleging fraud and requesting damages. A bench trial was held on November 8, 2012, and, on December 20, 2012, the trial court entered judgment in favor of plaintiff for possession of the premises and for \$4,590 plus costs. On that same date, in a separate order, the trial court dismissed defendant's counterclaim without prejudice.

¶ 4 Defendant filed an appeal from those orders. On July 10, 2013, plaintiff filed a motion with this court to dismiss defendant's appeal as moot as to the issue of possession, and this court granted that motion on August 1, 2013. Thus, the only remaining issues before us relate to the unpaid rents and costs defendant was ordered to pay plaintiff, and to the dismissal of defendant's counterclaim.

¶ 5 That said, we must first address the question of our jurisdiction over defendant's appeal of the dismissal of her counterclaim. Although the parties have not questioned this court's jurisdiction over this matter, we have a duty to raise it *sua sponte*, and to dismiss this appeal if jurisdiction is lacking. *Ferguson v. Riverside Medical Center*, 111 Ill. 2d 436, 440 (1985).

¶ 6 Our jurisdiction is limited to review of appeals from final orders. *Renzulli v. Zoning Board of Appeals of City of Wood Dale*, 176 Ill. App. 3d 661, 662 (1988). The trial court's order dismissing defendant's counterclaim reflects that the dismissal was "without prejudice." Our supreme court has held that inclusion of the phrase "without prejudice" in a dismissal order "clearly manifests the intent of the court that the order not be considered final and appealable."

Flores v. Dugan, 91 Ill. 2d 108, 114 (1982). Accordingly we find that the order dismissing defendant's counterclaim is not a final and appealable order, and, accordingly, that we lack jurisdiction over that portion of the appeal.

¶ 7 We further find that we cannot reach the merits of defendant's appeal of the unpaid rents and costs which she was ordered to pay to plaintiff due to her failure to conform to the supreme court rules governing appellate briefs. Ill. S. Ct. R. 341(h) (eff. Jul. 1, 2008); Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). Defendant's *pro se* brief consists of an extended recitation of facts without reference to the record, argument based on law, or any alleged error on the part of the trial court. Defendant's *pro se* status does not excuse her from complying with supreme court rules governing appellate procedure (*Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010)) and she is expected to meet a minimum standard in order for this court to adequately review the decision of the trial court (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). Defendant has not met that minimum standard.

¶ 8 In addition, defendant has failed to meet the requirement of providing this court with a sufficient record for review of any alleged error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). The record does not contain any transcripts, or any substitute report of proceedings as required by Supreme Court Rule 323 (eff. Dec. 13, 2005). Consequently, this court has no way of knowing what evidence or arguments were presented to the trial court, or the reasoning and rationale that the court used in its ruling. Accordingly, as established in Illinois case law, we must presume that the trial court acted in conformity with the law and ruled appropriately after considering the evidence before it. *Webster v. Hartman*, 195 Ill. 2d 426, 433-34 (2001); *Foutch*, 99 Ill. 2d at 391-92.

1-13-0113

¶ 9 For these reasons, we dismiss defendant's appeal of the dismissal of her counterclaim and affirm the judgment of the circuit court of Cook County in all other respects.

¶ 10 Appeal dismissed in part, affirmed in part.