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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

LUCIANA WHITE,)	Appeal from the Circuit Court
)	of Winnebago County.
Plaintiff-Appellant,)	
)	
v.)	No. 10-L-112
)	
LILLIE CHARLES,)	Honorable
)	Eugene G. Doherty,
Defendant-Appellee.)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices Hutchinson and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* Summary judgment was proper where plaintiff could not establish cause of her fall.

¶ 2 *Pro se* plaintiff, Luciana White, was playing cards in the basement of a home allegedly owned by defendant, Lillie Charles, when she heard knocking on a door located at the top of a staircase. When plaintiff walked up the stairs and opened the door, she was confronted by an armed assailant. Plaintiff descended the stairs, and, as she did so, she fell on the bottom step, injuring herself.

¶ 3 Plaintiff sued defendant for negligence. The amended complaint alleged that the stairs were defective in that they were “cracked, chipped, uneven[,] and broken” and that defendant was negligent in failing to maintain the stairway in a safe condition.

¶ 4 Defendant filed a motion for summary judgment, attaching plaintiff’s deposition testimony. Defendant argued that plaintiff failed to demonstrate that her injury was caused by a condition on the stairs. In response, plaintiff filed a one-page document containing four paragraphs of “Undisputed Facts” and one paragraph of “Argument.” Plaintiff maintained that the “nine laminated wood steps *** were in very poor condition at the time of this incident.” She argued that defendant’s motion contained “fallacious statements” and that defendant “is failing to accept her responsibility in this incident and acknowledge that her stairs were at fault.” Following a hearing, the trial court granted summary judgment for defendant, finding that plaintiff cannot establish the cause of her fall.

¶ 5 Plaintiff argues that the trial court erred in granting summary judgment, because there is “a question of fact regarding whether the stairwell was maintained in a safe condition.” We disagree, and we hold that summary judgment was properly granted.

¶ 6 As an initial matter, we note that plaintiff’s brief does not contain a single citation to the record and that her two-page argument does not contain any citations to authority. Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 16, 2013) requires that the argument in an appellant’s brief include “citation of the authorities and the pages of the record relied on.” This rule is not a guideline. *Kerger v. Board of Trustees of Community College District No. 502*, 295 Ill. App. 3d 272, 275 (1997). *Pro se* litigants are required to follow and comply with the rules as to appellate briefs. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001). A brief that does not substantially conform to the pertinent rules may justifiably be stricken.

Hall v. Naper Gold Hospitality LLC, 2012 IL App (2d) 111151, ¶ 7. Nevertheless, this court has recognized that striking an appellate brief, in whole or in part, is a harsh sanction. *Id.* ¶ 15. We will strike a brief only when the violations of the rules hinder our effective review. *Id.* Here, the record is small, the issue is straightforward, and we have the benefit of a cogent appellee's brief. Therefore, the deficiencies in plaintiff's brief do not hinder our effective review, and we will consider the merits of plaintiff's appeal.

¶ 7 Summary judgment is appropriate where the pleadings, depositions, admissions, and affidavits on file, when viewed in the light most favorable to the nonmoving party, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. 735 ILCS 5/2-1005(c) (West 2012). We review *de novo* a grant of summary judgment. *Sollami v. Eaton*, 201 Ill. 2d 1, 7 (2002).

¶ 8 The essential elements of a cause of action based on common-law negligence are the existence of a duty owed by the defendant to the plaintiff, a breach of that duty, and an injury proximately caused by that breach. *Ward v. K mart Corp.*, 136 Ill. 2d 132, 140 (1990). Proximate cause need not be proved with direct evidence. *Canzoneri v. Village of Franklin Park*, 161 Ill. App. 3d 33, 41 (1987). Rather, causation may be established by facts and circumstances that, in light of ordinary experience, reasonably suggest that the defendant's negligence produced the plaintiff's injury. *Id.* at 41. That said, proximate cause cannot be predicated on surmise or conjecture, and, therefore, causation will lie only when there exists a reasonable certainty that the defendant's acts caused the injury. *Wiegman v. Hitch-Inn Post of Libertyville, Inc.*, 308 Ill. App. 3d 789, 795 (1999). If the plaintiff cannot identify the cause of her injury or can only guess as to the cause, a court cannot find the defendant liable for negligence. *Kimbrough v. Jewel Companies, Inc.*, 92 Ill. App. 3d 813, 817 (1981).

¶ 9 Here, plaintiff alleged in her amended complaint that the stairs were defective in that they were “cracked, chipped, uneven[,] and broken.” However, the record makes clear that plaintiff cannot establish that the alleged defects in the stairs caused her to fall. During her deposition, plaintiff was asked what caused her to fall. She explained: “I was walking down the steps, and as I got closer to the bottom step my foot slipped off like that and it turned.” She stated: “I don’t know if I hit some water from maybe us tracking it in through the rain or something.” When asked whether she saw water on the steps, she stated: “No. I didn’t pay attention to it at that time.” A bit later in the deposition, the following colloquy occurred:

“Q. Did you ever go back to examine the stairs?

A. No.

Q. Do you know if anyone went back to examine the stairs?

A. Not that I know of.

Q. So you don’t know whether—you don’t know whether there was a puddle on the stairs?

A. I don’t know.

Q. You don’t know whether there was loose tile on the stairs?

A. I don’t know.

Q. You don’t know if there was a crack that you tripped on in the stairs?

A. I’m not exactly for sure. Like I said, I have stumbled over these cracks and things that she has in them I know, and some of it lifts up. On some of the steps it lifts, so me and a few other people have stumbled over that before.

Q. So with respect to the fall on March 19th, you’re speculating as to what you tripped over?

A. I'm not exactly for sure.

Q. Is that a yes?

A. I don't know. Can you rephrase the question?

Q. I said since you don't know if it was a puddle or a tile or a crack, is it fair to say that you're speculating, guessing as to what you fell over that night?

A. I'm not guessing. I'm not for sure.

Q. But you don't know?

A. No. I don't know what I fell over that night."

As speculation cannot establish causation, we find that the trial court properly granted defendant summary judgment. See *Koukoulomatis v. Disco Wheels, Inc.*, 127 Ill. App. 3d 95, 101 (1984) (the plaintiff's theory that the carpet must have "gone up a little bit" and caused her to fall was speculation insufficient to establish causation, and, thus, summary judgment was properly granted).

¶ 10 For the reasons stated, we affirm summary judgment for defendant.

¶ 11 Affirmed.