

No. 1-15-3419

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**

VENDETTA NAGASK CECE-JACKOWIAK,)	Appeal from the
d/b/a NOEL ALEXIS KAPETANAKOS,)	Circuit Court of
)	Cook County.
Plaintiff-Appellant,)	
)	
v.)	No. 15 L 63053
)	
WELLS FARGO BANK, N.A.; and PIERCE &)	
ASSOCIATES, P.C., n/k/a McCALLA RAYMER)	
PIERCE, LLC,)	Honorable
)	Thomas D. Roti,
Defendants-Appellees.)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court
Presiding Justice Connors and Justice Simon concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court's dismissal of plaintiff's complaint is affirmed where her brief is in severe violation of supreme court rules, and she improperly attempts to collaterally attack a judgment which has an appeal pending. This court also directs plaintiff to show cause as to why sanctions should not be imposed for filing a frivolous appeal.

¶ 2 Plaintiff, appearing *pro se*, appeals the order of the circuit court dismissing her complaint with prejudice. For the following reasons, we affirm.

¶ 3 JURISDICTION

¶ 4 The trial court dismissed plaintiff's complaint on November 20, 2015. Plaintiff filed her notice of appeal on November 25, 2015. Accordingly, this court has jurisdiction pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994) and 303 (eff. May 30, 2008) governing appeals from final judgments entered below.

¶ 5 BACKGROUND

¶ 6 The following facts are relevant to the determination in this appeal. Plaintiff's complaint arose out of a foreclosure judgment and sale. She contends that the trial court mistakenly entered judgment in favor of defendant Wells Fargo Bank, N.A. (Wells Fargo), and she names defendant Pierce & Associates, P.C. (Pierce), as a party because Pierce represented Wells Fargo in the foreclosure action. Defendants filed a motion to dismiss, arguing that pursuant to section 2-619(a)(3) (735 ILCS 5/2-619(a)(3) (West 2014)), plaintiff's complaint should be dismissed because "there is another action pending between the same parties for the same cause." The trial court granted defendants' motion to dismiss, finding that plaintiff's complaint alleged errors that should be raised in the pending foreclosure action rather than collaterally in this complaint. The trial court also found that plaintiff's complaint did not contain a "plain and concise statement of the pleader's cause of action" as required by 735 ILCS 5/2-603 (West 2014)). It noted defendants' contention that plaintiff's complaint was "incomprehensible" and not responsive to defendants' arguments.

¶ 7 The trial court further stated in its order that "Plaintiff is no stranger to me in that she has filed several 'tomes' which masquerade as complaints" that have all been dismissed. The court

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noted that in addition to the present complaint, plaintiff had filed 14-M1-148061; 14-M2-1905; 14-M2-1941; 15-L-62036; 15-L-63053; 15-L-63049; and 2014-L-63061 in the circuit court. The trial court also noted that plaintiff had filed the following cases in federal court: 11 C 8805; 12 C 9796; 12 C 9790; and 13 C 8792, wherein Chief Judge Castillo barred her from electronically filing any future matters. The circuit court cases "share the common element that they have all been dismissed and each pleading is a stream of consciousness."

¶ 8 Plaintiff has also proven to be a prolific filer in the appellate court, having appealed the trial court's judgment in the following cases, all of which this court has affirmed or dismissed: (1) *Vendetta Cece-Jackowiak v. Konstatinos Kapetanakos*, No. 1-15-1199 (summary order filed 3/28/2016); (2) *Vendetta Cece-Jackowiak v. Konstatinos Kapetanakos*, No. 1-15-1148 (summary order filed 3/28/2016); (3) *Vendetta N. Cece-Jackowiak a/k/a/ Noel A. Kapetanakos v. Joseph (Spallone) Spellano a/k/a City of Des Plaines, IL*, No. 1-15-2622 (Rule 23 order filed 5/09/2016); (4) *Vendetta N. Cece-Jackowiak a/k/a Noel A. Kapetanakos v. Jeffrey Bloom and Mark Bloom*, No. 1-15-2574 (summary order filed 6/06/2016); (5) *Vendetta Nagask Cece-Jackowiak v. Lou(Luis) Meza and The Law Office of Lou Meza & Associates*, No. 1-16-0395 (dismissed for want of prosecution on 6/09/2016); (6) *Vendetta N. Cece-Jackowiak a/k/a Noel A. Kapetanakos v. Vickie L. Pasley and Vickie L. Pasley & Associates*, No. 1-15-2621 (summary order filed 6/13/2016); (7) *Vendetta Nagask Cece-Jackowiak v. Carolina Migliore*, No. 1-16-0749 (dismissed for want of prosecution on 6/23/2016); and (8) *Vendetta N. Cece-Jackowiak d/b/a Noel A. Kapetanakos v. Wells Fargo Bank, N.A.*, No. 1-15-2620 (dismissed for lack of jurisdiction on 11/02/2015).

¶ 9

ANALYSIS

¶ 10 Plaintiff appeals the judgment of the trial court granting defendants' motion to dismiss. We must first mention that plaintiff's brief is in severe violation of Illinois Supreme Court Rule 341(h) (eff. Jan. 1, 2016). Her brief does not contain a "Points and Authorities" outlining the arguments and authorities cited in support, or an appendix, as required by Rules 341(h)(1) and (9). Her nature of the case is not an introductory paragraph, but instead goes on for approximately 6 pages, in violation of Rule 341(h)(2). Plaintiff cites to no authority in support of her arguments and her brief is generally incomprehensible. Rule 341(h)(7) provides that an appellant's brief must contain contentions and the reasons therefor, with citation to the authorities upon which the appellant relies. As a reviewing court, we are entitled to have the issues clearly defined, pertinent authority cited, and a cohesive legal argument presented. *Walters v. Rodriguez*, 2011 IL App (1st) 103488, ¶5. "The appellate court is not a depository in which the appellant may dump the burden of argument and research." *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986). Arguments that are not supported by citations to authority fail to meet the requirements of Supreme Court Rule 341(h)(7) and are procedurally defaulted. *Vilardo v. Barrington Community School District 220*, 406 Ill. App. 3d 713, 720 (2010). *Pro se* litigants are not excused from following rules that dictate the form and content of appellate briefs. *In re Marriage of Barile*, 385 Ill. App. 3d 752, 757 (2008). Accordingly, plaintiff has forfeited review of her contentions and we affirm the trial court's judgment.

¶ 11 Furthermore, plaintiff's claims here are as meritless as the claims in the prior eight appeals she has filed in this court. Illinois Supreme Court Rule 375(b) provides for the imposition of sanctions when a party files a frivolous appeal. The rule states that an appeal "will be deemed frivolous where it is not reasonably well grounded in fact and not warranted by

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existing law or a good-faith argument for the extension, modification, or reversal of existing law." Rule 375(b) (eff. Feb. 1, 1994). As part of our judgment, we direct plaintiff to show cause within 30 days why sanctions should not be entered against her under Rule 375(b). Until such time as plaintiff responds to this order and this court determines what action to take, we direct the clerk of this court to disregard and by that we mean to not file any new appeals submitted by plaintiff. See *Williams v. Commissary Department of Illinois Department of Corrections*, 407 Ill. App. 3d 1135 (2011).

¶ 12 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 13 Affirmed.