

No. 1-16-0740

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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|----------------------|---|----------------------------------|
| NATIONSTAR MORTGAGE, | ) | Appeal from the Circuit Court of |
|                      | ) | Cook County.                     |
| Plaintiff-Appellee,  | ) |                                  |
|                      | ) |                                  |
| v.                   | ) | No. 12 CH 27547                  |
|                      | ) |                                  |
| LESLIE LEE,          | ) |                                  |
|                      | ) |                                  |
| Defendant-Appellant, | ) |                                  |
|                      | ) |                                  |
| (Stephanie Lee,      | ) | Honorable                        |
|                      | ) | Freddrenna M. Lyle,              |
| Defendant).          | ) | Judge Presiding.                 |

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JUSTICE DELORT delivered the judgment of the court.  
Justices Cunningham and Rochford concurred in the judgment.

**ORDER**

¶ 1 **Held:** The appeal in this mortgage foreclosure case is dismissed because the appellant’s brief fails to set forth a coherent argument as required by the Illinois Supreme Court rules.

¶ 2 Defendant Leslie Lee and his wife, Stephanie Lee, executed a mortgage and note with Bank of America, N.A. on real estate in Matteson, Illinois. Bank of America sued the Lees to foreclose on the mortgage when the Lees failed to make timely payments. The Lees, through counsel, filed an answer and a single affirmative defense to the complaint. The affirmative defense was later stricken. The circuit court granted summary judgment in favor of Bank of

America after neither the Lees nor their attorney filed any response to the bank's motion. The court also entered an order substituting Bank of America's successor in interest, Nationstar Mortgage, as plaintiff. The property was then sold at a judicial sale. Again, neither the Lees nor their attorney of record filed anything in opposition to confirm the judicial sale. The court confirmed the judicial sale on September 19, 2014, thus effectively ending the case. Proofs of service in the record show that the Lees' attorney received notice of the various motions during the course of the case.

¶ 3 On October 20, 2014, the Lees, through a new attorney, filed a motion to reconsider the order confirming the judicial sale. The new attorney was given leave only to file an additional appearance; the court specifically denied the previous attorney's motion to withdraw. The motion essentially claimed that the Lees did not personally receive notice of the various motions leading to the confirmation of the sale, but it did not address the more pertinent issue that the plaintiff had sent those notices to their attorney of record. Counsel noticed the motion for reconsideration for five months later – April 13, 2015, and the record contains no order resolving that motion. In its brief before this court, Nationstar specifically states that “no ruling on this motion was procured.”

¶ 4 Eight months later, on December 11, 2015, Leslie Lee filed a document purporting to put various parties on notice that he and his wife were somehow reconstituting themselves as a single legal entity, a “DBA functioning as one in commerce.” They then filed a *pro se* petition to vacate “all” judgments, based solely on their “legal entity” theory. The petition to vacate does not purport to be brought pursuant to section 2-1401 of the Illinois Code of Civil Procedure (735 ILCS 5/2-1401 (West 2014)) or any other particular authority. On March 11, 2016, the circuit court denied the petition to vacate, noting that the plaintiff had appeared and objected to the

petition on the basis of lack of jurisdiction. This appeal, filed only by Leslie Lee, followed. The notice of appeal indicates that Lee only seeks reviews of the March 11, 2016 order.

¶ 5 Lee has filed a *pro se* brief which contains numerous crucial omissions. The brief contains no index to the record and no copy of the notice of appeal, as required by Illinois Supreme Court Rule 342(a) (Ill. Sup. Ct. R. 342(a) (eff. Jan. 1, 1995)). It also contains an incomplete jurisdictional statement and no statement of facts summarizing the history of case or the pleadings presented below with citations to the record, as required by Illinois Supreme Court Rule 341(h)(4) and 341 (h)(6) (eff. Jan. 1, 2016). Instead, the brief consists of what appears to be cut-and-pasted excerpts from various sources, claiming to assert entirely new “cause[s] of action” against Nationstar. As a whole, the brief presents no substantive argument directed at any particular error committed below, other than that the judgment below should be vacated based on these new causes of action. The particular contentions set forth in the brief are plainly characteristic of “sovereign citizen” theories which we have previously held are entirely without merit. See *Parkway Bank v. Korzen*, 2013 IL App (1st) 130380 (holding that similar arguments are sanctionable).

¶ 6 The rules of procedure concerning appellate briefs are rules, not mere suggestions, and it is within our discretion to strike a brief and dismiss the appeal for failure to comply with those rules. See *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999). Due to the multiple violations of applicable court rules exhibited by Leslie Lee’s brief, we must strike the brief and dismiss the appeal.

¶ 7 Appeal dismissed.