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2016 IL App (3d) 160120-U

Order filed November 29, 2016

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

2016

NARVEEN S. ARYAPUTRI,	)	Appeal from the Circuit Court
	)	of the 14th Judicial Circuit,
Plaintiff-Appellant,	)	Rock Island County, Illinois,
	)	
v.	)	
	)	
CITY OF MOLINE; MAUREEN E. RIGGS,	)	
City Attorney, in Her Individual and Official	)	
Capacity; MARK ROEMER,	)	Appeal No. 3-16-0120
	)	Circuit Nos. 15-L-102 and 15-MR-1087
Defendants-Appellees,	)	
	)	
and	)	
	)	
OLAFIMIHAN AJAYI, City Health Inspector,	)	
in His Individual and Official Capacity,	)	Honorable
	)	Walter D. Braud,
Defendant.	)	Judge, Presiding.

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JUSTICE McDADE delivered the judgment of the court.  
Justices Carter and Wright concurred in the judgment.

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**ORDER**

¶ 1 *Held:* Plaintiff's appeal is dismissed for failure to comply with the Illinois Supreme Court Rules governing appellate procedure.

¶ 2 *Pro se* plaintiff, Narveen S. Aryaputri, appeals the trial court’s dismissal of her complaint with prejudice pursuant to section 2-615 of the Code of Civil Procedure (Code) (735 ILCS 5/2-615 (West 2014)) for failing to state a cause of action. We strike plaintiff’s brief and dismiss the appeal.

¶ 3 **FACTS**

¶ 4 In September 2015, plaintiff filed a complaint against defendants, the City of Moline, Maureen Riggs (City of Moline’s attorney), Olafimihan Ajayi (city health inspector)<sup>1</sup>, and Mark Roemer (real estate investor). Plaintiff proceeded *pro se* throughout the entire proceedings in the trial court and on appeal.

¶ 5 The five-count complaint alleged claims of trespass against each individual defendant stemming from the City of Moline’s inspections of plaintiff’s property for ordinance violations. According to the complaint, each individual acted in concert in wrongfully placing a cease and desist notice on plaintiff’s property for food code violations; Roemer acted wrongfully by attempting to negotiate a sale of plaintiff’s property and refusing to accept plaintiff’s offer; and the purpose of the defendant’s concerted conduct was to facilitate Roemer’s purchase of plaintiff’s property at a favorable price. Plaintiff claimed that defendant’s wrongful acts caused interruptions to her business operations and “irreparable damage to her reputation in the business community and in the public’s eye.”

¶ 6 On November 19, 2015, Roemer filed a motion to dismiss plaintiff’s complaint pursuant to section 2-615 of the Code. On November 25, 2015, the City of Moline and Riggs filed a motion to strike and dismiss plaintiff’s complaint. Both motions to dismiss asserted plaintiff’s failure to state a cause of action. Additionally, all defendants sought sanctions pursuant to Illinois

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<sup>1</sup> Ajayi was never properly served with summons and, therefore, is not a party to this appeal.

Supreme Court Rule 137 (eff. July 1, 2013) for petitioner's filing of an allegedly frivolous complaint.

¶ 7 On December 1, 2015, plaintiff filed a separate complaint entitled "Appeal of the Municipal Code Enforcement Ruling of Nov 26th. 2015," challenging an adverse judgment in a municipal code enforcement proceeding. The judgment had found food code violations for serving food to the public on her property without a proper license and imposed a fine. That complaint was subsequently consolidated with plaintiff's complaint for trespass.

¶ 8 A week later, plaintiff filed a document entitled "Dismissal of Bozeman et all Attny Jeffrey D. Jacobs to Represent Defendants" which sought to disqualify Roemer's counsel because the law firm had previously represented her in both personal and business matters. Roemer's counsel responded that its prior representation of plaintiff was not related to the trespass action against Roemer.

¶ 9 The defendants filed a joint motion for substitution of judge. That motion was granted by Judge Braud who assigned the case to himself and set all other pending motions for hearing.

¶ 10 At the scheduled hearing, plaintiff presented her own motion to substitute the newly-assigned judge. Defendants objected to the motion. Riggs, on behalf of herself and the City of Moline, denied receiving a copy of plaintiff's motion; plaintiff asserted she had delivered a copy of the motion to city hall a few hours before the hearing. Counsel for Roemer acknowledged receipt of the motion, but said it came less than an hour before the hearing. The trial court denied the motion on the basis that it was late without good cause. The matter was then continued for a hearing on defendants' motions to dismiss and for sanctions, and plaintiff's motion to disqualify Roemer's counsel.

¶ 11 On March 7, 2016, the trial court denied plaintiff’s motion to disqualify Roemer’s counsel and granted defendants’ motions to dismiss with prejudice. In addition, the trial court dismissed plaintiff’s “Appeal of the Municipal Code Enforcement Ruling of Nov 26th. 2015” that had been consolidated with plaintiff’s complaint for trespass. The trial court also granted defendants’ motions for sanctions and ordered plaintiff to compensate Roemer and the municipal defendants for their attorney fees in the amounts of \$2625 and \$1750.

¶ 12 ANALYSIS

¶ 13 Plaintiff’s *pro se* notice of appeal states that she is appealing from the trial court’s judgment dated March 7, 2016. Defendants argue that plaintiff’s initial brief should be stricken for failure to comply with the supreme court rules of appellate procedure. They also request sanctions against plaintiff pursuant to Illinois Supreme Court Rule 375 (eff. Feb. 1, 1994), alleging this is a frivolous appeal. Plaintiff has failed to respond to these arguments in her reply brief. Upon review of plaintiff’s briefs we find: (1) the “Statement of Facts” section lacks adequate pertinent citations to the record; (2) plaintiff’s citations to legal authority are missing or inapposite, and (3) plaintiff’s substantive arguments are nearly incomprehensible. We find the constellation of flaws to be fatal and we strike plaintiff’s brief and dismiss the appeal for failing to comply with Illinois Supreme Court Rule 341 (eff. Feb. 6, 2013). Because we find striking plaintiff’s brief and dismissing the appeal is a sufficient sanction, we decline defendants’ request for additional monetary sanctions.

¶ 14 It is well established that a court of review is entitled to briefs that conform to the supreme court rules. *Schwartz v. Great Central Insurance Co.*, 188 Ill. App. 3d 264, 268 (1989) (appellants briefs are to provide cohesive legal arguments in conformity with the supreme court rules). Plaintiff’s *pro se* status does not excuse her from complying with the 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 before this court can adequately review the decision of the circuit court (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). This court may, in its discretion, strike a brief and dismiss an appeal based on the failure to comply with the applicable rules of appellate procedure. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 77.

¶ 15 I. Plaintiff’s “Statement of Facts”

¶ 16 We find plaintiff’s failure to comply with the requirements of Rule 341 regarding the “Statement of Facts” section of her brief inexcusable. See Ill. S. Ct. R 341(h)(6) (eff. Feb. 6, 2013) (the statement of facts “shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal”). Plaintiff’s statement of facts provides a biased narrative as to why plaintiff believes she was wronged. More significantly, we observe that almost the entirety of plaintiff’s statement of facts is without citation to the record. The same is true for the facts included in the argument section of plaintiff’s brief.

¶ 17 In addition, the few record citations actually provided in support of facts were either incorrect or irrelevant to the facts stated. For example, the record cites do not support the following assertions found in plaintiff’s brief: (1) the City of Moline “proceed to bill plaintiff \*\*\* \$6,000 for using the Fifth Avenue street corner of her building”; (2) “That historic corner is empty again, feeding into the demand for the acquiring of the building by developer Mark Roemer”; (3) “Over 3 months after placing, and totally destroying the reputation of [plaintiff’s] business”; and (4) a “ ‘mock’ trial was set up to further exhort (*sic*) funds from [plaintiff].”

¶ 18 II. Plaintiff’s Citations to Legal Authority

¶ 19 Not only did plaintiff fail to comply with the supreme court rules regarding her “Statement of Facts,” we also note that plaintiff’s brief fails to cite to relevant legal authority in support of her “Argument” as required by Rule 341(h)(7). Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). “A reviewing court is entitled to have issues clearly defined with pertinent authority cited and cohesive arguments presented [citation], and it is not a repository into which an appellant may foist the burden of argument and research [citation] \*\*\*.” *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993). The rules are not mere suggestions, but are compulsory. *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶ 57. “Strict adherence to the standard is necessary to expedite and facilitate the administration of justice.” *Mielke v. Condell Hospital*, 124 Ill. App. 3d 42, 48 (1984).

¶ 20 Here, the “Argument” section of plaintiff’s brief is without *any* citation to legal authority. Instead, plaintiff’s brief contains a section entitled “Statutes and US Codes Involved,” which includes citations to several state and federal statutes. The “Statutes and US Codes Involved” is found before the “Statement of Facts” and “Argument” sections of the brief. Following the “Argument” section of her brief is a section entitled “Standard of Review,” which includes citations to four United States Supreme Court decisions. Following the “Conclusion” section of her brief is what appears to be a *verbatim* copy of an outline entitled “Contempt of Constitution.” Significantly, however, the legal authority cited outside the “Argument” section of her brief is inapplicable to any of the arguments she makes. In addition, plaintiff fails to present any analysis of the authority scattered throughout her brief. “We do not view the inclusion of citations to irrelevant authority scattered throughout [plaintiffs’] brief to constitute even an attempt to comply with the rule.” *Britt v. Federal Land Bank Ass’n of St. Louis*, 153 Ill. App. 3d 605, 608 (1987).

¶ 21

### III. Plaintiff's Incomprehensible Arguments

¶ 22

Turning from the deficiencies in plaintiff's "Statement of Facts" and citations to legal authority, we note that plaintiff's arguments on appeal are nearly incomprehensible. At no point in plaintiff's brief does she make any legal argument as to why she is entitled to relief. "We recognize that [plaintiff] is proceeding without the benefit of counsel. However, that does not relieve [her] of the obligation to follow proper procedure." *Velocity Investments, LLC, v. Alston*, 397 Ill. App. 3d 296, 297-98 (2010).

¶ 23

It appears plaintiff is attempting to challenge the following orders of the trial court: (1) denying plaintiff's motion for a substitution of judge; (2) denying plaintiff's motion to disqualify Roemer's counsel; and (3) granting defendants' motions to dismiss. However, plaintiff has failed to provide any pertinent authority regarding any of the actions of the trial court, or submit any argument about why such actions would not be appropriate in this case. See *id.* at 297 (an appellate court has "authority to hold that [plaintiff] has forfeited [her] argument by failing to develop it or cite any authority to support it"). It is plaintiff's burden as the appellant to discuss the legal principles that governed the proceedings in the trial court and argue why those principles should lead us to reverse the rulings. Because she failed to do so, we find that plaintiff has failed to meet the minimum standard required for meaningful review.

¶ 24

Finally, we observe that plaintiff has previously been admonished by this court for her failure to comply with the supreme court rules governing appellate procedure. See *Aryaputri v. Noe*, 2015 IL App (3d) 140468-U, ¶¶ 12-13. Although this court excused plaintiff's failure to comply with the rules in her previous appeal (*Id.* ¶ 14), we find her instant brief so inadequate that striking it and dismissing her appeal is warranted.

¶ 25

### CONCLUSION

¶ 26 For the foregoing reasons, we find that plaintiff's brief is fatally deficient for its failure to comply with the Illinois Supreme Court Rules for appellate procedure. These deficiencies warrant an order dismissing the appeal for failure to comply and we do so in the exercise of our discretion. *Holzrichter*, 2013 IL App (1st) 110287, ¶ 77. We decline to impose any additional monetary sanction against plaintiff.

¶ 27 Appeal dismissed.