

No. 1-16-1242

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

ANTHONY FRANK,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	
)	No. 15 M1 114126
WOODLAWN COMMUNITY DEVELOPMENT)	
CORP.,)	
)	Honorable
Defendant-Appellee.)	Jim Ryan,
)	Judge Presiding.

JUSTICE McBRIDE delivered the judgment of the court.
Justices Howse and Burke concurred in the judgment.

ORDER

- ¶ 1 *Held:* Appeal dismissed where plaintiff failed to comply with Illinois Supreme Court Rule 341, such that this court was unable to engage in a meaningful review of any clam of error.
- ¶ 2 Plaintiff Anthony Frank appeals *pro se* the trial court’s entry of judgment in favor of defendant Woodlawn Community Development Corporation after trial.

¶ 3 The record on appeal consists of one volume containing 23 pages. The pleadings in the record indicate that plaintiff filed a *pro se* action for breach of contract in June 2015. The handwritten complaint¹ stated:

“June 26 2013 on PRETEX OF CLEANING WHICH WAS
ALREADY DONE PERSONS HIRED BY MANAGER AKELA
WHIMES AND SOCIAL DIRECTOR YEVON BROWN
ENTERED AND REMOVED RADIOS FANS IRONS HEATERS
HAND VACUEMS BOATH THE ABOVE WERE PRESENT.”

¶ 4 A motion call order from February 2016 ordered that the case was set for trial on March 24, 2016. On March 24, 2016, a trial call order indicated that judgment had been entered for defendant after trial. Plaintiff subsequently filed a notice of appeal. Three handwritten pages appear in the record with a file stamp simultaneous with plaintiff’s notice of appeal. These pages are partially illegible, but stated, as best as this court can ascertain:

“All the facts were not told. NOT all the facts were told. There was
an epidemic of bedbugs. Our building was especially hard hit. The
manager Akela Whimes was weak. The social director Yevon
Brown was manager we had a feud. She didn’t like transsexuals.
They delayed spraying. [Name illegible], one of the most
intelligent persons I have met said I was very nervous person and
he could handle the case with me hardly ever coming to court. He
called an [illegible] at St. Frances of Evanston. He called CHA.
They sprayed. Three times my hands [next line was illegible due to
the edge of the photocopied page]

¹ All typographical and spelling errors in this and subsequent quotes of plaintiff’s filings are attributable to plaintiff.

Were taken a year before the action in my complaint. The apartment was not in disorder when the items were removed and none of the items were harmful. [Defendant's attorney] is aware of these facts and she is guilty of purgery.

Chicago Illinois

May 5 2016

This was not filed in 30 days by a few days. I understand help was available to [illegible] the appeal. I often shake and [illegible] write, one Judge said a paper was unreadable. They have improved lately and made some improvements. I am agitated that I was made to appear negligent. I would have left a long time ago if it weren't for these court cases which are [illegible] not housing."

¶ 5 Defendant has not filed a brief in response, and we will consider this appeal pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 6 After reviewing plaintiff's brief, we find that it fails to conform with Illinois Supreme Court Rule 341 (eff. Feb. 6, 2013), which governs the form and content of appellate briefs. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Compliance with this rule is mandatory, and this court has the discretion to 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.

¶ 7 Plaintiff's brief on appeal consists of four pages: the cover, a page of argument, a certification of the brief conforming to Supreme Court Rule 341, and what appears to be a handwritten proof of service. The page of argument consists of a single paragraph, as follows:

“The pictures were taken a year before the action in my complaint. The items removed were not harmful. The manager Akela Whimes was weak. The social director Yevon Brown was manager. She didn’t like transsexuals and deleyed spraying. My hands were sore from killing bugs.”

¶ 8 Plaintiff has not presented any coherent or developed arguments on appeal, such that that this court can meaningfully review any claim. Supreme Court Rule 341(h)(7) requires an appellant's brief to include "Argument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. *** Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing." Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). This court not simply a repository into which the appellant may dump the burden of argument and research. *Lake County Grading Co., LLC v. Village of Antioch*, 2014 IL 115805, ¶ 36. This court is entitled to have issues clearly defined with pertinent authority cited and cohesive arguments presented. Ill. S. Ct. R. 341(h)(7) (eff. Feb 6, 2013). It is not this court's function or obligation to act as an advocate or to comb the record to uncover possible errors. *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993)

¶ 9 Supreme court rules pertaining to the content of briefs are mandatory, and failure to abide by them can result in dismissal of an appeal. *Northbrook Bank & Trust Co. v. 300 Level, Inc.*, 2015 IL App (1st) 142288, ¶ 13. Specifically, the failure to elaborate on an argument, cite persuasive authority, or present a well-reasoned argument violates Rule 341(h)(7) and results in waiver of that argument. *Sakellariadis v. Campbell*, 391 Ill. App. 3d 795, 804 (2009). The rules of procedure for appellate briefs are not mere suggestions or annoyances to be neglected at will. *In re Estate of DeMarzo*, 2015 IL App (1st) 141766, ¶ 16; *Parkway Bank & Trust Co. v. Korzen*,

2013 IL App (1st) 130380, ¶ 10. The purpose of the rules is to require parties before a reviewing court to present clear and orderly arguments so that the court can properly ascertain and dispose of the issues involved. *Hall v. Naper Gold Hospitality, LLC*, 2012 IL App (2d) 111151, ¶ 7.

¶ 10 In this case, plaintiff's brief has not complied with any section of Rule 341 regarding the form and content of the brief. Plaintiff has not set forth an issue on appeal, presented a statement of facts, or raised an argument with citations to the record and to relevant authority. We are unable to discern any claim of error sufficient for review. Since plaintiff's brief fails to comply with Supreme Court Rule 341, we will exercise our discretion and strike the brief and dismiss the appeal. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 20; see also *Holzrichter*, 2013 IL App (1st) 110287, ¶¶ 77, 80.

¶ 11 Appeal dismissed.