

2017 IL App (1st) 162247-U

No. 1-16-2247

Order filed December 13, 2017

Third Division

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 DISTRICT

KELLY B. KING,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 16 M1 040270
)	
QURAN McKAY,)	Honorable
)	Geraldine A. D'Souza,
Defendant-Appellee.)	Judge, presiding.

PRESIDING JUSTICE COBBS delivered the judgment of the court.
Justices Fitzgerald Smith and Lavin concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the judgment of the circuit court where plaintiff failed to furnish a sufficient record such that error can be determined.
- ¶ 2 Plaintiff, Kelly B. King, filed a one-count *pro se* complaint against defendant Quran McKay, based on defendant's conversion of a wedding ring. The circuit court granted judgment in favor of plaintiff for \$200. On appeal, she argues the circuit court erred in failing to award her \$500 as was alleged in the complaint. For the following reasons, we affirm.

¶ 3 The common law record reflects that, on May 11, 2016, plaintiff filed a *pro se* complaint in small claims court against defendant. The complaint sought \$500 and alleged that “[defendant] stole [plaintiff’s] wedding ring [] from [plaintiff’s] home located at 4211 So. Langley Ave. #2B Chicago. Now [plaintiff] seeks to recover replacement value of [] above mentioned wedding ring. On April 28, 2016, the [defendant] promised he would pay \$500.00 by May 8.” Defendant was properly served on June 27, 2016, and the record does not indicate that he appeared or otherwise answered the complaint. Following an August 3, 2016 trial, the circuit court entered judgment in favor of plaintiff for \$200 with costs assessed against defendant. After plaintiff’s motion to reconsider was denied, she filed a timely notice of appeal.

¶ 4 On appeal, defendant argues the trial court erred by not awarding her the full \$500 that was alleged in the complaint because the complaint stated that “[i]f you fail to appear, a judgment will be entered against you for the amount asked in the complaint plus costs.” As defendant did not appear, she argues that she is entitled to the full amount alleged. She further argues that the circuit court erred in performing a “prove up.” Defendant has not filed an appellee’s brief in this appeal, but this does not bar our review of the merits. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (holding that a reviewing court can decide the merits of the appeal where the record is simple and the claimed errors can be decided without the aid of an appellee’s brief).

¶ 5 At the outset, we observe that plaintiff’s brief fails to comply with the requirements of Illinois Supreme Court Rules 341 (eff. Jan 1. 2016) and 342 (eff. Jan 1. 2005). Specifically, plaintiff failed to, *inter alia*, cite relevant authority in her argument, include an appendix, and attach the final order from which she appeals. See Ill. S. Ct. Rs. 341(h)(7), 342. A party’s status

as a *pro se* litigant does not absolve that party from complying with Supreme Court Rules for practice before this court. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. “A reviewing court is entitled to the benefit of clearly defined issues with pertinent authority cited and a cohesive legal argument.” *Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 11. Noncompliance with the rules governing appellate procedure subjects plaintiff’s appeal to dismissal. See *Voris*, 2011 IL App (1st) 103814, ¶ 8. However, we have discretion to review the merits of an appeal even in light of Rule 341 mistakes. See *Marzouki v. Najjar-Mazouki*, 2014 IL App (1st) 132841, ¶ 12.

¶ 6 Here, even were we inclined to consider the merits of plaintiff’s appeal, defects in the record preclude us from so doing. See *In re Estate of Jackson*, 354 Ill. App. 3d 616, 620-21 (2004). We note there is no transcript, bystander’s report, or agreed statement of facts of the trial in the record. See Ill. S. Ct. R. 323 (eff. Dec. 13, 2005). There is only the order entering judgment, following a trial, in favor of plaintiff for \$200. We therefore are not able to ascertain the reasons for the circuit court’s judgment. “ ‘Without an adequate record preserving the claimed error, the court of review must presume the circuit court’s order conforms with the law.’ ” *Illinois Neurospine Institute, P.C. v. Carson*, 2017 IL App (1st) 163386, ¶ 33 (quoting *People v. Carter*, 2015 IL App (1st) 117709, ¶ 19). It is plaintiff’s burden to furnish a sufficiently complete record of the proceedings of the trial court in order to facilitate meaningful review. See *Foutch v. O’Bryant*, 99 Ill. 2d 389, 392 (1984) (“Any doubts which may arise from the incompleteness of the record will be resolved against the appellant”). Because plaintiff’s claims are not supported by the record, we are unable to address them.

¶ 7 We note in passing plaintiff's claim that the circuit court erred in entering judgment for only \$200 where the complaint stated that defendant's failure to appear will result in the entire \$500 judgment entered against him. The argument suggests that we treat the final disposition as a default judgment and that a transcript of the proceedings is not essential for our review. However, we do not find this to be the case as the circuit court determined, after a trial, that plaintiff should be awarded \$200, rather than \$500. Moreover, even if this were a default judgment, as plaintiff suggests, she still would have been required to present a record evidencing her default damages. See *Illinois Neurospine Institute, P.C.*, 2017 IL App (1st) 163386, ¶ 33. Accordingly, as plaintiff's argument is not adequately supported by the record, we will presume the circuit court acted in conformity with the law and affirm its judgment. *Petalino v. Williams*, 2016 IL App (1st) 151861, ¶¶ 42-43.

¶ 8 For the reasons set forth above, we affirm the judgment of the circuit court of Cook County.

¶ 9 Affirmed.