

No. 1-17-2551

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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JAMES T. STRUCK, ) Appeal from the  
 ) Circuit Court of  
 Plaintiff-Appellant, ) Cook County  
 )  
 v. ) No. 16 L 62005  
 )  
 VILLAGE OF NORTHBROOK and GLEN OAKS )  
 NURSING HOME, ) Honorable  
 ) Daniel T. Gillespie,  
 Defendants-Appellees. ) Judge, Presiding.

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PRESIDING JUSTICE HOFFMAN delivered the judgment of the court.  
Justices Cunningham and Delort concurred in the judgment.

**ORDER**

¶ 1 *Held:* The circuit court’s dismissal of the plaintiff’s third amended *pro se* complaint is affirmed where the complaint failed to plead sufficient facts to maintain a legally cognizable cause of action.

¶ 2 The plaintiff, James T. Struck, appeals the circuit court’s dismissal of his third amended *pro se* complaint against the defendants, the Village of Northbrook (Northbrook) and Glen Oaks

Nursing Home (Glen Oaks). The circuit court dismissed Struck's complaint under section 2-615 of the Code of Civil Procedure (735 ILCS 5/2-615 (West 2016)) for failure to state a claim.

¶ 3 Between January 2016 and April 2017, Struck filed four *pro se* complaints in the circuit court. His initial complaint, filed on January 21, 2016, listed "Northbrook Police" and "Glen Oaks Nursing Home" as defendants. On the filing's cover sheet, a box was checked indicating that the complaint related to "other personal injury/wrongful death." Struck also filed a "response" to his own complaint, and Northbrook waived its right to reply. The circuit court dismissed the complaint *sua sponte*, describing it as "unintelligible," but allowing Struck leave to amend his filing.

¶ 4 On April 1, 2016, Struck filed the first of three amended complaints listing various causes of action relating to the mistreatment of his mother, alleged to be a resident at Glen Oaks. Northbrook sought the dismissal of each complaint, and the circuit court dismissed each of the first two amended complaints without prejudice.

¶ 5 On April 11, 2017, Struck filed his third amended complaint. That filing featured paragraphs titled, *inter alia*, "Privacy," "Motor Vehicle Accident," "Theft," and "Homicide." Those headings are followed by recitations of various facts relating to each purported cause of action.

¶ 6 Several paragraphs of the third amended complaint referred to Glen Oaks; in one section, Struck claimed that Northbrook police and Glen Oaks committed battery and elder abuse against his mother. However, in the following paragraph, Struck claimed "unlawful enrichment" because the Boeing corporation "earned \$100 billion in income last year." Later, the pleading included a claim of "civil conspiracy" because Struck's brother threw a brick at his head when in school.

¶ 7 In moving to dismiss Struck’s third amended complaint pursuant to section 2-615 of the Code,<sup>1</sup> Northbrook asserted that complaint, as well as Struck’s prior pleadings, suffered from “substantial defects” and did not state any legally cognizable cause of action. Northbrook also argued Struck did not allege he had any legal capacity to sue on his mother’s behalf.

¶ 8 On July 10, 2017, the circuit court dismissed Struck’s third amended complaint with prejudice. A transcript of that proceeding is not included in the record on appeal; however, the circuit court’s order indicates the complaint was dismissed for the “reasons stated” in Northbrook’s motion.

¶ 9 On August 9, 2017, Struck filed a motion to reconsider, which the circuit court denied on October 13, 2017. Struck filed a notice of appeal that day. Struck also filed a document on October 29, 2017, asserting that the court’s July 10 order had given him “leave to file new cause of action.” The following day, the circuit court denied Struck’s motion, stating its orders of July 10 and October 13 were “controlling” and noting that Struck had filed a notice of appeal.

¶ 10 In this appeal, Struck has filed a brief of approximately 100 pages, the contents of which resemble the rambling assemblage of facts in his prior pleadings. Struck’s brief refers to, *inter alia*, the Illinois Probate Act, the first and thirteenth amendments to the United States Constitution, the federal and state Religious Restoration Acts, the Americans with Disabilities Act, and the Illinois Crime Victim’s Compensation Act. Struck also filed a motion in this court to “supplement with 12 more causes of action,” which was denied on April 13, 2018.

¶ 11 At the outset, Northbrook responds that Struck’s brief does not comply with Illinois Supreme Court Rule 341, which sets out requirements for the content and format of an

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<sup>1</sup> Northbrook’s motion to dismiss the third amended complaint and Glen Oaks’ request to join Northbrook’s motion indicate the entities Struck sued as “Northbrook police” and “Glen Oaks Nursing Home” are, in fact, the Village of Northbrook and Glen Oaks Nursing & Rehabilitation Centre, Ltd.

appellant's brief. See Ill. S. Ct. R. 341(h)(1)-(9) (eff. Nov. 1, 2017). As argued in its motion to dismiss, Northbrook asserts that Struck's filing lacks any coherent legal argument and that his assertions are not accompanied by citations to legal authority or to the record on appeal. Northbrook contends that the filing thereby fails to inform this court of the legal issues being raised or the factual support for those issues.

¶ 12 A reviewing court is entitled to have the issues clearly defined with citations to pertinent authority. *Boeger v. Boeger*, 147 Ill. App. 3d 629, 631 (1986). Struck has acted *pro se* throughout these proceedings; however, this court does not apply a more lenient standard to a *pro se* litigant than it would to an attorney. See *Holrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78. Thus, Struck is subject to the same rules and procedures "as would be required of litigants represented by attorneys." *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009); see also *U.S. Bank Trust National Ass'n v. Junior*, 2016 IL App (1st) 152109, ¶ 16.

¶ 13 Northbrook refers to several other decisions of this court dating back at least 10 years in which Struck has been admonished regarding his failure to comply with pleading and practice rules. Some of those appeals involve the guardianship of Struck's mother and related proceedings. See, e.g., *Struck v. Safeway Dominick's*, 2018 IL App (1st) 161806-U, ¶¶ 8-10; *Struck v. Illinois State Guardian*, 2012 IL App (1st) 120568-U, ¶¶ 7-10; *Struck v. Cook County Public Guardian*, 387 Ill. App. 3d 867, 873 (2008).

¶ 14 Struck's third amended complaint was dismissed pursuant to section 2-615 of the Code. A section 2-615 motion to dismiss tests the legal sufficiency of a complaint based on defects apparent on its face. *Jane Doe-3 v. McLean County Unit District No. 5 Board of Directors*, 2012 IL 112479, ¶ 15. When considering the sufficiency of a complaint pursuant to this section, the question is whether the allegations, construed in the light most favorable to the plaintiff, are

sufficient to state a cause of action upon which relief may be granted. *Id.* ¶ 16. Our review of the dismissal of a complaint under section 2-615 is *de novo*. See *Porter v. Decatur Memorial Hospital*, 227 Ill. 2d 343, 352 (2008).

¶ 15 To state a cause of action adequately, the claim must be both legally and factually sufficient, setting forth a legally cognizable claim and pleading facts to support such a claim. *RBC Mortgage Co. v. National Union Fire Insurance Co.*, 349 Ill. App. 3d 706, 711 (2004). Although the court must accept as true all well-pleaded facts in the complaint, the court “cannot accept as true mere conclusions unsupported by specific facts.” *In re Estate of Powell*, 2014 IL 115997, ¶ 12.

¶ 16 As noted above, the majority of Struck’s 129-paragraph third amended complaint consists of random threads of facts with an occasional reference to a legal cause of action. The complaint asserts that Struck was the victim of various criminal and civil offenses for which he claims Northbrook and Glen Oaks are liable. However, Struck’s various legal claims mention numerous individuals and entities other than Northbrook and Glen Oaks. By way of example, the second paragraph of Struck’s complaint alleged:

“Privacy. For 10 years, Glen Oaks has violated the law of ‘private uncensored communication’ under State of Illinois nursing home law. Glen Oaks used to steal quarters I gave [my mother] and deny pay phone use. Glen Oaks shots were the cause of shaking, inability to write, move, and talk. The 11th year happened when Heritage Nursing Home 5888 N. Ridge Chicago IL was changing about \$70,000 for my mom to stay there when she was living with me and not at the Nursing home and I was paying all costs from 2006-2007. The fact that I said to Nate Goldensen “Can you reimburse dental and food bills please?” is not a reason to

deny visits, phone, fresh air and cause cancer related to the high exposure to second hand smoking.”

¶ 17 The next paragraph of the complaint features a similar broad statement of legal liability with no particular facts or cause of action alleged:

“In 1985, Construction failure against Pulte Home was a true cause of action even if a while back. Pulte Group or Pulte Homes is located in Atlanta Georgia, but the home is built in the jurisdiction of Northbrook. Northbrook has a duty to ask homes to be safe; the community controls building [*sic*] gives permits, licenses. The ceiling had a hole in it at our Northbrook home that caused an unneeded argument linked to my mom getting 18 stitches in her head, dad trying to kill himself. Old things still compensable. The bricks left by Pulte Homes in the backyard were a factor in my brother Jonathan throwing a brick at me imitating basketball we watched and me getting 9-18 stitches after I invented the game Tree Golf hitting the tree with golf balls.”

¶ 18 As illustrated by those excerpts, Struck’s third amended complaint consists of random and unrelated facts, and legal conclusions.

¶ 19 The paragraphs in the complaint that refer to Northbrook and Glen Oaks encompass all manner of allegations that cannot be linked to either of them (*i.e.*, a “religious discrimination” claim asserts that Struck has a “protected right to attend church without arrest”). Elsewhere in the complaint, Struck provides insufficient facts to support his claimed causes of action (“Northbrook or Rogers Park appears to have stolen over \$230,000 of jewelry”). The complaint does not allege facts sufficient to support any recognized cause of action against either of the defendants named.

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¶ 20 Therefore, for all of the reasons set forth above, Struck's third amended complaint was properly dismissed. Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 21 Affirmed.