

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

RUDOLF VILK,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 17 M 22435
)	
VILLAGE OF MORTON GROVE,)	Honorable
)	James L. Allegretti,
Defendant-Appellee.)	Judge Presiding.

JUSTICE CUNNINGHAM delivered the judgment of the court.
Presiding Justice Delort and Justice Connors concurred in the judgment.

ORDER

- ¶ 1 *Held:* We dismiss the appeal due to plaintiff's complete failure to comply with the rules of appellate procedure governing the requirements for appellate briefs.
- ¶ 2 Plaintiff, Rudolf Vilc appeals, *pro se*, from a September 1, 2017 order of the circuit court of Cook County affirming a fine of \$300 imposed by the defendant, Village of Morton Grove (the Village) against him for lack of upkeep of his property. The Village has not filed a

responsive brief. We dismiss plaintiff's appeal for his complete failure to comply with the supreme court rules governing appellate briefs.

¶ 3 The record at bar, which does not include a report of proceedings, shows that, on March 9, 2017, plaintiff received notice from the Village that he was in violation of several village ordinances regarding the upkeep of his property and was given five days to comply. On May 26, 2017, the Village imposed a total fine of \$300 based on plaintiff's violation of two village ordinances.

¶ 4 On June 15, 2017, plaintiff filed a *pro se* complaint for administrative review in the circuit court of Cook County. On September 1, 2017, the trial court issued an order affirming the administrative decision ordering plaintiff to pay the \$300 in fines to the Village. Plaintiff filed a timely *pro se* motion to reconsider, which the trial court denied on October 6, 2017. Plaintiff filed a notice of appeal on November 2, 2017.

¶ 5 On April 19, 2018, this court issued an order dismissing plaintiff's appeal for want of prosecution (DWP) based on his failure to file a timely appellant's brief. Plaintiff filed a motion to vacate the dismissal and reinstate his appeal. On May 18, 2018, we withdrew our April 19, 2018 order dismissing plaintiff's case.

¶ 6 On June 28, 2018, plaintiff filed his opening brief alleging, among other things, that the trial court erred in affirming the administrative decision requiring him to pay \$300 to the Village.

¶ 7 On March 4, 2019, we entered an order to consider the case on the record and plaintiff's brief only, since the Village did not file a brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976) (setting forth the principles for the disposition of appeals in cases where the appellees have not filed briefs).

¶ 8 We initially note that the purpose of appellate review is to evaluate the record presented in the trial court and review must be confined to what appears in the record. *People v. Canulli*, 341 Ill. App. 3d 361, 367-68 (2003). The appellant has the burden of presenting a sufficiently complete record to support his claim of error and any doubts arising from the incompleteness of the record will be resolved against the appellant. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391-92 (1984). Matters not properly in the record or presented to the trial court will not be considered on review. *Jenkins v. Wu*, 102 Ill. 2d 468, 483-84 (1984). Where the record is incomplete or does not demonstrate the alleged error, a court of review will not speculate as to what errors may have occurred in the trial court. *Foutch*, 99 Ill. 2d at 391-92. In the absence of a complete record, the reviewing court must indulge in every reasonable presumption favorable to the judgment and will presume that the trial court’s judgment conformed with the law and had a sufficient factual basis. *Id.* It is well settled that a *pro se* litigant “must comply with the same rules of procedure required of attorneys” and “this court [cannot] apply a more lenient procedural standard to *pro se* litigants than is generally allowed attorneys.” *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 451 (1983).

¶ 9 Plaintiff is appealing from the September 1, 2017, trial court order affirming the fines imposed by the Village. While plaintiff has included that order in the record on appeal, he has failed to include a transcript of the proceedings or a bystander’s report from the hearing in the trial court. As such, we cannot and will not speculate as to what occurred in the trial court. *Foutch*, 99 Ill. 2d 389, 391-92 (1984).

¶ 10 That said, plaintiff’s *pro se* brief completely fails to comply with the requirements of Illinois Supreme Court Rule 341 (Ill. S. Ct. R. 341 (eff. Nov. 1, 2017)). This rule “governs the

form and content of appellate briefs.” *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Without outlining all of the many shortcomings of plaintiff’s brief we point out specifically that plaintiff’s brief fails to comply with subsections (h)(6) and (h)(7) of Illinois Supreme Court Rule 341.

¶ 11 Subsection (h)(6) requires that the appellant’s brief contain a statement of facts necessary to an understanding of the case. Plaintiff is required to cite to the pages and volume of the record to which he is referring during his rendition of the facts “so that we are able to assess whether the facts which (the appellant) presents are accurate and a fair portrayal of the events in this case.” *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶ 58; Ill. S. Ct. R. 341 (h)(6) (eff. Nov. 1, 2017). Plaintiff has filed his brief without a statement of facts outlining the chronological events that led to his appeal.

¶ 12 While plaintiff’s brief in this case can best be described as an argument in its entirety, plaintiff fails to cite to any portions of the record or any pertinent legal authority to support either his purported rendition of the facts or his arguments on appeal. See *Gandy v. Kimbrough*, 406 Ill. App. 3d 867, 875 (2010) (this court is not a depository in which the burden of argument and research may be dumped); *People v. Hood*, 210 Ill. App. 3d 743, 746 (1991) (“A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research.”); Ill. S. Ct. R. 341 (h)(7) (eff. Nov. 1, 2017). Plaintiff has failed to articulate a cogent argument and it is difficult to discern the substance of his contentions. Undoubtedly plaintiff has issue with the Village over the assessed fine but a careful review of the limited record that we were provided as well as plaintiff’s brief, fail to shed light on the issues for which he seeks resolution.

¶ 13 Our Supreme Court has stated that Illinois Supreme Court rules “ ‘are not aspirational. They are not suggestions. They have the force of law and the presumption must be that they will be obeyed and enforced as written.’ ” *Rodriquez v. Sheriff’s Merit Commission of Kane County*, 218 Ill. 2d 342, 353 (2006) (quoting *Roth v. Illinois Farmers Insurance Co.*, 202 Ill. 2d 490, 494 (2002)). While we acknowledge that plaintiff is a *pro se* litigant, we also recognize that *pro se* litigants must comply with the applicable court rules. See *In re Estate of Pellico*, 394, Ill. App. 3d 1052, 1067 (2009) (“we note that *pro se* litigants are presumed to have full knowledge of applicable court rules and procedures and must comply with these procedures as would be required of litigants represented by attorneys.”). Where a party fails to comply with these procedural rules we may, in our discretion, strike the brief and dismiss the appeal. *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12 (citing *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 77). We exercise that discretion here as it is impossible to make a rational ruling based on the record before us and plaintiff’s brief. Accordingly, we strike plaintiff’s brief for failing to comply with Illinois Supreme Court rules, and dismiss the appeal.

¶ 14 For the reasons stated, plaintiff’s appeal is dismissed.

¶ 15 Appeal dismissed.