

**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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RHONDA TATE,	)	Appeal from the Circuit Court of
	)	Cook County.
Plaintiff-Appellant,	)	
	)	No. 17 M1 40587
v.	)	
	)	Honorable Leon Wool and
BEST WAY AUTO CENTER,	)	Marian E. Perkins,
	)	Judges presiding.
Defendant-Appellee.	)	

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JUSTICE GRIFFIN delivered the judgment of the court.  
Presiding Justice Mikva and Justice Pierce concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's judgment is affirmed where the record is insufficient to conduct any meaningful review of potential errors and we presume the trial court acted in conformity with the law.

¶ 2 Plaintiff Rhonda Tate appeals *pro se* from the trial court's denial of her motion, filed pursuant section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2016)), to vacate judgment entered in favor of defendant Best Way Auto Center. On appeal, she argues that the trial court erred in denying her motion because the court did not allow her to present evidence and testimony showing that defendant failed to adequately fix her vehicle. Because plaintiff has failed to file a complete record on appeal, we affirm.

¶ 3 We initially note that the record before us does not include a report of proceedings and consists only of a limited common law record. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984) (it is the appellant's burden to furnish the reviewing court with a sufficiently complete record).

¶ 4 That said, to the extent that we can discern, the record shows that on November 1, 2017, plaintiff filed a *pro se* complaint in the circuit court of Cook County alleging that defendant's work on her 2014 Nissan Sentra was "poor and insufficient." In the complaint, she requested a full refund and other related expenses in the amount of \$3,000.

¶ 5 On December 13, 2017, the trial court entered judgment in favor of defendant. On March 16, 2018, plaintiff filed a motion to vacate that judgment pursuant to section 2-1401 of the Code. 735 ILCS 5/2-1401 (West 2016). The trial court denied her motion on March 18, 2017. Plaintiff filed a notice of appeal on March 27, 2017.

¶ 6 On September 4, 2018, plaintiff filed her brief alleging that the trial court did not allow her to present evidence that defendant failed to adequately fix her vehicle. Attached to her *pro se* brief are several repair orders and invoices. None of these attachments are included in the record on appeal, and thus, we will not consider them in our review. See *In re Parentage of Melton*, 321 Ill. App. 3d 823, 826 (2001) (stating that improperly appended documents to supplement the record will not be considered by this court).

¶ 7 Defendant did not file a brief in response. On March 29, 2018, we entered an order taking the case on the record and plaintiff's brief only. Thus, we consider plaintiff's appeal without the benefit of defendant's brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 8 Plaintiff's *pro se* brief fails to comply with the requirements of Illinois Supreme Court Rule 341(h) (eff. May 25, 2018). Although plaintiff used the form brief approved by the Illinois Supreme Court, she failed to include any citations to the record or to any legal authority to support her claims. Ill. S.Ct. Rs. 341(h)(6), (7) (eff. May 25, 2018). "[A] reviewing court is not simply a depository into which a party may dump the burden of argument and research." *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises, Inc.*, 2013 IL 115106, ¶ 56. Compliance with Rule 341 is mandatory for all litigants, and this court has the discretion to strike her brief and dismiss this appeal due to her lack of compliance. *Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 25.

¶ 9 Moreover, as mentioned, a report of proceedings was not submitted to this court. Plaintiff did not file a transcript, bystander's report, or agreed statement of facts of any of the trial court proceedings. See Ill. S. Ct. R. 323 (eff. July 1, 2017). Plaintiff, then, has failed to meet her burden of providing this court with a sufficient record necessary for any meaningful review. *Foutch*, 99 Ill. 2d at 391 ("[A]n appellant has the burden to present a sufficiently complete record of the proceedings at trial[.]"). Accordingly, we have no way to determine what evidence and arguments were presented to the trial court or the findings and reasoning of the trial court in making its determination. Under these circumstances, "a reviewing court presumes that the trial court's order conformed to the law and had a sufficient factual basis." *Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 9; see also *People v. Edwards*, 74 Ill. 2d 1, 7 (1978) (holding that a reviewing court may not "guess" at the harm to an appellant where a record is incomplete; rather, it must "refrain from supposition and decide accordingly").

¶ 10 The trial court's order does not provide us with the court's reasoning for finding for defendant and denying plaintiff's motion to vacate, and plaintiff has not provided us with the requisite record. Thus, we must presume that the evidence presented supported the court's judgment in favor of defendant and its denial of her motion. See *Wing*, 2016 IL App (1st) 153517, ¶ 10 (finding that "the appropriate remedy [was] to affirm the judgment, not to dismiss the appeal). Therefore, we are compelled to affirm the trial court's order denying her section 2-1401 motion to vacate.

¶ 11 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 12 Affirmed.