

2019 IL App (1st) 181131-U

No. 1-18-1131

Order filed April 25, 2019

Fourth 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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

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ABDULRAHIM BILAL,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 17 M6 11483
	)	
SAM ALBITOUNI and MAACO COLLISION REPAIR	)	
AND AUTO PAINTING,	)	Honorable
	)	Joyce Marie Murphy Gorman,
Defendants-Appellees.	)	Judge, presiding.

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

**ORDER**

¶ 1 *Held:* We affirm the circuit court's judgment where the appellant failed to present a sufficient record on appeal.

¶ 2 *Pro se* plaintiff AbdulRahim Bilal appeals from an order of the circuit court of Cook County entering judgment in favor of defendants, Sam Albitouni and Maaco Collision Repair and Auto Painting (Maaco) (collectively, defendants), on his complaint for damages arising from allegedly deficient repairs to his vehicle. On appeal, Bilal contends the circuit court erred by

denying his request to introduce photographs of the vehicle before and after it was serviced. We affirm.

¶ 3 The following background is derived from the pleadings, orders, motions, docket entries, and half-sheets of record. No transcript of proceedings, bystander's report, or agreed statement of facts has been provided.

¶ 4 On October 17, 2017, Bilal filed his *pro se* complaint against defendants. He alleged that, on July 28, 2017, he brought his vehicle, a Mercedes-Benz E430, to Maaco in Alsip, Illinois, for repairs. Bilal gave a \$2229.93 check to an "[e]stimator," Albitouni, who stated the vehicle would be ready in two weeks. Later, Bilal was told the vehicle would not be available until September 25, 2017. When Bilal retrieved the vehicle on September 26, 2017, he "noticed that the car was not finished" and had "more problems" than before. Bilal claimed that, when Maaco had his car, he was "forced to walk on [his] club feet" and take public transportation while looking for employment. Consequently, he lost wages, experienced physical pain and emotional distress, needed foot braces, and possibly required surgery. Bilal also alleged "discrimination" and "fraud," and sought damages totaling \$40,663.74.

¶ 5 On December 12, 2017, the sheriff's office of Cook County served the complaint and summons on an individual identified in the affidavit of service as Maaco's "registered agent, authorized person or partner." The affidavit of service did not mention Albitouni, and the record does not contain an appearance filed by Albitouni or Maaco.

¶ 6 On February 15, 2018, Judge Thomas J. Condon entered an *ex parte* default judgment for \$3600 in favor of Bilal and against Maaco. Subsequently, on March 16, 2018, Bilal filed a

motion to collect the judgment. A notice of motion and certificate of service by mail on defendants stated that a hearing was scheduled for March 30, 2018.

¶ 7 On March 30, 2018, the circuit court entered an order stating the “motion to default judgment [is] sustained” and setting the matter for status on April 20, 2018. That day, Bilal filed a motion claiming the “default judgment of 3600” had been “vacated.” In the motion, Bilal also alleged that Alibitouni never “show[ed] up in court or respond[ed],” and requested a substitution of judge and a new judgment for \$6000. A notice of motion and certificate of service by mail on defendants stated that a hearing was scheduled for April 13, 2018. The circuit court’s docket indicates that the hearing was struck from the call.

¶ 8 On April 16, 2018, Bilal filed a motion that again requested a substitution of judge and claimed that neither defendant had appeared or paid him. A notice of motion and certificate of service by mail on defendants, file-stamped that day, stated that a hearing was scheduled for April 20, 2018. On April 20, 2018, Judge Diana L. Embil entered an order that continued the matter for prove-up on May 24, 2018. The order stated, “Def [*sic*] shall present an accounting statement or brief summary of PU damages to present to court.”<sup>1</sup> The record does not contain a notice or certificate of service on either defendant for the May 24, 2018 hearing.

¶ 9 On April 23, 2018, Bilal once more filed a motion for substitution of judge. Additionally, he requested a judgment of \$7000, and alleged that he had “sent out letters” to defendants “numerous times.” No notice of motion or certificate of service on either defendant appears in the record. On May 24, 2018, Judge Joyce Marie Murphy Gorman entered judgment in favor of

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<sup>1</sup> In his brief on appeal, Bilal states that Judge Embil “told me to send the damages to Sam Albitouni.” According to Bilal, the damages totaled \$20,428.50 and included, *inter alia*, his payment to Maaco, interest, lost wages, and the cost of two surgeries.

both defendants, without elaboration. The record does not contain a half-sheet entry for that date. Bilal timely appealed.

¶ 10 On appeal, Bilal contends the circuit court erred during proceedings on May 24, 2018, by denying his request to introduce photographs of his vehicle before and after it was serviced, and by not letting him finish speaking while addressing the court. Neither defendant has filed an appellee's brief, but this court may consider an appeal on the merits "if the record is simple and the claimed errors are such that the court can easily decide them without the aid of an appellee's brief." *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). In this case, however, we must affirm the judgment of the circuit court because the record on appeal is insufficient to support Bilal's allegation of error.

¶ 11 It is well-established that "an appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). "From the very nature of an appeal it is evident that the court of review must have before it the record to review in order to determine whether there was the error claimed by the appellant." *Id.* When the record on appeal is insufficient, "it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis." *Id.* at 392. Any doubts arising from the incompleteness of the record must be resolved against the appellant. *Id.*

¶ 12 In a typical appeal, the appellant provides this court with a transcript of proceedings, bystander's report, or agreed statement of facts that discloses the circuit court's rationale for its judgment. See Ill. S. Ct. R. 323(a), (c), (d) (eff. July 1, 2017). None of these documents appear in the record. Although we are mindful that Bilal proceeded *pro se* in the circuit court and on

appeal, “[t]he fact that a party appears *pro se* does not relieve that party from complying as nearly as possible to the Illinois Supreme Court Rules for practice before this court.” *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Thus, even if the production of a bystander’s report or agreed statement of facts was not feasible because defendants did appear in the circuit court, Bilal nonetheless had the responsibility to provide this court with a report of proceedings that included “evidence, oral rulings of the trial judge, [and] a brief statement of the trial judge for the reasons for his decision.” Ill. S. Ct. R. 323(a) (eff. July 1, 2017).

¶ 13 Turning to the documents that are contained in the record, the pleadings, orders, motions, docket entries, and half-sheets do not reference Bilal’s attempt to introduce photographs into evidence or the circuit court’s rationale for denying his request. Thus, we do not know what evidence or arguments were presented to the circuit court, or the reasons for its ruling. See *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 155-56 (2005) (declining to disturb the circuit court’s judgment when “nothing in the supporting record contains any factual findings or the basis for the circuit court’s decision”); see also *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001) (“Where the issue on appeal relates to the conduct of a hearing or proceeding, this issue is not subject to review absent a report or record of the proceeding.”). As we have no meaningful record from which to review any claimed error, we must presume that the circuit court’s ruling conformed to the law. *Foutch*, 99 Ill. 2d at 393-94. Under these circumstances, will not disturb its judgment.

¶ 14 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 15 Affirmed.