

**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).

**FILED**  
October 9, 2019  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2019 IL App (4th) 180647-U  
NO. 4-18-0647

IN THE APPELLATE COURT  
OF ILLINOIS  
FOURTH DISTRICT

PRISCILLA ISIBAHKHOMEN EHICHEOYA,	)	Appeal from the
Plaintiff-Appellant,	)	Circuit Court of
v.	)	McLean County
BROWN’S WRECKER,	)	No. 18SC866
Defendant-Appellee.	)	
	)	Honorable
	)	Mark A. Fellheimer,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.  
Justices Steigmann and Cavanagh concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court’s judgment is affirmed where plaintiff failed to comply with the Illinois Supreme Court Rules regarding the form and content of appellate briefs or present a sufficiently complete record of the underlying proceedings.

¶ 2 Plaintiff, Priscilla Isibahkhomen Ehicheoya, filed a small claims complaint against defendant, Brown’s Wrecker. Following a bench trial, the trial court found in favor of defendant and denied plaintiff’s claim for relief. Plaintiff appeals and we affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2018, plaintiff *pro se* filed a small claims complaint against defendant, alleging it was indebted to her for \$5000 for towing her vehicle “without informing [her] before or after.” She further alleged as follows:

“There was no sign posted where the vehicle was towed from to indicate

who towed it. The car has been in the possession of [defendant] from [December 20, 2017,] until the 27th of April 2018[,] when we met in court. [Defendant] had before this time never called me to discuss anything. The deal we made in court, to pay him [\$250] on or before [June 1, 2018,] has fallen out. I have not been employed and I have nothing to pay him[.] I am reopening this case as by his keeping my car so long, I have been very inconvenienced.”

¶ 5 In September 2018, the trial court conducted a bench trial in the matter. The appellate record does not contain a transcript of that proceeding. However, the court’s docket entry reflects that the parties appeared before the court and presented evidence. It also shows that the court found for defendant, denying plaintiff’s claim for relief.

¶ 6 This appeal followed.

¶ 7 II. ANALYSIS

¶ 8 On appeal, plaintiff argues the trial court erred by finding in defendant’s favor and denying her claim. However, we find that review of plaintiff’s claim is frustrated by her failure to both comply with Illinois Supreme Court Rule 341 (eff. May 25, 2018) as to the content of her appellant’s brief and to present a sufficiently complete record for review.

¶ 9 Rule 341 (eff. May 25, 2018) governs the form and content of appellate court briefs. It requires, among other things, that an appellant’s brief contain a “Statement of Facts,” consisting of “the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal \*\*\*.” Ill. S. Ct. R. 341(h)(6) (eff. May 25, 2018). An appellant’s brief must also have an “Argument” section, “which shall contain the contentions of the appellant and the reasons therefor, with citation

of the authorities and the pages of the record relied on.” Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018). Points that are not argued in an appellant’s brief are forfeited. *Id.*

¶ 10 “The rules of procedure concerning appellate briefs are not mere suggestions, and it is within this court’s discretion to strike the plaintiff’s brief for failing to comply with Supreme Court Rule 341.” *Crull v. Sriratana*, 388 Ill. App. 3d 1036, 1045, 904 N.E.2d 1183, 1190 (2009). “The 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, 961 N.E.2d 475.

¶ 11 Further, “an appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis.” *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391-92, 459 N.E.2d 958, 959 (1984). Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Id.* at 392.

¶ 12 Here, plaintiff’s brief fails to set forth the facts necessary to an understanding of the underlying case as well as any developed and reasoned argument. Her statement of facts provides no citation to the record and fails to set forth sufficient information regarding the evidence and arguments presented to the trial court at the September 2018 bench trial. Further, the argument section of plaintiff’s brief fails to clearly identify her contentions on appeal and “the reasons therefor.” Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018). It also fails to properly cite legal authority or any pages of the record on review.

¶ 13 Additionally, even setting aside the deficiencies in plaintiff’s brief, we must find

she has failed to meet her burden as the appellant of presenting a sufficiently complete record of the underlying proceedings. Specifically, the record contains no transcript of the September 2018 bench trial that resulted in the judgment from which she appeals and, thus, nothing for this court to review. We note that in lieu of a trial transcript, an appellant may present a bystander's report, or the parties on appeal may present an agreed-upon statement of facts. Ill. S. Ct. R. 323(c), (d) (eff. July 1, 2017); *Hall v. Turney*, 56 Ill. App. 3d 644, 649, 371 N.E.2d 1177, 1181 (1977) (“[I]n the context of civil cases \*\*\* where a verbatim transcript is not obtainable because of [the] appellant’s inability to pay for it, a bystander’s report of proceedings could, and should, be substituted.”). In this case, neither alternative to a trial transcript has been submitted on appeal. Accordingly, we must presume that the trial court’s decision conformed to law and had a sufficient factual basis.

¶ 14

### III. CONCLUSION

¶ 15

For the reasons stated, we affirm the trial court’s judgment.

¶ 16

Affirmed.