

2019 IL App (1st) 181199-U
No. 1-18-1199
Order filed September 3, 2019

First 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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

CHRISTINE JOHNSON,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 18 M1 102802
)	
ALEX BRUSHA and TRI-TAYLOR REALTY)	Honorable
AND MANAGEMENT,)	Marian Emily Perkins,
Defendants-Appellees.)	Judge, presiding.

JUSTICE PIERCE delivered the judgment of the court.
Presiding Justice Mikva and Justice Walker concurred in the judgment.

ORDER

- ¶ 1 *Held:* We affirm the trial court's entry of damages over plaintiff's contention that the trial court improperly applied the relevant law where plaintiff's brief is insufficient to ascertain her claims and she failed to furnish a sufficient record such that error could be determined.
- ¶ 2 Plaintiff Christine Johnson appeals *pro se* from the trial court's order entering judgment and damages in her favor against defendants, Alex Brusha and Tri-Taylor Realty and Management. On appeal, plaintiff contends that the trial court misapplied the Chicago

Residential Landlord Tenant Ordinance (CRLTO) when determining the amount of damages.

We affirm.

¶ 3 Although the record on appeal does not contain a report of the proceedings, the following facts can be gleaned from the common law record.

¶ 4 In January 2018, plaintiff filed this *pro se* breach of contract suit against defendants seeking refund of a \$1300 security deposit she paid defendants as well as costs under the CRLTO. The complaint further alleged that the “contract” that was breached was between defendants and the Chicago Housing Authority because the “unit” in question did not have heat and had failed building inspections, and that plaintiff had moved out.

¶ 5 On March 27, 2018, following a trial, the trial court entered judgment in plaintiff’s favor and awarded her \$811 in damages. On April 26, 2018, plaintiff filed a *pro se* motion to “rehear the judgment amount.” The motion alleged that the trial court erred when determining damages under the CRLTO as plaintiff was entitled to damages totaling “double” the security deposit, an offset was “not appropriate” because she did not owe defendants rent, and she had not breached the lease. On June 7, 2018, the trial court denied plaintiff’s motion for reconsideration, and ordered defendants to pay \$811 to plaintiff by June 20, 2018. Plaintiff filed a *pro se* notice of appeal the same day.

¶ 6 On appeal, plaintiff contends that the trial court did not properly apply the CRLTO when it determined the amount of damages owed by defendants. She argues that she was entitled to receive “double the security deposit in damages,” the amount of damages should not have been offset, and she did not breach the lease. Plaintiff also challenges the manner in which the trial court conducted the case, arguing that the court erred when it permitted an attorney to appear for

defendants who had not filed an appearance, gave defendants “more time” to respond to plaintiff’s motion to reconsider judgment, did not take into consideration what plaintiff “wrote,” and was biased against plaintiff because she represented herself. Attached to plaintiff’s *pro se* brief are, in pertinent part, copies of: a lease, a security deposit receipt, a utilities and appliances lease addendum, an “Acknowledgment of Receipt,” a “Final Complaint Re-Inspection Fail Notice—Owner,” a security deposit disclosure form, a “Complaint Re-Inspection Fail Notice—Owner,” and “inspection” results for the unit. None of these attachments are included in the record on appeal.

¶ 7 On May 16, 2019, this court entered an order taking the case on plaintiff’s brief only. Thus, we consider plaintiff’s appeal without the benefit of defendants’ brief. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (a reviewing court can decide the merits of the appeal where the record is simple and the claimed errors can be decided without the aid of an appellee’s brief).

¶ 8 As a preliminary matter, we note that our review of plaintiff’s appeal is hindered by her failure to fully comply with Supreme Court Rule 341 (eff. May 28, 2018), which “governs the form and content of appellate briefs.” *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12. Although plaintiff is a *pro se* litigant, this status does not lessen her burden on appeal. “In Illinois, parties choosing to represent themselves without a lawyer must comply with the same rules and are held to the same standards as licensed attorneys.” *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78.

¶ 9 Supreme Court Rule 341(h) provides that all briefs should contain a statement of “the facts necessary to an understanding of the case, stated accurately and fairly without argument or

comment” and an argument “which shall contain the contentions of the appellant and reasons therefor, with citation of the authorities and the pages of the record relied on.” Ill. S. Ct. R. 341(h)(6), (7) (eff. May 28, 2018). Pursuant to the rule, a reviewing court is entitled to have issues clearly defined with “cohesive arguments” presented and pertinent authority cited. *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993). Plaintiff’s brief meets none of these requirements.

¶ 10 Here, plaintiff’s arguments rest on evidence and argument that was allegedly presented to, and disregarded by, the trial court, but she does not cite to the pages of the record relied on. An appellant is required to cite to the pages and volume of the record on appeal upon which she relies “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. Although plaintiff has attached certain documents to her brief, those documents are not contained in the record on appeal. It is well settled that the record on appeal cannot be supplemented by simply attaching documents to a brief. *In re Parentage of Melton*, 321 Ill. App. 3d 823, 826 (2001). We cannot consider improperly appended documents not included in the record on appeal. *Id.* “Arguments that do not comply with Rule 341(h)(7) do not merit consideration on appeal and may be rejected by this court for that reason alone.” *Wells Fargo Bank, N.A. v. Sanders*, 2015 IL App (1st) 141272, ¶ 43. To the extent that plaintiff’s brief fails to comply with Supreme Court Rule 341(h)(7), her arguments are forfeited.

¶ 11 That being said, even if we were to attempt to review this appeal on the merits, the deficiencies in the record would prevent us from doing so. Plaintiff appeals from the trial court’s entry of damages in her favor, contending on appeal that the court failed to calculate the damages properly based upon the evidence presented and the applicable law. However, the record on

appeal does not contain a report of the proceedings in which the trial court reached its decision or an acceptable substitute such as a bystander's report or agreed statement of facts pursuant to Supreme Court Rule 323. See Ill. S. Ct. R. 323(a), (c), (d) (eff. July 1, 2017). Accordingly, we have no way to determine what facts the trial court relied upon when calculating the damages or if the court erred in doing so.

¶ 12 On appeal, the appellant, in this case plaintiff, has the burden to provide a complete record for review in the appellate court to support a claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). If no such record is provided, "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. See also *In re Marriage of Abu-Hashim*, 2014 IL App (1st) 122997, ¶ 15 (all doubts and deficiencies arising from an insufficient record will be construed against the appellant). This is because, in order to determine whether there was actually an error, a reviewing court must have a record before it to review. *Foutch*, 99 Ill. 2d at 392.

¶ 13 Here, we do not have the benefit of transcripts, bystander's reports, or an agreed statement of facts and the trial court's order does not provide us with the court's reasoning for the \$811 awarded to plaintiff after trial. Thus, we have no basis for disturbing the trial court's judgment and must presume that the court's order awarding damages was entered in conformity with the law and had a sufficient factual basis. See *Id.* at 391-92.

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

¶ 15 Affirmed.