

2020 IL App (1st) 192376-U
No. 1-19-2376
Order filed December 4, 2020

Fifth 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

BOBBIE A. LOGAN-TATE,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant)	Cook County.
)	
v.)	No. 19 M1 14296
)	
VERNON WILTZ,)	Honorable
)	Joseph D. Panarese,
Defendant-Appellee.)	Judge, presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Delort and Justice Cunningham concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court's dismissal order is affirmed where the record on appeal is insufficient for review of plaintiff's claims.
- ¶ 2 Plaintiff Bobbie A. Logan-Tate¹ appeals *pro se* from the trial court's order dismissing his complaint against defendant Vernon Wiltz with prejudice by agreement of the parties. On appeal,

¹ Plaintiff's name also appears as "Bobby A. Logan" in the record.

plaintiff argues that the court failed to consider certain evidence he offered in support of his case, and improperly permitted defendant to suggest a settlement amount. We affirm.²

¶ 3 The record on appeal lacks a report of proceedings for the hearing in which the trial court dismissed the suit. The following facts are taken from the common law record, which includes the court's docket entries, orders, and plaintiff's complaint.

¶ 4 On July 23, 2019, plaintiff filed a *pro se* complaint alleging that defendant caused him "financial hardship and emotional harm" by placing plaintiff's personal items in the garbage.³ Plaintiff further claimed that defendant agreed to pay for the items, and plaintiff withheld his rent payment pending resolution of the issue. Defendant did not respond with a money offer, and instead gave plaintiff a "five day notice."

¶ 5 On October 25, 2019, defendant entered his appearance.

¶ 6 On November 15, 2019, the court entered an order dismissing the case with prejudice by agreement of the parties. The order further stated, "Defendant to mail \$1,500 to Plaintiff by 12/15/19 [via] money order."

¶ 7 On November 20, 2019, plaintiff filed a notice of appeal. On August 25, 2020, this court entered an order taking the case on plaintiff's brief only. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

² In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order stating with specificity why no substantial question is presented.

³ Based on the complaint, it appears defendant is plaintiff's landlord, but this is not made explicit in the record.

¶ 8 On appeal, plaintiff contends that the trial court erred by “not considering documentary evidence” that plaintiff submitted and by improperly allowing defendant “to assert what the settlement should be.”

¶ 9 We find that plaintiff’s claims fail because he did not provide an adequate record on appeal. It is incumbent on the appellant to provide an adequate record from which the reviewing court may evaluate the claims. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391 (1984). If the appellant does not provide an adequate record, the reviewing court must presume “that the order entered by the trial court was in conformity with law and had a sufficient factual basis.” *Id.* at 392.

¶ 10 As noted, the record on appeal lacks a report of proceedings from November 15, 2019. Without this report of proceedings, or an acceptable substitute such as a bystander’s report or agreed statement of facts (see Ill. S. Ct. R. 323(a), (c), (d) (eff. July 1, 2017)), it is impossible for this court to assess plaintiff’s claims that the trial court improperly failed to consider certain evidence and permitted improper comment from defendant. We are also unable to determine if plaintiff properly preserved his claims or has basis to contest the dismissal order, as on its face the order states that plaintiff assented to the dismissal. Therefore, under *Foutch*, we must presume that the trial court’s decisions were in accordance with the law, and the order accurately reflects the intent of the parties to dismiss the case with prejudice.

¶ 11 For the above reasons, the trial court’s order is affirmed.

¶ 12 Affirmed.