

No. 1-18-2064

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 JUDICIAL DISTRICT

LAVELLE LAW, LTD.,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County
)	
v.)	16 M3 2237
)	
THOMAS KUZNAR,)	Honorable
)	Eve M. Reilly,
Defendant-Appellant.)	Judge Presiding

PRESIDING JUSTICE ELLIS delivered the judgment of the court.
Justices McBride and Cobbs concurred in the judgment.

ORDER

¶ 1 *Held:* Appeal dismissed due to violations of Illinois Supreme Court Rule 341(h).

¶ 2 Plaintiff Lavelle Law, Ltd. sued Defendant Thomas Kuznar for unpaid attorney’s fees. After a jury verdict in Lavelle’s favor, the court entered judgment against Kuznar. He appeals that judgment. But, because of serious defects in Kuznar’s *pro se* appellate brief, we have no choice but to dismiss this appeal.

¶ 3 **BACKGROUND**

¶ 4 In May 2015, Kuznar hired Lavelle to collect an approximately \$183,000 judgment entered in Kuznar’s favor in another case. About seven months later, in January 2016, Lavelle moved to withdraw as Kuznar’s counsel in the collection matter. The court granted Lavelle’s

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motion to withdraw in March 2016, and two weeks later Lavelle filed a verified complaint alleging Kuznar owed them unpaid attorney's fees.

¶ 5 Kuznar answered and, in affirmative defenses and a counterclaim, alleged that Lavelle overbilled, largely due to its own incompetence. The case proceeded and was sent to mandatory arbitration. The arbitrators returned a decision in Lavelle's favor, but Kuznar rejected the arbitration award and requested a trial. At trial, like the arbitrators, the jury rendered a verdict in Lavelle's favor. The court entered judgment against Kuznar in the amount of \$11,329.25.

¶ 6 Kuznar appealed.

¶ 7 ANALYSIS

¶ 8 Kuznar purports to raise various issues on appeal, namely whether the jury instructions were proper and whether the jury "made a mistake" in finding that Lavelle proved the elements of breach of contract. Unfortunately, we are unable to meaningfully review these claims, given the deficiencies in Kuznar's brief.

¶ 9 An appellant's brief is required to present an "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relies on." Ill. Sup. Ct. R. 341(h)(7) (eff. May 25, 2018). When a party's violation of Supreme Court Rule 341 interferes with our ability to review an issue, "we may exercise our discretion and strike" the offending party's brief, even if that party is a *pro se* litigant. *Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 11; *Parkway Bank & Trust Co. v. Korzen*, 2013 IL App (1st) 130380, ¶ 10; see *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 5 (deeming *pro se* appellant's arguments forfeited because he "failed to provide a cohesive legal argument or a reasoned basis for his contentions"); *Evans v. Godinez*, 2014 IL App (4th) 130686, ¶ 40 (declining to consider claim raised by *pro se* appellant that was

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not supported by argument or authority). We may also dismiss an appeal when the deficiencies are such that we cannot meaningfully review the issues. *In re Marriage of Iqbal & Khan*, 2014 IL App (2d) 131306, ¶ 14.

¶ 10 While Kuznar, to his credit, provided an extensive discussion of the trial and the background, his brief fails to provide any coherent argument as to the errors he raises. For example, he simply claims that the “[j]ury instructions did not properly state[] the law” without elaboration. He does not cite the specific instructions that were erroneous, explain why they were erroneous, or cite any case law in support of the claim.

¶ 11 Indeed, Kuznar cites only two cases in his entire brief, both at the outset regarding the standard of review. None of his substantive claims are supported by a single case citation. Most of his brief is a detailed critique of Lavelle’s performance while Kuznar retained him. Yet even Kuznar concedes that, though he initially had a counterclaim against Lavelle for legal malpractice, he voluntarily dismissed that claim. So the two portions of the brief where Kuznar presents the inkling of a substantive argument—that Lavelle’s attorney violated the rules of professional conduct and failed to meet the appropriate standard of care—relate to a claim that he dismissed and is not subject to appeal.

¶ 12 Otherwise, Kuznar cites no support and provides no real substantive argument for how Lavelle failed to prove Kuznar’s breach or the damages suffered by Lavelle as a result of that breach. “The appellate court is ‘not a depository into which the burden of argument and research may be dumped.’ ” *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 18 (quoting *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 80).

¶ 13 We mean no disrespect to Kuznar, and we are sympathetic to the difficulties of prosecuting an appeal *pro se*. We would be willing to overlook non-compliance with some of the

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formalities in an appellate brief, but we cannot become Kuznar’s advocate and make his arguments for him. And the rules apply to *pro se* litigants as much as they do attorneys. See *U.S. Bank Trust National Association v. Junior*, 2016 IL App (1st) 152109, ¶ 16 (“[*P*]ro se litigants *** are not entitled to more lenient treatment than attorneys.”); *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009) (“[*P*]ro se litigants are presumed to have full knowledge of applicable court rules and procedures and must comply with the same rules and procedures as would be required of litigants represented by attorneys.”)

¶ 14 Without any case law or reasoned argument why the jury’s verdict should be overturned, we have no choice but to dismiss this appeal.

¶ 15 CONCLUSION

¶ 16 The appeal is dismissed in accordance with Illinois Supreme Court Rule 341(h).

¶ 17 Appeal dismissed.