

2025 IL App (1st) 241816-U
No. 1-24-1816
Order filed November 26, 2025

Third Division

NOTICE: This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

NATISHA GRAY,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	No. 2023 M1 719143
)	
SHERRICA JIMERSON and UNKNOWN)	
OCCUPANTS,)	
)	
Defendants)	Honorable
)	Brian R. Porter,
(Sherrica Jimerson, Defendant-Appellant).)	Judge, presiding.

JUSTICE LAMPKIN delivered the judgment of the court.
Presiding Justice Martin and Justice Reyes concurred in the judgment.

ORDER

¶ 1 *Held:* In the absence of an adequate record on appeal for review of defendant's claims, we affirm the trial court's judgment for plaintiff in an eviction proceeding against defendant, the dismissal for want of prosecution of defendant's counterclaims, and the denial of defendant's motion to vacate certain orders.

¶ 2 Defendant Sherrica Jimerson appeals *pro se* from the trial court's orders awarding plaintiff Natisha Gray money damages totaling \$3277 in her forcible entry and detainer action against

defendant, dismissing defendant's counterclaims for want of prosecution, and denying her motion to vacate certain orders. On appeal, defendant argues that the trial court did not acknowledge her counterclaims and denied her an opportunity to be heard by entering the judgments against her on a date she was not present in court. We affirm.¹

¶ 3 The record on appeal does not contain a report of proceedings or any acceptable substitute. We obtain the following background information from the common law record.

¶ 4 On December 11, 2023, plaintiff filed a "Complaint in Forcible Entry and Detainer and/or Damage Claims." She alleged that defendant was unlawfully withholding possession of "Unit 2" of a premises located in the 7600 block of South Peoria Street in Chicago, Illinois.

¶ 5 On January 12, 2024, defendant filed her *pro se* appearance and answer, denying the allegations. Defendant claimed inadequate notice of her "violations," plaintiff (her landlord)'s failure to make necessary repairs which decreased the property's value below the amount owed in rent, and plaintiff's retaliation against defendant for reporting a code violation to the Chicago Housing Authority. She additionally pled the following counterclaim:

"Retalliation [*sic*] Tenant Harrassment [*sic*], violating city ordiance [*sic*] and Government Program and funds. Illegal Eviction why continue to accept Rent. Privacy violation, violating lease agreement / Verbal agreement, False Advertising, unsure living space, stalking / unauthorized video / Peep [*sic*] tom Activities violent issues leading to Parking issues."

Defendant requested \$10,000 in damages on her counterclaim.

¹In 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.

¶ 6 On February 22, 2024, defendant filed a lengthy form, filled in by hand, labeled “ADDITIONAL AFFIRMATIVE DEFENSES/COUNTERCLAIMS.” In that filing, defendant cited the “covenant of quiet enjoyment” and claimed plaintiff engaged in, *inter alia*, retaliation, “bullying,” falsifying the lease and court filings, verbal abuse, defamation, “intimidation,” stalking, and harassment. The counterclaims largely recount purported issues with defendant’s abode, including an incident where the plaintiff’s boyfriend verbally harassed defendant in or near her home. As relief, defendant stated plaintiff should be punished and ordered to pay (unspecified) damages.

¶ 7 On June 6, 2024, plaintiff filed an amended complaint also naming unknown occupants as defendants.

¶ 8 On June 13, 2024, with both parties present, the court set the case for in-person trial on July 3, 2024, at 11 a.m. On July 3, 2024, the court entered an “AGREED SETTLEMENT ORDER WITH STATUS DATE (DEFENDANT WILL MOVE).” The order reflected that defendant must move out of the premises by 11:59 p.m. on July 28, 2024, and proof that she failed to do so would result in the court immediately entering an eviction order. In that same agreed order, the trial court set the case for trial on July 30, 2024, at 11 a.m., on plaintiff’s money count and defendant’s counterclaims.

¶ 9 On July 30, 2024, the trial court entered an eviction order, identifying only plaintiff and plaintiff’s counsel as present in court. The order reflected that it was entered after a contested hearing or trial on plaintiff’s monetary count and a compliance hearing on the possession count, defendant having failed to comply with the previous agreed order to vacate. The court directed defendant to move out of the premises on that day by 11:59 p.m. and entered judgment for plaintiff

totaling \$3277 for rent and costs. The court entered a separate order stating, “Defendant’s counterclaims are dismissed for want of prosecution.”

¶ 10 On that same day, defendant filed a motion to “Have a Reappearace [sic] trial court” in which she apologized for missing trial and stated, “I honestly thought the time was noon.” Defendant stated that plaintiff violated court orders requiring “rear” (or perhaps “clear”) access to move out of the property, which resulted in the cancellation of her move scheduled for July 28, 2024. She also filed a corresponding “order on motion” to “appear in court for missed trial” and notice of court date for her motion scheduled for August 14, 2024.

¶ 11 On August 14, 2024, the trial court entered a “DISMISSAL ORDER” denying defendant’s motions to: (1) vacate the order entered on July 30, 2024; (2) vacate the agreed order entered on July 3, 2024; and (3) schedule a new court date and additional time. This order did not specify whether defendant’s motion to vacate was a written filing or an oral motion, and the common law record does not include a motion expressly labeled “motion to vacate.” None of the circuit court’s orders included Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016) certification. This appeal follows.

¶ 12 On May 22, 2025, this court entered an order on its own motion taking the appeal on the record and defendant’s brief only, where no appellee brief was filed within the time period prescribed by Illinois Supreme Court Rule 343(a) (eff. July 1, 2008). See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (appeal may be taken on appellant’s brief only where the issues are simple and can be decided without additional briefing).

¶ 13 On appeal, defendant argues that the trial court erred in ordering her eviction and entering monetary damages against her “without allowing valid reasons of duress and tardiness in hardship

and berevement [*sic*] violating tenant rights of defendant, constitutional right of speech and impartial judgment.” Defendant also challenges the trial court’s “*ex parte*” judgment on her counterclaims and affirmative defenses. Finally, she argues that the court erred in denying her motion to vacate the prior orders.

¶ 14 Although large portions of defendant’s handwritten *pro se* brief are difficult to decipher, defendant appears to be challenging the trial court’s eviction order, entry of monetary damages against her, entry of a dismissal for want of prosecution (DWP) order on her counterclaims, entry of an agreed order dated July 3, 2024, and denial of her motion to vacate those orders.

¶ 15 Our review of defendant’s appeal is constrained by her noncompliance with many of the requirements of Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020), which sets forth mandatory procedural rules governing the content and format of appellate briefs. *Ammar v. Schiller, DuCanto & Fleck, LLP*, 2017 IL App (1st) 162931, ¶ 11. For example, in her brief, defendant fails to provide a statement of facts necessary to our understanding of the case that is without argument or comment and contains citations to the record, and an argument section including cognizable arguments supported by relevant authority in furtherance of her contentions. See Ill. S. Ct. R. 341(h)(1), (6), (7) (eff. Oct. 1, 2020).

¶ 16 A *pro se* party is held to the same standard and must comply with the same rules as a licensed attorney. *Ammar*, 2017 IL App (1st) 162931, ¶ 16. A party forfeits review of an argument where the party cites no authority addressing the specific issues raised. *Id.* ¶ 13. Further, we may strike defendant’s brief or dismiss her appeal for her noncompliance with Rule 341(h). *Epstein v. Davis*, 2017 IL App (1st) 170605, ¶ 22. However, we decline to do so here as the record is not complex and we can discern the judgments she appeals from. *Id.*

¶ 17 Nevertheless, our review is further hindered by defendant's failure to present this court with an adequate record on appeal for our review of the issues presented.

¶ 18 To determine whether the circuit court erred in entering the judgment in favor of plaintiff in an action brought under the Forcible Entry and Detainer Act (735 ILCS 5/9-101 *et seq.* (West 2022)), we apply the manifest weight of the evidence standard of review. *Teton, Tack & Feed, LLC v. Jimenez*, 2016 IL App (1st) 150584, ¶ 11. A judgment is against the manifest weight of the evidence “only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented.” *Best v. Best*, 233 Ill. 2d 341, 350 (2006).

¶ 19 We review the trial court's denial of a motion to vacate for an abuse of discretion. *Wells Fargo Bank, N.A. v. Hansen*, 2016 IL App (1st) 143720, ¶ 14. A trial court abuses its discretion where its ruling is “arbitrary, fanciful, or unreasonable or where no reasonable person would take the view adopted by the trial court.” *Haage v. Zavala*, 2021 IL 125918, ¶ 40.

¶ 20 We similarly review entry of a DWP order for an abuse of discretion. A DWP order is a type of involuntary dismissal, which courts have always had the inherent power to enter. *In re Estate of Young*, 2020 IL App (2d) 190392, ¶ 17. A preference exists for resolving cases on the merits, but a trial court “may dismiss a civil action due to [a party's] failure to prosecute with due diligence, in order to manage the court's docket and avoid unnecessary burdens on the court and opposing parties.” (Internal quotation marks and citations omitted.) *Id.* ¶ 18. The trial court therefore enjoys broad discretion when entering such orders, and its decision should be overturned only when it was an abuse of discretion. *Prosen v. Chowaniec*, 271 Ill. App. 3d 65, 67 (1995).

¶ 21 Here, defendant argues that the July 30, 2024, DWP of her counterclaims and entry of judgment against her in the eviction proceedings, where she was absent from trial, was unlawful.

She also challenges the trial court's order entered on August 14, 2024, denying her motion to vacate those orders and denying her after-the-fact request to reschedule the trial date. However, the record on appeal does not contain a report of proceedings from those court dates or an acceptable substitute, such as a bystander's report or agreed statement of facts pursuant to Illinois Supreme Court Rule 323(a), (c), (d) (eff. July 1, 2017).

¶ 22 Defendant, as appellant, had the burden to present this court with a record sufficient to resolve the issues on appeal. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 394 (1984). "An issue relating to a [trial] court's factual findings and basis for its legal conclusions obviously cannot be reviewed absent a report or record of the proceedings." *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156 (2005). That is the case here. Without a transcript or an acceptable substitute from the court proceedings, we are unable to determine what evidence was admitted or excluded, the arguments that were made, and the trial court's reasoning. Accordingly, we cannot review whether the trial court's judgments in the eviction proceedings were against the manifest weight of the evidence, or whether DWP of her counterclaims and denial of the motion to vacate multiple orders were an abuse of discretion.

¶ 23 In the absence of a complete record, we must presume that the trial court's determinations conformed with the law and had a sufficient factual basis and resolve all doubts against defendant. *Foutch*, 99 Ill. 2d at 392. Thus here, where the record on appeal is inadequate for our review of the trial court's factual findings and basis for its legal conclusions, we must presume that the trial court acted in conformity with the law and had a sufficient factual basis for its rulings in the eviction proceedings, for entering a DWP order on defendant's counterclaims, and for denying defendant's request to vacate orders. *Id.*; *Corral*, 217 Ill. 2d at 157.

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¶ 24 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 25 Affirmed.