



ILLINOIS COURT RULES ANNOTATED
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*** IL State Rules and Local Federal Rules reflect changes received through March 7, 2012 ***
*** Annotations current through January 20, 2012 ***

ILLINOIS SUPREME COURT RULES
ARTICLE III. CIVIL APPEALS RULES
PART D. BRIEFS

Ill. Sup. Ct., R 341 (2012)

Review Court Orders which may amend this Rule.

Rule 341. Briefs

(a) *Form of Briefs.* Briefs shall be produced in clear, black print on white, opaque, unglazed paper, 8 1/2 by 11 inches, and paginated. Only one side of the paper may be used. The text must be double-spaced; however, headings may be single-spaced. Margins must be at least 1 1/2 inch on the left side and 1 inch on the other three sides. Briefs shall be safely and securely bound on the left side in a manner that does not obscure the text. Quotations of two or more lines in length may be single-spaced; however, lengthy quotations are not favored and should be included only where they will aid the court's comprehension of the argument. Footnotes are discouraged but, if used, may be single-spaced.

Documents may be produced by a word-processing system, typewritten, or commercially printed, and reproduced by any process that provides clear copies consistent with the requirements of this rule. Typeface must be 12-point or larger throughout the document, including quoted material and any footnotes. Condensed type is prohibited. Carbon copies are permitted.

(b) *Length of Briefs.*

(1) *Page Limitation.* The brief of appellant and brief of appellee shall each be limited to 50 pages, and the reply brief to 20 pages. This page limitation excludes pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a). Cross-appellants and cross-appellees shall each be allowed an additional 30 pages, and the cross-appellant's reply brief shall not exceed 20 pages. In the Supreme Court, briefs of appellant and appellee in capital cases shall each be limited to 75 pages and the reply brief to 27 pages.

(2) *Motions.* Motions to file a brief in excess of the page limitation of this rule are not favored. Such a motion shall be filed not less than 10 days before the brief is due or not less than 5 days before a reply brief is due and shall state the excess number of pages requested and the specific grounds establishing the necessity for excess pages. The

Ill. Sup. Ct., R 341

motion shall be supported by affidavit or verification by certification under Section 1-109 of the Code of Civil Procedure of the attorney or unrepresented party. Any affidavit shall be sworn to before a person who has authority under the law to administer oaths.

(c) *Certificate of Compliance.* The attorney or unrepresented party shall submit with the brief his or her signed certification that the brief complies with the form and length requirements of paragraphs (a) and (b) of this rule, as follows:

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is _____ pages.

(d) *Covers.* The cover of the brief shall contain: the number of the case in the reviewing court and the name of that court; the name of the court or administrative agency from which the case was brought; the name of the case as it appeared in the lower tribunal, except that the status of each party in the reviewing court shall also be indicated (e.g., plaintiff-appellant); the name of the trial judge entering the judgment to be reviewed; and the individual names and addresses of the attorneys and their law firm (or of the party if the party has no attorney) filing the brief shall also be stated.

The colors of the covers of the documents shall be: abstract, gray; appellant's brief or petition, white; appellee's brief or answer, light blue; appellant's reply brief, light yellow; reply brief of appellee, light red; petition for rehearing, light green; answer to petition for rehearing, tan; and reply on rehearing, orange. If a separate appendix is filed, the cover shall be the same color as that of the brief which it accompanies.

(e) *Number of Copies to be Filed and Served; Proof of Service.* Except as provided hereafter nine copies of each brief shall be filed in appeals to the Appellate Court. In proceedings in the Appellate Court to review orders of the Illinois Workers' Compensation Commission, 15 copies of each brief shall be filed. In appeals to the Supreme Court, 20 copies of each brief shall be filed. Three copies shall be served upon each other party to the appeal represented by separate counsel. If the Attorney General and the State's Attorney both appear for a party, each shall be served with three copies. Proof of service shall be filed with all briefs.

(f) *References to Parties.* In the brief the parties shall be referred to as in the trial court, e.g., plaintiff and defendant, omitting the words appellant and appellee and petitioner and respondent, or by using actual names or descriptive terms such as "the employee," "the injured person," "the taxpayer," "the railroad," etc.

In all appeals involving juveniles filed from proceedings under the Juvenile Court Act or the Adoption Act, and in all appeals under the Mental Health and Developmental Disabilities Code, the Mental Health and Developmental Disabilities Confidentiality Act, or from actions for collection of fees for mental health services, the respective juvenile or recipient of mental-health services shall be identified by first name and last initial or by initials only.

The preferred method is the first name and last initial. The alternative method of initials only is to be used when, due to an unusual first name or spelling, the preferred method would create a substantial risk of revealing the individual's identity. The name of the involved juvenile or recipient of services shall not appear in the brief.

(g) *Citations.* Citations shall be made as provided in Rule 6.

(h) *Appellant's Brief.* The appellant's brief shall contain the following parts in the order named:

(1) A summary statement, entitled "Points and Authorities," of the points argued and the authorities cited in the Argument. This shall consist of the headings of the points and subpoints as in the Argument, with the citation under each heading of the authorities relied upon or distinguished, and a reference to the page of the brief on which each

heading and each authority appear. Cases shall be cited as near as may be in the order of their importance.

(2) An introductory paragraph stating (i) the nature of the action and of the judgment appealed from and whether the judgment is based upon the verdict of a jury, and (ii) whether any question is raised on the pleadings, and if so, the nature of the question.

Illustration:

"This action was brought to recover damages occasioned by the alleged negligence of the defendant in driving his automobile. The jury rendered a verdict for the plaintiff upon which the court entered the judgment from which this appeal is taken. No questions are raised on the pleadings."

(3) A statement of the issue or issues presented for review, without detail or citation of authorities.

Illustration:

Issue Presented for Review:

"Whether the plaintiff was guilty of contributory negligence as a matter of law.

[or]

"Whether the trial court ruled correctly on certain objections to evidence.

[or]

"Whether the jury was improperly instructed."

The appellant must include a concise statement of the applicable standard of review for each issue, with citation to authority, either in the discussion of the issue in the argument or under a separate heading placed before the discussion in the argument.

(4) A statement of jurisdiction:

(i) In a case appealed to the Supreme Court directly from the trial court or as a matter of right from the Appellate Court, a brief statement under the heading "Jurisdiction" of the jurisdictional grounds for the appeal to the Supreme Court.

(ii) In a case appealed to the Appellate Court, a brief but precise statement or explanation under the heading "Jurisdiction" of the basis for appeal including the supreme court rule or other law which confers jurisdiction upon the reviewing court; the facts of the case which bring it within this rule or other law; and the date that the order being appealed was entered and any other facts which are necessary to demonstrate that the appeal is timely. In appeals from a judgment as to all the claims and all the parties, the statement shall demonstrate the disposition of all claims and all parties. All facts recited in this statement shall be supported by page references to the record on appeal.

(5) In a case involving the construction or validity of a statute, constitutional provision, treaty, ordinance, or regulation, the pertinent parts of the provision verbatim, with a citation of the place where it may be found, all under an

appropriate heading, such as "Statutes Involved." If the provision involved is lengthy, its citation alone will suffice at this point, and its pertinent text shall be set forth in an appendix.

(6) Statement of Facts, which shall contain 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, e.g., R. C7, or R. 7, or to the pages of the abstract, e.g., A. 7. Exhibits may be cited by reference to pages of the abstract or of the record on appeal or by exhibit number followed by the page number within the exhibit, e.g., Pl. Ex. 1, p. 6.

(7) Argument, 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. Evidence shall not be copied at length, but reference shall be made to the pages of the record on appeal or abstract, if any, where evidence may be found. Citation of numerous authorities in support of the same point is not favored. Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.

(8) A short conclusion stating the precise relief sought, followed by the names of counsel as on the cover.

(9) An appendix as required by Rule 342.

(i) *Briefs of Appellee and Other Parties.* The brief for the appellee and other parties shall conform to the foregoing requirements, except that items (2), (3), (4), (5), (6) and (9) of paragraph (h) of this rule need not be included except to the extent that the presentation by the appellant is deemed unsatisfactory.

(j) *Reply Brief.* The reply brief, if any, shall be confined strictly to replying to arguments presented in the brief of the appellee and need contain only Argument.

(k) *Supplemental Brief on Leave to Appeal.* A party allowing a petition for leave to appeal or for appeal as a matter of right or an answer thereto to stand as his or her main brief, may file a supplemental brief, so entitled, containing additional material, and omitting any of the items set forth in paragraph (h) of this rule to the extent that they are adequately covered in the petition or answer. The Points and Authorities in the supplemental brief need relate only to the contents of that brief.

(l) *Copy of Document in Electronic Format.* In addition to the number of copies required to be filed and served in accordance with this rule, the brief may be furnished on any removable media, such as floppy disk or CD-ROM, acceptable to the clerk of the reviewing court in Adobe Acrobat and served on each party to the appeal. The electronic document may but need not contain the required appendix. A copy of a brief in electronic format shall be filed upon request of the court or a judge thereof.

HISTORY: Amended 10-21-69, eff. 1-1-70; amended 7-30-79, eff. 10-15-79; amended 1-5-81, eff. 2-1-81; amended 2-19-82, eff. 4-1-82; amended 5-28-82, eff. 7-1-82; amended 4-27-84, eff. 7-1-84; amended 5-16-84, eff. 7-1-84; amended 4-10-87, eff. 8-1-87; amended 5-21-87, eff. 8-1-87; amended 6-12-87, eff. immediately; amended 5-18-88, effective 8-1-88; amended 1-20-93, eff. immediately; amended 12-17-93, eff. 2-1-94; amended 5-20-97, eff. 7-1-97; amended 4-11-01, eff. immediately; amended 10-1-01, eff. immediately; amended 5-24-06, eff. 9-1-06; amended 3-16-07, eff. immediately; amended 6-4-08, eff. 7-1-08.

NOTES:

NOTES APPLICABLE TO RULE SET:

Effective January 1, 1967.

(Revised through January 10, 2012)

ILLINOIS JURISPRUDENCE.

See *Illinois Jur, Prob Est & Trusts* § 37:08.
See *Illinois Jur, Crim L* § 30:05, § 30:54, § 30:55, § 30:60, § 31:05.

COMMITTEE COMMENTS

COMMITTEE COMMENTS TO 2001 AMENDMENT

The paragraph was amended October 1, 2001, to help protect the identities of recipients of mental health services. The amendment requires that only their first name and last initial, or their initials, appear on documents filed with the Appellate Court or any subsequent court. The requirement covers the parties' briefs, motions, and other similar papers. The amendment does not require deletion of names from the trial record in preparing the record on appeal, nor does it address the means by which the Appellate Court or a subsequent court maintains the confidentiality of documents appearing in the record.

COMMITTEE COMMENTS TO 1984 AMENDMENT

In 1984 subsection (a) was amended to reduce from 75 to 50 the number of pages allowed to be in a printed brief and from 100 to 75 the number allowed in a brief that is not printed, and excludes from that page limitation those matters which are required by Rule 342(a) to be appended thereto.

(Revised May 1982)

This rule was based upon former Supreme Court Rule 39, effective until January 1, 1967, which in turn was based upon former Uniform (and later Second, Third, Fourth, and Fifth District) Appellate Court Rule 7. There were no major changes.

Paragraph (a)

This paragraph deals with the length of briefs and the use of footnotes. It is derived from the second, third, and fourth sentences of former Rule 39(1). Three printed pages will normally contain approximately as many words as 4 unprinted pages, so the length limitations are substantially the same for printed and unprinted briefs.

The provision that footnotes are to be in the same size type as required for the text of the brief was deleted. Footnotes are to be used sparingly. Rule 344(b) prescribes 10-point type on 11-point slugs, instead of the 11-point type used in the body. This use of smaller type is conventional in the printing of legal texts, law reviews, the opinions of the Supreme Court of the United States, and other comparable materials. It is believed that the limited use of this slightly smaller type will not impose a burden on the courts.

Paragraph (b)

This is a revision of former Rule 40(1).

Paragraph (c)

This paragraph is derived in part from the first sentence of former Rule 39(1), except that it recognizes certain existing

Ill. Sup. Ct., R 341

practices not permitted by the former rule if it was read literally. One is the use of the designations "appellant" and "appellee," together with the designation of the party in the trial court, in the title of the case appearing in the caption. The other is that the parties may be referred to by actual names or descriptive terms instead of as plaintiff or defendant, which in many instances is desirable to avoid confusion.

The paragraph was amended effective October 1, 2001, to help protect the identities of recipients of mental health services. The amendment requires that only their first name and last initial, or their initials, appear on documents filed with the Appellate Court or any subsequent court. The requirement covers the parties' briefs, motions, and other similar papers. The amendment does not require deletion of names from the trial record in preparing the record on appeal, nor does it address the means by which the Appellate Court or a subsequent court maintains the confidentiality of documents appearing in the record.

Paragraph (d)

Effective January 20, 1993, the requirements applicable to citations to cases, textbooks and statutes were placed in Rule 6, which is applicable to all documents filed in court, including briefs.

Paragraph (e)

Paragraph (e) is a substantial revision of portions of former Rule 39.

In 1981 the subparagraphs were restructured to make "Points and Authorities" the first part of the brief, so that it might act as a table of contents.

Subparagraph (1) is based upon the first three sentences of the paragraph designated II of former Rule 39(1). The revised provision specifically relates the Points and Authorities to the Argument. The same headings of the points and subpoints are to be used both here and in the Argument. The former provision that the three cases most relied on shall be cited first under each point was deleted in favor of the last sentence of subparagraph (e), which provides for ranking cases "as near as may be in the order of their importance."

The "introductory paragraph" provided for in subparagraph (2) will ordinarily not be captioned as such in the brief. As the illustration shows, the introductory paragraph is for the purpose of informing the court of the general area of the law which the case falls, whether there was a jury trial, and whether there is a pleading question and if so what it is. The practice of many lawyers was to include in the statement of "The Nature of the Action" called for by the former rule much more detail than the courts wanted at this place in the brief.

The former requirement that "The Nature of the Case" include a statement of the party's "theory of the case" also produced much more detail than the rule contemplated. Subparagraph (3) substitutes for the "theory of the case" a statement of "the issue or issues presented for review." Again, the court does not want detail at this point in the brief, as the illustration in the rule following this subparagraph attempts to make clear. The statement of the issue presented for review is not to be an elaborately framed legal question. Its purpose is to give the court a general idea of what the case is about. The court is not ready at this stage to appreciate the details. It should be noticed, for example, that the first alternative illustration of a statement of the issue presented for review does not state what conduct it is that one of the parties contends is contributory negligence as a matter of law. The second alternative does not describe the objections or the evidence to which they relate. The third alternative does not describe the instruction of which the complaint is made.

Subparagraph (4) is in part based upon former Rule 28-1, B. A similar provision appears in the rules of the Supreme Court of the United States. (Rule 40, 1(b).) In cases appealed to the Illinois Supreme Court as of right, it is important that the court be satisfied at the outset that jurisdiction exists. (See the comments to Rule 302.)

Subparagraph (4)(ii) was expanded effective February 1, 1994, to provide more comprehensive examples of what must be included in the statement demonstrating jurisdiction in the Appellate Court.

Subparagraph (5) is a combination of the third paragraph of former Rule 39(1) and paragraph 1(c) of Rule 40 of the rules of the Supreme Court of the United States.

Subparagraph (6) was based upon the paragraph numbered III of former Rule 39(1). The provision with respect to the

citation of exhibits was new, as were the illustrations as to the form of the citations to the record. This subparagraph was amended in 1979 to delete reference to the preparation of excerpts from record to reflect the amendment of Rule 342 to eliminate the preparation and duplication of excerpts from the record except for the inclusion of copies of stated documents as an appendix to the brief, and to eliminate the preparation and filing of an abstract except on order of the reviewing court. (See Rule 342(a).) Because the elimination of excerpts and an abstract in most cases lends added importance to the accuracy and fairness with which the facts are stated in the brief, the first sentence of the subparagraph was amended to emphasize this point. A similar amendment was made to Rule 315(b)(4). See the committee comments to Rule 342.

Subparagraph (7) is a revision of the paragraph numbered IV of former Rule 39(1). The description of what the Argument is to contain is somewhat amplified. The provision admonishing against citation of numerous authorities was new. The limitation of the Argument to points made and cases cited in the Points and Authorities is no longer appropriate, since the Points and Authorities is to be derived from the Argument. The former provision that a point "made but not argued may be considered waived" was changed to the affirmative statement of the last sentence of the paragraph that failure to argue results in waiver and, further, that a point that has not been argued shall not be raised subsequently.

Subparagraph (8), requiring a short conclusion stating the precise relief sought, was new. It is customary to include a conclusion in a brief, but the relief sought is not always stated in the conclusion. This provision requires the party to end his brief by telling the court what relief he wants.

Paragraph (f)

The predecessor of this paragraph is the second paragraph following the paragraph numbered IV in former Rule 39(1). The new provision is simplified. The requirement that the appellee's brief state the propositions relied upon to sustain the judgment "as far as practicable, in the same order as the points of appellant" was not brought forward into the present rule. When the nature of the subject matter permits, counsel will normally follow the order established by his opponent in the interest of making his brief as convenient as possible for the court to use. Sometimes effective advocacy requires that a different order be adopted. In the opinion of the Committee it is not possible to regulate this matter by rule.

Paragraph (g)

Paragraph (g) is the last paragraph of former Rule 39(1), without change of substance.

Paragraph (h)

Paragraph (h) as it appeared in the revised rules effective January 1, 1967, was deleted in October 1969, as unnecessary in light of paragraph (b) of Rule 343, adopted at that time.

What is now paragraph (h) was paragraph (i) of the revision adopted effective January 1, 1967, and was new at that time, although it provides specifically for a practice that was often employed under the former rules. This paragraph makes clear the extent to which the requirements of Rule 341 apply to a supplemental brief filed in supplement of, rather than in lieu of, a petition for leave to appeal or an answer that party has allowed to stand as his main brief.

CASE NOTES

ANALYSIS

Constitutionality

In General

Abandonment and Waiver

Argument

--Inadequate

--Not Improper

--Purpose

Brief of Appellant

--In General

--Citation of Authority

--Citation to Record

--Jurisdiction

--Scope of Argument

--Scope of Contents

--Statement of Facts

Brief of Appellee

--Failure to Answer Issues

--Failure to File Brief

--Scope of Argument

Cases Involving Construction of Statutes

--Duty of Counsel

Citation of Authority

--Failure to include

--Improper Form

--Insufficient

--Purpose

--Statutes

Citation to the Record

Criminal Applicability

Discretion of Court

--In General

--Appellant's Failure to File

--Appellee's Failure to File

--Criminal Cases

--Dismissal of Appeal

--Form and Content of Briefs

--Issues Not Raised

--Lack of Cohesive Argument

--Sanctions

Dismissal of Appeal

--In General

--Cumulative Violations

--Improper

--Lack of Cohesive Argument

--Noncompliance with Rules

--Proper

--Unwarranted Criticism of Judge

Dismissal of Brief

--Improper

--Pro Se Defendant

Failure to Cite Authority

Failure to Include

Failure to Join
Form and Content
--In General
--Admonishments Only
--Argumentative Facts
--Attachment Outside Record
--Citations
--Diction
--Footnotes
--Insufficient Brief
--Page Limitation
--Pro Se Litigant
--Proper
--Proper Support or Argument
--Purpose
--Scope of Contents
--Unnecessary Repetition
Introductory Paragraph
--Purpose
Issues Not Raised
Issues of Substantial Justice
--Applicability to Other Statutes
--Criminal Cases
--Criminal Sentences
--Discretion of Court
--Doctrine of Fundamental Fairness
--Parental Rights
--Personal Jurisdiction
--Waiver Not Applicable
--Wrongful Death
Jurisdiction
--No Limitation
Multiple Appellees
--Separate Briefs
New Issues
Procedural Nature of Rule
Purpose
Record
--Insufficient
Reply Brief
--Arguing New Issues
--Improper Contents
--Ineffective Assistance of Counsel
--New Issues Raised
--Noncompliance with Rule
--Not Applicable
--Not Required
--Scope of Contents
--Waiver
Statement of Facts

- In General
- Appellee's Brief
- Argumentative Words
- Attempts to Prejudice Court
- Citation of Record
- Conclusive Statements
- Flagrant Violations
- Inclusion in Argument
- Insufficient
- Minor Violations
- Misleading
- Misstatement of Facts
- Pleadings
- Sanctions
- Sufficient
- Supplement
- Statement of Issues
- In General
- Scope of Contents
- Statement of Jurisdiction
- In General
- Argument Required
- Duty of Court
- Improper Form
- Insufficient
- Purpose
- Required
- Signed Jury Verdict
- Statement of Standard of Review
- Sufficiency of Pleadings
- Surreply
- Violation of Rule
- In General
- Criminal Cases
- Sanctions Not Imposed
- Shown
- Waiver
- In General
- Bare Contentions
- Citation of Irrelevant Authority
- Citation to Improperly Submitted Materials
- Constitutional Issues
- Contentions Without Argument or Authority
- Failure to Cite Authority
- Failure to Cite Record
- Failure to Develop Argument
- Improper Argument
- Issues Not Argued
- Issues Not Raised
- Materials Outside Record

--Not Applicable
 --Points and Authorities
 --Scope of Limitation
 --Shown

CONSTITUTIONALITY

Where appellant had not presented, argued, or cited specific grounds in the Supreme Court nor furnished any authorities on the grounds making the Public Building Commission Act (50 ILCS 20/1 et seq.) unconstitutional he, therefore, had waived his constitutional question. *Berk v. County of Will*, 34 Ill. 2d 588, 218 N.E.2d 98 (1966).

IN GENERAL

It is neither the function nor the obligation of this court to act as an advocate or search the record for error. *Obert v. Saville*, 253 Ill. App. 3d 677, 191 Ill. Dec. 740, 624 N.E.2d 928 (2 Dist. 1993), appeal denied, 155 Ill. 2d 565, 198 Ill. Dec. 545, 633 N.E.2d 7 (1994).

This Rule is not a limitation upon the jurisdiction of a court of review but only an admonishment to the parties; thus, where none of the purported violations are so flagrant as to hinder or preclude review, striking of the brief is generally unwarranted. *Taake v. WHGK, Inc.*, 228 Ill. App. 3d 692, 170 Ill. Dec. 479, 592 N.E.2d 1159 (5 Dist.), appeal denied, 146 Ill. 2d 653, 176 Ill. Dec. 823, 602 N.E.2d 477 (1992).

A court of review is entitled to have briefs submitted that are articulate, organized and present a cohesive legal argument in conformity with *Supreme Court Rules*. *Schwartz v. Great Cent. Ins. Co.*, 188 Ill. App. 3d 264, 135 Ill. Dec. 774, 544 N.E.2d 131 (5 Dist. 1989).

Failure of pro se plaintiff's appellate brief to comply with Rules 341, 342, and 344, Supreme Court Rules did not affect the reviewing court's jurisdiction to entertain his appeal; when that court could understand the issue that plaintiff intended to raise and had the benefit of defendant's cogent appellee brief, it could choose to dispose of the appeal on the merits. *Tannenbaum v. Lincoln Nat'l Bank*, 143 Ill. App. 3d 572, 97 Ill. Dec. 661, 493 N.E.2d 143, 1986 Ill. App. LEXIS 2230 (1 Dist. 1986).

Plaintiff's pro se status afforded him no special dispensation from the mandated format for appellate briefs set out in Rules 341, 342, and 344, Supreme Court Rules; when a party appears pro se, he must comply with the established rules of procedure in order that a reviewing court can properly ascertain and dispose of the issues involved. *Tannenbaum v. Lincoln Nat'l Bank*, 143 Ill. App. 3d 572, 97 Ill. Dec. 661, 493 N.E.2d 143, 1986 Ill. App. LEXIS 2230 (1 Dist. 1986).

It is not the duty of appellate court to search the record to determine the real issues involved in an action. A reviewing court is entitled to have the issues clearly defined. *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 72 Ill. Dec. 945, 453 N.E.2d 820 (1 Dist. 1983), cert. denied, 466 U.S. 951, 104 S. Ct. 2153, 80 L. Ed. 2d 539 (1984).

This Rule has been consistently applied in order to insure that issues on appeal are fully and properly presented and argued. *People ex rel. Rappaport v. Drazek*, 30 Ill. App. 3d 310, 332 N.E.2d 532 (1 Dist. 1975).

Supplemental abstract and in the brief and argument of appellee that set out some of the testimony by questions and answers instead of in the narrative form were not stricken under former Rules 38 and 39, Supreme Court Rules (see now this Rule). *Wesselhoeft v. Wesselhoeft*, 369 Ill. 419, 17 N.E.2d 56 (1938).

ABANDONMENT AND WAIVER

On appeal of defendant's conviction for aggravated battery and domestic battery, defendant contended the evidence was insufficient to convict him because the victim's police statement was erroneously admitted into evidence in violation of his right to confrontation. Because defendant did not raise the issue in a posttrial motion, did not acknowledge forfeiture of the issue or seek plain error review, any argument concerning plain error was forfeited under Ill. Sup. Ct. R. 341(h)(7). *People v. Martin*, 408 Ill. App. 3d 891, 349 Ill. Dec. 494, 946 N.E.2d 990, 2011 Ill. App. LEXIS 209 (2 Dist. 2011).

Defendant convicted of domestic battery waited until the filing of defendant's petition for leave to appeal to challenge on equal protection grounds the statute that permitted the admission under certain circumstances of prior acts of domestic violence. Since defendant did not raise that issue in defendant's initial appellant's brief, the argument was waived pursuant to Ill. Sup. Ct. R. 341(h)(7). *People v. Dabbs*, 239 Ill. 2d 277, 346 Ill. Dec. 484, 940 N.E.2d 1088, 2010

Ill. LEXIS 1555 (2010).

Pursuant to *Ill. Sup. Ct. R. 341(h)(7)*, respondent in proceedings under the Sexually Violent Persons Commitment Act forfeited his claim that an expert was improperly permitted to testify as to an opinion that was not disclosed in discovery because he did not identify which witness provided the testimony or identify the opinion that was undisclosed. *People v. Doherty (In re Doherty)*, 403 Ill. App. 3d 615, 343 Ill. Dec. 266, 934 N.E.2d 590, 2010 Ill. App. LEXIS 878 (2 Dist. 2010).

Property owner's failure to file an appeal under 210 Ill. 2d R. 341(i) and 341(h)(7) resulted in a waiver of the owner's arguments in the owner's petition for rehearing; the owner's claims were considered only as to points the appellate court might have overlooked or misapprehended, and it was kept in mind that reargument was not to be made in the petition under 210 Ill. 2d R. 367(b). *Getto v. City of Chicago*, 392 Ill. App. 3d 232, 332 Ill. Dec. 596, 913 N.E.2d 528, 2009 Ill. App. LEXIS 323 (1 Dist. 2009).

Nothing in the transcript of the hearing on a motion to dismiss, the order of dismissal, the owners' notice of appeal or their appellate brief suggested that the owners' mandamus and replevin actions were a part of the appeal; because the preclusion arguments related to earlier litigation that had not been raised by the owners, these matters were waived for purposes of appeal. *Ball v. County of Cook*, 385 Ill. App. 3d 103, 324 Ill. Dec. 548, 896 N.E.2d 334, 2008 Ill. App. LEXIS 908 (1 Dist. 2008), appeal denied, 2009 Ill. LEXIS 156 (Ill. 2009).

Buyer of a vehicle forfeited under *Ill. Sup. Ct. R. 341(h)(7)* the issue of unconscionability in an agreement by failing to argue on appeal any reason why the agreement was unconscionable. *Anderson v. Golf Mill Ford, Inc.*, 383 Ill. App. 3d 474, 322 Ill. Dec. 104, 890 N.E.2d 1023, 2008 Ill. App. LEXIS 589 (1 Dist. 2008).

Defendant's claim in his reply brief that the State's challenge to a black juror was pretextual was waived since he did not raise that argument in his opening brief filed with the appellate court. *People v. Sipp*, 378 Ill. App. 3d 157, 318 Ill. Dec. 539, 883 N.E.2d 1133, 2008 Ill. App. LEXIS 60 (1 Dist. 2008).

Buyers of a vehicle waived their claim against the admission of testimony at their trial by failing to comply with *Ill. Sup. Ct. R. 341(h)(7)* as the argument in their brief was without any citation to legal authority. *Bublitz v. Wilkins Buick, Mazda, Suzuki, Inc.*, 377 Ill. App. 3d 781, 317 Ill. Dec. 207, 881 N.E.2d 375, 2007 Ill. App. LEXIS 1306 (1 Dist. 2007).

Although the testing facility included nine issues on the statement of issues in its brief, the argument contained in its brief did not correspond to its statement of issues, and some issues did not appear to be supported in any section of the argument; as a result, the appellate court was constrained in its discussion of the issues to limit that discussion to issues contained in the argument portion of the testing facility's brief since the other issues were waived. *Kindernay v. Hillsboro Area Hosp.*, 366 Ill. App. 3d 559, 303 Ill. Dec. 679, 851 N.E.2d 866, 2006 Ill. App. LEXIS 514 (1 Dist. 2006).

Where the Illinois Department of Transportation, in an appeal of a remand in a condemnation case, asserted that the trial court was required, on remand, to permit the introduction of additional evidence even when the appellate court, in the remand mandate, had not explicitly so ordered, because the Department failed, until oral argument before the appellate court, to timely provide an argument as to why the above rule applied, it had waived under *Ill. Sup. Ct. R. 341(e)(7)* its reliance on the rule. *People ex rel. DOT v. Firststar Ill.*, 365 Ill. App. 3d 936, 303 Ill. Dec. 495, 851 N.E.2d 682, 2006 Ill. App. LEXIS 415 (1 Dist. 2006).

In a termination of billboard lease agreements action, a media company waived any claim that three of the agreements were leases and that the Illinois Forcible Entry and Detainer Act, 735 ILCS 5/9-101 et seq., applied, as the media company, in violation of *Ill. Sup. Ct. R. 341(e)(7)*, failed to raise this contention in its opening brief. *Chi. Transit Auth. v. Clear Channel Outdoor, Inc.*, 366 Ill. App. 3d 315, 303 Ill. Dec. 273, 851 N.E.2d 171, 2006 Ill. App. LEXIS 404 (1 Dist. 2006).

Where the police officer made no argument in the officer's appellate brief addressing the dismissal of one of the two counts of the complaint, any error in the dismissal of the count was waived under *Ill. Sup. Ct. R. 341(e)(7)*. *Zych v. Tucker*, 363 Ill. App. 3d 831, 300 Ill. Dec. 561, 844 N.E.2d 1004, 2006 Ill. App. LEXIS 104 (1 Dist. 2006), appeal denied, 219 Ill. 2d 600, 303 Ill. Dec. 843, 852 N.E.2d 250 (2006).

Even though the trial court dismissed the tenants' complaint in its entirety, and denied their motions to strike, to show cause, and the tenants' affidavit, the tenants were only entitled to challenge the dismissal of four of their five complaint counts, since those were the only items they argued in their appellate brief and their argument as to the remaining points not discussed in their brief were waived. *Turner v. 1212 S. Mich. P'ship*, 355 Ill. App. 3d 885, 291 Ill. Dec. 476, 823 N.E.2d 1062, 2005 Ill. App. LEXIS 58 (1 Dist. 2005).

Since condominium associations asserted their argument regarding double taxation of a parking level for the first time in the reply brief, their argument was waived. *Lake Point Tower Garage Ass'n v. Property Tax Appeal Bd.*, 346 Ill. App. 3d 389, 281 Ill. Dec. 752, 804 N.E.2d 717, 2004 Ill. App. LEXIS 111 (1 Dist. 2004).

Appellate court did not consider the issue of whether it was proper for the juvenile court to be aware of the appellate court's findings in a prior related proceeding involving the parties and to consider those findings in its decisions regarding parental fitness and the children's best interests because no party to the appeal claimed that the juvenile court's consideration of the prior findings was error. *People v. Kathleen C. (In re April C.)*, 345 Ill. App. 3d 872, 281 Ill. Dec. 312, 803 N.E.2d 933, 2004 Ill. App. LEXIS 21 (1 Dist. 2004).

Parishioner's argument, which resuscitated his claim against the parish operator and the church via a third amended complaint raising respondeat superior-based claims previously dismissed and which the parishioner had abandoned in an amended complaint, could not be considered on appeal as the parishioner failed to cite authority of entitlement to resuscitate those claims; and the trial court lost jurisdiction to consider such claims once the parishioner perfected the appeal by filing a notice. *Zawadzka v. Catholic Bishop*, 337 Ill. App. 3d 66, 271 Ill. Dec. 420, 785 N.E.2d 71, 2003 Ill. App. LEXIS 54 (1 Dist. 2003), appeal denied, 204 Ill. 2d 685, 275 Ill. Dec. 83, 792 N.E.2d 314 (2003).

Where plaintiffs' reply brief contended that the trial court erred in dismissing a count of their first amended complaint with prejudice and sought reinstatement of the count, plaintiffs waived the issue, under Rule 341(e)(7), Supreme Court Rules, when they failed to argue the point in their brief. *Smith v. Union Auto. Indem. Co.*, 323 Ill. App. 3d 741, 257 Ill. Dec. 81, 752 N.E.2d 1261, 2001 Ill. App. LEXIS 571 (1 Dist. 2001).

Under Rule 341(e)(7), Supreme Court Rules, points not argued are waived and shall not be raised in the reply brief, in oral argument or on petition for rehearing. *People v. Sparks*, 315 Ill. App. 3d 786, 248 Ill. Dec. 508, 734 N.E.2d 216, 2000 Ill. App. LEXIS 656 (1 Dist. 2000).

Parties' clarification on appeal that they wished to pursue only one count of their complaint waived any challenge to dismissal of the other count. *Scheidler v. Cook County Officers Electoral Bd.*, 276 Ill. App. 3d 297, 212 Ill. Dec. 744, 657 N.E.2d 1089, 1995 Ill. App. LEXIS 827 (1 Dist. 1995).

Argument against a preliminary injunction that was raised for the first time in the party's reply brief was waived under Rule 341, Supreme Court Rules. *Weitekamp v. Lane*, 250 Ill. App. 3d 1017, 189 Ill. Dec. 486, 620 N.E.2d 454, 1993 Ill. App. LEXIS 1394 (1 Dist. 1993).

Appellant's contention that statements in its affidavit to the trial court had to be taken as true because they were not controverted by appellee's affidavit was waived on appeal because appellant only mentioned its affidavit in the statement of facts portion of its appellate brief and did not raise the contention in the argument section of that brief; because the contention had not been argued in appellant's brief, Rule 341, Supreme Court Rules, required it to be waived. *Marquette Nat'l Bank v. B.J. Dodge Fiat, Inc.*, 131 Ill. App. 3d 356, 86 Ill. Dec. 678, 475 N.E.2d 1057, 1985 Ill. App. LEXIS 1662 (1 Dist. 1985).

ARGUMENT

Secondary developer's argument on appeal was waived, in a case involving the validity of a statute allowing a village to recapture costs of public improvements from a subsequent developer, that it was not proper to use estimated costs. The argument could not be considered pursuant to Ill. Sup. Ct. R. 341(h)(7) because the secondary developer did not raise that contention in any of its briefs. *Hartz Constr. Co. v. Vill. of W. Springs*, 391 Ill. App. 3d 75, 330 Ill. Dec. 339, 908 N.E.2d 527, 2009 Ill. App. LEXIS 263 (1 Dist. 2009).

In a post-divorce proceeding where the former wife was challenging on appeal the trial court's failure to find the former husband in contempt for not paying court-ordered maintenance and the trial court's award of interest running from the date the judgment of arrearage was entered, the former husband's appellate brief was lacking in many respects and could have been stricken as insufficient. The former husband's appellate brief failed to cite the record and did not cite any authority in support of the former husband's arguments, as required by Ill. Sup. Ct. R. 341(h)(7),(i), but the appellate court nevertheless decided not to strike that appellate brief because it understood the issues and had the benefit of the former wife's cogent appellate brief. *In re Marriage of Barile*, 385 Ill. App. 3d 752, 324 Ill. Dec. 895, 896 N.E.2d 1114, 2008 Ill. App. LEXIS 1005 (2 Dist. 2008).

Since defendant made no argument in defendant's brief on appeal that the trial court erred when it ruled that defendant's motion for DNA testing was insufficient because defendant failed to allege any new evidence demonstrating

defendant's actual innocence, the issue of whether the trial court erred was waived. *People v. Moore*, 377 Ill. App. 3d 294, 316 Ill. Dec. 367, 879 N.E.2d 434, 2007 Ill. App. LEXIS 1193 (1 Dist. 2007).

Trial court properly denied the candidate's motion for recount on the pleadings and since the candidate did not cite any authority for the proposition that his motion for recount on the pleadings should be treated any differently than any other motion for judgment on the pleadings. *Andrews v. Powell*, 365 Ill. App. 3d 513, 302 Ill. Dec. 243, 848 N.E.2d 243, 2006 Ill. App. LEXIS 375 (1 Dist. 2006).

--INADEQUATE

Defendant's challenge on appeal of defendant's criminal sexual assault conviction, that the trial court should not have taken notice of the facts of defendant's failure to appear at defendant's final pretrial hearing and subsequent arrest and should not have informed the jury of those facts, was not supported by authority, in violation of Ill. Sup. Ct. R. 341(h)(7). As a result, that claim was forfeited for review. *People v. Thomas*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 818 (4 Dist. Aug. 10, 2011).

Although the mother in a lawsuit against the child representative for allegedly inadequate representation of the mother's son in an underlying divorce action made a cursory reference to child representative immunity as violating equal protection principles, the cursory reference was inadequate to preserve that argument for appellate review. The argument was waived under Ill. Sup. Ct. R. 341(h)(7) because that rule required that a brief contain arguments in support an issue. *Vlastelica v. Brend*, Ill. App. 3d , 352 Ill. Dec. 791, 954 N.E.2d 874, 2011 Ill. App. LEXIS 817 (1 Dist. 2011), appeal denied, 2011 Ill. LEXIS 2102 (Ill. 2011).

Company did not develop an argument in terms of a constitutional analysis or cite any relevant authority, contrary to Ill. Sup. Ct. R. 341(h)(7), and thus the requirements were not met and the court did not consider the argument. *Erwin v. Motorola, Inc.*, 408 Ill. App. 3d 261, 349 Ill. Dec. 1, 945 N.E.2d 1153, 2011 Ill. App. LEXIS 173 (1 Dist. 2011).

One law firm's general contentions in its appellate brief, in a case where it was seeking the payment of additional attorney fees for work it performed in a class action lawsuit, were not supported in fact, law, or the pages of the record relied on. As a result, its arguments in those regards were waived on appeal under Ill. Sup. Ct. R. 341(h)(7). *Daniel v. Aon Corp.*, Ill. App. 3d , 351 Ill. Dec. 846, 952 N.E.2d 638, 2011 Ill. App. LEXIS 541 (1 Dist. 2011).

Tenant failed to explain which provision or provisions of the Forcible Entry and Detainer Act the trial court ignored or failed to follow, and it presented no relevant authority other than a rule of law stating that "courts must strictly comply with the procedure outlined in the Act." Because of the tenant's deficiencies in developing its contention, it had forfeited the issue under Ill. Sup. Ct. R. 341(h)(7). *Block 418, LLC v. Uni-Tel Communs. Group, Inc.*, 398 Ill. App. 3d 586, 338 Ill. Dec. 756, 925 N.E.2d 253, 2010 Ill. App. LEXIS 105 (2 Dist. 2010).

Defendant did not cite any authority to support defendant's assertion that outright reversal of defendant's conviction was the only remedy possible in a case where the State did not show that defendant was guilty of possession of a controlled substance with an intent to distribute. Accordingly, defendant's contention pursuant to Ill. Sup. Ct. R. 341(h)(7) was waived. *People v. Clinton*, 397 Ill. App. 3d 215, 337 Ill. Dec. 541, 922 N.E.2d 1118, 2010 Ill. App. LEXIS 81 (1 Dist. 2010).

Patient suing the doctor and hospital for medical malpractice failed to support the patient's argument that the trial court should not have stricken the testimony of the patient's expert witness because it had not been timely disclosed. As a result, the patient's argument pursuant to Ill. Sup. Ct. R. 341(e)(7) was waived. *Wilbourn v. Cavalenes*, 398 Ill. App. 3d 837, 338 Ill. Dec. 77, 923 N.E.2d 937, 2010 Ill. App. LEXIS 125 (1 Dist. 2010).

Former attorneys seeking to bar the former client from refileing a legal malpractice action against the former attorneys did not adequately support their claim that a legal malpractice action could not be commenced "in any event" more than six years after the allegedly negligent act occurred. Since they did not include any actual argument or cite legal support for the idea that such language contained in the statute of repose was mandatory, they forfeited that argument pursuant to Ill. Sup. Ct. R. 341(h)(7). *Bhagwan Dass Jain v. Johnson*, 398 Ill. App. 3d 135, 337 Ill. Dec. 611, 922 N.E.2d 1188, 2010 Ill. App. LEXIS 45 (2 Dist. 2010).

Since the debtor's appellant brief was undeveloped regarding its argument and without citation to authority supporting the debtor's position that the trial court should not have ruled for the creditor suing the debtor for defaulting on a credit card agreement, it violated Ill. Sup. Ct. R. 341(h)(7) and the appellate court could have declined appellate review. However, the appellate court agreed nonetheless to consider the merits because it understood the issue the debtor

intended to raise and its merits could be readily ascertained from the record on appeal. *Velocity Invs., LLC v. Alston*, 397 Ill. App. 3d 296, 337 Ill. Dec. 415, 922 N.E.2d 538, 2010 Ill. App. LEXIS 34 (2 Dist. 2010).

Employer challenging two workers' compensation awards made to the same employee for different work-related injuries sustained on different dates waived two arguments on appeal by failing to adequately support them with authority, as required by Ill. Sup. Ct. R. 341(h)(7). The employer's claim that the Commission's finding that the employee's need for surgery was causally related to one of the employee's injuries was against the manifest weight of the evidence was not adequately supported, as was true of the employer's claim that the Commission erred in awarding permanent partial disability benefits to the employee. *TTC Ill., Inc. v. Ill. Workers' Comp. Comm'n*, 396 Ill. App. 3d 344, 335 Ill. Dec. 225, 918 N.E.2d 570, 2009 Ill. App. LEXIS 1360 (5 Dist. 2009).

Truck lessor defending itself in a wrongful death case where a jury awarded monetary damages against it did not identify on appeal any specific error or explain what prejudice it suffered regarding the trial court's evidentiary rulings. As a result of not making proper argument in support of its argument that cumulative error hampered its ability to receive a fair trial, the truck lessor pursuant to Ill. Sup. Ct. R. 341 waived any possibility of having its assertion reviewed. *U.S. Bank v. Lindsey*, 397 Ill. App. 3d 437, 336 Ill. Dec. 306, 920 N.E.2d 515, 2009 Ill. App. LEXIS 1186 (1 Dist. 2009), appeal denied, 2010 Ill. LEXIS 311 (Ill. 2010).

Housing authority in a forcible entry and detainer action it filed against the tenant did not provide any authority on appeal for its position that the tenant was not entitled to recover court costs pursuant to a residential agreement the parties had executed. Since the housing authority was required to supply adequately-supported claims in its appellate brief under Ill. Sup. Ct. R. 341(e)(7) and did not do so, that claim was waived. *Hous. Auth. v. Lyles*, 395 Ill. App. 3d 1036, 335 Ill. Dec. 463, 918 N.E.2d 1276, 2009 Ill. App. LEXIS 1169 (4 Dist. 2009).

Corporation and hospital defending themselves in a wrongful death case provided briefs replete with omissions of record citations, with record indexes that omitted citations to trial witnesses, and with omissions of critical facts upon which they based some of their strongest appellate arguments. As a result, a warning was merited that Ill. Sup. Ct. R. 341 required proper argument accompanied by citation to pertinent authority, and that stronger sanctions for violation of that rule might be called for in the future. *Travaglini v. Ingalls Health Sys.*, 396 Ill. App. 3d 387, 335 Ill. Dec. 726, 919 N.E.2d 445, 2009 Ill. App. LEXIS 1161 (1 Dist. 2009).

Repair shop in a case where it counterclaimed for storage fees and other costs for vehicles it stored for the insurance company did not support its request for posttrial and appellate attorney fees in its brief with proper argument accompanied by citation to pertinent authority. As a result, its request was waived on appeal pursuant to Ill. Sup. Ct. R. 341(e)(7) regarding the proper content of appellate briefs. *Country Mut. Ins. Co. v. Styck's Body Shop, Inc.*, 396 Ill. App. 3d 241, 335 Ill. Dec. 382, 918 N.E.2d 1195, 2009 Ill. App. LEXIS 1117 (4 Dist. 2009).

Defendant appeared to argue that his due-process rights were violated because the legislature gave the Department of Corrections too much discretion to decide who was eligible for impact incarceration; however, defendant failed to cite to appropriate legal authority. As a result, defendant forfeited his argument on appeal. *People v. Manoharan*, 394 Ill. App. 3d 762, 334 Ill. Dec. 101, 916 N.E.2d 134, 2009 Ill. App. LEXIS 923 (4 Dist. 2009), appeal denied, 2010 Ill. LEXIS 332 (Ill. 2010).

Since the county residents in their appellants' brief did not raise certain issues regarding a county ordinance banning assault weapons on their merits or provide authority to support their arguments, their claims were waived pursuant to Ill. Sup. Ct. R. 341(h)(7). It was not the appellate court's job to conduct research or provide arguments for the parties. *Wilson v. Cook County*, 394 Ill. App. 3d 534, 333 Ill. Dec. 176, 914 N.E.2d 595, 2009 Ill. App. LEXIS 786 (1 Dist. 2009).

As arguments on appeal by an injured employee of a roofing subcontractor related solely to a general contractor of a housing development and they were not addressed to a developer, any issues were waived. *Calderon v. Residential Homes of Am., Inc.*, 381 Ill. App. 3d 333, 319 Ill. Dec. 458, 885 N.E.2d 1138, 2008 Ill. App. LEXIS 226 (1 Dist. 2008).

In commitment hearing of respondent as sexually violent person, the respondent's contention that the trial court erred in denying the renewed motion to dismiss based upon a corrected release date was waived based on respondent's failure to comply with Rule 341(h)(7), *Supreme Court Rules*. *People v. Lieberman (In re Lieberman)*, 379 Ill. App. 3d 585, 318 Ill. Dec. 605, 884 N.E.2d 160, 2007 Ill. App. LEXIS 1040 (1 Dist. 2007), appeal denied, 229 Ill. 2d 623, 325 Ill. Dec. 4, 897 N.E.2d 252, 2008 Ill. LEXIS 924 (2008), cert. denied, 129 S. Ct. 2050, 2009 U.S. LEXIS 3197, 173 L. Ed. 2d 1132 (U.S. 2009).

Appellate court concluded that it did not need to consider defendant's argument that a statute ran afoul of defendant's First Amendment rights; defendant's argument in that regard was so lacking in analysis that it did not warrant appellate consideration. *People v. Williams*, 376 Ill. App. 3d 875, 315 Ill. Dec. 235, 876 N.E.2d 235, 2007 Ill. App. LEXIS 995 (1 Dist. 2007), appeal denied, 2007 Ill. LEXIS 1826 (Ill. 2007); aff'd, 2009 Ill. LEXIS 1935 (Ill. 2009); aff'd, 235 Ill. 2d 178, 336 Ill. Dec. 237, 920 N.E.2d 446, 2009 Ill. LEXIS 1935 (2009).

Claimant's contention that the jury's verdict was against the manifest weight of the evidence was conclusory and undeveloped, and, thus, the appellate court would not consider that claim on appeal. *Sobczak v. GMC*, 373 Ill. App. 3d 910, 312 Ill. Dec. 682, 871 N.E.2d 82, 2007 Ill. App. LEXIS 553 (1 Dist. 2007), appeal denied, 2007 Ill. LEXIS 1725 (Ill. 2007).

Appellate court's review of the administrative decision, as required under the Administrative Review Law, 735 ILCS 5/3-101 et seq., showed that the administrative record fully complied with the applicable statutory law, 735 ILCS 5/3-108(b), that the Department of Administrative Hearings did not err in imposing fines upon the corporate officer rather than the valet parking service in a case where they were found to be in violation of the municipal code for the manner in which they operated their valet parking service, and that their argument that the fines imposed were excessive and unconstitutional was not developed. *Express Valet, Inc. v. City of Chicago*, 373 Ill. App. 3d 838, 311 Ill. Dec. 951, 869 N.E.2d 964, 2007 Ill. App. LEXIS 569 (1 Dist. 2007).

Trial court properly denied defendant's motion to vacate a foreclosure sale of property without a hearing, because 735 ILCS 5/15-1508(b) left the extent of the hearing afforded a mortgagor to the sound discretion of the trial court, and defendant's brief abjectly failed to articulate an argument for reversal on the basis of lack of justice done between the parties or an unconscionably low sale price as required by Rule 341(e)(7), Supreme Court Rules, as defendant offered only his self-serving opinion as to the value of the property. *Deutsche Bank Nat'l v. Burtley*, 371 Ill. App. 3d 1, 308 Ill. Dec. 510, 861 N.E.2d 1075, 2006 Ill. App. LEXIS 1205 (1 Dist. 2006).

Defendant waived his prosecutorial misconduct claim by failing to quote from the record or to provide record citations, but his claims were considered because he apologized for his error and he accepted the citations the State used in attempting to respond to his arguments. *People v. Karim*, 367 Ill. App. 3d 67, 304 Ill. Dec. 739, 853 N.E.2d 816, 2006 Ill. App. LEXIS 649 (1 Dist. 2006).

Defendant's claim of prosecutorial misconduct was rejected as defendant's basis for the objection was an allegedly previously-stated objection, but the objection could not be found in the 2,800-page record. *People v. Karim*, 367 Ill. App. 3d 67, 304 Ill. Dec. 739, 853 N.E.2d 816, 2006 Ill. App. LEXIS 649 (1 Dist. 2006).

Although it was found that the submission of a child's representative's report without the mother being allowed to cross-examine in a custody hearing denied the mother due process, the error was harmless because the mother received the report prior to the modification hearing under § 610 of the Illinois Marriage and Dissolution of Marriage Act, 750 Ill. Comp. Stat. 5/610 and presented no evidence to rebut the report as required by Ill. Sup. Ct. R. 341(e)(7), and there was substantial expert testimony that supported the conclusion that the mother had consistently failed to facilitate and encourage a close and continuing relationship between the child and the father under § 602 of the Act, 750 Ill. Comp. Stat. 5/602. *In re Marriage of De Bates*, 212 Ill. 2d 489, 289 Ill. Dec. 218, 819 N.E.2d 714, 2004 Ill. LEXIS 1619 (2004).

Supreme Court of Illinois rejected the argument that Ill. Sup. Ct. R. 341(e)(7) and 315(g) prevented the State from arguing that 725 ILCS 5/115-7.3 allowed a trial court to admit evidence of other sexual offenses to establish that a defendant who was charged with a sex offense had a propensity to commit the offense charged, after the Appellate Court of Illinois reversed a trial court's judgment admitting evidence of a prior offense. *People v. Donoho*, 204 Ill. 2d 159, 273 Ill. Dec. 116, 788 N.E.2d 707, 2003 Ill. LEXIS 461 (2003).

Contentions supported by some argument but absolutely no authority do not meet the requirements of Rule 341(e)(7), Supreme Court Rules. *Fedanzo v. City of Chicago*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2002 Ill. App. LEXIS 413 (1 Dist. May 24, 2002).

Argument in appellate brief was inadequate to preserve an issue for appeal where the appellants did not attempt to develop an argument in support of certain points with citations to the record and supporting legal authority, and their reliance on the reasoning of the appellate court dissent was no help, as the dissent's only comment on the issue was, "I do, however, believe the trial court erred in failing to instruct the jury after the jury submitted questions. All questions should have been answered. The trial court should also have given IPI Civil (1995) No. 180.19." Therefore, appellants

argument violated *Ill. Sup. Ct. R. 341(e)(7)*, which required that the argument contain the contentions of the appellants and the reasons therefore, with citation of the authorities and the pages of the record relied on. *Unzicker v. Kraft Food Ingredients Corp.*, 203 Ill. 2d 64, 270 Ill. Dec. 724, 783 N.E.2d 1024, 2002 Ill. LEXIS 957 (2002).

Where the defendant's brief only contained arguments in response to the plaintiff's brief and failed to make any argument, or cite any authority regarding the issues raised, the defendant's cross-appeal was dismissed based on a failure to comply with this *Rule and Rule 343, Supreme Court Rules. McCarthy v. Denkovski*, 301 Ill. App. 3d 69, 234 Ill. Dec. 547, 703 N.E.2d 408 (1 Dist. 1998).

--NOT IMPROPER

Not-for-profit corporation and area residents in a case involving their request for preliminary and permanent injunctions to halt the developer's construction of a livestock facility were not entitled pursuant to *Ill. Sup. Ct. R. 341(h)(6)* and (i) to have stricken the developer's statement of facts. While the developer's recitation of facts did contain some conclusory statements and highlighted only evidence favorable to the developer, the facts included were supported by the record and served to supplement the not-for-profit corporation and area residents' two-page statement of facts in their appeal. *Helping Others Maintain Env'tl. Stds. v. Bos*, 406 Ill. App. 3d 669, 346 Ill. Dec. 789, 941 N.E.2d 347, 2010 Ill. App. LEXIS 1392 (2 Dist. 2010).

Sanctions were not proper against attorneys, who signed pleadings and briefs, Rule 137, Supreme Court Rules, for an action brought by a law firm against attorneys who had left the firm and solicited former clients, based on a statement by the attorney that the action was filed before an investigation had been conducted into the issue of whether the clients were solicited prior to the attorneys departure from the firm because there was evidence that pretermination solicitation did occur and because the briefs were not improperly argumentative under *Rules 341 and 375, Supreme Court Rules. Dowd & Dowd, Ltd. v. Gleason*, 181 Ill. 2d 460, 230 Ill. Dec. 229, 693 N.E.2d 358, 1998 Ill. LEXIS 357 (1998).

--PURPOSE

The obvious purpose of subdivision (e)(7) of this Rule is to have counsel present in his opening brief those points raised in his complaint upon which he wishes to be heard, and those which he does not include are waived. *Gouker v. Winnebago County Bd. of Supvrs.*, 37 Ill. 2d 473, 228 N.E.2d 881 (1967).

BRIEF OF APPELLANT

Nearby private property owners contention on appeal, that additional relief they sought in their challenge to a city council decision to approve an amendment to a city-planned development did not fall within the purview of declaratory relief, was made without any citation to relevant authority to support the claim that such relief was unavailable through a declaratory judgment action. As a result, that contention was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7). Figiel v. Chi. Plan Comm'n*, 408 Ill. App. 3d 223, 348 Ill. Dec. 764, 945 N.E.2d 71, 2011 Ill. App. LEXIS 171 (1 Dist. 2011).

Policyholder did not provide any case authority in the policyholder's appellate brief to show that a violation of public policy occurred in allowing a setoff of medical payments coverage against underinsured motorist benefits where there was no double recovery by the policyholder. As a result, that argument was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7). Zdeb v. Allstate Ins. Co.*, 404 Ill. App. 3d 113, 343 Ill. Dec. 698, 935 N.E.2d 706, 2010 Ill. App. LEXIS 998 (1 Dist. 2010).

Claimant was warned to adhere to *Ill. Sup. Ct. R. 341*, because neither the statement of facts nor the argument section of the claimant's brief referenced the pages of the record relied on, there was a persistent failure to provide pinpoint citations to the authorities cited in the brief, and the claimant's opening brief was not paginated. *Menard v. Ill. Workers' Comp. Comm'n*, 405 Ill. App. 3d 235, 346 Ill. Dec. 555, 940 N.E.2d 1159, 2010 Ill. App. LEXIS 1258 (3 Dist. 2010).

Client forfeited an estoppel claim regarding a contributory negligence instruction by not citing authority in the client's brief as required by *Ill. Sup. Ct. R. 341(e)(7), Orzel v. Szewczyk*, 391 Ill. App. 3d 283, 330 Ill. Dec. 381, 908 N.E.2d 569, 2009 Ill. App. LEXIS 271 (1 Dist. 2009).

Client, and his wife via her adoption of his briefs on appeal, provided the appellate court with two volumes of appendix containing many documents relevant to the appeal; however, all of the client's citations in his statement of facts and arguments in his brief were to this appendix and not to a single page of the actual record on appeal. This was, without question, in direct violation of *Ill. Sup. Ct. R. 341(h). Engle v. Foley & Lardner, LLP*, Ill. App. 3d , Ill. Dec.

, 912 N.E.2d 715, 2009 Ill. App. LEXIS 262 (1 Dist. 2009).

Although defendant on appeal wanted to argue for more credit for time served, defendant pursuant to Ill. Sup. Ct. R. 341(h)(7) was not permitted to do so. Defendant had not raised the point in defendant's appellant brief and, therefore, waived any chance to make the argument. *People v. Borello*, 389 Ill. App. 3d 985, 329 Ill. Dec. 639, 906 N.E.2d 1250, 2009 Ill. App. LEXIS 248 (4 Dist. 2009), appeal denied, 233 Ill. 2d 568, 335 Ill. Dec. 637, 919 N.E.2d 356, 2009 Ill. LEXIS 1496 (2009).

Notary employer in a case stemming from the official misconduct of its employee, a notary, and the real estate investor whose forged signature was placed on a notarized document did not cite authorities for their arguments on appeal and, thus, their claims were waived under, respectively, Ill. Sup. Ct. R. 341(e)(7) and Ill. Sup. Ct. R. 341(h)(7). The notary employer failed to cite authority for its claim that it could not be held liable for negligent supervision and training, and the real estate investor neither cited authority nor cited to pages of the record showing that the trial court acted improperly in the award of costs made to the real estate investor. *Vancura v. Katris*, 391 Ill. App. 3d 350, 330 Ill. Dec. 1, 907 N.E.2d 814, 2009 Ill. App. LEXIS 293 (1 Dist. 2009).

Defendant's claim that there was not sufficient time to get rid of narcotics after discovering them inside a bottle in order for defendant's possession to have been considered voluntary was waived for purposes of appeal pursuant to Rule 341(h)(7) Supreme Court Rules, as defendant only provided a single sentence in a brief in support of that claim; defendant failed to include argument that contained defendant's contentions and the reasons therefor, together with citations of the authorities and pages of the record that were relied on. *People v. Duoc Bui*, 381 Ill. App. 3d 397, 319 Ill. Dec. 235, 885 N.E.2d 506, 2008 Ill. App. LEXIS 216 (1 Dist. 2008).

Issues on a cross-appeal regarding the recovery of an assignor's costs were waived under 210 Ill. 2d R. 341(h)(7) as the assignor's presentation of the issues was unclear and incomplete; the assignor failed to cite to and discuss the specific page or pages of the record on appeal substantiating that he asked the trial court for all the costs associated with deposing and presenting his expert witnesses. *Vancura v. Katris*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 1317 (1 Dist. Dec. 26, 2008).

Challenge to a common law judgment based on negligent hiring and supervision was waived by an employer whose employee had improperly notarized a forged document because the employer failed to cite relevant authority, as required by 155 Ill. 2d R. 341(e)(7), to support its argument *Vancura v. Katris*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 1317 (1 Dist. Dec. 26, 2008).

As defendant's brief contained no argument and requested no remedy with regard to a court's denial of defendant's motion attacking a void judgment, that claim was forfeited. *People v. Myers*, 386 Ill. App. 3d 860, 326 Ill. Dec. 343, 899 N.E.2d 560, 2008 Ill. App. LEXIS 1230 (5 Dist. 2008).

In a child custody and visitation dispute, the father waived his appellate argument that the removal statute applied because he failed to cite any legal authority; further, 750 ILCS § 5-609, did not suggest a different outcome than the visitation statute; the country of the mother's residence would enhance the quality of life for the mother and child, there was no claim that visitation in the foreign country was a mere ruse, the father had a right visitation during custody by the mother; and the father did not claim that the visitation schedule was unreasonable. *In re Marriage of Saheb*, 377 Ill. App. 3d 615, 316 Ill. Dec. 801, 880 N.E.2d 537, 2007 Ill. App. LEXIS 1195 (1 Dist. 2007).

Creditor's statement of jurisdiction in its appellate brief did not need to be stricken, as the necessary information was located in the creditor's brief. *Walczak v. Onyx Acceptance Corp.*, 365 Ill. App. 3d 664, 302 Ill. Dec. 920, 850 N.E.2d 357, 2006 Ill. App. LEXIS 516 (1 Dist. 2006).

Where petitioners, seeking the removal of the executor as coexecutor of the estate, asserted that the executor abused the executor's discretion by transferring an account in the decedent's sole name to the estate and claimed one-half of the money as the executor's, the appellate court could not review the issue on appeal under Ill. Sup. Ct. R. 341(e)(7) since petitioners did not provide any details about the account other than its value. *Benak v. Duffy*, 365 Ill. App. 3d 711, 302 Ill. Dec. 686, 849 N.E.2d 1098, 2006 Ill. App. LEXIS 498 (1 Dist. 2006).

Since the truck driver, truck owner, and truck lessee did not raise their "pending action" requirement argument in their case where they filed a contribution action in Illinois while an action was already pending in Indiana until oral argument before the Illinois Supreme Court, their argument was waived. *Harshman v. DePhillips*, 218 Ill. 2d 482, 300 Ill. Dec. 498, 844 N.E.2d 941, 2006 Ill. LEXIS 316 (2006).

Insurer did not include any supporting authority in its appellate brief for the proposition it stated that the trial court's

order granting summary judgment was not a final order, and, thus, that argument was waived. Waiver aside, the trial court's summary judgment order was a final order. *Am. Serv. Ins. Co. v. Pasalka*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2006 Ill. App. LEXIS 25 (1 Dist. Jan. 24, 2006).

Failure to provide authority or support from the record for the argument that certain CT scans were improperly admitted at a medical malpractice trial waived that issue on appeal under *Rule 341, Supreme Court Rules. Aguilera v. Mount Sinai Hosp. Med. Ctr.*, 293 Ill. App. 3d 967, 229 Ill. Dec. 65, 691 N.E.2d 1, 1997 Ill. App. LEXIS 847 (1 Dist. 1997).

Failure to provide authority or support from the record for the argument that certain CT scans were improperly admitted at a medical malpractice trial waived that issue on appeal under *Rule 341, Supreme Court Rules. Aguilera v. Mount Sinai Hosp. Med. Ctr.*, 293 Ill. App. 3d 967, 229 Ill. Dec. 65, 691 N.E.2d 1, 1997 Ill. App. LEXIS 847 (1 Dist. 1997).

Where a husband had been convicted of contempt, had been ordered to pay a fine, and could not purge his contempt, regardless of the characterization, the contempt order was one for criminal contempt and his appeal was heard in the interest of justice, despite his failure to file a jurisdictional statement and appendices with his appellate brief. *Luttrell v. Panozzo*, 252 Ill. App. 3d 597, 192 Ill. Dec. 540, 625 N.E.2d 695, 1993 Ill. App. LEXIS 1259 (1 Dist. 1993).

--IN GENERAL

Where the appellants' failed to raise an issue in their initial brief, the issue was waived on appeal. *Huff v. Enterprise Rent-A-Car Co.*, 307 Ill. App. 3d 773, 240 Ill. Dec. 754, 718 N.E.2d 235 (4 Dist. 1999), appeal denied, 187 Ill. 2d 568, 244 Ill. Dec. 184, 724 N.E.2d 1268 (2000).

Briefs are for the benefit of the reviewing court. They should follow the sequence set forth in this Rule to the end a reviewing court may properly ascertain and dispose of the issues involved. *47th & State Currency Exch., Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 13 Ill. Dec. 577, 371 N.E.2d 294 (1 Dist. 1977).

--CITATION OF AUTHORITY

Although the special administrator, who was pursuing claims of medical battery and medical negligence against the medical center and four doctors, raised additional issues on appeal beyond those of whether directed verdicts were properly granted as to those claims, the special administrator failed to cite any legal authority in support of those additional issues. The failure to do so was a violation of *Ill. Sup. Ct. R. 341(h)(7)* regarding adequate briefing requirements and meant those additional issues were forfeited. *Sekerez v. Rush Univ. Med. Ctr.*, Ill. App. 3d , 352 Ill. Dec. 523, 954 N.E.2d 383, 2011 Ill. App. LEXIS 714 (1 Dist. 2011), appeal denied, 2011 Ill. LEXIS 2101 (Ill. 2011).

Although the firefighter premised the firefighter's entire argument that the firefighter's job, as opposed solely to firefighter's smoking, caused the firefighter's respiratory disease, the firefighter cited to only one page in the record that the firefighter relied on. Such limited citation to the record violated *Ill. Sup. Ct. R. 341(h)(7)* and gave the appellate court the authority to hold that the firefighter forfeited the firefighter's argument even though the appellate court ultimately decided to decide the issue because it could understand the issue and the merits could be readily ascertained from the record. *Lindemulder v. Bd. of Trs. of the Naperville Firefighters' Pension Fund*, 408 Ill. App. 3d 494, 349 Ill. Dec. 444, 946 N.E.2d 940, 2011 Ill. App. LEXIS 181 (2 Dist. 2011).

Attorney did not cite any authority for the proposition that a trial court could consider that the fees and costs not awarded to the attorney in a probate proceeding for work performed would be "essentially a death knell" for a law firm. Since the attorney failed to cite authority, the issue was not preserved for review. *Rollin J. Soskin & Assocs. v. Bitoy (In re Estate of Bitoy)*, 395 Ill. App. 3d 262, 334 Ill. Dec. 477, 917 N.E.2d 74, 2009 Ill. App. LEXIS 957 (1 Dist. 2009).

Worker who was injured due to a fall into a theater orchestra pit while working on a school construction project did not support the worker's contention that the trial court erred in refusing to consider the evidence deposition of the construction manager working for the construction manager that the worker wanted considered in support of the worker's motion for reconsideration. Since the worker was required pursuant to *Ill. Sup. Ct. R. 341(h)(7)* to support that contention with citation to the law or legal authority in the worker's appellate brief and did not do so, the contention was waived. *Madden v. F.H. Paschen, S.N. Nielson, Inc.*, 395 Ill. App. 3d 362, 334 Ill. Dec. 315, 916 N.E.2d 1203, 2009 Ill. App. LEXIS 947 (1 Dist. 2009).

Issue on appeal was sufficiently raised by the appellant and was not subject to forfeiture under *Rule 341(h)(7)*,

Supreme Court Rules, because the appellant cited case law in support of its argument in its opening brief and in its reply to the appellee's arguments. *Household Bank, FSB v. Lewis*, 373 Ill. App. 3d 420, 311 Ill. Dec. 677, 869 N.E.2d 351, 2007 Ill. App. LEXIS 479 (1 Dist. 2007).

Where defendant cited no authority for her assertion that to preserve an issue for interlocutory appeal the State must first file a motion to reconsider in the trial court, the argument did not merit consideration on appeal. *People v. Morales*, 343 Ill. App. 3d 987, 279 Ill. Dec. 183, 799 N.E.2d 986, 2003 Ill. App. LEXIS 1342 (4 Dist. 2003), appeal denied, 207 Ill. 2d 621, 283 Ill. Dec. 139, 807 N.E.2d 980 (2004).

The reviewing court would consider the state transportation agency's rehearing petition even though the state transportation agency's initial brief on appeal was nearly devoid of authority. *DOT ex rel. People v. 151 Interstate Rd. Corp.*, 333 Ill. App. 3d 821, 267 Ill. Dec. 566, 777 N.E.2d 369, 2002 Ill. App. LEXIS 1135 (2 Dist. 2002), aff'd in part and rev'd in part, cause remanded, Ill. 2d , 284 Ill. Dec. 348, 810 N.E.2d 1 (2004).

In a personal injury action, the appellate court rejected plaintiff's argument that the trial court erred in denying a tendered jury instruction on damages and therefore, the jury had no method of awarding damages for plaintiff's actual physical damage or reduction of integrity in his damaged disc; plaintiff failed to cite any authority specifically supporting his argument for reduction of integrity damages as required by Rule 341(e)(7), *Supreme Court Rules. Brown v. Baker*, 284 Ill. App. 3d 401, 219 Ill. Dec. 754, 672 N.E.2d 69, 1996 Ill. App. LEXIS 805 (1 Dist. 1996).

Failure to cite any authority or argument in support of contention that the trial court applied an incorrect standard for a directed verdict waived that issue on appeal under *Rule 341, Supreme Court Rules. City of Mattoon v. Mentzer*, 282 Ill. App. 3d 628, 218 Ill. Dec. 117, 668 N.E.2d 601, 1996 Ill. App. LEXIS 557 (1 Dist. 1996).

In a personal injury action, the appellate court rejected plaintiff's argument that the trial court erred in denying a tendered jury instruction on damages and therefore, the jury had no method of awarding damages for plaintiff's actual physical damage or reduction of integrity in his damaged disc; plaintiff failed to cite any authority specifically supporting his argument for reduction of integrity damages as required by Rule 341(e)(7), *Supreme Court Rules. Brown v. Baker*, 284 Ill. App. 3d 401, 219 Ill. Dec. 754, 672 N.E.2d 69, 1996 Ill. App. LEXIS 805 (1 Dist. 1996).

An appellant's brief must contain citations to the relevant authority in support of the argument raised on appeal, and a contention that is supported by some argument but does not cite any authority does not satisfy the requirements of subdivision (e)(7) of this *Rule. Wasleff v. Dever*, 194 Ill. App. 3d 147, 141 Ill. Dec. 86, 550 N.E.2d 1132 (1 Dist.), appeal denied, 132 Ill. 2d 555, 144 Ill. Dec. 267, 555 N.E.2d 386 (1990).

Rule 341(e)(7), *Supreme Court Rules*, relating to appellants, and Rule 341(e)(8), relating to appellees, provide that briefs must contain citations to relevant authority supporting the argument advanced on appeal. *Thoms v. Private Ledger Financial Services, Inc.*, 155 Ill. App. 3d 289, 107 Ill. Dec. 958, 507 N.E.2d 1327, 1987 Ill. App. LEXIS 2429 (1 Dist. 1987).

An appellant's brief must contain citations to the relevant authority supporting the argument advanced on appeal. *Britt v. Federal Land Bank Ass'n*, 153 Ill. App. 3d 605, 505 N.E.2d 387 (2 Dist.), appeal denied, 113 Ill. Dec. 293, 515 N.E.2d 102 (Ill. 1987).

This Rule requires an appellant to not only offer argument on the issue appealed, but also to support that argument with some citation of authority. *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981).

--CITATION TO RECORD

Although the former husband claimed to have been prejudiced by the former wife waiting almost two years to file a petition for postjudgment interest on a debt the former husband owed to the former wife, the former husband did not cite to pages in the record to support the former husband's argument. Consequently, the former husband forfeited the former husband's argument pursuant to *Ill. Sup. Ct. R. 341(h)(7). In re Marriage of Tutor*, Ill. App. 3d , 353 Ill. Dec. 726, 956 N.E.2d 588, 2011 Ill. App. LEXIS 942 (2 Dist. 2011).

With the exception of the testimony of one witness in a personal injury case where the worker was injured in a fall at a construction site, the general contractor failed to provide citations to the record where it allegedly was denied the opportunity to cross-examine four adverse witnesses and also failed to provide argument regarding its claim that it should have been allowed to cross-examine them. As a result, the appellate court was entitled to disregard the claim since *Ill. Sup. Ct. R. 341(h)(7)* required appropriate citation and argument. *Diaz v. Legat Architects, Inc.*, 397 Ill. App.

3d 13, 336 Ill. Dec. 373, 920 N.E.2d 582, 2009 Ill. App. LEXIS 1233 (1 Dist. 2009), appeal denied, 2010 Ill. LEXIS 363 (Ill. 2010); appeal denied, 2010 Ill. LEXIS 382 (Ill. 2010).

Because appellant had a duty under Rule 341(c)(6), Supreme Court Rules, to present a complete record, including references to pages of the record on appeal, but failed to include the text of challenged special interrogatories in the body of its 139-page brief, the court could have dismissed that part of the appeal. *Donaldson v. Central Ill. Pub. Serv. Co.*, 313 Ill. App. 3d 1061, 246 Ill. Dec. 388, 730 N.E.2d 68, 2000 Ill. App. LEXIS 316 (1 Dist. 2000).

The court would not dismiss the plaintiff's appeal from partial summary judgment granted in the retrial of an action arising from an accident in which the plaintiff's daughter was struck and killed by a police officer's vehicle, notwithstanding that the plaintiff's brief cited testimony in the retrial of the action, rather than testimony from the original trial, which was before the court that granted the partial summary judgment, as the testimony at each trial was the same. *Sanders v. City of Chicago*, 306 Ill. 2d 356, 239 Ill. Dec. 628, 714 N.E.2d 547 (1 Dist. 1999).

Failure to provide any citation to record or authority to support argument by buyers that they were not required to pay contingent price under contract waived those arguments on appeal under Rule 341, Supreme Court Rules. *Lewis X. Cohen Ins. Trust v. Stern*, 297 Ill. App. 3d 220, 231 Ill. Dec. 447, 696 N.E.2d 743, 1998 Ill. App. LEXIS 361 (1 Dist. 1998).

Failure to provide any citation to record or authority to support argument by buyers that they were not required to pay contingent price under contract waived those arguments on appeal under Rule 341, Supreme Court Rules. *Lewis X. Cohen Ins. Trust v. Stern*, 297 Ill. App. 3d 220, 231 Ill. Dec. 447, 696 N.E.2d 743, 1998 Ill. App. LEXIS 361 (1 Dist. 1998).

--JURISDICTION

Where a landlord's brief on appeal of a trial court's denial of his motion for attorney's fees in a tenant's action to recover her security deposit did not contain a statement of jurisdiction, the appellate court was deprived of jurisdiction under Rule 341(e)(4)(ii), Supreme Court Rules to consider whether the denial of his motion had been in bad faith. *Voiland v. Warsawsky*, 182 Ill. App. 3d 332, 131 Ill. Dec. 389, 538 N.E.2d 764, 1989 Ill. App. LEXIS 605 (1 Dist. 1989).

Statement of jurisdiction required by Rule 341(e)(4)(ii), Supreme Court Rules can be written in many appropriate ways, but it should at a minimum set forth the necessary dates and other information to enable someone unacquainted with the case to make a quick analysis of jurisdiction. *Waitcus v. Gilberts*, 185 Ill. App. 3d 248, 133 Ill. Dec. 376, 541 N.E.2d 213, 1989 Ill. App. LEXIS 1003 (1 Dist. 1989).

Rule 341(e)(4)(ii), Supreme Court Rules, was enacted in order to require an appellant to consider the jurisdiction basis of their appeal and to determine whether appellate jurisdiction exists, thereby preventing the parties from expending unnecessary effort on appeals for which the court has no jurisdiction. *Waitcus v. Gilberts*, 185 Ill. App. 3d 248, 133 Ill. Dec. 376, 541 N.E.2d 213, 1989 Ill. App. LEXIS 1003 (1 Dist. 1989).

--SCOPE OF ARGUMENT

Defendant could not argue for the first time in his reply brief on appeal that the consideration of the victim's gender amounted to plain error because arguments not raised in the appellant's original brief may not be raised in the reply brief or at oral argument. *People v. Helm*, 282 Ill. App. 3d 32, 218 Ill. Dec. 380, 669 N.E.2d 111 (4 Dist. 1996), appeal denied, 169 Ill. 2d 578, 221 Ill. Dec. 441, 675 N.E.2d 636 (1996).

Legal guardian's argument on appeal that an appeal from a disposition order granting the State custody of a minor child could be fairly inferred from the guardian's notice of appeal was waived, pursuant to Ill. Sup. Ct. R. 341(e)(7), because it was raised for the first time during oral arguments and was not argued in the guardian's brief; however, the waiver aside, the guardian's notice of appeal, specifying that an appeal was being taken from the trial court's adjudication order, was insufficient because it could not be fairly inferred from the notice of appeal that the guardian was also appealing the court's disposition order. *People v. H.W. (In the Interest of F.S.)*, 347 Ill. App. 3d 55, 282 Ill. Dec. 499, 806 N.E.2d 1087, 2004 Ill. App. LEXIS 194 (1 Dist. 2004).

--SCOPE OF CONTENTS

Mortgagor's counsel failed to comply with Ill. Sup. Ct. R. 341 in several respects and that failure could have justified the dismissal of the brief filed by the mortgagor. However, since the record was not long and the issues were simple, the

appellate court could elect not to penalize the appellant so severely for the lapses of counsel. *United States Bank, N.A. v. Dzis*, Ill. App. 3d , Ill. Dec. , 957 N.E.2d 1183, 2011 Ill. App. LEXIS 816 (1 Dist. 2011).

Executrix's appellant brief violated both Ill. Sup. Ct. R. 341(h)(6) and Ill. Sup. Ct. R. 342 because it only included a one-page statement devoid of information necessary to an understanding of a case in probate for six years and made only sparse reference to the pages of the record on appeal while the appendix to the brief failed to include a complete table of contents, with page references, to the record on appeal. While that brief did not assist the appellate court in reviewing the appeal expeditiously, the appellee's brief filed by the heirs was more complete and, thus, the appellate court could elect to review the case for the purpose of the effective administration of justice. *Estate of Parker v. McCollom (In re Estate of Parker)*, Ill. App. 3d , 354 Ill. Dec. 138, 957 N.E.2d 454, 2011 Ill. App. LEXIS 808 (1 Dist. 2011), appeal denied, 2011 Ill. LEXIS 2024 (Ill. 2011).

Mortgagor's counsel did not explain why counsel filed an appellant's brief that failed to comply with several subsections of Ill. Sup. Ct. R. 341, such as not including a statement of issues presented or a statement of jurisdiction. Since the record was not long and the issues were simple, the appellate court was entitled to overlook the lapses of the mortgagor's counsel and decide the appeal, but counsel and other appellate attorneys had to be warned that the appellate court had the discretion to dismiss an appeal that failed to comply with the appellate rules. *United States Bank, N.A. v. Dzis*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 621 (1 Dist. June 15, 2011).

Appellate court concluded that the defendant's contentions were waived on appeal as a result of the defendant's failure to support them with coherent argument and authority, as the defendant's arguments on appeal consisted of short conclusory statements, devoid of any reference to the record on appeal or explanation specifying the facts underlying the claims. *People v. Fikara*, 345 Ill. App. 3d 144, 280 Ill. Dec. 335, 802 N.E.2d 260, 2003 Ill. App. LEXIS 1582 (2 Dist. 2003), appeal denied, 208 Ill. 2d 544, 284 Ill. Dec. 342, 809 N.E.2d 1288 (2004).

Where plaintiff failed to cite any authority to support a claim that the Illinois Department of Transportation was not a necessary party, plaintiff waived this argument on appeal. *Village of Riverwoods v. BG Ltd. Partnership*, 276 Ill. App. 3d 720, 213 Ill. Dec. 240, 658 N.E.2d 1261 (1 Dist. 1995).

It is not the duty of the appellate court to search the record to determine what the real issues are, nor to seek material for the disposition of such issues. The failure of the appellant to properly or informatively state the errors relied upon for reversal makes it impossible for a reviewing court to determine the issues sought to be raised and justifies dismissal of the appeal. *47th & State Currency Exch., Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 13 Ill. Dec. 577, 371 N.E.2d 294 (1 Dist. 1977).

--STATEMENT OF FACTS

Employer's brief that it filed in a majority interest representation case violated Ill. Sup. Ct. R. 341(h)(6) because its "Statement of Facts" were not made without argument or comment. While the appellate court thus had the authority to strike its brief, review was not sufficiently hindered to preclude review and the appellate court would therefore review the case, but the employer was warned to avoid such violations in future appeals. *Dep't of Cent. Mgmt. Servs. v. Ill. Labor Rels. Bd.*, Ill. App. 3d , 355 Ill. Dec. 86, 959 N.E.2d 114, 2011 Ill. App. LEXIS 1041 (4 Dist. 2011).

In a doctor's appeal from the denial of his petition to vacate a settlement in a wrongful death action, the doctor's statement of facts violated Ill. Sup. Ct. R. 341(h)(6) because the doctor did not acknowledge his receipt of a letter from the counsel for the special administrator of the decedent's estate informing of the upcoming wrongful death action or the doctor's transmittal of that letter to the state university which employed the doctor. *Behzad v. Abcarian*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 1389 (1 Dist. May 19, 2008).

Portions of the appellant's statement of facts were argumentative, conclusory, and not supported by appropriate record citations and, therefore, would be disregarded; however, the statement of facts was not so misleading as to hinder the court's analysis and her properly asserted facts, together with the recitations of the appellees, were sufficient to permit review of the appeal. *Hubert v. Consolidated Medical Lab.*, 306 Ill. App. 3d 1118, 240 Ill. Dec. 196, 716 N.E.2d 329 (2 Dist. 1999).

BRIEF OF APPELLEE

Although Ill. Sup. Ct. R. 341(h)(7) applies on its face only to appellants' briefs before the appellate court, it also applies to appellees' briefs through Rule 341(i) and to briefs before the Illinois Supreme Court through Ill. Sup. Ct. R.

315. Thus, while *Ill. Sup. Ct. R. 318(a)* provides that an appellee may seek and obtain any relief warranted by the record on appeal without filing a separate appeal or petition for leave to appeal, *Ill. Sup. Ct. R. 341* nonetheless requires that the appellee provide adequate argument and citation to authority for any such relief. *Vancura v. Katris*, 238 Ill. 2d 352, 345 Ill. Dec. 485, 939 N.E.2d 328, 2010 Ill. LEXIS 1532 (2010).

Appellate court declined the welding rod manufacturers' request to strike the product user's brief or portions of it, as they did not show that the brief either did not sufficiently comply with *Ill. Sup. Ct. R. 341* or that it relied on materials that were not presented at trial. *Elam v. Lincoln Elec. Co.*, 362 Ill. App. 3d 884, 299 Ill. Dec. 305, 841 N.E.2d 1037, 2005 Ill. App. LEXIS 1271 (1 Dist. 2005), appeal denied, 218 Ill. 2d 537, 303 Ill. Dec. 2, 850 N.E.2d 807 (2006).

Defendant employee failed to comply with Rules 342(a) and 341(e), Supreme Court Rules, because his brief was devoid of any citation to the record and did not contain an appendix; thus, the appeal was dismissed for failure to comply with Rules 342 and 341. *Collier v. Avis Rent A Car Sys.*, 248 Ill. App. 3d 1088, 188 Ill. Dec. 201, 618 N.E.2d 771, 1993 Ill. App. LEXIS 926 (1 Dist. 1993).

--FAILURE TO ANSWER ISSUES

Where plaintiffs argued an issue at length in their brief the defendant's brief contained no responsive argument on the issue nor did the defendant pursue its position on this subject on oral argument; consequently, defendant conceded the point to the plaintiffs. *Eertmoed v. City of Pekin*, 83 Ill. App. 3d 362, 39 Ill. Dec. 351, 404 N.E.2d 942 (3 Dist. 1980).

Failure of appellee to meet and answer the grounds for reversal urged by appellant would alone be sufficient for reversal. *Marcus v. Green*, 13 Ill. App. 3d 699, 300 N.E.2d 512 (5 Dist. 1973).

--FAILURE TO FILE BRIEF

Although a dentist did not file an appellee's brief in connection with a patient's counsel's appeal from the trial court's finding of criminal contempt, because the record was simple and the claimed errors were such that the court could easily decide them without the aid of an appellee's brief, the court decided the appeal on the merits. *Thomas v. Koe*, 395 Ill. App. 3d 570, 338 Ill. Dec. 567, 924 N.E.2d 1093, 2009 Ill. App. LEXIS 924 (4 Dist. 2009), appeal denied, 235 Ill. 2d 606, 924 N.E.2d 461, 2010 Ill. LEXIS 162 (2010).

Although a dentist did not file an appellee's brief, the court concluded that a patient, the appellant, demonstrated prima facie reversible error on his claims that (1) the trial court erred in barring an investigation of the dentist as privileged for purposes of 735 ILCS 5/8-2101, and (2) the trial court erred in denying his motion to bar the dentist from introducing evidence of the patient's preexisting injuries and conditions; the court reversed and remanded, but emphasized that its conclusion was not a disposition on the merits, as all the court found that the patient met the prima facie standard and that reversal was appropriate because the record was not simple and the issues could not be easily decided without the aid of an appellee's brief, plus justice did not require the court to serve as an advocate for the dentist and so decide the case. *Thomas v. Koe*, 395 Ill. App. 3d 570, 338 Ill. Dec. 567, 924 N.E.2d 1093, 2009 Ill. App. LEXIS 924 (4 Dist. 2009), appeal denied, 235 Ill. 2d 606, 924 N.E.2d 461, 2010 Ill. LEXIS 162 (2010).

Plaintiffs' failure to present the trial court's memorandum opinion and/or a report of the proceedings on the motion, (or some satisfactory substitute therefor), did not bar appellate review where the question presented was whether dismissal was proper based on the motion and materials filed, a question of law that does not require resort to specific arguments advanced at the motion to dismiss or specific reasons relied upon by the trial court. *Venturini v. Affatato*, 84 Ill. App. 3d 547, 40 Ill. Dec. 1, 405 N.E.2d 1093 (1 Dist. 1980).

Where the plaintiff did not file an appearance or brief in the appellate court with regard to the defendant publisher's appeal from the denial of its motion for a change of venue from Cook County to Sangamon County, and the evidence showed that the alleged libelous article was written and published in Sangamon County, that the defendant's principal office and officers were there and that the trade bulletin containing the article was mailed to its members throughout the state, including Cook County, the appellate court would exercise its discretion by reversing pro forma the order denying the change of venue. *Consumers Auto Buying Serv., Inc. v. Illinois Automotive Trade Ass'n*, 33 Ill. App. 3d 149, 337 N.E.2d 448 (1 Dist. 1975).

The rule is well established that a judgment may be reversed where appellee has filed no brief in the reviewing court contradicting statements in appellant's brief which indicate the judgment was erroneous. *Village of Morton v. Ausmus*, 31 Ill. App. 3d 649, 333 N.E.2d 606 (3 Dist. 1975).

Where a party who prevails in the trial court does not appear or file a brief, the appellate court may, in its discretion, determine the case on its merits or may reverse without further consideration or discussion. *People v. Rincon*, 26 Ill. App. 3d 842, 326 N.E.2d 142 (1 Dist. 1975).

When an appellant does not pursue his appeal diligently, by failing to file his brief, or otherwise, there may very properly result either dismissal of the appeal or affirmance of the judgment, with the result the same as though there had been no appeal in the first place; in contrast, when, for lack of a brief by an appellee, there has been a reversal of the judgment without consideration of the merits, and the one considered judgment on the merits is not permitted to stand, that judgment is set aside, and for no reason having to do with the considerations which determine its entry. A court should not, therefore, reverse a trial court judgment except after consideration of the merits of the appeal. *Daley v. Jack's Tivoli Liquor Lounge, Inc.*, 118 Ill. App. 2d 264, 254 N.E.2d 814 (1 Dist. 1969).

Where village filed no brief, the judgment finding defendant guilty of violation of village ordinance was reversed pro forma. *People v. Spinelli*, 83 Ill. App. 2d 391, 227 N.E.2d 779 (2 Dist. 1967).

--SCOPE OF ARGUMENT

An appellee may urge any point in support of the judgment on appeal so long as the factual basis for such point was before the trial court. *Rome v. Commonwealth Edison Co.*, 81 Ill. App. 3d 776, 36 Ill. Dec. 894, 401 N.E.2d 1032 (1 Dist. 1980).

CASES INVOLVING CONSTRUCTION OF STATUTES

--DUTY OF COUNSEL

The provisions of subdivision (e)(4) of this Rule are designed to assist the reviewing court in ascertaining the precise language which is the subject of argument, but the rule does not relieve counsel of the duty to present the ordinance to be considered in an acceptable form. *Town of Normal v. Witham*, 91 Ill. App. 2d 262, 233 N.E.2d 576 (4 Dist. 1968).

CITATION OF AUTHORITY

Although a decedent's estate administrator's brief on appeal failed to cite to any legal authority for most of the claims raised therein, such that the court could have determined the appeal against the administrator pursuant to Ill. Sup. Ct. R. 341(h)(7), it acted within its discretion in reviewing the claims on the merits. *Luss v. Vill. of Forest Park*, 377 Ill. App. 3d 318, 316 Ill. Dec. 169, 878 N.E.2d 1193, 2007 Ill. App. LEXIS 1159 (1 Dist. 2007).

Lessee's failure to cite relevant authority for its unjust enrichment claim violated Rule 341(e)(7), Supreme Court Rules, and waived consideration of the unjust enrichment claim on appeal. *Fortech, L.L.C. v. R.W. Dunteman Co.*, 366 Ill. App. 3d 804, 304 Ill. Dec. 201, 852 N.E.2d 451, 2006 Ill. App. LEXIS 565 (1 Dist. 2006).

Since a widow cited no cases showing how the doctrine of equitable estoppel would apply to the facts of her case, as required by 188 Ill. 2d R. 341(e)(7), her argument as to estoppel was waived on appeal. *Recio v. GR-MHA Corp.*, 366 Ill. App. 3d 48, 303 Ill. Dec. 208, 851 N.E.2d 106, 2006 Ill. App. LEXIS 376 (1 Dist. 2006).

Because the driver failed to cite any relevant authority concerning evidence admitted in violation of a motion in limine, he violated Rule 341(e)(7), Supreme Court Rules; thus, the driver's issue that the trial court committed reversible error in failing to enforce its own order granting the motion in limine was waived. *Morgan v. Richardson*, 343 Ill. App. 3d 733, 278 Ill. Dec. 476, 798 N.E.2d 1233, 2003 Ill. App. LEXIS 1286 (5 Dist. 2003).

Even though plaintiff's pro se appellate brief did not respond to the issues raised by defendant with any citation to authority but only asserted that the judgment of the trial court should be affirmed based on the record and the memorandum of opinion of the trial court, presenting an issuance of compliance with Rule 341(e)(7), Supreme Court Rules, the record, which included a detailed, written memorandum of opinion of the trial court, permitted consideration of the merits of the appeal despite defendant's request for summary reversal of the judgment. *Bielecki v. Painting Plus*, 264 Ill. App. 3d 344, 202 Ill. Dec. 318, 637 N.E.2d 1054, 1994 Ill. App. LEXIS 838 (1 Dist. 1994).

Failure to cite authority to support legal arguments violates Rule 341(e)(7) and (f), Supreme Court Rules, and results in waiver of the argument; citations, where they exist, violate Rule 341(d), Supreme Court Rules, if they fail to give the cite to the official reporter. The rules of appellate procedure are not merely suggestions. *Chicago Title & Trust Co. v. Weiss*, 238 Ill. App. 3d 921, 179 Ill. Dec. 78, 605 N.E.2d 1092, 1992 Ill. App. LEXIS 2058 (1 Dist. 1992).

Argument that fails to cite relevant authority and to adequately state an argument is violative of Rule 341(e)(7), Supreme Court Rules, and need not be considered by a court. *May v. Industrial Com.*, 195 Ill. App. 3d 468, 141 Ill. Dec. 890, 552 N.E.2d 258, 1990 Ill. App. LEXIS 147 (1 Dist. 1990).

Appellant's failure to cite any authority in his brief in support of his argument that the trial court's evidentiary rulings were erroneous or that his motion for a court-appointed psychologist was erroneously denied violated Rule 341(e)(7), Supreme Court Rules; the violation required waiver of those issues on appeal. *In re Marriage of Strauss*, 183 Ill. App. 3d 424, 132 Ill. Dec. 245, 539 N.E.2d 808, 1989 Ill. App. LEXIS 780 (1 Dist. 1989).

Renewal of a prayer for relief was not the type of contention or citation of authorities that was required by Rule 341(e)(7), Supreme Court Rules and an appeal brief merely renewing a prayer for relief made before a circuit court was therefore insufficient. *Schnack v. Crumley*, 103 Ill. App. 3d 1000, 59 Ill. Dec. 607, 431 N.E.2d 1364, 1982 Ill. App. LEXIS 1423 (1 Dist. 1982).

--FAILURE TO INCLUDE

As it appeared that a person was not an officer or director of the company, the question of whether the rule authorized the trial court to compel the company to produce the person at trial and sanction the company when he did not appear depended on whether he was an employee of the company; aside from the company's unsupported assertions that the person was not a current employee, the parties did not frame their Ill. Sup. Ct. R. 237(b) argument as one of the witness's status as an employee or independent contractor, and they did not refer to considerations relevant to distinguishing an employee from an independent contractor or cited case law as ordinarily required by Ill. Sup. Ct. R. 341(h)(7) and (I). *Hoogerwerf v. Honey Int'l, Inc. (In re Estate of Hoogerwerf)*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2012 Ill. App. LEXIS 73 (4 Dist. Feb. 2, 2012).

Review of whether an employer was liable under the Illinois Notary Public Act was forfeited because a real estate investor's brief relating to this issue contained no argument or citation to authority. However, the employer's common law claims were sufficiently briefed to allow for consideration on appeal. *Vancura v. Katris*, 238 Ill. 2d 352, 345 Ill. Dec. 485, 939 N.E.2d 328, 2010 Ill. LEXIS 1532 (2010).

Employer's argument that it was deprived of due process because it was unable to appeal a decision from the Illinois Workers' Compensation Commission after it was determined that the employer did not comply with the bond requirements under 820 ILCS 305/19(f)(2) was forfeited on appeal because no authority was cited. *Vallis Wyngroff Bus. Forms, Inc. v. Ill. Workers' Comp. Comm'n*, 402 Ill. App. 3d 91, 341 Ill. Dec. 377, 930 N.E.2d 587, 2010 Ill. App. LEXIS 582 (1 Dist. 2010).

Court could well deem an estate's argument forfeited when it failed to provide any authority to support its claim that a prospective buyer's failure to satisfy an earnest money provision served to invalidate the contract. *Perry v. Estate of Carpenter*, 396 Ill. App. 3d 77, 335 Ill. Dec. 343, 918 N.E.2d 1156, 2009 Ill. App. LEXIS 1124 (1 Dist. 2009), appeal denied, 2010 Ill. LEXIS 637 (Ill. 2010).

Because neither party cited to any authority regarding an argument, the argument was subject to waiver pursuant to Ill. Sup. Ct. R. 341(h)(7); however, in the interests of justice, the appellate court examined the applicable law. *People v. Sandoval*, 381 Ill. App. 3d 142, 319 Ill. Dec. 730, 886 N.E.2d 493, 2008 Ill. App. LEXIS 292 (1 Dist. 2008).

Defendant cited no legal authority supporting defendant's assertion that in order to preserve an issue for interlocutory appeal under Rule 604(a)(1), Supreme Court Rules, the State either had to file a petition for rehearing or a petition for leave to appeal; as a result, the issue was deemed waived and did not have to be addressed on appeal. *People v. Sutton*, 375 Ill. App. 3d 889, 314 Ill. Dec. 302, 874 N.E.2d 212, 2007 Ill. App. LEXIS 888 (1 Dist. 2007).

While defendant asserted that a circuit court erred in finding that his appellate claims were waived because its ruling was not based on the arguments of the parties, he cited no authority for his proposition, and, therefore, his assertion was waived pursuant to Rule 341(h)(7), Supreme Court Rules. *People v. Stone*, 374 Ill. App. 3d 980, 313 Ill. Dec. 144, 871 N.E.2d 871, 2007 Ill. App. LEXIS 731 (1 Dist. 2007), appeal denied, 233 Ill. 2d 592, 335 Ill. Dec. 644, 919 N.E.2d 363, 2009 Ill. LEXIS 1336 (2009).

Since the car manufacturers did not offer any argument or meaningful citation to authority in their brief regarding their claim that the post-judgment interest statute, 735 ILCS 5/2-1203, was unconstitutional, the argument was considered abandoned and waived for the purpose of appellate review. *Connie Mikolajczyk v. Ford Motor Co. And Mazda Motor Corp.*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2007 Ill. App. LEXIS 657 (1 Dist. June 13, 2007).

Appellant cited no cases in support of his position. The appellate court, therefore, was not compelled to consider the issue further under Rule 341(e)(7), *Supreme Court Rules. Morgan v. Dep't of Fin. & Prof'l Regulation*, 374 Ill. App. 3d 275, 312 Ill. Dec. 778, 871 N.E.2d 178, 2007 Ill. App. LEXIS 645 (1 Dist. 2007), appeal denied, 2007 Ill. LEXIS 1802 (Ill. 2007).

When plaintiffs provided no citations to relevant authority for their argument, it was waived on appeal. *Alvarez v. Pappas*, 374 Ill. App. 3d 39, 312 Ill. Dec. 409, 870 N.E.2d 853, 2007 Ill. App. LEXIS 583 (1 Dist. 2007).

Where the father argued that, if the father owed 50 percent of the health insurance premiums paid by the mother, the father was entitled to an offset for overpayment of child support, the argument was waived under Ill. Sup. Ct. R. 341(e)(7). The father's attorney failed to cite legal authority in support of the argument, thereby causing the father to forfeit the issue. *In re Marriage of Wassom*, 352 Ill. App. 3d 327, 287 Ill. Dec. 448, 815 N.E.2d 1251, 2004 Ill. App. LEXIS 1123 (4 Dist. 2004).

Where automobile owner sought to challenge the use of unconstitutionally obtained evidence in an administrative hearing, his failure to cite any authority for his claim under the state constitution required that the court address his claim only under the federal constitution. *McCullough v. Knight*, 293 Ill. App. 3d 591, 228 Ill. Dec. 209, 688 N.E.2d 1186, 1997 Ill. App. LEXIS 819 (1 Dist. 1997).

In a negligence action, a nursing home waived the argument that the trial court erred in not granting it a hearing on motions to quash subpoenas because it failed to cite to any relevant authority with regard to that argument in violation of Rule 341(e)(7), *Supreme Court Rules. Washington v. Caseyville Health Care Ass'n*, 284 Ill. App. 3d 97, 219 Ill. Dec. 719, 672 N.E.2d 34, 1996 Ill. App. LEXIS 768 (1 Dist. 1996).

In a negligence action, a nursing home waived the argument that the trial court erred in not granting it a hearing on motions to quash subpoenas because it failed to cite to any relevant authority with regard to that argument in violation of Rule 341(e)(7), *Supreme Court Rules. Washington v. Caseyville Health Care Ass'n*, 284 Ill. App. 3d 97, 219 Ill. Dec. 719, 672 N.E.2d 34, 1996 Ill. App. LEXIS 768 (1 Dist. 1996).

Failure to support arguments with citation to legal authority in an appellate brief constitutes waiver of that argument. *In re Blinderman*, 283 Ill. App. 3d 26, 218 Ill. Dec. 544, 669 N.E.2d 687 (1 Dist. 1996).

Where plaintiff failed to cite authority to support her claim, as required by this Rule, plaintiff was deemed to have waived the unsupported contention. *Cuthbertson v. Axelrod*, 282 Ill. App. 3d 1027, 218 Ill. Dec. 458, 669 N.E.2d 601 (1 Dist. 1996).

Failure to cite any authority in support of an argument that the trial court erred in striking answers on the basis that the question had already been asked and answered waived review of the issue on appeal. *Hastings v. Gulledge*, 272 Ill. App. 3d 861, 209 Ill. Dec. 600, 651 N.E.2d 778, 1995 Ill. App. LEXIS 436 (1 Dist. 1995).

Arguments unsupported by citation to legal authority in appellant's brief constitutes waiver of that argument by a court of review. *Pyskaty v. Oyama*, 266 Ill. App. 3d 801, 204 Ill. Dec. 328, 641 N.E.2d 552 (1 Dist.), appeal denied, 157 Ill. 2d 521, 205 Ill. Dec. 185, 642 N.E.2d 1302 (1994), 159 Ill. 2d 579, 207 Ill. Dec. 523, 647 N.E.2d 1016 (1995).

Respondents waived issues raised on appeal where they alleged, without a single citation to legal authority in the argument portion of their brief or in the points and authorities section, that the trial court erred in setting the amount of child support and in issuing an order for withholding and also alleged without citation to legal authority that the trial court erred in denying their motion to exclude the State's Attorney from the case. *Eckiss v. McVaigh*, 261 Ill. App. 3d 778, 199 Ill. Dec. 637, 634 N.E.2d 476 (5 Dist. 1994).

Where the appellants failed to cite relevant legal authority, the appellants did not satisfy subdivisions (e)(7) of this Rule and appellants' arguments did not merit consideration on appeal. *Sohaey v. Van Cura*, 240 Ill. App. 3d 266, 180 Ill. Dec. 359, 607 N.E.2d 253 (2 Dist. 1992), aff'd, 158 Ill. 2d 375, 199 Ill. Dec. 654, 634 N.E.2d 707 (1994).

Strict adherence to this Rule's requirement of citation to the relevant record pages is necessary to expedite and facilitate the administration of justice. *Sohaey v. Van Cura*, 240 Ill. App. 3d 266, 180 Ill. Dec. 359, 607 N.E.2d 253 (2 Dist. 1992), aff'd, 158 Ill. 2d 375, 199 Ill. Dec. 654, 634 N.E.2d 707 (1994).

Arguments which do not satisfy subdivision (e)(7) of this Rule do not merit consideration on appeal and may be rejected for that reason alone. *Sohaey v. Van Cura*, 240 Ill. App. 3d 266, 180 Ill. Dec. 359, 607 N.E.2d 253 (2 Dist. 1992), aff'd, 158 Ill. 2d 375, 199 Ill. Dec. 654, 634 N.E.2d 707 (1994).

Arguments raised without citation to authority do not merit consideration and are waived. *Susman v. Price*, 230 Ill. App. 3d 639, 171 Ill. Dec. 812, 594 N.E.2d 1332 (1 Dist. 1992).

Where plaintiff did not file a response in the trial court objecting to defendant's motion to transfer venue, nor did she raise the issue in her post-trial motion, plaintiff waived consideration of this issue on review; also, plaintiff failed to adequately brief this issue, in violation of subdivision (e)(7) of this Rule where plaintiff failed to cite any authority whatsoever in support of her argument that transfer was improper, and simply concluded that the factors considered did not favor defendant. *Fitzpatrick v. ACF Properties Group, Inc.*, 231 Ill. App. 3d 690, 172 Ill. Dec. 657, 595 N.E.2d 1327 (2 Dist.), appeal denied, 146 Ill. 2d 626, 176 Ill. Dec. 797, 602 N.E.2d 451 (1992).

Where the appellee's brief cited no authorities at all and did not attempt to comply with the requirements of this Rule, it was stricken. *In re Snow*, 81 Ill. App. 3d 1148, 37 Ill. Dec. 259, 401 N.E.2d 1352 (5 Dist. 1980).

--IMPROPER FORM

Alleged employers' arguments that the state industrial commission improperly overruled its own decision and that a separate entity, as operator of a facility, was the statutory employer of persons seeking workers' compensation benefits were waived as the arguments were not supported by citation to proper authority. *Eisenberg v. Indus. Comm'n*, 337 Ill. App. 3d 373, 271 Ill. Dec. 811, 785 N.E.2d 1005, 2003 Ill. App. LEXIS 241 (1 Dist. 2003).

Despite defendant's failure to give dates for his citation to specific federal statutes, the court reviewed the record and considered defendant's arguments. *Aurora Firefighter's Credit Union v. Harvey*, 163 Ill. App. 3d 915, 114 Ill. Dec. 873, 516 N.E.2d 1028 (2 Dist. 1987), appeal denied, 119 Ill. 2d 553, 119 Ill. Dec. 381, 522 N.E.2d 1240 (1988).

--INSUFFICIENT

Although the husband in a divorce case claimed that the wife's attorneys should have challenged the trial court's authority to sanction them for filing a petition challenging a final judgment in the case, the husband did not cite any authority in the husband's brief that held that the filing of a posttrial motion was a prerequisite to filing an appeal. Since the failure to cite any authority did not satisfy the requirements of Ill. Sup. Ct. R. 341(h)(7), the husband's bare contention did not merit consideration on appeal. *In re Marriage of Johnson*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 1296 (1 Dist. Dec. 23, 2011).

In an action alleging breach of a lease and guaranty agreement, even though arguments relating to an integration clause were not supported by citation to authority, an appellate court proceeded to consider the issue on the merits. Waiver was an admonition to the parties, not a limitation upon the powers of courts of review; moreover, since a landlord's argument depended upon the plain meaning of the words in the integration clause, the appellate court was able to analyze its arguments effectively, despite the lack of citation to authorities. *L.D.S., LLC v. Southern Cross Food, Ltd.*, Ill. App. 3d , 352 Ill. Dec. 613, 954 N.E.2d 696, 2011 Ill. App. LEXIS 603 (1 Dist. 2011).

Village did not support its claim of error within even a single citation to authority that the trial court improperly supported its ruling granting the bank's disconnection petition by making findings after the fact. Thus, the reviewing court could consider that claim forfeited pursuant to Ill. Sup. Ct. R. 341(h)(7). *Austin Bank v. Vill. of Barrington Hills*, 396 Ill. App. 3d 1, 335 Ill. Dec. 567, 919 N.E.2d 88, 2009 Ill. App. LEXIS 1084 (1 Dist. 2009), appeal denied, 235 Ill. 2d 585, 924 N.E.2d 454, 2010 Ill. LEXIS 145 (2010).

Appellate court could not consider the issue of whether the jury could award rent as damages beyond the time the law firm vacated its office suit, in the building owner's breach of contract case against the law firm and to enforce the guaranty of the guarantor, as the law firm and the guarantor failed to cite any authority to support that proposition in their opening brief. *Zirp-Burnham, LLC v. E. Terrell Assocs.*, 356 Ill. App. 3d 590, 292 Ill. Dec. 289, 826 N.E.2d 430, 2005 Ill. App. LEXIS 172 (1 Dist. 2005).

Where plaintiff argued certain evidence was improperly admitted or excluded but cited just one case for its contentions, and that case was merely cited for the proposition that on review the proper inquiry is whether the trial court abused its discretion in ruling on evidentiary matters resulting in prejudice, and additionally, plaintiff failed to argue how the court's rulings on these issues prejudiced it, plaintiff failed to comply with the rules governing briefs, and this argument was considered waived. *Bank of Ill. v. Thweatt*, 258 Ill. App. 3d 349, 196 Ill. Dec. 424, 630 N.E.2d 121 (4 Dist.), appeal denied, 157 Ill. 2d 495, 205 Ill. Dec. 156, 642 N.E.2d 1273 (1994).

In a foreclosure action, the mortgagee's subsequent amendment to his answers to the mortgagor's complaint and its motion for summary judgment showed that he acquiesced in the trial court's dismissal of his counterclaim; therefore, he could not appeal the trial court's dismissal of his counterclaim. Further, the mortgagee failed to cite any relevant

authority in support of his contentions and did not specifically refute the pertinent and persuasive authority cited by the mortgagor in support of the affirmance of the trial court's dismissal order. *Harris Bank Hinsdale, N.A. v. Caliendo*, 235 Ill. App. 3d 1013, 176 Ill. Dec. 632, 601 N.E.2d 1330, 1992 Ill. App. LEXIS 1637 (1 Dist. 1992).

--PURPOSE

The reviewing court must render a decision based on the law of this state, and when a party fails to support his contentions by reference to authority, he contributes to the possibility that the court's decision might not be in full accord with the law of this state. *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981).

It is the duty of attorneys practicing in court to present to the court the authorities supporting their views to assist the court in reaching a correct conclusion. *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981).

--STATUTES

An Illinois statute is "authority " under subdivision (e)(7) of this *Rule*. *E.J. McKernan Co. v. Gregory*, 268 Ill. App. 3d 383, 205 Ill. Dec. 763, 643 N.E.2d 1370 (2 Dist. 1994), appeal denied, 161 Ill. 2d 525, 208 Ill. Dec. 358, 649 N.E.2d 414 (1995), overruled on other grounds, *Permier Proery Mgt., Inc. v. Chavez*, 191 Ill. 2d 101, 245 Ill. Dec. 394, 728 N.E.2d 476 (2000).

CITATION TO THE RECORD

Husband and wife's citation to two volumes of appendix, rather than to the record, to support their argument for relief in a case where the law firm was seeking unpaid attorney fees was a violation of *Ill. Sup. Ct. R. 341(h)*. As a result, a warning was warranted that such conduct in the future could lead to the imposition of sanctions, as that conduct made review for the appellate court much more difficult than it would have been had the rule been followed. *Engle v. Foley & Lardner, LLP*, 393 Ill. App. 3d 838, 332 Ill. Dec. 228, N.E.2d , 2009 Ill. App. LEXIS 1087 (1 Dist. 2009).

As a review of the city's brief indicated the city provided the cites at the end of each paragraph of facts and those record cites supported the facts stated throughout the paragraph and corresponded to the information contained on cited page of the record, and the rule did not require the brief to contain a cite at the end of each sentence, a decedent's father was not entitled to the grant of a motion to strike. *Gaston v. City of Danville*, 393 Ill. App. 3d 591, 332 Ill. Dec. 284, 912 N.E.2d 771, 2009 Ill. App. LEXIS 684 (4 Dist. 2009).

Law firm violated *Ill. Sup. Ct. R. 341(h)*; although the firm made some citations to the record, these were incredibly few. The firm provided an appendix to its brief on appeal and chose instead to cite to the appendix and to its client's appendix for its factual and argumentative statements in its brief, again instead of going through the record on appeal as was its duty as a party; while a court may expect (though not condone) this of pro se parties or lawyers who rarely (if ever) practiced before the court, it was more than shocking that this originated from a party that had the firm's reputation and capacity. *Engle v. Foley & Lardner, LLP*, Ill. App. 3d , Ill. Dec. , 912 N.E.2d 715, 2009 Ill. App. LEXIS 262 (1 Dist. 2009).

Although the estate representatives failed to provide citation to the record on appeal in both the supplemental statement of facts and the argument section of their brief, in violation of *Ill. Sup. Ct. R. 341(h)(6)* and *341(h)(7)*, neither their brief nor the offending sections had to be stricken. Since review was still possible even with the violations, the appellate court declined to strike the brief or parts thereof, but would still disregard any fact or claim not supported by the record. *Hurlbert v. Brewer*, 386 Ill. App. 3d 1096, 326 Ill. Dec. 365, 899 N.E.2d 582, 2008 Ill. App. LEXIS 1247 (4 Dist. 2008).

Although the injured minor and mother made few citations to the record in their appellate brief as required by *Ill. Sup. Ct. R. 213* did not require that the brief be stricken. Waiver for not following the state supreme court rules was a limitation on the parties, and not on the reviewing court. *Johnson v. Johnson*, 386 Ill. App. 3d 522, 325 Ill. Dec. 412, 898 N.E.2d 145, 2008 Ill. App. LEXIS 1073 (1 Dist. 2008).

Trial court's decision to grant an employee's motion in limine to bar evidence that he received unemployment compensation was not reviewable where the employer failed to provide relevant citations to the record in violation of *Rule 341(e)(7)*, *Supreme Court Rules*. *Gomez v. Finishing Co.*, 369 Ill. App. 3d 711, 308 Ill. Dec. 124, 861 N.E.2d 189,

2006 Ill. App. LEXIS 1184 (1 Dist. 2006).

Where petitioners, seeking the removal of the executor as coexecutor of the estate, asserted that the executor abused the executor's discretion by asking the beneficiaries to sign a waiver, the appellate court was unable to review the waiver under Ill. Sup. Ct. R. 341(e)(7), as petitioners raised the issue without any citation to the record. *Benak v. Duffy*, 365 Ill. App. 3d 711, 302 Ill. Dec. 686, 849 N.E.2d 1098, 2006 Ill. App. LEXIS 498 (1 Dist. 2006).

CRIMINAL APPLICABILITY

Failure to present an argument that defendant's counsel was ineffective for failing to request a mistrial when a witness testified about defendant's confession to his mother was waived because it was not raised on direct appeal. *People v. Thomas*, 164 Ill. 2d 410, 207 Ill. Dec. 490, 647 N.E.2d 983, 1995 Ill. LEXIS 51 (1995).

This Rule is made applicable to criminal appeals by Rule 612, *Supreme Court Rules*. *People v. Ortiz*, 91 Ill. App. 3d 466, 46 Ill. Dec. 919, 414 N.E.2d 1072 (1 Dist. 1980); *People v. Williams*, 86 Ill. App. 2d 209, 229 N.E.2d 158 (4 Dist. 1967); *People v. Son*, 111 Ill. App. 3d 273, 66 Ill. Dec. 952, 443 N.E.2d 1115 (2 Dist. 1982).

DISCRETION OF COURT

Former husband's Ill. Sup. Ct. R. 341(h)(6) motion to strike the former wife's statement of facts contained in the former wife's appellee's brief in the parties' divorce case had to be denied. Many of the alleged examples of improper argument cited by the former husband were not argument and although some remaining examples were arguably slightly argumentative, none of those remaining examples were so egregious as to warrant striking the former wife's factual statement from the former wife's brief. *In re Marriage of O'Brien*, 393 Ill. App. 3d 364, 332 Ill. Dec. 242, 912 N.E.2d 729, 2009 Ill. App. LEXIS 654 (2 Dist. 2009).

--IN GENERAL

Civil appeals rules are not merely suggestions and it is within the Appellate Court's discretion to strike defendant's brief and dismiss the appeal based on violations of these Rules. *Geers v. Brichta*, 248 Ill. App. 3d 398, 187 Ill. Dec. 940, 618 N.E.2d 531 (1 Dist.), appeal denied, 153 Ill. 2d 559, 191 Ill. Dec. 619, 624 N.E.2d 807 (1993).

It is in the court's discretion to waive strict compliance with this Rule. *Hubbart v. Frank*, 36 Ill. App. 3d 529, 344 N.E.2d 496 (5 Dist. 1976).

Taake v. Eichorst, 344 Ill. 508, 509, 176 N.E. 765 (1931), is overruled to the extent that it purports to state a limitation upon the judicial power of review. *Wozniak v. Segal*, 56 Ill. 2d 457, 308 N.E.2d 611 (1974).

The responsibility of a reviewing court for a just result and for the maintenance of a sound and uniform body or precedent may sometimes override the consideration of waiver that stem from the adversary character of our system, but in exercising the power care should be taken that the litigants are not deprived of an opportunity to present argument. *Hux v. Raben*, 38 Ill. 2d 223, 230 N.E.2d 831 (1967).

--APPELLANT'S FAILURE TO FILE

Where the appellate does not file an appearance or brief in the appellate court, the appellate court may enter a pro forma reversal or dispose of the appeal on its merits. *Consumers Auto Buying Serv., Inc. v. Illinois Automotive Trade Ass'n*, 33 Ill. App. 3d 149, 337 N.E.2d 448 (1 Dist. 1975).

--APPELLEE'S FAILURE TO FILE

The appellate court clearly has the authority to address the merits of the case in the absence of a responsive filing by appellee, but not obligated to act as appellee's advocate due to his failure. *Standard Mgt. Realty Co. v. Johnson*, 157 Ill. App. 3d 919, 109 Ill. Dec. 918, 510 N.E.2d 986 (1 Dist. 1987).

Where an appellee fails to file a brief in compliance with this Rule, such inaction vests the appellate court with discretion to either consider the case on the merits or order a pro forma reversal. *People ex rel. Holland v. Halprin*, 30 Ill. App. 3d 254, 332 N.E.2d 501 (1 Dist. 1975).

Where the appellants complied with all the necessary statutory requirements and applicable rules established by the Supreme Court for the perfection of an appeal, but the appellees did not file any brief in response to the contentions raised by the appellants, the appellate court had the choice of whether to decide the case on the merits or reverse the

case for failure to comply with this Rule, since case, which involved a complicated factual situation and several intricate legal problems, was not of a sufficiently compelling nature to require that the court perform the function of advocate, the court would reverse pro forma. *Lehr v. Sitzes*, 28 Ill. App. 3d 472, 328 N.E.2d 654 (5 Dist. 1975).

Although there is an abundance of authority, to authorize the appellate court to summarily reverse for the failure of plaintiff to comply with this Rule in the filing of the appellee's brief, in view of the issues raised by the judgment of the trial court, which enjoined and restrained defendants from withholding and revoking building permits, ordered restoration of said permits, and authorized plaintiff to commence construction immediately, the matter would be reviewed on its merits. *O'Laughlin v. City of Chicago*, 28 Ill. App. 3d 766, 329 N.E.2d 528 (1 Dist. 1975), aff'd, 65 Ill. 2d 183, 357 N.E.2d 472 (1976).

Where the appellees file no briefs, the appellate court may determine the case on its merits or may reverse because of the failure of the appellees to comply with this Rule in its sound discretion. *Georges v. Mallare*, 18 Ill. App. 3d 907, 310 N.E.2d 754 (1 Dist. 1974).

Where the appellee has not filed any briefs in accordance with this Rule, the court may determine the case on its merits or may reverse because of the failure of the appellee to comply with the rule in its sound discretion. *Alliance Eng'r & Research Corp. v. Gualtieri*, 22 Ill. App. 3d 155, 319 N.E.2d 305 (3 Dist. 1974).

Where the appellee has not filed any briefs in accordance with this Rule, the appellate court may determine the case on its merits or may reverse because of the failure of the appellee to comply with the rule in its sound discretion. *King v. King*, 24 Ill. App. 3d 222, 321 N.E.2d 80 (2 Dist. 1974).

Where the appellee has not filed any briefs in accordance with this Rule, the appellate court may determine the case on its merits or may reverse because of the failure of the appellee to comply with the rule in its sound discretion; if the court determines that the appellee has abandoned its case, it has no reason to go into the merits, and may decide to reverse pro forma. *People ex rel. Pullman Bank & Trust Co. v. Fitzgerald*, 14 Ill. App. 3d 247, 302 N.E.2d 429 (1 Dist. 1973).

While this Rule does not preclude consideration of an appeal when no brief is filed by the appellee, lack of appearance by the appellee permits reversal of the judgment with no discussion of the merits; if circumstances are such that it would be manifestly unjust to reverse pro forma, the reviewing court will exercise its discretion and consider the review on the merits. *Richardson v. Richardson*, 8 Ill. App. 3d 546, 290 N.E.2d 5 (4 Dist. 1972).

Where a result of the appellees' failure to file a brief, the appellate court did not have the benefit of their point of view concerning the sufficiency of the evidence and admissibility of the evidence and, hence, there was nothing to give support to the judgment of the trial court, a decision on the merits was within the sound discretion of the court and a review of the nature of the issues established that the judgment should be reversed pro forma. *Smith v. Muster*, 3 Ill. App. 3d 358, 277 N.E.2d 714 (4 Dist. 1972).

While the appellate court is not required to dismiss an appeal for failure to file a brief, in certain instances it may be appropriate, where the appellant has complied with all the requirements to perfect an appeal and the appellee has done nothing, to reverse the judgment appealed; although, in certain instances, the court may well determine that justice requires a decision of the case on the merits, notwithstanding, the failure of the appellee to file a brief is a matter within the sound discretion of the court. *People v. Keeney*, 96 Ill. App. 2d 323, 238 N.E.2d 614 (4 Dist. 1968).

Where a trial memorandum did not, in any respect, meet the issues or answer the arguments made in the appellant's petition and brief, and since the appellee did not file a brief, the court would be justified, without further consideration of the merits of the case, in reversing the order of the trial court. *Matyskiel v. Bernat*, 85 Ill. App. 2d 175, 228 N.E.2d 746 (1 Dist. 1967).

Although an appellee had not complied by filing a brief, the court if it believes advisable, examines the record to ascertain if an injustice would be done to the appellee if the trial court's order, decree or judgment were to be reversed. *Matyskiel v. Bernat*, 85 Ill. App. 2d 175, 228 N.E.2d 746 (1 Dist. 1967).

--CRIMINAL CASES

Where defendant, who pled guilty to an information charging two counts of forgery, filed a Petition for Writ of Habeas Corpus which raised the issues of the sufficiency of the admonition given to defendant at the time he pled guilty, the constitutional right to a preliminary hearing, the sufficiency of information for sentencing, and the adequacy of appointed counsel in the habeas corpus proceeding, and the state did not file a brief in the appellate court, the

judgment and conviction were reversed and the cause remanded to the trial court with direction that defendant be permitted to plead anew. *People v. Elliott*, 9 Ill. App. 3d 178, 292 N.E.2d 58 (4 Dist. 1973).

--DISMISSAL OF APPEAL

Although appellant's brief failed to comply with this Rule and Rule 342(a), Supreme Court Rules, the appellees' motion to dismiss the appeal was denied, and the arguments contained in appellant's brief were considered by the court to the extent that they were properly presented. *Zadrozny v. City Colleges*, 220 Ill. App. 3d 290, 163 Ill. Dec. 93, 581 N.E.2d 44 (1 Dist. 1991).

Although the appellate court has inherent authority to dismiss an appeal for noncompliance with the rules, it is within its discretion to consider the merits of the appeal. *State of Minn. ex rel. Gulley v. Caldwell*, 198 Ill. App. 3d 91, 144 Ill. Dec. 393, 555 N.E.2d 752 (2 Dist. 1990).

While the court is not required to dismiss an appeal for failure to file a brief, this dereliction is unfair both to the trial court and reviewing court, and although in certain cases the court may determine that justice requires a decision on the merits, it is deemed to be a matter within the court's sound discretion. *Shinn v. County Bd. of Sch. Trustees*, 130 Ill. App. 2d 908, 266 N.E.2d 123 (5 Dist. 1970).

The requirements of this Rule are not jurisdictional but procedural and an appeal will not be arbitrarily dismissed for noncompliance if a reading of the entire brief makes it possible for the court to determine the questions or issues sought to be raised. *People ex rel. Carter v. Touchette*, 5 Ill. 2d 303, 125 N.E.2d 473 (1955).

--FORM AND CONTENT OF BRIEFS

Although the appellate review of an appellant's brief and appendix revealed that the appellant's brief failed to comply with Ill. Sup. Ct. R. 341(h) and 342(a), the appellate court concluded that the appellant's violations of those rules did not hinder the appellate court's review of the case, because the appellate court had the benefit of the record before it, as well as the appellee's proper citations to the record on appeal. Accordingly, the appellate court did not strike appellant's brief and instead turned to the merits of the appeal. *Budzileni v. Dep't of Human Rights*, 392 Ill. App. 3d 422, 331 Ill. Dec. 434, 910 N.E.2d 1190, 2009 Ill. App. LEXIS 361 (1 Dist. 2009), appeal denied, 233 Ill. 2d 552, 335 Ill. Dec. 631, 919 N.E.2d 350, 2009 Ill. LEXIS 1328 (2009).

Although police chief's appellee brief was inartfully drafted, the appellate court declined to strike it or impose any other sanction where the issues were numerous and complex and the brief was not so deficient that sanctions were warranted. *Szewczyk v. Bd. of Fire & Police Comm'rs*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 19 (1 Dist. Jan. 18, 2008).

Although the commissioners had a point in alleging that the police chief's brief did not contain clear, discernable argument, the appellate court declined to impose sanctions such as striking the police chief's brief for apparent noncompliance with Rule 341, Supreme Court Rules. While the police chief's brief was inartfully drafted, the appellate court recognized that the issues in the police chief's case involving an attempt to get reinstated to the rank of sergeant were numerous and complex. *Szewczyk v. Bd. of Fire & Police Comm'rs*, 381 Ill. App. 3d 159, 319 Ill. Dec. 426, 885 N.E.2d 1106, 2008 Ill. App. LEXIS 207 (1 Dist. 2008).

Where the briefs were not in compliance with guidelines for footnote usage and page limitations, the appellate court struck from the record footnotes and pages containing reduced copies of statutory quotations and pages. *Kerger v. Board of Trustees*, 295 Ill. App. 3d 272, 229 Ill. Dec. 706, 692 N.E.2d 695 (2 Dist. 1997), appeal denied, 178 Ill. 2d 580, 232 Ill. Dec. 847, 699 N.E.2d 1032 (1998), cert. denied, 526 U.S. 1065, 119 S. Ct. 1457, 143 L. Ed. 2d 543 (1999).

Where in plaintiffs' briefs, their points and authorities were improper in that they did not contain any subpoints, case citations were not listed under each heading, points and authorities section contained improper citation of authority, and "Introduction" section before statement of facts not required by subsections (e) or (f) was included, plaintiffs' errors were those of form and not of substance; therefore, merits of case were considered. *Cannella v. Village of Bridgeview*, 284 Ill. App. 3d 1065, 220 Ill. Dec. 482, 673 N.E.2d 394 (1 Dist. 1996).

Where the court ruled that portions of the appellant's statement of facts in its original brief did not comply with subdivision (e)(6) of this Rule, the court proceeded by just disregarding any noncomplying statements or comments. *North Shore San. Dist. v. Illinois State Labor Relations Bd.*, 262 Ill. App. 3d 279, 199 Ill. Dec. 889, 634 N.E.2d 1243 (2 Dist. 1994).

Although appellant's brief did not include certain required sections, appellant's brief properly and informatively stated the alleged errors relied upon for reversal, the court was not inclined to deprive the parties in interest of the benefit of their views on the substantive issues. *Schwartz v. Great Cent. Ins. Co.*, 188 Ill. App. 3d 264, 135 Ill. Dec. 774, 544 N.E.2d 131 (5 Dist. 1989).

Failing to comply with Supreme Court Rules can result in the waiver of the issues raised, the appellate court declined to do so where despite plaintiffs' omission of a jurisdictional statement since there was no question but that the order below was final and appealable. *Poulos v. Litwin*, 193 Ill. App. 3d 35, 140 Ill. Dec. 204, 549 N.E.2d 855 (1 Dist. 1989), appeal denied, 131 Ill. 2d 566, 142 Ill. Dec. 888, 553 N.E.2d 402 (1990).

Failure to comply with Supreme Court Rules can result in the waiver of the issue or issues raised; however, when plaintiff's brief was filed, it was readily apparent in this case that the court had jurisdiction to hear the appeal, the fact that it contained no jurisdictional statement as required by subdivision (e)(4)(ii) was excused. *Moran v. Lala*, 179 Ill. App. 3d 771, 128 Ill. Dec. 714, 534 N.E.2d 1319 (2 Dist. 1989).

Where defendants failed to include a jurisdictional statement in their brief and where the record appeared to be incomplete, the Court had the discretion to consider the merits of the appeal or it could dismiss the case. *Doyle v. City of Crystal Lake*, 183 Ill. App. 3d 405, 132 Ill. Dec. 233, 539 N.E.2d 796 (2 Dist. 1989).

Where the statement of facts in plaintiffs' appellate brief violated subsection (e) of this Rule, by containing improper argument and mischaracterizations of deposition testimony, the violations could be found not so flagrant as to hinder or preclude review of plaintiffs' cause on appeal. *Wald v. Chicago Shippers Ass'n*, 175 Ill. App. 3d 607, 125 Ill. Dec. 62, 529 N.E.2d 1138 (1 Dist. 1988).

Although the failure to comply with Supreme Court Rules governing briefs could have operated as a waiver or could have warranted dismissal of the appeal, the impropriety of respondent's brief was no limitation on the appellate court jurisdiction; respondent's arguments were considered to the extent they were properly presented. *People v. McCarron*, 170 Ill. App. 3d 552, 121 Ill. Dec. 193, 524 N.E.2d 1241 (2 Dist. 1988), overruled on other grounds, *People v. Minor*, 131 Ill. 2d 328, 137 Ill. Dec. 588, 546 N.E.2d 533 (1989).

Although the defendants' brief was far from a sterling example of legal writing, the defendants appealed pro se and their brief generally contained citations to the record and citation to legal authority in support of their contentions on appeal; appeal was not dismissed because of inadequate briefs. *First State Bank v. Leffelman*, 167 Ill. App. 3d 362, 118 Ill. Dec. 127, 521 N.E.2d 195 (2 Dist. 1988).

A contention that is supported by some argument, but by no authority, does not satisfy the requirements of subsection (e)(7) of this Rule and is considered waived; however, the court has the discretion not to apply the waiver rule may consider the issue. *Sakellariadis v. Spanos*, 163 Ill. App. 3d 1084, 115 Ill. Dec. 122, 517 N.E.2d 324 (2 Dist. 1987), appeal denied, 119 Ill. 2d 575, 119 Ill. Dec. 397, 522 N.E.2d 1256 (1988).

The appellate court's jurisdiction to entertain pro se plaintiff's appeal is unaffected by the insufficiency of his brief, and where the court understands the issue plaintiff intends to raise, and has the benefit of a cogent appellee's brief, it may choose to dispose of this appeal on the merits. *Tannenbaum v. Lincoln Nat'l Bank*, 143 Ill. App. 3d 572, 97 Ill. Dec. 661, 493 N.E.2d 143 (2 Dist. 1986).

Although this Rule and Rule 612, Supreme Court Rules, did not authorize an appellant to offer multiple briefs for review, the court considered the additional matters raised by defendant. *People v. Lucien*, 109 Ill. App. 3d 412, 65 Ill. Dec. 44, 440 N.E.2d 899 (2 Dist. 1982), cert. denied, 459 U.S. 1219, 103 S. Ct. 1223, 75 L. Ed. 2d 459 (1983).

Where none of plaintiff's violations of this Rule were of such flagrancy as to hinder or preclude review, neither striking her brief nor dismissal of her appeal was warranted. *Gallo v. Henke*, 107 Ill. App. 3d 21, 62 Ill. Dec. 766, 436 N.E.2d 1068 (2 Dist. 1982).

Although the appellant's brief cited no record references, since the record was short and the facts uncomplicated the appellate court exercised its discretion and considered the appeal rather than striking the brief. *Silny v. Lorens*, 73 Ill. App. 3d 638, 29 Ill. Dec. 710, 392 N.E.2d 267 (1 Dist. 1979).

Although in view of the fact that defendant who represented himself pro se on appeal completely failed to meet the requirements of subdivisions (e)(1) and (2) of this Rule, and the appellate court would have been warranted in disposing of the appeal by summarily dismissing the same, the court nevertheless searched the record and determined the appeal on its merits. *People v. Leverenz*, 55 Ill. App. 3d 146, 12 Ill. Dec. 866, 370 N.E.2d 670 (3 Dist. 1977).

It was in the appellate court's discretion to waive strict compliance with subdivision (e)(2) of this Rule. *Hubbart v.*

Frank, 36 Ill. App. 3d 529, 344 N.E.2d 496 (5 Dist. 1976).

Despite the fact that appellants' argument as to issue of interest contained little more than the bare contention that the interest was excessive, and no citation of authorities relied upon or references to the record were submitted to support appellants' vague theory of how the trial court arrived at the specified amount, in view of the substantial nature of the issue presented and the lack of evidence in the record to support the award of interest, the appellate court declined to summarily dismiss consideration of the question. *Kramlich v. Home Fed. Sav. & Loan Ass'n*, 26 Ill. App. 3d 430, 325 N.E.2d 657 (1 Dist. 1974).

The appellate court considered the substance of plaintiff-appellee's brief only after seriously considering striking it because of its numerous departures from the form set forth in subdivision (2)(k) of former Rule 39, Supreme Court Rules (see now this Rule). *Clark v. State Dep't of Labor*, 71 Ill. App. 2d 365, 219 N.E.2d 143 (1 Dist. 1966).

Appellant's brief was not insufficient where appellant failed to file therein a statement of errors as required by former Rule 39, Supreme Court Rules (see now this Rule), where an assignment of errors was set out in his abstract, and, in addition, his statement, brief and argument contained sufficient information to show the errors upon which he was relying. *Joyce v. Blankenship*, 399 Ill. 136, 77 N.E.2d 325 (1948).

Appeal was not dismissed or the decree affirmed because no statement of errors was attached to the brief of plaintiffs. *Pape v. Pareti*, 315 Ill. App. 1, 42 N.E.2d 361 (1 Dist. 1942).

--ISSUES NOT RAISED

The rule that points not argued were waived could be relaxed, and the state transportation agency raised several points on appeal the reviewing court thought were important to address. *DOT ex rel. People v. 151 Interstate Rd. Corp.*, 333 Ill. App. 3d 821, 267 Ill. Dec. 566, 777 N.E.2d 369, 2002 Ill. App. LEXIS 1135 (2 Dist. 2002), aff'd in part and rev'd in part, cause remanded, Ill. 2d , 284 Ill. Dec. 348, 810 N.E.2d 1 (2004).

A reviewing court need not ignore grave errors of law which the parties on appeal either overlook or decline to address. *People v. Reddick*, 123 Ill. 2d 184, 122 Ill. Dec. 1, 526 N.E.2d 141 (1988).

Despite the fact that the plaintiff raised no issues other than the constitutionality of one section in his original brief, in view of the fact that there would be no equal protection problem if the plaintiff was able to maintain his declaratory judgment action other than under that one section, the appellate court elected to consider the issue of whether a cause of action was stated other than under that one section. *Pritz v. Chesnut*, 106 Ill. App. 3d 969, 62 Ill. Dec. 605, 436 N.E.2d 631 (1 Dist. 1982).

Although appellant first raised an issue in its reply brief in violation of subdivision (e)(7) of this Rule, and the appellate court would therefore be justified in considering the matter waived, in an effort to put an end to the litigation, to reach a just result, and to maintain a uniform and sound body of precedent, the court considered the issue. *Huber Pontiac, Inc. v. Wells*, 59 Ill. App. 3d 14, 16 Ill. Dec. 518, 375 N.E.2d 149 (4 Dist. 1978).

Ordinarily, an issue or theory neither advanced nor argued by a party in his brief, is deemed to have been waived; this Rule does not, however, deprive the appellate court of jurisdiction to consider and determine an issue which had not been included in the appellee's brief, if such issues do not involve problems of proof and can be decided as a matter of law. *Century Display Mfg. Corp. v. D.R. Wager Constr. Co.*, 46 Ill. App. 3d 643, 4 Ill. Dec. 913, 360 N.E.2d 1346 (1 Dist. 1977), modified on other grounds, 71 Ill. 2d 428, 17 Ill. Dec. 664, 376 N.E.2d 993 (1978).

As a general rule, new issues cannot be raised in a reply brief; that rule can be relaxed, however, if the reviewing court finds that the circumstances justify such action. *People v. Hines*, 28 Ill. App. 3d 976, 329 N.E.2d 903 (5 Dist. 1975).

Under subdivision (e)(7) and subsection (f) of this Rule the failure of an appellee to argue a point in its brief waives the issue for purposes of oral argument, however, this procedural rule does not deprive the appellate court of jurisdiction, and in its discretion, the court may determine the issue ignored in the appellee's brief. *People v. Montgomery*, 18 Ill. App. 3d 828, 310 N.E.2d 760 (1 Dist. 1974).

--LACK OF COHESIVE ARGUMENT

Although appellant's statement of the case and argument were not clearly presented, they sufficiently defined the issues so as to allow the appeal. *People ex rel. Carter v. Touchette*, 5 Ill. 2d 303, 125 N.E.2d 473 (1955).

--SANCTIONS

Although part of the appellant's brief was objectionable since it was raised as an issue for the first time in the appeal brief and was not supported by any evidence whatsoever and was purely argumentative, the motion to strike the appellant's brief was not granted. *Community Unit Sch. Dist. No. 60 v. Maclin*, 106 Ill. App. 3d 156, 62 Ill. Dec. 47, 435 N.E.2d 845 (2 Dist. 1982).

Where the defendant's brief was riddled with assertions unsupported by the record, perjurious characterizations, and other violations of this Rule, Appellate Court would have been perfectly justified in striking the brief. *People v. Willett*, 44 Ill. App. 3d 545, 3 Ill. Dec. 259, 358 N.E.2d 657 (5 Dist. 1976).

The failure of appellants to follow former Rule 39, Supreme Court Rules (see now this Rule) coupled with the divergence between their pleadings and the questions sought to be reviewed, made it incumbent upon the court to affirm the decree of the trial court pro forma. *Security Bank v. Pollard*, 3 Ill. 2d 153, 119 N.E.2d 777 (1954).

In a case where failure to comply with the rule makes it impossible for the court to determine the issues or questions sought to be raised and errors relied upon, a dismissal of the appeal, or writ of error, or an affirmance pro forma of the judgment sought to be reviewed would be justified. *Security Bank v. Pollard*, 3 Ill. 2d 153, 119 N.E.2d 777 (1954).

DISMISSAL OF APPEAL

--IN GENERAL

Where an appellant's brief fails to comply with the rule, the appeal may be dismissed. *Young v. City of Centreville*, 169 Ill. App. 3d 166, 119 Ill. Dec. 865, 523 N.E.2d 621 (5 Dist. 1988).

--CUMULATIVE VIOLATIONS

The failure of the plaintiff both in failing to file a jurisdictional statement and in failing to cite authority in his response to defendant's challenge to the jurisdiction of the appellate court resulted in the dismissal of plaintiff's appeal. *Dillard v. Kean*, 183 Ill. App. 3d 28, 131 Ill. Dec. 539, 538 N.E.2d 914 (2 Dist. 1989), appeal denied, 136 Ill. Dec. 584, 545 N.E.2d 108 (Ill. 1989).

A brief that consisted of one paragraph of argument, and did not include any citations to case authority or statute in support of plaintiff's argument as is required failed to meet the minimum standards and was dismissed. *Lazy "L" Family Preservation Trust ex rel. Tangwall v. First State Bank*, 167 Ill. App. 3d 624, 118 Ill. Dec. 130, 521 N.E.2d 198 (2 Dist. 1988).

A party's failure to state informatively the errors relied upon for reversal and to present an organized and cohesive argument in compliance with the Supreme Court Rules has been held to justify dismissal of the appeal. *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 72 Ill. Dec. 945, 453 N.E.2d 820 (1 Dist. 1983), cert. denied, 466 U.S. 951, 104 S. Ct. 2153, 80 L. Ed. 2d 539 (1984).

Where a brief submitted by defendant on appeal fails to articulate an organized and cohesive legal argument for the court's consideration and fails to comply with this Rule, in that it contains no introductory paragraph, statement of facts, citation of points and authorities and legal arguments, the appeal must be dismissed. *Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 60 Ill. Dec. 806, 433 N.E.2d 1044 (1 Dist. 1982).

Appeal would be dismissed due to appellants' cumulative violations of this Rule and Rule 342, Supreme Court Rules. *Fogel v. Hodes*, 68 Ill. App. 3d 594, 25 Ill. Dec. 118, 386 N.E.2d 389 (1 Dist. 1979).

--IMPROPER

Where none of the purported violations of Supreme Court Rules are so flagrant as to hinder or preclude review, then either the striking of a brief or the dismissal of an appeal is generally unwarranted. *In re Betts*, 155 Ill. App. 3d 85, 107 Ill. Dec. 759, 507 N.E.2d 912 (4 Dist. 1987), aff'd, 172 Ill. App. 3d 742, 122 Ill. Dec. 599, 526 N.E.2d 1138 (1988).

Fact that certain facts recited in plaintiff's brief on appeal were de hors the record was not a proper ground for striking plaintiff's appeal. *Robbins v. Robbins*, 40 Ill. App. 3d 653, 353 N.E.2d 110 (2 Dist. 1976).

An appeal will not be dismissed for failure to abstract fully matters which do not pertain to the questions presented for decision. *Winn v. Vogel*, 345 Ill. App. 425, 103 N.E.2d 673 (4 Dist. 1952).

--LACK OF COHESIVE ARGUMENT

Where the brief of respondent, on pro se appeal from a judgment of direct criminal contempt, was for the most part unintelligible, he thereby failed to comply with the requirements of this Rule and his appeal was dismissed. *People v. Carrel*, 116 Ill. App. 3d 358, 71 Ill. Dec. 872, 451 N.E.2d 1026 (5 Dist. 1983).

A reviewing court is empowered to dismiss an appeal when the appellant's presentation is so inadequate that an informed review of the issues is impossible. *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981).

Where a brief submitted by an appellant failed to articulate an organized cohesive legal argument for appellate court's consideration and met few of the criteria required for briefs under this Rule, the appeal had to be dismissed. 47th & *State Currency Exch., Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 13 Ill. Dec. 577, 371 N.E.2d 294 (1 Dist. 1977).

--NONCOMPLIANCE WITH RULES

Employer's appeal of a judgment entered in favor of a claimant in a workers' compensation matter was dismissed based on its failure to respond to an appellate court rule-to-show-cause order; the employer was required to show cause why its brief should not be stricken for failure to comply with the requirements of Ill. Sup. Ct. R. 341, 342(a) regarding the attachment of an arbitrator's decision and an Illinois Industrial Commission decision to the brief. *Keefe v. Freedom Graphic Sys.*, 348 Ill. App. 3d 591, 284 Ill. Dec. 536, 810 N.E.2d 189, 2004 Ill. App. LEXIS 517 (1 Dist. 2004).

Where defendant's appeal brief did not contain an appendix and the statement of facts was devoid of any citation to the record, appeal was dismissed for failure to comply with Supreme Court Rule 342(a) and subdivision (e)(6) of this Rule. *Collier v. Avis Rent A Car Sys.*, 248 Ill. App. 3d 1088, 188 Ill. Dec. 201, 618 N.E.2d 771 (1 Dist. 1993).

--PROPER

Where a teacher's one-page appellate brief was deficient and not in compliance with Ill. Sup. Ct. R. 341, 342, the teacher's appeal warranted dismissal. *Marzano v. Dep't of Empl. Sec.*, 339 Ill. App. 3d 858, 274 Ill. Dec. 839, 791 N.E.2d 1250, 2003 Ill. App. LEXIS 713 (1 Dist. 2003).

Because appellant failed to comply with the technical requirements necessary to the consideration of the cause by the Court of Appeals, the appeal was dismissed with prejudice. *Best Coin-Op, Inc. v. Fountains on Carriage Way Condominium Ass'n*, 239 Ill. App. 3d 1062, 180 Ill. Dec. 906, 608 N.E.2d 28 (1 Dist. 1992), appeal denied, 152 Ill. 2d 554, 190 Ill. Dec. 883, 622 N.E.2d 1200 (1993).

--UNWARRANTED CRITICISM OF JUDGE

Where the appellant's brief contained statement of facts, argument, and conclusions replete with matters dehors the record and unjustly reflected on the integrity and ability of the trial judge, which criticism was not warranted by anything in the record, the appellant's violation of the rules warranted dismissal of the appeal. *People v. Haas*, 100 Ill. App. 3d 1143, 56 Ill. Dec. 521, 427 N.E.2d 853 (1 Dist. 1981).

DISMISSAL OF BRIEF

--IMPROPER

Dismissal of defendants' brief was not warranted where defendants failed to include the introductory paragraph required by subdivision (e)(2) of this Rule and the statement of issues presented for review required by subdivision (e)(3) of this Rule, and the brief was sufficient to enable court to discern defendants' arguments and to pass on the merits of their appeal. *Young v. City of Centreville*, 169 Ill. App. 3d 166, 119 Ill. Dec. 865, 523 N.E.2d 621 (5 Dist. 1988).

--PRO SE DEFENDANT

Brief submitted by the pro se defendant failed to articulate an organized and cohesive legal argument for appellate court's consideration. *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 182 Ill. Dec. 900, 610 N.E.2d 769 (3 Dist.), appeal denied, 152 Ill. 2d 560, 190 Ill. Dec. 890, 622 N.E.2d 1207 (1993), cert. denied, 511 U.S. 1076, 114 S. Ct. 1659, 128 L. Ed. 2d 376 (1994).

FAILURE TO CITE AUTHORITY

Insurer waived review of the order debarring rejection of the arbitration award by failing to cite any authority to support his contention that an insurer had standing to appeal an adverse decision against its insured in a personal injury suit. *United Auto. Ins. Co. v. Buckley*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 1227 (1 Dist. Dec. 5, 2011).

In an action challenging a prohibition by a county on assault weapons, gun owners forfeited a state constitutional argument and an argument that the ordinance failed to provide a scienter requirement because the issues were not raised in the owners' briefs on their own merits and authority was not provided to support their arguments. *Wilson v. Cook County*, 407 Ill. App. 3d 759, 348 Ill. Dec. 160, 943 N.E.2d 768, 2011 Ill. App. LEXIS 77 (1 Dist. 2011).

Appellants forfeited an argument pursuant to Ill. Sup. Ct. R. 341(h)(7) because: (1) the appellants failed to cite any authority in their brief in support of their argument; and (2) because their argument was cursory and undeveloped. *Grimes v. Saikley*, 388 Ill. App. 3d 802, 328 Ill. Dec. 421, 904 N.E.2d 183, 2009 Ill. App. LEXIS 103 (4 Dist. 2009), appeal denied, 232 Ill. 2d 579, 2009 Ill. LEXIS 625 (2009).

Order for return of funds earlier turned over from a judgment debtor's IRA and 401(k) accounts was proper because the trial court properly looked to 735 ILCS 5/12-1006 to conclude that the retirement accounts were exempt assets under 735 ILCS 5/2-1402; there was no merit in the judgment creditor's contention that supplementary proceedings under 735 ILCS 5/2-1402 to collect on a judgment should have been read without any regard to 735 ILCS 5/12-1006 that addressed enforcement of judgments against retirement plans. The judgment creditor presented no authority for his claims that assets must have been for use as retirement funds to be exempt and that because the accounts holding the exempt funds were liquidated pursuant to court order, the funds lost their exempt status and were subject to turnover as cash assets and there was no reason for the appellate court to address those issues further. *Dowling v. Davis*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 1358 (1 Dist. Sept. 8, 2008).

Where a former attorney failed to cite and apply precedent about statutory interpretation and the concept of mootness to an argument on appeal with respect to those issues, such issue was waived for purposes of review. *Engel v. Loyfman*, 383 Ill. App. 3d 191, 321 Ill. Dec. 911, 890 N.E.2d 633, 2008 Ill. App. LEXIS 539 (1 Dist. 2008).

As a property owner failed to cite to any authority in its brief to support its claim that the admission of evidence of other property that received tax-exempt status would have supported its claim on appeal regarding the denial of its exemption request, pursuant to Ill. Sup. Ct. R. 341(h)(7) the owner forfeited the issue for purposes of appeal. *Three Angels Broad. Network, Inc. v. Dep't of Revenue*, 381 Ill. App. 3d 679, 319 Ill. Dec. 283, 885 N.E.2d 554, 2008 Ill. App. LEXIS 293 (1 Dist. 2008), appeal denied, 229 Ill. 2d 661, 325 Ill. Dec. 16, 897 N.E.2d 264, 2008 Ill. LEXIS 1156 (2008).

Appellate court was not required to consider issues that the parents, in their medical malpractice case involving the birth of their infant, raised in their post-trial motion or their appellants' brief, as most of the objections were waived due to the parents' failure to properly raise them in either the post-trial motion or on appeal; the appellate court was entitled to have the issues supported with citations to pertinent authority, which the parents largely did not provide. *Lopez v. Northwestern Mem'l Hosp.*, 375 Ill. App. 3d 637, 313 Ill. Dec. 796, 873 N.E.2d 420, 2007 Ill. App. LEXIS 817 (1 Dist. 2007).

Because a city cited no authority to support one of its arguments on appeal, the argument was waived under Rule 341(e)(7), *Supreme Court Rules*. *Bigelow v. City of Rolling Meadows*, 372 Ill. App. 3d 60, 309 Ill. Dec. 858, 865 N.E.2d 221, 2007 Ill. App. LEXIS 243 (1 Dist. 2007).

Where an appealing party contended that the trial court was divested of any jurisdiction to hear the non-appealing party's motion to correct the record to designate the proper party against whom judgment was entered, where the motion to correct was filed after the notice of appeal, but no legal authority or record evidence to support the argument was submitted, the argument was not properly supported as required by Ill. Sup. Ct. R. 341(e) and was not considered on appeal. *Anderson v. Alberto-Culver USA, Inc.*, 337 Ill. App. 3d 643, 273 Ill. Dec. 404, 789 N.E.2d 304, 2003 Ill. App. LEXIS 273 (1 Dist. 2003).

A judgment debtor and spouse's argument on appeal that the trial court had no jurisdiction to enter a judgment against the spouse's interest in property because the spouse was never properly joined as a party defendant failed, where no authority was cited in compliance with Rule 341(e)(7). *La Salle Bank v. DeCarlo*, 336 Ill. App. 3d 280, 270 Ill. Dec. 636, 783 N.E.2d 211, 2003 Ill. App. LEXIS 51 (2 Dist. 2003).

Insurer's contention, that circuit erred in finding that a check issued to the insurer, its insureds and the insured's attorney in the amount of the insurer's subrogation lien satisfied the insurer's subrogation rights and relieved the tortfeasor's insurer of its obligation to proceed under an arbitration agreement, was waived pursuant to Rule 341(e)(7), Supreme Court Rules, because the insurer cited only a general statutory provision and did not cite any specific, relevant authority in support of its contention; therefore, the issue was waived. *Country Mut. Ins. Co. v. Birner*, 293 Ill. App. 3d 452, 228 Ill. Dec. 161, 688 N.E.2d 859, 1997 Ill. App. LEXIS 874 (1 Dist. 1997).

Although defendants asserted that box cutter was not sufficiently proved to be the weapon used against victim, the defendants waived this issue by failing to cite a single case dealing with the identification of a crime weapon or any other evidence. *People v. Underwood*, 263 Ill. App. 3d 780, 200 Ill. Dec. 410, 635 N.E.2d 749 (1 Dist.), appeal denied, 157 Ill. 2d 519, 205 Ill. Dec. 182, 642 N.E.2d 1299 (1994).

Where plaintiffs failed to cite authority in support of argument it was waived. *Weidner v. Szostek*, 245 Ill. App. 3d 487, 185 Ill. Dec. 438, 614 N.E.2d 879 (2 Dist. 1993).

FAILURE TO INCLUDE

Where an appellee did not file a brief on appeal but filed a petition for rehearing, an answer to the appellant's petition for rehearing, and a reply to the appellant's answer to the appellee's petition; the appellate court considered the claims the appellee raised in the petition for rehearing only as to points the appellee may have overlooked or misapprehended in the appellate court's initial decision, while keeping in mind that reargument of the case was not to be made in the petition. *Getto v. City of Chi.*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2009 Ill. App. LEXIS 347 (1 Dist. June 1, 2009).

Where automobile owner sought to challenge the use of unconstitutionally obtained evidence in an administrative hearing, his failure to cite any authority for his claim under the state constitution required that the court address his claim only under the federal constitution. *McCullough v. Knight*, 293 Ill. App. 3d 591, 228 Ill. Dec. 209, 688 N.E.2d 1186, 1997 Ill. App. LEXIS 819 (1 Dist. 1997).

FAILURE TO JOIN

A failure to join alleged tort victims cannot be raised for the first time on appeal when there is no contention by any party that material rights were affected. *P & A Floor Co. v. Burch*, 289 Ill. App. 3d 81, 224 Ill. Dec. 546, 682 N.E.2d 107 (1 Dist. 1997).

FORM AND CONTENT

--IN GENERAL

Section of brief which was unintelligible and noncompliant with Ill. Sup. Ct. R. 341(e)(1) was stricken; however, since the record was short and the issues were simple, the appellate court addressed the merits of the appellate issues. *Ungaretti & Harris v. Piech*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2003 Ill. App. LEXIS 5 (1 Dist. Jan. 10, 2003).

A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research. *People v. Hood*, 210 Ill. App. 3d 743, 155 Ill. Dec. 228, 569 N.E.2d 228 (4 Dist. 1991).

The purpose of subsection (e) of this Rule is to require parties to proceedings before a reviewing court to present clear and orderly arguments for that court's consideration. *People v. Carrel*, 116 Ill. App. 3d 358, 71 Ill. Dec. 872, 451 N.E.2d 1026 (5 Dist. 1983).

Subsection (e) of this Rule is not an arbitrary exercise of the Supreme Court's supervisor powers; its purpose is to require parties to proceedings before a reviewing court to present clear and orderly arguments for that court's consideration. *Wilson v. Illinois Benedictine College*, 112 Ill. App. 3d 932, 68 Ill. Dec. 257, 445 N.E.2d 901 (2 Dist. 1983).

Reviewing courts are entitled to have briefs submitted that present an organized and cohesive legal argument in accordance with the Supreme Court Rules. Strict adherence to this standard is necessary to expedite and facilitate the administration of justice. *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 72 Ill. Dec. 945, 453 N.E.2d 820 (1 Dist. 1983), cert. denied, 466 U.S. 951, 104 S. Ct. 2153, 80 L. Ed. 2d 539 (1984).

Court will not research and argue a case for appellant, and this is especially true where the court's decision has such

potentially significant ramifications. *Consultants & Adm'rs, Inc. v. Department of Ins.*, 103 Ill. App. 3d 920, 59 Ill. Dec. 549, 431 N.E.2d 1306 (1 Dist.), cert. denied, 459 U.S. 910, 103 S. Ct. 216, 74 L. Ed. 2d 172 (1982).

Reviewing courts are entitled to have briefs submitted that articulate and present an organized and cohesive legal argument in accordance with the applicable *Supreme Court Rules*. *In re Souleles*, 111 Ill. App. 3d 865, 67 Ill. Dec. 485, 444 N.E.2d 721 (1 Dist. 1982).

The appellate court prefers the correlation of the "Argument" portion of the brief with the "Points and Authorities," and that it contain the contentions of the parties and the reasons therefor with the appropriate citations and record references. *Colville v. City of Rochelle*, 130 Ill. App. 2d 541, 268 N.E.2d 222 (2 Dist. 1970).

--ADMONISHMENTS ONLY

Although failure to comply with supreme court rules governing briefs can warrant dismissal of the appeal, the rules are not a limitation upon the jurisdiction of the court of review, but rather are admonishments to the parties; appellate court declined to punish plaintiff for the sins of her attorney by dismissing appeal. *Roberts v. Dow Chem. Co.*, 244 Ill. App. 3d 253, 185 Ill. Dec. 118, 614 N.E.2d 252 (1 Dist.), appeal denied, 152 Ill. 2d 579, 190 Ill. Dec. 910, 622 N.E.2d 1227 (1993).

--ARGUMENTATIVE FACTS

Car buyer's "motion" incorporated into the car buyer's brief, to strike or ignore argument contained in the credit company and car seller's statement of facts, was not properly filed pursuant to 735 ILCS 5/2-620 and Ill. Sup. Ct. R. 361(a) because the car buyer's brief did not comply with the state supreme court rules. Specifically, the car buyer's arguments and commentary pursuant to Ill. Sup. Ct. R. 341(h)(6) had to be confined to the argument section of the brief, and, instead, the car buyer's "motion" was incorporated into the brief itself. *Ford Motor Credit Co. v. Cornfield*, 395 Ill. App. 3d 896, 335 Ill. Dec. 327, 918 N.E.2d 1140, 2009 Ill. App. LEXIS 1094 (2 Dist. 2009).

While the recitation of the facts by plaintiffs parks groups and members were generally accurate, it was argumentative and in violation of Sup. Ct. R. 341, but the court declined to strike the plaintiffs' factual summary and admonished counsel to be mindful in the future of the requirement to eschew argument. *Friends of the Parks v. Chi. Park Dist.*, 203 Ill. 2d 312, 271 Ill. Dec. 903, 786 N.E.2d 161, 2003 Ill. LEXIS 451 (2003).

--ATTACHMENT OUTSIDE RECORD

The practice of attaching many items to their later briefs, which were not part of the record, purporting to show defendant's assets, was disapproved. *Levy v. Markal Sales Corp.*, 268 Ill. App. 3d 355, 205 Ill. Dec. 599, 643 N.E.2d 1206 (1 Dist. 1994), appeal denied, 161 Ill. 2d 527, 208 Ill. Dec. 361, 649 N.E.2d 417 (1995), cert. denied, 516 U.S. 861, 116 S. Ct. 171, 133 L. Ed. 2d 112 (1995).

--CITATIONS

Plaintiffs cited to the record in their brief where it was appropriate for them to do so as required under this Rule, so the defendant's contention was without merit. *Jeffrey M. Goldberg & Assocs. v. Collins Tuttle & Co.*, 264 Ill. App. 3d 878, 202 Ill. Dec. 367, 637 N.E.2d 1103 (1 Dist. 1994).

Defendants violated subsection (d) because they failed to give the cite to the official reporter. *Chicago Title & Trust Co. v. Weiss*, 238 Ill. App. 3d 921, 179 Ill. Dec. 78, 605 N.E.2d 1092 (2 Dist. 1992).

An appellate court may take cognizance of only those contentions which are supported by the record and counsel cannot supplement the record by unsupported statements in either his brief or argument. *Witek v. Leisure Technology Midwest, Inc.*, 39 Ill. App. 3d 637, 350 N.E.2d 242 (2 Dist. 1976).

--DICTION

While the language used in the brief of an appellant was informal, and while more formal language was preferred, there was no requirement of the use of any particular language. *Moore v. Monarch Distributing Co.*, 309 Ill. App. 339, 32 N.E.2d 1019 (4 Dist. 1941).

--FOOTNOTES

Although in defendants' opening brief there were 17 single-spaced footnotes in the statement of facts alone that were used to annotate the statement of facts and the facts of the case were not so complex that these footnotes were needed or desirable, because the appellate court was able to glean the necessary facts from the record, the court elected to consider the appeal on the merits. *Beitner v. Marzahl*, 354 Ill. App. 3d 142, 289 Ill. Dec. 466, 819 N.E.2d 1266, 2004 Ill. App. LEXIS 1497 (2 Dist. 2004).

The court, on its own motion, struck all footnotes in a reply brief where the 27 page brief contained 15 single-spaced footnotes which contained, for the most part, substantive material that should have been presented in the body of the brief, and the brief would have exceeded the page limitation if the substantive material had been so presented. *Lundy v. Farmers Group*, 322 Ill. App. 3d 214, 255 Ill. Dec. 733, 750 N.E.2d 314, 2001 Ill. App. LEXIS 390 (2 Dist. 2001).

In the future, the Appellate Court may simply disregard footnotes when parties use them in violation of this Rule; of course, the best way for a party to ensure that the Appellate Court does not disregard some portion of its brief is to refrain from using any footnotes at all. *Van Winkle v. Owens-Corning Fiberglas Corp.*, 291 Ill. App. 3d 165, 225 Ill. Dec. 482, 683 N.E.2d 985 (4 Dist. 1997).

Defendant's brief contained 12 footnotes and its reply brief contained 18; all were single spaced, and many contained substantive argument that should be presented in the body of the brief and this simply cannot be characterized as using footnotes "sparingly". *Van Winkle v. Owens-Corning Fiberglas Corp.*, 291 Ill. App. 3d 165, 225 Ill. Dec. 482, 683 N.E.2d 985 (4 Dist. 1997).

It has been said that anyone who reads a footnote would answer a knock at the hotel room door on his or her wedding night; plaintiff's brief contained 30 footnotes, defendant's brief contained 25 footnotes and plaintiff's reply brief contained 20 footnotes, this was too much "knocking." *Zurich Ins. Co. v. Baxter Int'l Inc.*, 275 Ill. App. 3d 30, 211 Ill. Dec. 790, 655 N.E.2d 1173 (2 Dist. 1995), modified on other grounds, 173 Ill. 2d 235, 218 Ill. Dec. 942, 670 N.E.2d 664 (1996).

Defendants' use of footnotes violated subsection (a). *Lagen v. Balcov Co.*, 274 Ill. App. 3d 11, 210 Ill. Dec. 773, 653 N.E.2d 968 (2 Dist. 1995).

A "footnote" approach to getting around the page limitations is a violation of the spirit, and probably of the letter of the law and is not favored. *Jacobson v. Marks*, 231 Ill. App. 3d 313, 172 Ill. Dec. 356, 595 N.E.2d 717 (2 Dist.), appeal denied, 146 Ill. 2d 628, 176 Ill. Dec. 799, 602 N.E.2d 453 (1992).

The use of 100 footnotes in the three appellate briefs violated this Rule that footnotes be used sparingly, if at all. *Getschow v. Commonwealth Edison Co.*, 111 Ill. App. 3d 522, 67 Ill. Dec. 343, 444 N.E.2d 579, 1982 Ill. App. LEXIS 2616 (1 Dist. 1982), aff'd in part and rev'd in part on other grounds, 77 Ill. Dec. 83, 459 N.E.2d 1332 (1984).

--INSUFFICIENT BRIEF

Various arguments raised by the taxpayer were not addressed on appeal, because those contentions did not meet the requirements of Ill. Sup. Ct. R. 341 (h)(7); to the extent the appellate court was able to ascertain the contentions on appeal, the appellate court would address them. *United Legal Found. v. Pappas*, Ill. App. 3d , 351 Ill. Dec. 727, 952 N.E.2d 100, 2011 Ill. App. LEXIS 549 (1 Dist. 2011).

Appellate court refused to address the assertion the wife was a proper plaintiff even though she did not sign the home inspection contract, because in direct violation of Ill. Sup. Ct. R. 341(h)(7), the homeowners' argument was merely stated and was not supported with coherent argument or any citation to authority. *Zerjal v. Daech & Bauer Constr., Inc.*, 405 Ill. App. 3d 907, 345 Ill. Dec. 887, 939 N.E.2d 1067, 2010 Ill. App. LEXIS 1269 (5 Dist. 2010).

Although the appellate court could have declined to review the landlord's appellate contentions because the landlord, appearing pro se, failed to comply with state supreme court procedural rules regarding the prosecution of appeals, that failure did not keep the appellate court from understanding the issues and, thus, it agreed to consider the merits. However, the appellate court noted that the landlord's brief did not contain an appendix that included a copy of the judgment appealed from, the notice of appeal, and a complete table of contents, as required by Ill. Sup. Ct. R. 342(a), and the brief also contained factual allegations unsupported by the record on appeal, failed to provide page citations to portions of the record supporting the landlord's argument, and did not contain the applicable standards of review for issues raised on appeal, all of which were violations of the provisions found in Ill. Sup. Ct. R. 341. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 342 Ill. Dec. 293, 932 N.E.2d 184, 2010 Ill. App. LEXIS 652 (1 Dist. 2010).

Briefs of both defendant and the State failed to address the standard of review as required by Ill. Sup. Ct. R. 341 in a

case where the trial court granted defendant's motion to quash a second search warrant that had been executed and suppressed the evidence found as a result of it. However, the appellate court owed no deference to the magistrate regarding that second warrant, as the bare-bones affidavit supplied by a police detective to support it did not provide the magistrate with a substantial basis for determining that probable cause existed to support a search of defendant's residence. *People v. Lenyoun*, 402 Ill. App. 3d 787, 342 Ill. Dec. 172, 932 N.E.2d 63, 2010 Ill. App. LEXIS 641 (1 Dist. 2010).

Although an appellant described a trial court's denial of the appellant's motion to reopen proofs, the appellant did not identify any error in that ruling. Accordingly, the appellate court found that the point was forfeited pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *Danada Square, LLC v. KFC Nat'l Mgmt. Co.*, 392 Ill. App. 3d 598, 332 Ill. Dec. 438, 913 N.E.2d 33, 2009 Ill. App. LEXIS 422 (2 Dist. 2009).

Appellate brief of son-in-law and daughters of decedent in an estate matter was not considered because they failed to comply with subdivision (e) of this and Rule *Ill. Sup. Ct. R.342(a)* brief by failing to provide: an introductory paragraph stating the nature of the action and the judgment appealed from; a statement of the applicable standard of review; a correct statement of the basis for jurisdiction; citations to the record in the statement of facts; citations to the record in the argument portion of the brief; and a table of contents to the record or notice of appeal in the appendix. *Estate of Jackson*, 354 Ill. App. 3d 616, 290 Ill. Dec. 625, 821 N.E.2d 1199, 2004 Ill. App. LEXIS 1556 (1 Dist. 2004).

Where the portion of the brief entitled "Argument," which was less than two pages in length, made no reference to the three proposed "points" and cited no case law, the statement of facts contained no references to pages of the record on appeal, contained copies of orders rather than a summary of their content and directed the court to make "a part hereof" several documents contained within the record, this brief failed to meet the minimum standard requirements of this Rule. *United States Fid. & Guar. Co. v. Lee*, 230 Ill. App. 3d 635, 171 Ill. Dec. 809, 594 N.E.2d 1329 (1 Dist. 1992).

--PAGE LIMITATION

Appellees, not given leave by this court or by any judge of this court to file a brief longer than this Rule permits and, who have not moved to supplement the record cannot, justify inclusion of the excess materials based on Rule 342(a), Supreme Court Rules which concerns those matters which must be included as an appendix to the appellant's brief. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

A brief which exceeds page limits, contains no fewer than 10 exhibits, and appears to be slightly more than 50% as long as the entire common law record itself, is not acceptable. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

The page limits include documents from the record which are exhibits. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

Where the reply brief appellant filed was in all respects, the separate appellant's brief which the Supreme Court denied the right to file and brief violated content and page limit provisions, yet the court considered the brief with the caveat that it did not set a precedent for the consideration of brief which violate the rules in such a flagrant manner. *Herren v. Zoning Bd. of Appeals*, 4 Ill. App. 3d 342, 280 N.E.2d 463 (2 Dist. 1972).

--PRO SE LITIGANT

Appellant's brief was found to be flagrantly deficient in many respects and violative of the rules established by the Supreme Court for appellate briefs, and a pro se litigant must comply with the same rules of a procedure required of attorneys. Appellant was admonished and merits heard. *Harvey v. Carponelli*, 117 Ill. App. 3d 448, 72 Ill. Dec. 945, 453 N.E.2d 820 (1 Dist. 1983), cert. denied, 466 U.S. 951, 104 S. Ct. 2153, 80 L. Ed. 2d 539 (1984).

--PROPER

Where the judgment appealed from specifically held that the suit was properly brought as a class action, and the issue regarding propriety of a class action was argued and briefed by the defendant appellant so that there was no waiver of

that point, the legal propriety of the class suit was properly before the appellate court. *Ditland Plumbing, Inc. v. Milwaukee Elec. Tool Corp.*, 55 Ill. App. 3d 332, 13 Ill. Dec. 320, 371 N.E.2d 15 (1 Dist. 1977).

--PROPER SUPPORT OR ARGUMENT

The appellate court is entitled to have issues clearly defined and to be cited pertinent authorities; the court is not a depository in which the parties may simply raise arguments without proper support or argument. *Citicorp Sav. v. First Chicago Trust Co.*, 269 Ill. App. 3d 293, 206 Ill. Dec. 786, 645 N.E.2d 1038 (1 Dist. 1995), appeal denied, 162 Ill. 2d 565, 209 Ill. Dec. 800, 652 N.E.2d 340 (1995).

--PURPOSE

Subsection (e) of this Rule is not an arbitrary exercise of the Supreme Court's supervisory powers. Its purpose is to require parties to proceedings before a reviewing court to present clear and orderly arguments for that court's consideration. *47th & State Currency Exch., Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 13 Ill. Dec. 577, 371 N.E.2d 294 (1 Dist. 1977).

--SCOPE OF CONTENTS

Exhibits submitted are objectionable when they have no possible bearing on the issue on appeal. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

Reviewing courts are entitled to have the issues clearly defined, pertinent authorities cited, briefs are not a depository in which an appellant is to dump the entire matter of pleadings, court action, argument and research, as it were, upon the court. *In re Souleles*, 111 Ill. App. 3d 865, 67 Ill. Dec. 485, 444 N.E.2d 721 (1 Dist. 1982).

--UNNECESSARY REPETITION

Appellant's brief was in violation of this Rule where the points it set out were repetitious. *Glenos v. A.K. Mantas*, 53 Ill. App. 2d 283, 202 N.E.2d 833 (1 Dist. 1964).

INTRODUCTORY PARAGRAPH

Where the "Introduction" section in plaintiffs' reply brief was an attempt to recite the facts of the case, defendant's motion to strike this material pursuant to subdivision (e)(6) and subsection (g) was granted. *La Grange State Bank v. Village of Glen Ellyn*, 227 Ill. App. 3d 308, 169 Ill. Dec. 307, 591 N.E.2d 480 (2 Dist. 1992).

--PURPOSE

The brief statement or explanation required by this Rule was intended to provoke counsel to make an independent determination of the right to appeal prior to writing the briefs. *Waitcus v. Village of Gilberts*, 185 Ill. App. 3d 248, 133 Ill. Dec. 376, 541 N.E.2d 213 (2 Dist. 1989).

The purpose of a prior similar provision requiring a statement of the errors relied upon, as the concluding paragraph of the statement of the case in the briefs, was to advise the court and counsel what were the alleged errors relied upon on appeal are, and to limit the issues to the questions thus stated. This statement of errors relied upon takes the place of a formal assignment of errors which, under the former practice, was required to be written upon or attached to the record (see now this Rule). *Swain v. Hoberg*, 380 Ill. 442, 44 N.E.2d 38 (1942).

ISSUES NOT RAISED

Defendants forfeited the issue as to the competency of the witness's opinion testimony, because defendants failed to raise and argue the issue in their opening brief on appeal. *Hernandez v. Schering Corp.*, Ill. App. 3d , 354 Ill. Dec. 704, 958 N.E.2d 447, 2011 Ill. App. LEXIS 1055 (1 Dist. 2011).

Appellate court considered a painting seller's affidavit, as a painting owner failed to argue that issue in her brief pursuant to Ill. Sup. Ct. R. 341(h)(7) and (j); the owner did not argue that there was no showing that the affidavit could not have been provided as an exhibit with an original dismissal motion. *Wiggen v. Wiggen*, Ill. App. 3d , 352 Ill. Dec. 572, 954 N.E.2d 432, 2011 Ill. App. LEXIS 775 (2 Dist. 2011).

Argument that forfeiture provisions of 720 ILCS 5/36-1 et seq., were unconstitutional based on a failure to provide for a probable cause hearing was waived because it was not presented in a brief; moreover, the argument had already been addressed and rejected. The government was allowed to seize property subject to forfeiture without a pre-seizure meeting. *People v. 1998 Lexus GS 300*, 402 Ill. App. 3d 462, 341 Ill. Dec. 372, 930 N.E.2d 582, 2010 Ill. App. LEXIS 585 (1 Dist. 2010).

Although a reviewing court under Ill. Sup. Ct. R. 341 and Ill. Sup. Ct. R. 366(a)(5) could sometimes raise and consider unbriefed issues to provide for a just result, and to maintain a sound and uniform body of precedent, defendant could not escape defendant's conviction for possession of a controlled substance even though the appellate court reversed defendant's conviction. The appellate court did so based on an issue that had not been raised in either the trial or appellate court, and the concerns of a just result and maintenance of a sound and uniform body of precedent were not implicated. *People v. Givens*, 237 Ill. 2d 311, 343 Ill. Dec. 146, 934 N.E.2d 470, 2010 Ill. LEXIS 655 (2010).

Homeowners did not prove a 815 ILCS 505/2Q(c) violation as they did not send a written demand by certified mail to the roofing contractors; although the right to attorneys fees was not raised on appeal, it was considered under Ill. Sup. Ct. R. 341(h)(7) and 366(a)(5); since there was no private right of action under the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/10a, the owners were not entitled to attorney fees and costs. *Kunkel v. P.K. Dependable Constr., LLC*, 387 Ill. App. 3d 1153, 327 Ill. Dec. 648, 902 N.E.2d 769, 2009 Ill. App. LEXIS 44 (5 Dist. 2009).

Where a consumer had not argued any points on appeal in support of her claim of unjust enrichment, she had waived review of the claim on appeal under Ill. Sup. Ct. R. 341(h)(7). *Mulligan v. QVC, Inc.*, 382 Ill. App. 3d 620, 321 Ill. Dec. 257, 888 N.E.2d 1190, 2008 Ill. App. LEXIS 414 (1 Dist. 2008).

Telecommunications company waived its contention that the railroad company had violated the Federal Telecommunications Act of 1996, 47 U.S.C. § 253, by failing to address the issue in its brief. *MCI WorldCom Communs. v. Metra Commuter Rail Div. of the Reg'l Transp. Auth.*, 337 Ill. App. 3d 576, 272 Ill. Dec. 82, 786 N.E.2d 621, 2003 Ill. App. LEXIS 295 (2 Dist. 2003).

Argument that settlement agreements that gas company entered into with Illinois Environmental Protection Agency constituted a "legal obligation" requiring it to be indemnified under comprehensive general liability policies it had with the insurers for cleanup of its environmentally-contaminated sites was waived where that point was not raised in the gas company's opening brief and the gas company did not cite any authority for that proposition. *N. Ill. Gas Co. v. Home Ins. Co.*, 334 Ill. App. 3d 38, 267 Ill. Dec. 614, 777 N.E.2d 417, 2002 Ill. App. LEXIS 784 (1 Dist. 2002), appeal denied, 202 Ill. 2d 614, 272 Ill. Dec. 343, 787 N.E.2d 158 (2002).

Ill. Sup. Ct. R. 341(e)(7) mandates that points not argued are waived and shall not be raised in a reply brief, in oral argument, or on petition for rehearing. *Evans v. Page*, 324 Ill. App. 3d 241, 258 Ill. Dec. 24, 755 N.E.2d 105, 2001 Ill. App. LEXIS 638 (5 Dist. 2001).

Although issues not raised by appellants in their briefs are generally considered waived, appellees may urge any point in support of the judgment on appeal that is supported by the record regardless of whether the point was raised before the trial court. *Schultz v. Schultz*, 297 Ill. App. 3d 102, 231 Ill. Dec. 598, 696 N.E.2d 1169 (2 Dist. 1998).

ISSUES OF SUBSTANTIAL JUSTICE

--APPLICABILITY TO OTHER STATUTES

Rule that the appellate court will not consider a point that has not been argued, unless its responsibility for a just result and for maintenance of a sound and uniform body of precedent dictates otherwise, is applicable to appeals in the appellate court. *Village of Maywood v. Health, Inc.*, 104 Ill. App. 3d 948, 60 Ill. Dec. 713, 433 N.E.2d 951 (1 Dist. 1982).

--CRIMINAL CASES

The waiver rule is not a limitation upon the jurisdiction of the reviewing court but an admonition to the parties; thus, where defendant's petition concerns the legality and not merely the excessiveness of a sentence, in the interest of substantial justice, appellate court may choose to address it. *People v. Walsh*, 101 Ill. App. 3d 1146, 57 Ill. Dec. 257, 428 N.E.2d 937 (1 Dist. 1981), overruled on other grounds, 111 Ill. App. 3d 814, 67 Ill. Dec. 448, 444 N.E.2d 684

(1982).

Appellate court, which allowed the appellant's motion to add the issue of defense counsel's effectiveness but with the admonition that such an issue, if addressed at all, should have been raised in the reply brief, as it grew out of and was responsive to the waiver argument made by the state in its appellee's brief. *People v. Maxwell*, 89 Ill. App. 3d 1101, 45 Ill. Dec. 762, 413 N.E.2d 95 (3 Dist. 1980).

While a reviewing court will examine a record for the purpose of affirming a judgment, it should not normally search the record for unargued and unbriefed reasons to reverse a trial court judgment. In criminal cases, however, the waiver rule may be modified in certain situations whenever necessary to preserve defendant's right to a fair trial. *People v. Voda*, 70 Ill. App. 3d 430, 26 Ill. Dec. 582, 388 N.E.2d 206 (1 Dist. 1979).

In criminal cases in which the evidence is closely balanced, the reviewing court may consider errors that have not been properly preserved for review. *People v. Torres*, 47 Ill. App. 3d 101, 5 Ill. Dec. 480, 361 N.E.2d 803 (1 Dist. 1977).

Defendant's contention alleging an improper conviction upon a lesser included offense was considered on appeal, despite the fact that the issue was first raised in defendant's reply brief. *People v. Henderson*, 119 Ill. App. 2d 403, 256 N.E.2d 84 (1 Dist. 1970).

--CRIMINAL SENTENCES

Defendant's conviction was reversed since former version of the statute was declared unconstitutional, despite fact that defendant did not raise issue at trial court or on appeal. *People v. Winn*, 80 Ill. App. 3d 148, 35 Ill. Dec. 402, 399 N.E.2d 236 (5 Dist. 1979).

--DISCRETION OF COURT

Although the appellants never addressed the standard of review to be applied in their brief, provided a points and authorities section that did not specifically enumerate on which pages of the brief the various points and authorities were to be found, provided a statement of facts that did not appropriately cite to the record and was largely argumentative, provided an appendix to their brief that did not contain a table of contents or a copy of the order appealed from, and failed to include a transcript of a hearing; the appellate court considered the issues raised on their merits because they were of significant public interest. The record, though incomplete, appeared sufficient to allow the court to evaluate the appellants' claims; and the manifest efforts of the parties otherwise demonstrated serious thought and treatment. *Chicagoland Chamber of Commerce v. Pappas*, 378 Ill. App. 3d 334, 317 Ill. Dec. 113, 880 N.E.2d 1105, 2007 Ill. App. LEXIS 1285 (1 Dist. 2007).

While generally speaking a court of review should not be compelled to search the record for the purpose of sustaining the circuit court's judgment, if justice requires it is empowered to do so. *Standard Mgt. Realty Co. v. Johnson*, 157 Ill. App. 3d 919, 109 Ill. Dec. 918, 510 N.E.2d 986 (1 Dist. 1987).

Plain errors affecting substantial rights of the accused may be considered by the reviewing court notwithstanding the fact that they were not raised in the appeal. *People v. Torres*, 47 Ill. App. 3d 101, 5 Ill. Dec. 480, 361 N.E.2d 803 (1 Dist. 1977).

--DOCTRINE OF FUNDAMENTAL FAIRNESS

Although a reviewing court has responsibility for a just result and for the maintenance of a sound and uniform body of precedent, and will sometimes override a waiver under subdivision (e)(7) of this Rule, under the doctrine of fundamental fairness, that principle does not require that defendant have two appeals. *People v. Burrington*, 6 Ill. App. 3d 565, 286 N.E.2d 32 (2 Dist. 1972).

--PARENTAL RIGHTS

Although courts will not apply a more lenient standard to pro se appellants, the serious nature of parental rights and responsibilities are of deep human importance, and in such a case, a brief failing to comply with the rules nonetheless merits consideration. *People v. Hobbs*, 215 Ill. App. 3d 522, 159 Ill. Dec. 32, 575 N.E.2d 261 (4 Dist.), appeal denied, 142 Ill. 2d 651, 164 Ill. Dec. 914, 584 N.E.2d 126 (1991).

--PERSONAL JURISDICTION

Justice required that appellate court ignore the waiver rule and review the trial court's determination that personal jurisdiction had been secured over employer's workers' compensation carrier by virtue of the service upon it of the notice of the hearing on plaintiff's petition for determination of the lien because jurisdiction over a person cannot be had by serving him with a notice; a court acquires jurisdiction over a person only after proper service of summons. *Augsburg v. Frank's Car Wash, Inc.*, 103 Ill. App. 3d 329, 59 Ill. Dec. 39, 431 N.E.2d 58 (2 Dist. 1982).

--WAIVER NOT APPLICABLE

The appellate court will not consider a point that has not been argued unless its responsibility for a just result and for maintenance of a sound and uniform body of precedent dictates otherwise. *Village of Maywood v. Health, Inc.*, 104 Ill. App. 3d 948, 60 Ill. Dec. 713, 433 N.E.2d 951 (1 Dist. 1982).

Appellate courts have disregarded the waiver rule in order to achieve a just result, and they may do so for the maintenance of a sound and uniform body of precedent. *People ex rel. Resnik v. Curtis & Davis, Architects & Planners, Inc.*, 58 Ill. App. 3d 28, 15 Ill. Dec. 426, 373 N.E.2d 772 (4 Dist. 1978), modified on other grounds, 78 Ill. 2d 381, 36 Ill. Dec. 338, 400 N.E.2d 918 (1980).

The waiver rule is intended only to protect appellees from undue prejudice, and the public policy consideration inherent in suing for the recovery of large sums of public money outweighs any prejudice that may be visited upon defendants appellees if they are required to defend against such claims at trial. *People ex rel. Resnik v. Curtis & Davis, Architects & Planners, Inc.*, 58 Ill. App. 3d 28, 15 Ill. Dec. 426, 373 N.E.2d 772 (4 Dist. 1978), modified on other grounds, 78 Ill. 2d 381, 36 Ill. Dec. 338, 400 N.E.2d 918 (1980).

Although under this Rule, subsections (e)(7) and (g), points not argued in an appellant's brief are deemed waived and are not to be raised for the first time in the appellant's reply brief, however, this Rule states an admonition to the parties and not a limitation upon the jurisdiction of a reviewing court, and under this Rule a reviewing court may, in the exercise of its responsibility for a just result, ignore consideration of waiver and decide a case on grounds not properly raised or not raised at all by the parties. *Occidental Chem. Co. v. Agriprofit Sys.*, 37 Ill. App. 3d 599, 346 N.E.2d 482 (2 Dist. 1975).

The appellate court will not consider a point that has not been argued unless the court's responsibility for a just result and for the maintenance of a sound and uniform body of precedent dictates otherwise. *Kaminski v. Illinois Liquor Control Comm'n*, 20 Ill. App. 3d 416, 314 N.E.2d 290 (1 Dist. 1974).

--WRONGFUL DEATH

Loss-of-society instruction given in trial for wrongful death of a child was so fundamental an error as to be neither waived nor harmless under subdivision (e)(7) of this Rule, and was sufficient to warrant reversal. *Bullard v. Barnes*, 112 Ill. App. 3d 384, 68 Ill. Dec. 37, 445 N.E.2d 485 (4 Dist. 1983), aff'd, 102 Ill. 2d 505, 82 Ill. Dec. 448, 468 N.E.2d 1228 (1984).

JURISDICTION**--NO LIMITATION**

Subdivision (e)(7) of this Rule states an admonition to the parties, not a limitation upon the jurisdiction of the reviewing court. *People v. Pecor*, 153 Ill. 2d 109, 180 Ill. Dec. 50, 606 N.E.2d 1127 (1992).

MULTIPLE APPELLEES**--SEPARATE BRIEFS**

Former Rule 39, Supreme Court Rules (see now this Rule) did not contemplate that separate briefs could be filed on behalf of each appellee, or group of appellees; where there is a valid showing made that separate issues or questions are involved applicable to a part, but not all, of the appellees, and that such questions cannot be properly presented in one brief, because of conflicting interests as between certain appellees, the court, on motion, may grant permission to file separate briefs, but, in the absence of such showing and permission, the appellees should join in one brief. *McKey v.*

McKean, 384 Ill. 112, 51 N.E.2d 189 (1943).

NEW ISSUES

When both parties in a legal malpractice suit attempted to make arguments, for the first time, based on facts that were not part of their original briefs and were never before the court, the new facts and arguments raised by the parties in the petition for rehearing or the response were not considered by the court in issuing its modified opinion. *Wildey v. Paulsen*, 385 Ill. App. 3d 305, 323 Ill. Dec. 836, 894 N.E.2d 862, 2008 Ill. App. LEXIS 821 (1 Dist. 2008).

PROCEDURAL NATURE OF RULE

Since this Rule is an admonishment to the parties, and not a limitation upon the Supreme Court's jurisdiction, the court may consider the merits of a party's appeal, even where the appellant's brief fails to comply with Supreme Court Rules applicable to briefs. *People v. Hobbs*, 215 Ill. App. 3d 522, 159 Ill. Dec. 32, 575 N.E.2d 261 (4 Dist.), appeal denied, 142 Ill. 2d 651, 164 Ill. Dec. 914, 584 N.E.2d 126 (1991).

This Rule is an admonishment to the parties and not a limitation upon an appellate court's jurisdiction; the court may consider the merits of an appeal, despite defects in a brief, in order to achieve a just result and need for a uniform body of precedent. *Hux v. Raben*, 38 Ill. 2d 223, 230 N.E.2d 831 (1967); *In re County Treas.*, 25 Ill. App. 3d 717, 323 N.E.2d 803 (1 Dist. 1975); *People v. Torres*, 47 Ill. App. 3d 101, 5 Ill. Dec. 480, 361 N.E.2d 803 (1 Dist. 1977); *People ex rel. Resnik v. Curtis & Davis, Architects & Planners, Inc.*, 58 Ill. App. 3d 28, 15 Ill. Dec. 426, 373 N.E.2d 772 (4 Dist. 1978), modified on other grounds, 78 Ill. 2d 381, 36 Ill. Dec. 338, 400 N.E.2d 918 (1980); *Brown v. Brown*, 62 Ill. App. 3d 328, 19 Ill. Dec. 762, 379 N.E.2d 634 (2 Dist. 1978); *Dolce v. Gamberdino*, 60 Ill. App. 3d 124, 17 Ill. Dec. 274, 376 N.E.2d 273 (1 Dist. 1978); *Catalano v. Pechous*, 69 Ill. App. 3d 797, 25 Ill. Dec. 838, 387 N.E.2d 714 (1 Dist. 1978), aff'd, 83 Ill. 2d 146, 419 N.E.2d 350 (1980), cert. denied, 451 U.S. 911, 101 S. Ct. 1981, 68 L. Ed. 2d 300 (1981); *Anderson v. Smith*, 91 Ill. App. 3d 938, 47 Ill. Dec. 638, 415 N.E.2d 643 (1 Dist. 1980); *Schallau v. City of Northlake*, 82 Ill. App. 3d 456, 38 Ill. Dec. 178, 403 N.E.2d 266 (1 Dist. 1980); *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981); *Schutzenhofer v. Granite City Steel Co.*, 93 Ill. 2d 208, 66 Ill. Dec. 637, 443 N.E.2d 563 (1982); *In re Souleles*, 111 Ill. App. 3d 865, 67 Ill. Dec. 485, 444 N.E.2d 721 (1 Dist. 1982); *Pritz v. Chesnul*, 106 Ill. App. 3d 969, 62 Ill. Dec. 605, 436 N.E.2d 631 (1 Dist. 1982); *Wilson v. Illinois Benedictine College*, 112 Ill. App. 3d 932, 68 Ill. Dec. 257, 445 N.E.2d 901 (2 Dist. 1983); *People v. Dickerson*, 119 Ill. App. 3d 568, 75 Ill. Dec. 99, 456 N.E.2d 920 (1 Dist. 1983); *Bullard v. Barnes*, 112 Ill. App. 3d 384, 68 Ill. Dec. 37, 445 N.E.2d 485 (4 Dist. 1983), aff'd, 102 Ill. 2d 505, 82 Ill. Dec. 448, 468 N.E.2d 1228 (1984); *Schroeder v. Meier-Templeton Assocs.*, 130 Ill. App. 3d 554, 85 Ill. Dec. 784, 474 N.E.2d 744 (5 Dist. 1984); *Duncavage v. Allen*, 147 Ill. App. 3d 88, 100 Ill. Dec. 455, 497 N.E.2d 433 (1 Dist. 1986), appeal denied, 106 Ill. Dec. 46, 505 N.E.2d 352 (Ill. 1987); *Morris v. Doss*, 163 Ill. App. 3d 1057, 115 Ill. Dec. 119, 517 N.E.2d 321 (4 Dist. 1987); *People v. Reddick*, 123 Ill. 2d 184, 122 Ill. Dec. 1, 526 N.E.2d 141 (1988); *Choisser v. Lane*, 196 Ill. App. 3d 355, 143 Ill. Dec. 65, 553 N.E.2d 772 (3 Dist. 1990).

Compliance with former Rule 39, Supreme Court Rules (see now this Rule), was not jurisdictional, it was purely a procedural requirement designed for the convenience of the court and counsel as conducive to the ordinary presentation of cases and the administration of justice. *Joyce v. Blankenship*, 399 Ill. 136, 77 N.E.2d 325 (1948).

PURPOSE

Purpose of Rules 342(a) and 341(e), Supreme Court Rules is to require parties to proceedings before a reviewing court to present clear and orderly arguments so that the court may properly ascertain and dispose of the issues involved. *Collier v. Avis Rent A Car Sys.*, 248 Ill. App. 3d 1088, 188 Ill. Dec. 201, 618 N.E.2d 771, 1993 Ill. App. LEXIS 926 (1 Dist. 1993).

Adherence to this Rule and Rule 342(a), Supreme Court Rules, is not an inconsequential matter. The purpose of the rules is to require parties to proceedings before a reviewing court to present clear and orderly arguments so that the court may properly ascertain and dispose of the issues involved. *Zadrozny v. City Colleges*, 220 Ill. App. 3d 290, 163 Ill. Dec. 93, 581 N.E.2d 44 (1 Dist. 1991).

The purpose of this Rule is to require parties to proceedings before a reviewing court to present clear and orderly arguments so that the court may properly ascertain and dispose of the issues involved. *Young v. City of Centreville*, 169 Ill. App. 3d 166, 119 Ill. Dec. 865, 523 N.E.2d 621 (5 Dist. 1988).

The purpose of former Rule 39, Supreme Court Rules (see now this Rule) was to present the courts of review the questions which they are called upon to review, without being compelled to search the brief and argument to ascertain the issues. *Kinney v. City of Joliet*, 411 Ill. 289, 103 N.E.2d 473 (1952).

The purpose of former Rule 39, Ill.Rev.Stat., Ch. 110, para. 259.39 (see now this Rule), requiring a statement of the errors relied upon as the concluding paragraph of the statement of the case in the briefs, is to advise the court and counsel what the alleged errors relied upon on appeal are, and to limit the issues to the questions thus stated. *People v. Reck*, 392 Ill. 311, 64 N.E.2d 526 (1945), cert. denied, 328 U.S. 841, 66 S. Ct. 1015, 90 L. Ed. 1616 (1946), cert. denied, 331 U.S. 855, 67 S. Ct. 1742, 91 L. Ed. 1862 (1947).

RECORD

--INSUFFICIENT

Defendant's argument that the State waived its claim that defendant did not fully preserve the record for review by failing to present it to the trial court or to the appellate court in its initial brief was not considered by the Supreme Court where material appended to defendant's brief in support of the argument was never made part of the record. *People v. Pecor*, 153 Ill. 2d 109, 180 Ill. Dec. 50, 606 N.E.2d 1127 (1992).

REPLY BRIEF

Estate representative's reply brief improperly contained assertions that were either not in the record or were contrary to the record, contained no citations to the record, and was not strictly confined to replying to arguments raised in the appellee brief. As a result, the trial court pursuant to Ill. Sup. Ct. R. 341 had the authority to strike the brief because it contained improper contents. *Crull v. Sriratana*, 388 Ill. App. 3d 1036, 328 Ill. Dec. 673, 904 N.E.2d 1183, 2009 Ill. App. LEXIS 119 (4 Dist. 2009), appeal denied, 233 Ill. 2d 554, 335 Ill. Dec. 632, 919 N.E.2d 351, 2009 Ill. LEXIS 1465 (2009).

Designer involved in a strict liability products case was not entitled to raise in its reply brief a jury instruction issue that was not included in the opening brief it filed in the appellate court. Pursuant to Ill. Sup. Ct. R. 341(h)(7) such an issue was considered waived under those circumstances. *Burlington Northern & Santa Fe Ry. Co. v. ABC-NACO*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2008 Ill. App. LEXIS 1219 (1 Dist. Dec. 11, 2008).

Since the wife in the dissolution proceeding did not explain in the wife's opening brief why the trial court's decision ordering the husband and wife to pay their own respective attorney fees was erroneous, the wife could not pursuant to Ill. Sup. Ct. R. 341(j) address that issue for the first time in the wife's reply brief. The reply brief was supposed to be confined strictly to replying to arguments presented in the appellee's brief and, thus, the reviewing court was permitted to refuse to consider the new issue the wife raised. *In re Marriage of Holthaus*, 387 Ill. App. 3d 367, 326 Ill. Dec. 138, 899 N.E.2d 355, 2008 Ill. App. LEXIS 1137 (2 Dist. 2008).

Defendant's failure to raise an issue below or in appellate briefs was not an absolute bar to argument on appeal because defendant had a right to reply to arguments raised for the first time in the State's appellate briefs. *People v. Whitfield*, 228 Ill. 2d 502, 321 Ill. Dec. 233, 888 N.E.2d 1166, 2007 Ill. LEXIS 2047 (2007).

--ARGUING NEW ISSUES

Mother in an abuse and neglect case where the mother's three minor children were made wards of the court requested that the appellate court adopt a mixed standard of review regarding the trial court's findings that led to that disposition. However, since the mother first presented that contention in the mother's reply brief, the appellate court was required pursuant to Ill. Sup. Ct. R. 341(j) to ignore it, as the mother was not allowed to raise new arguments in a reply brief. *People v. Danielle T. (In re Alexis H.)*, 401 Ill. App. 3d 543, 340 Ill. Dec. 901, 929 N.E.2d 552, 2010 Ill. App. LEXIS 393 (1 Dist. 2010).

It is not appropriate for parties to raise entirely new arguments in the guise of "additional authority." *Economy Preferred Ins. Co. v. Grandadam*, 275 Ill. App. 3d 866, 212 Ill. Dec. 190, 656 N.E.2d 787 (3 Dist. 1995).

The general rule that points not argued in the appellant's brief are waived and shall not be raised in the reply brief is applicable to appeals in this court under the Review Law (735 ILCS 5/3-101 et seq.). *Orlowski v. Village of Villa Park Bd. of Fire & Police Comm'rs*, 273 Ill. App. 3d 42, 209 Ill. Dec. 826, 652 N.E.2d 366 (2 Dist. 1995), appeal denied, 163

Ill. 2d 564, 212 Ill. Dec. 425, 657 N.E.2d 626 (1995).

Although plaintiffs alleged new matter in their reply brief, citing a section of the Code of Civil Procedure for the first time therein, the appellate court would consider the section in any event, since it is the court's prerogative to consider points made for the first time in reply briefs, and even on the court's own motion. *Handley v. Unarco Indus., Inc.*, 124 Ill. App. 3d 56, 79 Ill. Dec. 457, 463 N.E.2d 1011 (4 Dist. 1984).

Since reply briefs are limited to responses to arguments already made, the raising of new issues is impermissible. *People v. Borges*, 88 Ill. App. 3d 912, 43 Ill. Dec. 943, 410 N.E.2d 1076 (1 Dist. 1980).

This Rule does not deny a court of review the jurisdiction to entertain issues first raised in a reply brief if justice and fairness require their consideration. *People v. Thiem*, 82 Ill. App. 3d 956, 38 Ill. Dec. 416, 403 N.E.2d 647 (1 Dist. 1980).

--IMPROPER CONTENTS

Fire protection district's motion to strike was granted, as the limited partnership improperly included in its reply brief a fire protection district resolution, a vacant land sales contract, and a warranty deed, none of which had been contained in the record; since none of the attachments to the reply brief were contained in the record, they were not properly before the appellate court and could not be used to supplement the record. *Huntley Fire Prot. Dist. v. Huntley Dev. L.P.*, 338 Ill. App. 3d 609, 273 Ill. Dec. 46, 788 N.E.2d 355, 2003 Ill. App. LEXIS 453 (2 Dist. 2003).

Reply brief was in clear violation of subdivision (e)(7) of this Rule, where it consisted almost entirely of matters outside the record and unjustified slurs against the defendant's attorney. *Athens v. Prousis*, 190 Ill. App. 3d 349, 137 Ill. Dec. 750, 546 N.E.2d 695 (1 Dist. 1989), appeal dismissed, 132 Ill. 2d 543, 144 Ill. Dec. 255, 555 N.E.2d 374 (1990).

--INEFFECTIVE ASSISTANCE OF COUNSEL

The issue of counsel's effectiveness is not a proper matter for a reply brief. *People v. Thomas*, 116 Ill. 2d 290, 107 Ill. Dec. 690, 507 N.E.2d 843 (1987), aff'd, 487 U.S. 285, 108 S. Ct. 2389, 101 L. Ed. 2d 261 (1988).

--NEW ISSUES RAISED

Terminated worker's claim that the investigation of the terminated worker's conduct regarding fellow employees and relatives of employees violated the Illinois Personnel Record Review Act, 820 ILCS 40/9, was not raised until the terminated worker did so in the terminated worker's reply brief. As a result, the issue was waived under Ill. Sup. Ct. R. 341(h)(7) because that rule dictated that the terminated worker could not wait until filing a reply brief in order to raise an issue for the first time. *Harrison v. Addington*, Ill. App. 3d , 353 Ill. Dec. 233, 955 N.E.2d 700, 2011 Ill. App. LEXIS 973 (3 Dist. 2011).

Estate's claim had to be rejected in a declaratory judgment action case involving the proper amount of professional liability insurance coverage that a policy provision did not apply to "subsequently made" related claim made during the same policy period. That argument was waived pursuant to Ill. Sup. Ct. R. 341(h)(7) because it was raised for the first time in the estate's reply brief. *Cont'l Cas. Co. v. Howard Hoffman & Assocs.*, Ill. App. 3d , 352 Ill. Dec. 975, 955 N.E.2d 151, 2011 Ill. App. LEXIS 876 (1 Dist. 2011).

Appellate court declined to consider new issues raised by the car buyers in their reply brief that had not been raised in the trial court, mentioned in the car buyers opening brief, or presented in the appellees' brief, as the reply brief was strictly confined to replying to arguments and was not about raising arguments for the first time. *Villanueva v. Toyota Motor Sales, U.S.A., Inc.*, 373 Ill. App. 3d 800, 311 Ill. Dec. 853, 869 N.E.2d 866, 2007 Ill. App. LEXIS 541 (1 Dist. 2007).

The court would refuse to strike an argument based on a case cited for the first time in the reply brief where the case was not decided until after the initial brief was filed, the appellee failed to cite the case, the case had been issued before the appellee filed its brief, and the appellee's attorney was the appellate attorney for one of the parties in that case. *State Farm Ins. Co. v. Kazakova*, 299 Ill. App. 3d 1028, 234 Ill. Dec. 88, 702 N.E.2d 254 (1 Dist. 1998).

The court would strike an argument where it was raised for the first time in the reply brief. *State Farm Ins. Co. v. Kazakova*, 299 Ill. App. 3d 1028, 234 Ill. Dec. 88, 702 N.E.2d 254 (1 Dist. 1998).

Where plaintiff requested reversal of the trial court's order denying his motion to compel for the first time in its reply brief, subsection (g) of this Rule required that portion of the brief be struck through. *Tivoli Enters., Inc. v. Brunswick*

Bowling & Billiards Corp., 269 Ill. App. 3d 638, 207 Ill. Dec. 109, 646 N.E.2d 943 (2 Dist. 1995).

Reply briefs are limited to responses to arguments already made, and the raising of new issues is impermissible. *People v. Kembrowski*, 227 Ill. App. 3d 758, 169 Ill. Dec. 795, 592 N.E.2d 282 (1 Dist. 1992).

Where an issue raised by the defendant in his reply brief could not have been raised in his brief, because the issue was based upon a fact which occurred after the defendant filed his brief, the appellate court would deny the state's motion to strike the defendant's reply brief and would consider the merits of the issue raised. *People v. Hines*, 28 Ill. App. 3d 976, 329 N.E.2d 903 (5 Dist. 1975).

--NONCOMPLIANCE WITH RULE

Defendant's claim that defendant's sentence for first degree murder was improperly enhanced by a mandatory sentencing add-on for using a firearm was waived because defendant waited until filing defendant's reply brief to raise that issue. Pursuant to Ill. Sup. Ct. R. 341(h)(7), that issue was waived because it was not argued in defendant's initial brief. *People v. Williams*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2010 Ill. App. LEXIS 313 (1 Dist. Apr. 8, 2010).

Where the estate representative's reply brief was 14 pages long, contained assertions that either were not in the record or were contrary to the record, contained no citations to the record, and did not strictly confine itself to replying to arguments raised in the appellee's brief, the reply brief did not comply with the requirements of Rule 341, Supreme Court Rules, and did not warrant consideration by the appellate court. *Crull v. Sriratana*, 376 Ill. App. 3d 803, 316 Ill. Dec. 31, 878 N.E.2d 753, 2007 Ill. App. LEXIS 1130 (1 Dist. 2007), overruled on other grounds, 229 Ill. 2d 421, 323 Ill. Dec. 2, 892 N.E.2d 994(2008).

Even though defendants' response brief did not comply with subsection (f) of this Rule, the court addressed the merits of plaintiff's contentions since the record was simple and the claimed errors were such that the court could easily decide them without the aid of defendants' brief. *Wiseman-Hughes Enter., Inc. v. Reger*, 248 Ill. App. 3d 854, 187 Ill. Dec. 589, 617 N.E.2d 1310 (2 Dist. 1993).

--NOT APPLICABLE

Issue which could reasonably be viewed as having been properly raised in defendant's reply brief since it grew out of and was responsive to the state's concession in its brief would not be stricken as waived. *People v. Brownell*, 123 Ill. App. 3d 307, 78 Ill. Dec. 817, 462 N.E.2d 936 (2 Dist. 1984).

--NOT REQUIRED

Although the appellant did not file a reply brief or ask for leave to file a supplementary brief or to supplement the record, under Rule 341(j), Supreme Court Rules, a reply brief was not required, and the appellate court proceeded without the benefit of a response argument from the appellant. *Ellison v. Ill. Racing Bd.*, 377 Ill. App. 3d 433, 316 Ill. Dec. 18, 878 N.E.2d 740, 2007 Ill. App. LEXIS 1083 (1 Dist. 2007).

--SCOPE OF CONTENTS

Plaintiff's cross appeal brief incorporated all the arguments plaintiff previously made in his reply brief and plaintiff thereby broadened the arguments in his cross appeal brief to which defendants could properly reply. *Polsky v. BDO Seidman*, 293 Ill. App. 3d 414, 227 Ill. Dec. 883, 688 N.E.2d 364 (2 Dist. 1997).

The reply brief was in violation of subdivision (e)(7) of this Rule, as it consisted of matters outside the record, and therefore stricken. *DiMaggio v. Crossings Homeowners Ass'n*, 219 Ill. App. 3d 1084, 162 Ill. Dec. 652, 580 N.E.2d 615 (2 Dist. 1991).

Subsection (g) of this Rule provides that the reply brief should be confined strictly to replying to arguments presented in appellee's brief. *People v. Cloyd*, 152 Ill. App. 3d 50, 105 Ill. Dec. 257, 504 N.E.2d 126 (1 Dist. 1987).

Ineffective assistance of counsel argument first advanced in defendant's reply brief was not "confined strictly to replying to arguments presented in the brief of the appellee" as required under this Rule. *People v. Accardo*, 139 Ill. App. 3d 813, 93 Ill. Dec. 839, 487 N.E.2d 664 (2 Dist. 1985).

The appellant's reply brief should be confined strictly to replying to arguments presented in appellee's brief. *Rome v. Commonwealth Edison Co.*, 81 Ill. App. 3d 776, 36 Ill. Dec. 894, 401 N.E.2d 1032 (1 Dist. 1980).

The reply brief, if any, shall be confined strictly to replying to arguments presented in the brief of the appellee; thus,

where in their reply brief appellants contended for the first time that petitioner failed to exhaust his administrative remedy, the point was deemed waived. *Molnar v. City of Aurora*, 38 Ill. App. 3d 580, 348 N.E.2d 262 (2 Dist. 1976).

Subsection (g) of this Rule provides that a reply brief shall be confined strictly to replying to arguments presented in the brief of the appellee. *Stewart v. Beegun*, 126 Ill. App. 2d 120, 261 N.E.2d 491 (1970).

--WAIVER

Appellate court could review the holding company's claim that the trial court erred in dismissing its spoliation of evidence claim; although the holding company's brief did not include any argument or citation to authority to support its challenge, the appellate court was authorized to disregard that the claim would ordinarily be waived under such circumstances and could, as it did, consider the claim, especially since that claim in the present case was dismissed by the trial court on the ground that dismissal of the related breach of fiduciary duty claim was proper given that the appellate court found that dismissal of the breach of fiduciary duty claim was improper. *Fuller Family Holdings, LLC v. Northern Trust Co.*, 371 Ill. App. 3d 605, 309 Ill. Dec. 111, 863 N.E.2d 743, 2007 Ill. App. LEXIS 97 (1 Dist. 2007), appeal denied, 225 Ill. 2d 632, 875 N.E.2d 1111, 2007 Ill. LEXIS 1650 (2007).

Defendant's theory that he was denied his constitutional guarantee of a speedy trial, even if he was tried within the 120 day period from date from which case had been continued could not be raised for the first time in reply brief or appeal. *People v. Taylor*, 123 Ill. App. 2d 430, 258 N.E.2d 823 (2 Dist. 1970).

STATEMENT OF FACTS

Insurers' request to strike a corporations' entire statement of facts was denied because the corporation's rendition of the facts was not so egregious as to warrant such action, but rather any inappropriate or unsupported statements would be disregarded; the insurers did not file a concurrent motion seeking to strike the corporation's statement of facts but simply made the request in their response brief. *John Crane, Inc. v. Admiral Ins. Co.*, 391 Ill. App. 3d 693, 331 Ill. Dec. 412, 910 N.E.2d 1168, 2009 Ill. App. LEXIS 288 (1 Dist. 2009).

Customer's statement of facts in the customer's opening brief in a case alleging the improper disclosure of information was argumentative in violation of Ill. Sup. Ct. R. 341(h)(6) and the appellate court thus had the inherent authority to dismiss the appeal. However, since the improprieties were not great enough, an admonishment to counsel to eschew argument in the statement of facts in the future was a sufficient sanction. *Quigg v. Walgreen Co.*, 388 Ill. App. 3d 696, 328 Ill. Dec. 759, 905 N.E.2d 293, 2009 Ill. App. LEXIS 90 (2 Dist. 2009).

In its statement of facts on the appeal of a foreclosure judgment, the mortgagee's characterization of the owner's "contradiction" bordered closely upon argument, if it did not cross into it; to the extent that the mortgagee provided argument in its statement of facts, it was disregarded, and only that portion of the statement of facts that complied with Ill. Sup. Ct. R. 341(h)(6) was considered. *LaSalle Bank v. Ferone*, 384 Ill. App. 3d 239, 322 Ill. Dec. 948, 892 N.E.2d 585, 2008 Ill. App. LEXIS 677 (1 Dist. 2008).

Appellee, a utility company, violated Rule 341, Supreme Court Rules, when, among other things, its statement of facts asserted that it was required by law to protect confidential customer information, quoted statutes that purportedly supported its position, and argued why requested information would run afoul of those statutes. The court would disregard these and other portions of the statement of facts that violated Rule 341. *Vill. of Roselle v. Commonwealth Edison Co.*, 368 Ill. App. 3d 1097, 307 Ill. Dec. 1, 859 N.E.2d 1, 2006 Ill. App. LEXIS 1032 (1 Dist. 2006).

Where the manufacturer alleged that the statement of facts contained an improper legal argument and an extensive recitation of facts that was not relevant, the manufacturer's motion to strike the statement of facts for failure to comply with Ill. Sup. Ct. R. 341(e)(6) was denied. Although the statement of facts was argumentative, it complied with Ill. Sup. Ct. R. 341(e)(6) in other respects, and the statement of facts was not so egregious as to hinder appellate review. *Arcor, Inc. v. Haas*, 363 Ill. App. 3d 396, 299 Ill. Dec. 526, 842 N.E.2d 265, 2005 Ill. App. LEXIS 1293 (1 Dist. 2005).

--IN GENERAL

There is no rule or authority that requires a complainant to state facts only found in a prior complaint. *Canel & Hale, Ltd. v. Tobin*, 304 Ill. App. 3d 906, 238 Ill. Dec. 64, 710 N.E.2d 861 (1 Dist. 1999), appeal denied, 185 Ill. 2d 619, 242 Ill. Dec. 135, 720 N.E.2d 1090 (1999).

Where the statement of facts is a fair account of the chronology in the action and is accurate in detail with proper

citation to the record, a motion to strike is therefore properly denied. *People v. Flanagan*, 201 Ill. App. 3d 1071, 147 Ill. Dec. 765, 559 N.E.2d 1105 (4 Dist. 1990), appeal denied, 135 Ill. 2d 561, 151 Ill. Dec. 387, 564 N.E.2d 842 (1990).

There were sufficient facts set forth to allow the court to review the issues raised; therefore, defendant's motion to strike plaintiff's statement of facts was denied. *Chessick v. Sherman Hosp. Ass'n*, 190 Ill. App. 3d 889, 138 Ill. Dec. 98, 546 N.E.2d 1153 (2 Dist. 1989).

The statement of facts should contain the facts necessary to understand the issues raised. *Neal v. Industrial Comm'n*, 141 Ill. App. 3d 289, 95 Ill. Dec. 651, 490 N.E.2d 124 (1 Dist. 1986).

The court is not aided by a statement of facts which is replete with argument and conclusions and contains factual assertions without appropriate references to the abstract or record. *Harper v. Kennedy*, 15 Ill. 2d 46, 153 N.E.2d 801 (1958).

--APPELLEE'S BRIEF

Court declined to strike plaintiff's statement of facts because defendants did not file a formal motion to strike the statement of facts as required and the court did not find any deficiencies in the statement of facts to be so egregious as to warrant striking it. *Borsellino v. Putnam*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 1223 (1 Dist. Dec. 2, 2011).

The appellee is not required to include a statement of facts in its brief. 177 Ill. 2d R. 341(f), but if it chooses to do so, it should comply with Ill. Sup. Ct. R. 341(e)(6), which requires that facts be stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal. *Amcore Bank, N.A. v. Hahnman-Albrecht, Inc.*, 326 Ill. App. 3d 126, 259 Ill. Dec. 694, 759 N.E.2d 174, 2001 Ill. App. LEXIS 861 (2 Dist. 2001), appeal denied, 198 Ill. 2d 611, 264 Ill. Dec. 323, 770 N.E.2d 217 (2002).

--ARGUMENTATIVE WORDS

Appellate court granted the respective property developers and associated individuals' motion to strike the Statement of Facts section filed by the board of managers, as most of the Statement of Facts section in its brief was argumentative and confusing, which meant that review was not merited in that regard. *Bd. of Managers v. Wabash Loftominium, L.L.C.*, 376 Ill. App. 3d 185, 315 Ill. Dec. 65, 876 N.E.2d 65, 2007 Ill. App. LEXIS 944 (1 Dist. 2007), appeal denied, 2007 Ill. LEXIS 1773 (Ill. 2007).

Although appellee's statement of facts fleshed out the evidence more than was justified by the record and tended to be phrased in conclusional terms, where it nonetheless was supported by appropriate record references and was not so flagrantly argumentative or conclusional as to hinder or preclude review, motion to strike the statement would be denied. *Koplin v. Hinsdale Hosp.*, 207 Ill. App. 3d 219, 151 Ill. Dec. 685, 564 N.E.2d 1347 (2 Dist. 1990).

Warning, not striking of appellant's brief, was appropriate sanction, where appellant's statement of the facts was extremely argumentative. *Midland Hotel Corp. v. Reuben H. Donnelley Corp.*, 149 Ill. App. 3d 53, 103 Ill. Dec. 742, 501 N.E.2d 1280 (1 Dist. 1986), modified on other grounds, 118 Ill. 2d 306, 515 N.E.2d 61 (1987).

Use of the words "claims," "alleges," "allegedly," "purported," "purportedly," "acknowledged," or "further acknowledged" by the state in its statement of defendant's evidence was clearly argumentative and in direct violation of this Rule. *People v. Madden*, 52 Ill. App. 3d 951, 10 Ill. Dec. 789, 368 N.E.2d 384 (1 Dist. 1977).

--ATTEMPTS TO PREJUDICE COURT

In the statement of facts attorneys can properly present evidence that is favorable to their clients but not at the cost of this court's understanding of the case in the hope that obfuscation, selection, and premature argument can persuade appellate judges to reach conclusions rejected by a trier of fact. *Midland Hotel Corp. v. Reuben H. Donnelley Corp.*, 149 Ill. App. 3d 53, 103 Ill. Dec. 742, 501 N.E.2d 1280 (1 Dist. 1986), modified on other grounds, 118 Ill. 2d 306, 515 N.E.2d 61 (1987).

Although the statement of the facts in defendant's brief was clearly an attempt to prejudice the court against plaintiff's theory of damages, rather than present the facts accurately and fairly without argument or comment as required by the rule, plaintiff's motion to strike was denied. *Midland Hotel Corp. v. Reuben H. Donnelley Corp.*, 149 Ill. App. 3d 53, 103 Ill. Dec. 742, 501 N.E.2d 1280 (1 Dist. 1986), modified on other grounds, 118 Ill. 2d 306, 515 N.E.2d 61 (1987).

--CITATION OF RECORD

The plaintiff's statement of facts on appeal substantially complied with subdivision (e)(6) of this Rule, where her statement of facts cited the appropriate references in the record. *Sauers v. City of Woodstock*, 113 Ill. App. 3d 892, 68 Ill. Dec. 725, 446 N.E.2d 896 (2 Dist. 1983).

Where portions of the appellants' statement of facts were unsupported by the record, the appellate court would not consider those portions on appeal. *Finance Am. Com. Corp. v. Econo Coach, Inc.*, 95 Ill. App. 3d 185, 50 Ill. Dec. 667, 419 N.E.2d 935 (2 Dist. 1981).

Even if a dissolution order had been properly appealed, dismissal of the appeal would have been warranted by the failure to comply with the requirements of this Rule and Rule 342, Supreme Court Rules, because both parties failed to include any reference to the pages of the record in making their statement of facts. *In re Roberts*, 84 Ill. App. 3d 538, 40 Ill. Dec. 300, 406 N.E.2d 1 (1 Dist. 1980).

--CONCLUSIVE STATEMENTS

While some of the comments appearing throughout the plaintiffs' statement of facts were highly conclusory and therefore inappropriate for a proper appellate brief, the brief did comply with this Rule in other respects by making reference to the record and by setting forth other fairly innocuous representations of fact and none of the purported violations were so flagrant as to hinder or preclude review. *James ex rel. James v. Yasunaga*, 157 Ill. App. 3d 450, 109 Ill. Dec. 663, 510 N.E.2d 531 (4 Dist.), appeal denied, 113 Ill. Dec. 300, 515 N.E.2d 109 (Ill. 1987).

--FLAGRANT VIOLATIONS

In a case like this one, where the trial court heard conflicting testimony, a statement of facts that recites only the evidence favorable to the appellant is a flagrant and inexcusable violation of Ill. Sup. Ct. R. 341(h)(6). *People v. Bavone*, 394 Ill. App. 3d 374, 334 Ill. Dec. 42, 916 N.E.2d 75, 2009 Ill. App. LEXIS 912 (2 Dist. 2009).

--INCLUSION IN ARGUMENT

An appellee could recite facts in the argument portion of the brief if those facts fairly recounted the testimony at trial where, although within its argument, this inclusion did not interfere with the appellate court's understanding of the issues raised or the evidence presented. *People v. DeRossett*, 237 Ill. App. 3d 315, 178 Ill. Dec. 244, 604 N.E.2d 500 (4 Dist. 1992).

--INSUFFICIENT

Where plaintiff's statement of facts was replete with argument and comment, and made few references to the pages of the record on appeal, such statement of facts violated subdivision (e)(6). *Bank of Chicago v. Park Nat'l Bank*, 277 Ill. App. 3d 167, 213 Ill. Dec. 762, 660 N.E.2d 19 (1 Dist. 1995), appeal denied, 167 Ill. 2d 549, 217 Ill. Dec. 662, 667 N.E.2d 1055 (1996).

The statement of facts submitted by appellant was incomplete and failed to contain the facts necessary to an understanding of the case, as mandated by subdivision (e)(6) of this Rule, however, this did not deter the court from reaching the merits of the case. *Vasco Trucking, Inc. v. Parkhill Truck Co.*, 6 Ill. App. 3d 572, 286 N.E.2d 383 (4 Dist. 1972).

--MINOR VIOLATIONS

Where improper comments and inaccurate statements were not so misleading as to hinder analysis, the statement was stricken in its entirety, but portions not comporting with rules were disregarded. *Merrifield v. Illinois State Police Merit Bd.*, 294 Ill. App. 3d 520, 229 Ill. Dec. 255, 691 N.E.2d 191 (4 Dist. 1998), appeal denied, 177 Ill. 2d 572, 232 Ill. Dec. 453, 698 N.E.2d 544 (1998).

A statement of facts will not be stricken when there are no rules violations so flagrant as to hinder or preclude review, and a reviewing court disregards inappropriate statements contained in either brief. *Lock 26 Constructors v. Industrial Comm'n*, 243 Ill. App. 3d 882, 184 Ill. Dec. 113, 612 N.E.2d 989 (5 Dist. 1993).

--MISLEADING

In a dispute concerning the disqualification of an attorney and a firm from representing an employee in a wrongful discharge action, where the employee's reply brief referred to facts that were not of record and contained misleading and irrelevant arguments, the court struck those portions of the brief pursuant to Rule 341(g), Supreme Court Rules; the employee's reply to the motion to strike was denied as untimely pursuant to Rule 361(b)(2), Supreme Court Rules because it was filed one day beyond the prescribed deadline. *Franzoni v. Hart Schaffner & Marx*, 312 Ill. App. 3d 394, 244 Ill. Dec. 744, 726 N.E.2d 719, 2000 Ill. App. LEXIS 155 (1 Dist. 2000).

Nothing in the statement of facts was so misleading as to interfere with or preclude the court's review, therefore, it was not necessary to strike the statement of facts. *Oliver Constr. Co. v. Village of Villa Park*, 257 Ill. App. 3d 750, 195 Ill. Dec. 891, 629 N.E.2d 199 (2 Dist. 1994).

--MISSTATEMENT OF FACTS

Plaintiffs' assertion that portions of defendants' brief should be stricken under this Rule because it only referred to facts favorable to defendants was without merit, as both the plaintiffs' and the defendants' briefs set forth facts which are advantageous to each and omitted facts which may have been harmful to their respective cases. *Schnuck Mkts., Inc. v. Soffer*, 213 Ill. App. 3d 957, 157 Ill. Dec. 705, 572 N.E.2d 1169 (5 Dist.), appeal denied, 141 Ill. 2d 560, 162 Ill. Dec. 508, 580 N.E.2d 134 (1991).

Where, in an appellate brief, a party asserted certain facts in his statement of facts which were not supported by the record and in several instances, asserted facts contrary to the testimony given at depositions, those portions of the brief which did not accurately state the facts as provided for by this Rule were stricken. *Brazinski v. Transport Serv. Co.*, 159 Ill. App. 3d 1061, 111 Ill. Dec. 830, 513 N.E.2d 76 (1 Dist.), appeal denied, 117 Ill. 2d 542, 115 Ill. Dec. 398, 517 N.E.2d 1084 (1987).

To assert in argument the existence of documents purportedly in the record, when no such documents exist, was misleading to the court. It was difficult to see how this could have been an inadvertence. The appellate court condemned the practice. *Davis v. Davis*, 131 Ill. App. 2d 459, 268 N.E.2d 491 (1 Dist. 1971).

Counsel, out of their duty to the court, shall not deliberately make misstatements of fact. *Davis v. Davis*, 131 Ill. App. 2d 459, 268 N.E.2d 491 (1 Dist. 1971).

--PLEADINGS

Remarks in Statement of Facts, which were taken virtually verbatim from pleadings included in the record on appeal, did not interfere with court's review, and need not have been stricken. *Cottrill v. Russell*, 253 Ill. App. 3d 934, 192 Ill. Dec. 733, 625 N.E.2d 888 (4 Dist. 1993).

--SANCTIONS

Although the plaintiff's statement of facts contained an improper argument or comment, it was not necessary to strike the statement of facts; instead, the improper remarks should simply be disregarded. *Canel & Hale, Ltd. v. Tobin*, 304 Ill. App. 3d 906, 238 Ill. Dec. 64, 710 N.E.2d 861 (1 Dist. 1999), appeal denied, 185 Ill. 2d 619, 242 Ill. Dec. 135, 720 N.E.2d 1090 (1999).

A statement of facts can contain neither argument nor comment; although appellate courts have been reluctant to impose sanctions for this type of violation, sanctions may become necessary to enforce respect for the rule. *Sherman Hosp. v. Wingren*, 169 Ill. App. 3d 161, 119 Ill. Dec. 752, 523 N.E.2d 220 (2 Dist. 1988).

--SUFFICIENT

Motion to strike denied because factual averments were not in violation of subdivision (e)(6) of this Rule and the argumentative statements were not so flagrant as to hinder review. *Marinelli v. Human Rights Comm'n*, 262 Ill. App. 3d 247, 199 Ill. Dec. 624, 634 N.E.2d 463 (2 Dist. 1994).

--SUPPLEMENT

Nothing in Rule 341(f) requires the appellee to formally object to the appellant's statement of facts before submitting a supplement. *Peerless Enter. v. Kruse*, 317 Ill. App. 3d 133, 250 Ill. Dec. 519, 738 N.E.2d 988, 2000 Ill. App. LEXIS 842 (2 Dist. 2000).

STATEMENT OF ISSUES

--IN GENERAL

This Rule specifically requires an appellant to set forth in his brief a statement of the issue or issues presented for review; neither the appellee nor the reviewing court should have the burden of speculating as to what possible errors may have been committed. *Clore v. Fredman*, 13 Ill. App. 3d 913, 301 N.E.2d 15 (3 Dist. 1973), rev'd on other grounds, 59 Ill. 2d 20, 319 N.E.2d 18 (1974).

Where the questions sought to be raised on review and the errors relied upon for reversal clearly appear from an examination of the entire brief, although not contained in a formal statement as the concluding subdivision of the state of the case, the appeal will not be dismissed for failure to comply with the rule; however, dismissal of the appeal is proper where the grounds for appeal do not clearly appear. *People ex rel. McWard v. Chicago & Ill. M. Ry.*, 388 Ill. 325, 57 N.E.2d 853 (1944).

--SCOPE OF CONTENTS

Appellees are not required to be placed in a position where they must be ready to present arguments and authorities to the reviewing court on every conceivable error that may have occurred in the trial court; it is fundamental that the appellant can claim error but if he does so he must comply with this Rule, for failure to do so would be doing violence to the principles of judicial review. *Clore v. Fredman*, 13 Ill. App. 3d 913, 301 N.E.2d 15 (3 Dist. 1973), rev'd on other grounds, 59 Ill. 2d 20, 319 N.E.2d 18 (1974).

STATEMENT OF JURISDICTION

--IN GENERAL

This Rule requires that an appellant's brief contain a statement of jurisdiction. *LaFata v. Village of Lisle*, 185 Ill. App. 3d 203, 133 Ill. Dec. 373, 541 N.E.2d 210 (2 Dist. 1989), aff'd, 137 Ill. 2d 347, 148 Ill. Dec. 732, 561 N.E.2d 38 (1990).

--ARGUMENT REQUIRED

While the "Jurisdiction" section of an appellee's brief may challenge a statement of jurisdiction in the appellant's brief, so doing does not relieve the appellee of the responsibility of discussing the issue and appropriate authority in the "Argument" section of the appellee's brief. *People v. Rideout*, 193 Ill. App. 3d 884, 140 Ill. Dec. 747, 550 N.E.2d 632 (4 Dist. 1990).

--DUTY OF COURT

Where the State did not include in its appellate brief a statement of jurisdiction under Ill. Sup. Ct. R. 341(e)(4)(ii), and neither of the parents raised the issue, the appellate court had an independent duty to consider whether it had jurisdiction over the appeal and to dismiss the appeal if it found that jurisdiction was lacking. *People ex rel. Devine v. Tiara W. (In re Tiona W.)*, 341 Ill. App. 3d 615, 275 Ill. Dec. 625, 793 N.E.2d 105, 2003 Ill. App. LEXIS 781 (1 Dist. 2003).

--IMPROPER FORM

Plaintiff's brief was not stricken where rather than setting forth a brief statement of the basis for appeal under the heading "Jurisdiction," plaintiff set forth a brief statement of the basis for appeal under the heading "Nature of the Action" which set forth a proper basis for appeal. *Lindahl v. City of Des Plaines*, 210 Ill. App. 3d 281, 154 Ill. Dec. 857, 568 N.E.2d 1306 (1 Dist. 1991).

--INSUFFICIENT

Appellant's brief was required to contain a jurisdictional statement, citing the law that is the basis for the appeal and was deficient with respect to the cite form. *In re Morse*, 240 Ill. App. 3d 296, 180 Ill. Dec. 563, 607 N.E.2d 632 (2 Dist. 1993).

--PURPOSE

Failure to provide a court of review with a brief in compliance with the rules needlessly complicates and extends the appeal process by burdening the court with satellite issues not relevant to the substantive ones on appeal; in addition, where an appellant deems it unnecessary to provide the court with the requisite appendix, judicial resources are further wasted as judges and their clerks are forced to sojourn through voluminous records without so much as a table of contents for a guide. *People v. Kraft*, 277 Ill. App. 3d 221, 213 Ill. Dec. 857, 660 N.E.2d 114 (1 Dist. 1995).

The jurisdictional statement requirement was intended to provoke counsel to make an independent determination of the right to appeal before writing the briefs. *In re Ruchala*, 208 Ill. App. 3d 971, 153 Ill. Dec. 767, 567 N.E.2d 725 (2 Dist. 1991).

The very purpose of requiring a party to include a jurisdictional statement is to provoke counsel to make an independent determination of the right to appeal prior to writing the briefs. *Kennedy v. Miller*, 197 Ill. App. 3d 785, 144 Ill. Dec. 208, 555 N.E.2d 105 (2 Dist. 1990).

--REQUIRED

Plaintiff's brief was in violation of this Rule in that it did not contain a jurisdictional statement. *Beddla v. Wilkins*, 181 Ill. App. 3d 833, 130 Ill. Dec. 763, 537 N.E.2d 1092 (2 Dist. 1989).

In all cases appealed to the appellate court, the appellant shall set forth a brief jurisdictional statement or explanation of the basis for the appeal. *In re Engelbach*, 181 Ill. App. 3d 563, 130 Ill. Dec. 305, 537 N.E.2d 372 (2 Dist. 1989).

--SIGNED JURY VERDICT

A signed jury verdict cannot be equated with final judgment necessary to vest the appellate court with jurisdiction over an appeal. *Illinois State Toll Hwy. Auth. v. Marathon Oil Co.*, 200 Ill. App. 3d 836, 147 Ill. Dec. 324, 559 N.E.2d 497 (2 Dist. 1990).

STATEMENT OF STANDARD OF REVIEW

Appellate review was not precluded by the appellant's failure to state the applicable standard of review under Rule 341(h)(3), *Supreme Court Rules. Household Bank, FSB v. Lewis*, 373 Ill. App. 3d 420, 311 Ill. Dec. 677, 869 N.E.2d 351, 2007 Ill. App. LEXIS 479 (1 Dist. 2007).

The appellant violated the rule where its discussion of the standard of review was limited to a cursory, unsupported statement in its opening brief; the court, nevertheless, chose to reach the merits of the appeal. *Thomas v. Town of Cicero*, 307 Ill. App. 3d 840, 241 Ill. Dec. 326, 719 N.E.2d 187, 1999 Ill. App. LEXIS 684 (1 Dist. 1999), appeal denied, 186 Ill. 2d 590, 243 Ill. Dec. 569, 723 N.E.2d 1170 (1999).

SUFFICIENCY OF PLEADINGS

Where an owner's one-sentence general traverse did not violate 735 ILCS 5/2-603, 610 (1998), but was in compliance with 735 ILCS 5/2-612 (1998) and Ill. Sup. Ct. R. 341(e)(6), (7), the traverse was sufficient to preserve the owner's challenge to a forest preserve's authority to condemn the owner's property; where a subsequent enabling ordinance did not cure the insufficiencies of the legal descriptions in the forest preserve's first enabling ordinance, which was filed with the preserve's condemnation complaint, the trial court properly dismissed the preserve's condemnation action. *Forest Pres. Dist. v. Miller*, 339 Ill. App. 3d 244, 273 Ill. Dec. 742, 789 N.E.2d 916, 2003 Ill. App. LEXIS 589 (2 Dist. 2003).

SURREPLY

Where court's order granting the State's motion to file a surreply brief did not limit the contents of the brief, portion of brief containing argument on defendant's second issue was not stricken. *People v. Smith*, 288 Ill. App. 3d 308, 223 Ill. Dec. 757, 680 N.E.2d 490 (2 Dist. 1997), overruled in part on other grounds, *People v. Doguet*, 716 N.E.2d 818 (Ill. App. Ct. 2d Dist. 1999).

VIOLATION OF RULE

Defendant violated Ill. Sup. Ct. R. 341(h)(7) because he failed to cite to any authority to support his claim on appeal;

in his brief, defendant heavily relied on police reports and a personal affidavit not admitted at trial, and defendant acknowledged that ordinarily police reports would not be considered. *People v. Velez*, 388 Ill. App. 3d 493, 327 Ill. Dec. 946, 903 N.E.2d 43, 2009 Ill. App. LEXIS 34 (1 Dist. 2009), appeal denied, 232 Ill. 2d 594, 331 Ill. Dec. 375, 910 N.E.2d 1131, 2009 Ill. LEXIS 531 (2009); cert. denied, 2009 U.S. LEXIS 7318 (U.S. 2009).

In a declaratory judgment action, a nonprofit association that provided a self-insurance program to municipalities was not entitled to strike the appellate brief of plaintiffs, a city and its employee, on the basis that plaintiffs omitted any mention of the exclusions in the insurance agreement in violation of Ill. Sup. Ct. R. 341(b)(6) because the court's review was not hindered by the alleged error and the record on appeal contained all of the documents necessary for review. *City of Collinsville v. Ill. Mun. League Risk Mgmt. Ass'n*, 385 Ill. App. 3d 224, 328 Ill. Dec. 308, 904 N.E.2d 70, 2008 Ill. App. LEXIS 1083 (4 Dist. 2008).

--IN GENERAL

Where violations of Supreme Court Rules are not so flagrant as to hinder or preclude review, the striking of a brief in whole or in part may be unwarranted. *Hubert v. Consolidated Med. Lab.*, 306 Ill. App. 3d 1118, 240 Ill. Dec. 196, 716 N.E.2d 329, 1999 Ill. App. LEXIS 600 (1 Dist. 1999).

The mere failure to provide a jurisdictional statement or appendices is not fatal because neither is a necessary component of the appellate court's jurisdiction. *Luttrell v Panozzo*, 252 Ill. App. 3d 597, 192 Ill. Dec. 540, 625 N.E.2d 695 (1 Dist. 1993).

Disregard for this Rule and Rule 342, Supreme Court Rules, dilutes the effectiveness of an appeal and cannot be condoned, and where a party allowed the violations to pass without objection, counsel were admonished by the appellate court that future violations could result in their briefs being stricken by the court on its own motion. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

Disregard for this Rule and Rule 342, Supreme Court Rules, dilutes the effectiveness of an appeal and cannot be condoned. *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp.*, 172 Ill. App. 3d 718, 122 Ill. Dec. 725, 527 N.E.2d 97 (5 Dist. 1988), rev'd on other grounds, 131 Ill. 2d 145, 137 Ill. Dec. 19, 545 N.E.2d 672 (1989).

Indifferent disregard for this Rule and Rule 342, Supreme Court Rules, dilutes the effectiveness of an appeal and should not be condoned. *Curtis v. Birch*, 114 Ill. App. 3d 127, 69 Ill. Dec. 873, 448 N.E.2d 591 (1 Dist. 1983).

--CRIMINAL CASES

Defendant's appointed counsel failed to comply with Rule 341 where, inter alia, the brief on appeal repeatedly referred to facts, events, documents, and statements of the parties or the trial court with no corresponding record citations and, at times, the brief even quoted from the record without providing citations; thus, as the defendant had been convicted of murder and was entitled both to an appeal to the Supreme Court as of right and to a reasonable level of assistance of counsel, the state appellate defender was ordered to assign the case to a staff attorney in its office, rather than contracting with outside counsel, and to submit a new brief. *People v. Johnson*, 192 Ill. 2d 202, 248 Ill. Dec. 926, 735 N.E.2d 577, 2000 Ill. LEXIS 1217 (2000).

--SANCTIONS NOT IMPOSED

Pursuant to Ill. Sup. Ct. R. 341(a), lengthy quotations in an appellate brief were not favored and were only to be included where they would aid the court's comprehension of the argument. As a result, the state management services agency's page after page of lengthy single-spaced block quotations were viewed with disfavor and it was warned that in the future, they should be avoided in the appellate brief whenever possible. *Dep't of Cent. Mgmt. Servs./Ill. Commerce Comm'n v. Ill. Labor Rels. Bd.*, 406 Ill. App. 3d 766, 348 Ill. Dec. 226, 943 N.E.2d 1136, 2010 Ill. App. LEXIS 1412 (4 Dist. 2010).

Brief submitted by the State on an appeal from defendant's first-degree murder conviction was so out-of-compliance with state supreme court rules governing appellate briefs as to make it difficult to read. As a result, the appellate court felt it necessary to point out that the State's violations of Ill. Sup. Ct. R. 612 and 341, governing the contents of such briefs, and Ill. Sup. Ct. R. 6, governing proper citation formats merited a strong warning to counsel that the State and other party violating the rules in the future were running the risk of having their briefs stricken and sanctions imposed.

People v. Hatchett, Ill. App. 3d , Ill. Dec. , N.E.2d , 2009 Ill. App. LEXIS 1085 (1 Dist. Nov. 10, 2009).

Even though plaintiff's appellate brief failed to include concise statement of applicable standard of review for each issue and contained only summary of testimony, completely omitting any reference to relevant testimony of other witnesses, court chose not to dismiss appeal because defendant provided summary of relevant testimony in his response brief and because record was not long and issues were simple. *Niewold v. Fry*, 306 Ill. App. 3d 735, 239 Ill. Dec. 785, 714 N.E.2d 1082, 1999 Ill. App. LEXIS 542 (1 Dist. 1999).

Although court did not condone argumentative portions of plaintiff's statement of the "nature of the case" and "statement of the facts," plaintiff's violations of this Rule were not flagrant and did not warrant sanctions under *Rule 375, Supreme Court Rules. Dowd & Dowd, Ltd. v. Gleason*, 284 Ill. App. 3d 915, 220 Ill. Dec. 37, 672 N.E.2d 854 (1 Dist. 1996), aff'd as modified, 181 Ill. 2d 460, 230 Ill. Dec. 229, 693 N.E.2d 358 (1998).

--SHOWN

Appellants' brief identified no ruling on the issues in question to be appealed and no citation to where they were discussed in the record. Thus, the court would not consider the issues on appeal. *Morawicz v. Hynes*, 401 Ill. App. 3d 142, 340 Ill. Dec. 893, 929 N.E.2d 544, 2010 Ill. App. LEXIS 309 (1 Dist. 2010).

A statement of facts containing numerous argumentative assertions, with little basis in fact or in law, was violative of this Rule. *First Fed. Sav. Bank v. Drivers Nat'l Bank*, 237 Ill. App. 3d 340, 180 Ill. Dec. 176, 606 N.E.2d 1253 (2 Dist.), appeal denied, 147 Ill. 2d 626, 180 Ill. Dec. 148, 606 N.E.2d 1225 (1992).

WAIVER

Pursuant to *Ill. Sup. Ct. R. 341(h)(7)*, a transom designer waived a jury instruction argument on appeal; the jury instruction issue raised in the designer's reply brief was not included in the designer's opening brief. *Burlington N. & Santa Fe Ry. Co. v. ABC-NACO*, 389 Ill. App. 3d 691, 329 Ill. Dec. 238, 906 N.E.2d 83, 2009 Ill. App. LEXIS 172 (1 Dist. 2009).

Employer's claim that a trial court erred in finding that the employer waived its Workers' Compensation lien rights was not supported by any argument, which was a violation of *Ill. Sup. Ct. R. 341(h)*; therefore, the issue was waived. *Pederson v. Mi-Jack Prods.*, 389 Ill. App. 3d 33, 328 Ill. Dec. 782, 905 N.E.2d 316, 2009 Ill. App. LEXIS 107 (1 Dist. 2009).

Pursuant to *Ill. Sup. Ct. R. 341(h)(7)*, a husband waived his claim on appeal that the wife had sole use of a tax refund via an account used for the wife's discretionary spending; the claim was not supported with a citation to that portion of the 22-volume record in which the parties made their respective arguments as to whether the \$ 649,767 income tax refund should have been added back to the marital estate. *In re Marriage of Polsky*, 387 Ill. App. 3d 126, 326 Ill. Dec. 237, 899 N.E.2d 454, 2008 Ill. App. LEXIS 1236 (1 Dist. 2008), appeal denied, 231 Ill. 2d 687, 2009 Ill. LEXIS 883 (2009).

Patient's challenges to the trial court's rulings that allowed certain testimony that amounted to hearsay, allowed certain testimony that should have been barred by *Ill. Sup. Ct. R. 213*, and rejected a certain jury instruction were waived where she failed to provide a reasoned basis for the contentions. *Willaby v. Bendersky*, 383 Ill. App. 3d 853, 322 Ill. Dec. 494, 891 N.E.2d 509, 2008 Ill. App. LEXIS 619 (1 Dist. 2008), appeal denied, 229 Ill. 2d 697, 900 N.E.2d 1127, 2008 Ill. LEXIS 1535 (2008); appeal denied, 229 Ill. 2d 697, 900 N.E.2d 1127, 2008 Ill. LEXIS 1617 (2008).

Although the railroad claimed that the trial court erred in instructing the jury regarding the railroad's negligence in the workers' Federal Employers' Liability Act, 45 U.S.C. § 51 et seq., case against the railroad, the railroad waived any error in that regard. The railroad's brief was devoid of any argument regarding any error the trial court might have made in instructing the jury on negligence. *Blackburn v. Ill. Cent. R.R.*, 379 Ill. App. 3d 426, 317 Ill. Dec. 615, 882 N.E.2d 189, 2008 Ill. App. LEXIS 22 (1 Dist. 2008), cert. denied, 2008 U.S. LEXIS 8185 (U.S. 2008).

Point raised on appeal that was not supported by argument was waived under *Ill. Sup. Ct. R. 341(h)(7)*. *Fid. Nat'l Title Ins. Co. v. Westhaven Props. P'ship*, 386 Ill. App. 3d 201, 325 Ill. Dec. 772, 898 N.E.2d 1051, 2007 Ill. App. LEXIS 1135 (1 Dist. 2007).

In a products liability case, defendant motor companies waived the issue of whether the post-judgment interest statute, 735 ILCS 5/2-1303, violated their equal protection or due process rights under the U.S. Constitution or under *Ill. Const. (1970), Art. I, §§ 2*, because they did not offer any argument or meaningful citation to authority regarding that argument

in their brief as required by Rule 341(e)(7), Supreme Court Rules; however, even if waiver had not occurred, the argument was unavailing because the award of interest served the purpose of compensating a party whose money was wrongfully withheld and, therefore, the due process claim failed. Further, the equal protection claim failed under the rational basis test because similarly situated persons were not put into different classifications for reasons wholly unrelated to the purpose of the legislation. *Mikolajczyk v. Ford Motor Co.*, 369 Ill. App. 3d 78, 307 Ill. Dec. 201, 859 N.E.2d 201, 2006 Ill. App. LEXIS 1057 (1 Dist. 2006).

Both the husband and the wife on appeal failed to provide any facts to establish that their child's stay in one state was to be construed as a temporary absence from another state for subject matter jurisdiction purposes in a child custody matter. Accordingly, the appellate court found that the party's arguments in this regard concerning jurisdiction were waived on appeal. *In re Marriage of Diaz*, 363 Ill. App. 3d 1091, 301 Ill. Dec. 70, 845 N.E.2d 935, 2006 Ill. App. LEXIS 223 (1 Dist. 2006).

Appellant did not address in its briefs the summary judgment court's order awarding attorney fees to the appellee. Thus, on appeal, the court considered the appellant's argument regarding the award of attorney fees waived pursuant to Ill. Sup. Ct. R. 341(e)(7) and did not address it. *Steiner Elec. Co. v. NuLine Techs., Inc.*, 364 Ill. App. 3d 876, 301 Ill. Dec. 646, 847 N.E.2d 656, 2006 Ill. App. LEXIS 219 (1 Dist. 2006).

Where a wife on appeal in a child custody matter argued that Illinois was her child's home state for subject matter jurisdiction purposes because in a previous dissolution of marriage proceeding purportedly filed in Illinois prior to the child's birth but later voluntarily dismissed, no objection was made to jurisdiction in Illinois, the appellate court found that the wife had waived the argument because the record contained no court order or other type of documentation supporting the wife's argument regarding jurisdiction. *In re Marriage of Diaz*, 363 Ill. App. 3d 1091, 301 Ill. Dec. 70, 845 N.E.2d 935, 2006 Ill. App. LEXIS 223 (1 Dist. 2006).

Defendant's argument that he invoked his right to counsel by meeting with his father's attorney was waived, as the argument was undeveloped and unsupported with citation to pertinent authority. *People v. Young*, 365 Ill. App. 3d 753, 302 Ill. Dec. 847, 850 N.E.2d 284, 2006 Ill. App. LEXIS 334 (1 Dist. 2006), appeal denied, 219 Ill. 2d 596, Ill. Dec. , 852 N.E.2d 248 (2006); cert. denied, 2007 U.S. LEXIS 2176 (U.S. 2007).

Where the insurer argued that the trial court's order was not final because it did not dispose of all the issues before the court, the insurer waived the argument under Ill. Sup. Ct. R. 341(e)(7) by failing to cite legal authority for its contentions. *Am. Serv. Ins. Co. v. Pasalka*, 363 Ill. App. 3d 385, 299 Ill. Dec. 867, 842 N.E.2d 1219, 2006 Ill. App. LEXIS 41 (1 Dist. 2006).

Police officer's due process and equitable estoppel claims were properly dismissed, because police officer's brief did not meet standards of Rule 341(e)(7), Supreme Court Rules; thus, those issues were deemed waived. *Calomino v. Board of Fire & Police Comm'rs*, 273 Ill. App. 3d 494, 210 Ill. Dec. 150, 652 N.E.2d 1126, 1995 Ill. App. LEXIS 463 (1 Dist. 1995).

Pursuant to Rule 341(e)(7), Supreme Court Rules, a fidelity insurance company waived a contention that since it was not named as a defendant in the action until August 18, 1983, the trial judge erred in assessing against it pre-judgment interest from the original date the complaint was filed, which was August 12, 1982, because this issue was not raised in the insurer's trial court briefs nor in its argument in opposition to plaintiff's motion for summary judgment, which specifically prayed for pre-judgment interest to begin on August 12, 1982, nor was it raised in its motion to reconsider the grant of summary judgment, and the insurer did not to cite any authority for this contention, nor responded to plaintiff's waiver argument. *Kinzer ex rel. City of Chicago v. Fidelity & Deposit Co.*, 273 Ill. App. 3d 211, 209 Ill. Dec. 706, 652 N.E.2d 20, 1995 Ill. App. LEXIS 356 (1 Dist. 1995).

Defendant waived objection to denial of motion for a continuance to secure a witness's presence at a hearing by failing to state the nature of the alleged harm. *People v. Sutton*, 260 Ill. App. 3d 949, 197 Ill. Dec. 867, 631 N.E.2d 1326, 1994 Ill. App. LEXIS 475 (1 Dist. 1994).

Points raised, but not argued or supported by citation to relevant authority fails to meet the requisites of Rule 341(e)(7), Supreme Court Rules, and therefore, are deemed waived. *Bear Kaufman Realty v. Spec Dev.*, 268 Ill. App. 3d 898, 206 Ill. Dec. 239, 645 N.E.2d 244, 1994 Ill. App. LEXIS 1315 (1 Dist. 1994).

By failing to mention at all in the body of the argument the third issue he raises, claimant effectively waived it for review under Rule 341(e)(7), Supreme Court Rules. *Brady v. Industrial Com.*, 192 Ill. App. 3d 1, 139 Ill. Dec. 56, 548 N.E.2d 441, 1989 Ill. App. LEXIS 1768 (1 Dist. 1989).

Points raised for the first time in the reply brief are waived under Rule 341(e)(7), *Supreme Court Rules. Abel v. General Motors Corp.*, 155 Ill. App. 3d 208, 108 Ill. Dec. 28, 507 N.E.2d 1369, 1987 Ill. App. LEXIS 2420 (1 Dist. 1987).

--IN GENERAL

Although plaintiffs cross-appealed the circuit court's denial of sanctions in the form of attorney fees against defendant, their failure to address the issue in their opening brief waived review of the matter. *Proctor v. Davis*, 275 Ill. App. 3d 593, 211 Ill. Dec. 831, 656 N.E.2d 23, 1994 Ill. App. LEXIS 995 (1 Dist. 1994).

Where petitioner made no objection of any kind when the judge indicated that she would consider the contents of the transcript of a tape recording containing conversations between petitioner and her attorney, the issue was deemed waived on appeal. *In re Granger*, 197 Ill. App. 3d 363, 143 Ill. Dec. 651, 554 N.E.2d 586 (5 Dist.), appeal denied, 133 Ill. 2d 555, 149 Ill. Dec. 321, 561 N.E.2d 691 (1990).

Failure to raise an objection at trial or during post-trial proceedings results in waiver of any alleged error. *Village of Worth v. Hahn*, 206 Ill. App. 3d 987, 151 Ill. Dec. 895, 565 N.E.2d 166 (1 Dist. 1990).

Where plaintiff made no arguments in her brief relating to the denial of her second or third petitions she waived consideration of the denial of those petitions on appeal. *Palmisano v. Connell*, 179 Ill. App. 3d 1089, 128 Ill. Dec. 638, 534 N.E.2d 1243 (2 Dist.), appeal denied, 136 Ill. Dec. 591, 545 N.E.2d 115 (1989).

Points not raised in an appellant's initial brief are waived and shall not be raised in the reply brief. *American Re-Insurance v. Washburn*, 122 Ill. 2d 555, 120 Ill. Dec. 508, 524 N.E.2d 538 (1988).

The rule of waiver is a limitation on the parties and not on the courts, and a reviewing court may ignore the waiver rule in order to achieve a just result. *Augsburg v. Frank's Car Wash, Inc.*, 103 Ill. App. 3d 329, 59 Ill. Dec. 39, 431 N.E.2d 58 (2 Dist. 1982).

Failure to raise and argue points in the appeal brief serves to waive any error in respect to such points for purposes of review. *Bourne v. Seal*, 53 Ill. App. 2d 155, 203 N.E.2d 12 (1 Dist. 1964); *People v. Washington*, 70 Ill. App. 2d 452, 217 N.E.2d 356 (1 Dist. 1966); *People v. Brady*, 23 Ill. App. 3d 330, 318 N.E.2d 642 (4 Dist. 1974); *People v. Mackins*, 17 Ill. App. 3d 24, 308 N.E.2d 92 (1 Dist. 1974), cert. denied, 419 U.S. 1111, 95 S. Ct. 786, 42 L. Ed. 2d 808 (1975); *Wenzell ex rel. Domek v. MTD Prods. Inc.*, 32 Ill. App. 3d 279, 336 N.E.2d 125 (1 Dist. 1975); *Riley v. Unknown Owners of 304 N. Oak Park Ave. Bldg.*, 25 Ill. App. 3d 895, 324 N.E.2d 78 (1 Dist. 1975); *Sheley v. Guy*, 29 Ill. App. 3d 361, 330 N.E.2d 567 (4 Dist. 1975), aff'd, 63 Ill. 2d 544, 348 N.E.2d 835 (1976); *Village of N. Aurora v. Aurora Downs, Inc.*, 42 Ill. App. 3d 534, 1 Ill. Dec. 193, 356 N.E.2d 193 (2 Dist. 1976); *People v. Carter*, 91 Ill. App. 3d 635, 47 Ill. Dec. 292, 415 N.E.2d 17 (1 Dist. 1980); *People v. Johnson*, 96 Ill. App. 3d 1123, 52 Ill. Dec. 338, 422 N.E.2d 19 (2 Dist. 1981); *Will v. Will Prods., Inc.*, 109 Ill. App. 3d 778, 65 Ill. Dec. 430, 441 N.E.2d 343 (2 Dist. 1982).

Claimed error generally will not be preserved for review unless it has been specifically raised in a post trial motion. *E.M. Melahn Constr. Co. v. Village of Carpentersville*, 100 Ill. App. 3d 544, 56 Ill. Dec. 101, 427 N.E.2d 181 (2 Dist. 1981).

Where defendant's contention that search warrant lacked specificity was never mentioned in defendant's written motion for a new trial, the failure to specify alleged errors in a motion for a new trial constituted a waiver of those issues, and such issues could not be urged as grounds for reversal on review. *People v. Ortiz*, 91 Ill. App. 3d 466, 46 Ill. Dec. 919, 414 N.E.2d 1072 (1 Dist. 1980).

An appellate court should not, and will not, consider different theories, or new questions, if proof might have been offered to refute or overcome them had they been presented at the trial. *Catalano v. Pechous*, 69 Ill. App. 3d 797, 25 Ill. Dec. 838, 387 N.E.2d 714 (1 Dist. 1978), aff'd, 83 Ill. 2d 146, 419 N.E.2d 350 (1980), cert. denied, 451 U.S. 911, 101 S. Ct. 1981, 68 L. Ed. 2d 300 (1981).

An instruction not objected to at the trial court level operates as a waiver of any such objection on appeal. *People v. Voda*, 70 Ill. App. 3d 430, 26 Ill. Dec. 582, 388 N.E.2d 206 (1 Dist. 1979).

Where a party fails to raise an issue at the trial level or in his brief on appeal, he waives any right to have a reviewing court consider the issue. *Miller v. Police Bd.*, 38 Ill. App. 3d 894, 349 N.E.2d 544 (1 Dist. 1976).

Contentions not raised in the trial court are waived on appeal. This Rule of waiver applies even in a summary judgment case. *Witek v. Leisure Technology Midwest, Inc.*, 39 Ill. App. 3d 637, 350 N.E.2d 242 (2 Dist. 1976).

A contention which was neither advanced nor argued in defendants' briefs, even if it had validity, should be deemed

waived by them. *People v. Mackins*, 17 Ill. App. 3d 24, 308 N.E.2d 92 (1 Dist. 1974), cert. denied, 419 U.S. 1111, 95 S. Ct. 786, 42 L. Ed. 2d 808 (1975).

A trial court properly refused to vacate a divorce decree upon a defendant's contention of an unconstitutional denial of due process of law by virtue of the failure of the court on its own motion to have continued the cause in order to permit defendant to get additional counsel, or denial of a constitutional right to be warned of rights that he had, including the right to a continuance, where defendant's petition in the trial court wholly omitted any mention of any constitutional provision. *Davis v. Davis*, 131 Ill. App. 2d 459, 268 N.E.2d 491 (1 Dist. 1971).

Any claim of error in the circuit court's entry of a judgment in favor of the buyer on the seller's rescission count was waived pursuant to subparagraph (h)(7) of this Rule because the seller in its brief filed with the appellate court stated that it was not pursuing an appeal from the circuit court's judgment on the rescission count, and the seller did not present any arguments in relation to the rescission count. *Wheeler-Dealer, Ltd. v. Christ*, 379 Ill. App. 3d 864, 319 Ill. Dec. 79, 885 N.E.2d 350, 2008 Ill. App. LEXIS 173 (1 Dist. 2008).

--BARE CONTENTIONS

Under Rule 341, Supreme Court Rules, burden of proof issue in employment discrimination action was not waived for failure to set forth argument in statement of issues or caption in regard to argument where issue was raised in some portion of appellate brief. *Illinois State Bd. of Elections v. Human Rights Comm'n*, 291 Ill. App. 3d 185, 225 Ill. Dec. 508, 683 N.E.2d 1011, 1997 Ill. App. LEXIS 572 (1 Dist. 1997).

Where petitioners barely articulated, much less properly supported, additional allegations of error contained in the final three sections of their appellate brief, the arguments were waived. *In re Estate of Kirk*, 292 Ill. App. 3d 914, 227 Ill. Dec. 90, 686 N.E.2d 1246 (2 Dist. 1997).

Bare contentions in the absence of argument or citation of authority do not merit consideration on appeal and are deemed waived. *Obert v. Saville*, 253 Ill. App. 3d 677, 191 Ill. Dec. 740, 624 N.E.2d 928 (2 Dist. 1993), appeal denied, 155 Ill. 2d 565, 198 Ill. Dec. 545, 633 N.E.2d 7 (1994).

--CITATION OF IRRELEVANT AUTHORITY

Failure to cite relevant authority in support of a bare argument will not merit consideration of the issue on appeal. *Charter Bank v. Eckert*, 223 Ill. App. 3d 918, 166 Ill. Dec. 282, 585 N.E.2d 1304 (5 Dist. 1992).

Citation to irrelevant authority fails to comply with subdivision (e)(7) of this Rule. *Jones v. Consolidation Coal Co.*, 174 Ill. App. 3d 38, 123 Ill. Dec. 649, 528 N.E.2d 33 (5 Dist. 1988).

The inclusion of citations to irrelevant authority scattered throughout the brief did not constitute even an attempt to comply with this Rule; plaintiffs' briefs were nothing more than a compilation of disjointed and nonsensical claims and legal conclusions totally unsupported by citations to the record or relevant legal authority, and the court could treat the issues raised as having been waived for failure to cite authority. *Britt v. Federal Land Bank Ass'n*, 153 Ill. App. 3d 605, 505 N.E.2d 387 (2 Dist.), appeal denied, 113 Ill. Dec. 293, 515 N.E.2d 102 (Ill. 1987).

While citing cases concerning the general sufficiency of the evidence, plaintiff did not cite any authority relative to these propositions on which his arguments were based; this violated subdivision (e)(7) of this Rule and these arguments accordingly were not considered. *Weeks v. Aetna Ins. Co.*, 150 Ill. App. 3d 90, 103 Ill. Dec. 328, 501 N.E.2d 349 (2 Dist. 1986), appeal denied, 114 Ill. 2d 559, 108 Ill. Dec. 426, 508 N.E.2d 737 (1987).

--CITATION TO IMPROPERLY SUBMITTED MATERIALS

Pursuant to Ill. Sup. Ct. R. 341(e)(7), the parties waived any possible claim of error based on the trial court's use of exhibits that were filed as an attachment to a memorandum of law in support of a petition because the record as a whole convinced the appellate court that the trial court considered the collection of exhibits, or at least some individual exhibits, as evidence despite never having formally admitted any of the exhibits at an evidentiary hearing. Nevertheless, neither party protested the court's use of the exhibits either below or on an appeal; in fact, both parties cited certain exhibits extensively in their appellate briefs. *Shea v. Brennan (In re Estate of Shea)*, 364 Ill. App. 3d 963, 302 Ill. Dec. 185, 848 N.E.2d 185, 2006 Ill. App. LEXIS 356 (1 Dist. 2006).

Where appellant's reply brief contained reference to improperly submitted materials and raised matters not argued in appellee's brief, it was deficient and could not be considered on review. *In re Lawrence*, 146 Ill. App. 3d 307, 99 Ill.

Dec. 845, 496 N.E.2d 538 (3 Dist. 1986).

--CONSTITUTIONAL ISSUES

Subdivision (e)(7) of this Rule has been applied to strike, as waived, a constitutional issue raised for the first time in a reply brief. *People v. Williams, 200 Ill. App. 3d 503, 146 Ill. Dec. 298, 558 N.E.2d 261* (1 Dist. 1990).

Where on appeal from convictions for attempted murder, armed robbery and armed violence, the petitioner never argued to the state court the issue that the prosecutor's comments violated his Fifth Amendment right to remain silent and thus this issue was waived under the *Illinois law. United States ex rel. Crist v. Lane, 745 F.2d 476* (7th Cir. 1984), cert. denied, *471 U.S. 1068, 105 S. Ct. 2146, 85 L. Ed. 2d 503* (1985).

A person asserting an invasion of his constitutional rights has the duty to raise the objection at the earliest fair opportunity, and the failure to do so operates as a waiver of the right. *Shatkin Inv. Corp. v. Connelly, 128 Ill. App. 3d 518, 83 Ill. Dec. 810, 470 N.E.2d 1230* (2 Dist. 1984).

Where defendant's brief challenging the constitutionality of the statute under which he was sentenced to life imprisonment, *730 ILCS 5/5-8-1(a)(1)* confined itself to argument relating to the multiple victims provisions subparagraph (c) of the statute, he waived any argument relating to the statutes other subparagraphs and their subsections, even though he made a general allegation as to the entire section. *People v. Hobson, 117 Ill. App. 3d 191, 72 Ill. Dec. 518, 452 N.E.2d 771* (4 Dist. 1983).

Where no argument was made by defendant in support of his contention in his post-conviction petition that, in violation of *U.S. Const., Amend. V* and of *Ill. Const. (1970), Art. I, § 10*, he was denied his right to remain silent, that contention was waived. *People v. Bailey, 91 Ill. App. 3d 910, 47 Ill. Dec. 461, 415 N.E.2d 466* (1 Dist. 1980).

Attempted constitutional attacks upon statute, first raised in plaintiff's reply brief, would not be considered on appeal. *Ming Kow Hah v. Stackler, 66 Ill. App. 3d 947, 23 Ill. Dec. 237, 383 N.E.2d 1264* (1 Dist. 1978).

The mere fact that attempted arguments raise constitutional questions does not prevent the otherwise proper application of the waiver rule under subsection (e)(7) of this Rule. *Ming Kow Hah v. Stackler, 66 Ill. App. 3d 947, 23 Ill. Dec. 237, 383 N.E.2d 1264* (1 Dist. 1978).

Where the plaintiff property owner failed to argue on appeal the unconstitutionality of the zoning classification of the subject property, the appellate court was precluded from reviewing the plaintiff's claim that the zoning classification was invalid or that the plaintiff's evidence proved the invalidity. *La Salle Nat'l Bank v. County of Cook, 34 Ill. App. 3d 264, 340 N.E.2d 79* (1 Dist. 1975).

--CONTENTIONS WITHOUT ARGUMENT OR AUTHORITY

Trial court did not err by refusing to grant appellant leave to file a successive petition for postconviction relief; because appellant made no argument on appeal that he established cause and prejudice, any contention that the trial court erred was forfeited. *People v. Evans, 405 Ill. App. 3d 1005, 345 Ill. Dec. 834, 939 N.E.2d 1014, 2010 Ill. App. LEXIS 1262* (2 Dist. 2010).

Appellate court had to assume the trial court did not err when it admitted financial records under the business records exception to the hearsay rule, *725 ILCS 5/115-5*, that defendant, a company, complained about on appeal. Defendant pursuant to *Ill. Sup. Ct. R. 341(h)(7)* waived its argument that the records were improperly admitted because it either failed to make a proper argument in that regard or it did not adequately cite the authority on which it relied to make its claim. *People v. Universal Pub. Transp., Inc., 401 Ill. App. 3d 179, 340 Ill. Dec. 366, 928 N.E.2d 85, 2010 Ill. App. LEXIS 280* (1 Dist. 2010).

Defendant provided neither argument nor authority in support of defendant's claim on appeal that the trial court should not have denied defendant's request for a jury instruction for unlawful use of a weapon. As a result, defendant's argument was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *People v. Washington, 399 Ill. App. 3d 664, 339 Ill. Dec. 424, 926 N.E.2d 899, 2010 Ill. App. LEXIS 227* (1 Dist. 2010).

Developer's contention on appeal was waived because the developer merely stated a proposition and made no attempt to support the proposition with analysis or authority. *People ex rel. Madigan v. Lincoln, Ltd., 383 Ill. App. 3d 198, 322 Ill. Dec. 56, 890 N.E.2d 975, 2008 Ill. App. LEXIS 587* (1 Dist. 2008), appeal denied, *229 Ill. 2d 671, 900 N.E.2d 1119, 2008 Ill. LEXIS 1469* (2008).

Car manufacturers found liable for damages in a strict products liability case did not offer any argument or

meaningful citation to authority in their brief to support their claim that 735 ILCS 5/2-1303, regarding the interest rate on judgments, was unconstitutional, and, therefore, the argument was waived on appeal.

Court did not improperly estop liability insurer from arguing that cooperation, mitigation, and voluntary payments clauses in its policies were conditions precedent to coverage; insurer provided no factual basis for this argument, and only cited one inapposite case in support. *Employers Ins. v. Ehlco Liquidating Trust*, 292 Ill. App. 3d 1036, 227 Ill. Dec. 159, 687 N.E.2d 82 (1 Dist. 1997), aff'd in part, rev'd in part on other grounds, 186 Ill. 2d 127, 237 Ill. Dec. 82, 708 N.E.2d 1122 (1999).

A point raised in a brief but not argued or supported by citation to relevant authority fails to satisfy the requirements of Rule 341, Supreme Court Rule and is therefore waived; thus, defendant's ineffective assistance of counsel claims were waived because defendant did not support the claims and did not satisfy the "cause and prejudice" test that would excuse the procedural default. *People v. Franklin*, 167 Ill. 2d 1, 212 Ill. Dec. 153, 656 N.E.2d 750, 1995 Ill. LEXIS 104 (1995).

Defendant's brief totally failed to comply with requirements where each of defendant's issues I, II, IV, VI, and XI consisted of one paragraph of discussion, with no references to the pages of the record relied upon, and no citation to any authority, the discussions did not clearly set forth defendant's contentions, some of them stated a few facts and then announced a conclusory allegation, but did not show how the conclusion was reached and others simply made bald assertions or accusations with no support at all; points raised but not argued or supported by citation to relevant authority do not satisfy the requirements of subdivision (e)(7) of this Rule and may be deemed waived. *People v. Williams*, 267 Ill. App. 3d 82, 203 Ill. Dec. 831, 640 N.E.2d 981 (2 Dist. 1994).

Where defendant cites a single sentence in her brief in support of the contention that the issue of whether the plea agreement was violated was not waived, presented no argument in support of her contention, and did not cite any relevant authority regarding alleged violations of a negotiated plea agreement, defendant failed to comply with subdivision (e)(7) of this Rule and waived consideration of the issue on review. *People v. Wendt*, 163 Ill. 2d 346, 206 Ill. Dec. 174, 645 N.E.2d 179 (1994).

Cross appeal raised in a short two sentence paragraph that was devoid of any citation of authority or reasoned argument did not sufficiently present the question for review, and the contention was waived. *Eichberger v. Folliard*, 169 Ill. App. 3d 145, 119 Ill. Dec. 781, 523 N.E.2d 389 (2 Dist.), appeal denied, 122 Ill. 2d 573, 125 Ill. Dec. 215, 530 N.E.2d 243 (1988).

The appellant's argument shall contain not only the contentions of the plaintiff but the reasons for such contentions with supporting authority, and where plaintiff's bald assertion that an instruction was erroneous had no authoritative support, the argument was deemed meritless. *Friedman ex rel. Friedman v. Park Dist.*, 151 Ill. App. 3d 374, 104 Ill. Dec. 329, 502 N.E.2d 826 (2 Dist. 1986).

Defendant's inclusion of the prosecutor's comment as an issue by insertion of a single sentence in his brief without supporting argument or citation of authority did not comply with subdivision (e)(7) of this Rule, and since defendant made no argument for this issue in his brief, the issue was waived despite his general allegation of error. *People v. Shaw*, 133 Ill. App. 3d 391, 88 Ill. Dec. 534, 478 N.E.2d 1142 (1 Dist. 1985).

In-court identification procedures where the eyewitnesses were permitted to leave the stand to identify the defendants while "surrounded" by assistant state's attorneys and deputy sheriffs, thereby creating the inference that the defendants were dangerous was waived because in their briefs neither defendant had supported this contention with argument or citation to authorities as required by this Rule. *People v. Sanford*, 116 Ill. App. 3d 834, 72 Ill. Dec. 457, 452 N.E.2d 710 (1 Dist. 1983).

Where issues concerning the jury instructions were merely listed in the appellant's brief in summary fashion, without argument and without the citation of supporting authorities, the issues were considered waived. *Millburn Mut. Ins. Co. v. Glaze*, 86 Ill. App. 3d 1055, 43 Ill. Dec. 295, 410 N.E.2d 295 (2 Dist. 1980).

Plaintiff's argument which was nothing more than the bare contention that its due process rights were violated by the court's refusal to accept testimony at the hearing on defendant's motion to vacate, without citation of authority in support of plaintiff's contention nor references to the record, his contention was not in compliance with this Rule and was not to be considered on its merits. *Kankakee Concrete Prods. Corp. v. Mans*, 81 Ill. App. 3d 53, 36 Ill. Dec. 217, 400 N.E.2d 637 (3 Dist. 1980).

Where appellant failed to cite supporting authorities or to argue points raised on appeal, they were considered waived.

Sarelas v. Alexander, 132 Ill. App. 2d 380, 270 N.E.2d 558 (1 Dist. 1971); *People ex rel. Rappaport v. Drazek*, 30 Ill. App. 3d 310, 332 N.E.2d 532 (1 Dist. 1975); *City of W. Chicago v. Clark*, 58 Ill. App. 3d 847, 16 Ill. Dec. 399, 374 N.E.2d 1277 (2 Dist. 1978); *Weisbrook v. Clyde C. Netzley, Inc.*, 58 Ill. App. 3d 862, 16 Ill. Dec. 327, 374 N.E.2d 1102 (2 Dist. 1978); *Dobbeck v. Manes*, 72 Ill. App. 3d 812, 28 Ill. Dec. 836, 391 N.E.2d 35 (1 Dist. 1979); *Pioneer Trust & Sav. Bank v. Lucky Stores, Inc.*, 91 Ill. App. 3d 573, 47 Ill. Dec. 36, 414 N.E.2d 1152 (1 Dist. 1980); *Wilson v. Continental Body Corp.*, 93 Ill. App. 3d 966, 49 Ill. Dec. 412, 418 N.E.2d 56 (1 Dist. 1981); *Dorsey v. Ryan*, 110 Ill. App. 3d 577, 66 Ill. Dec. 263, 442 N.E.2d 689 (4 Dist. 1982); *Potter v. Judge*, 112 Ill. App. 3d 81, 67 Ill. Dec. 585, 444 N.E.2d 821 (3 Dist. 1983); *People ex rel. Daley v. Warren Motors, Inc.*, 136 Ill. App. 3d 505, 91 Ill. Dec. 145, 483 N.E.2d 427 (1 Dist. 1985), aff'd, 114 Ill. 2d 305, 102 Ill. Dec. 400, 500 N.E.2d 22 (1986); *People ex rel. Aldworth v. Dutkanych*, 131 Ill. App. 3d 1007, 87 Ill. Dec. 103, 476 N.E.2d 805 (2 Dist. 1985), aff'd, 112 Ill. 2d 505, 98 Ill. Dec. 16, 493 N.E.2d 1037 (1986); *People v. Cooney*, 136 Ill. App. 3d 989, 92 Ill. Dec. 71, 484 N.E.2d 802 (2 Dist. 1985), cert. denied, 476 U.S. 1159, 106 S. Ct. 2278, 90 L. Ed. 2d 720 (1986); *Coleman v. Windy City Balloon Port, Ltd.*, 160 Ill. App. 3d 408, 112 Ill. Dec. 92, 513 N.E.2d 506 (2 Dist. 1987), appeal denied, 117 Ill. Dec. 223, 520 N.E.2d 384 (Ill. 1988); *Brown v. Tenney*, 125 Ill. 2d 348, 126 Ill. Dec. 545, 532 N.E.2d 230 (1988); *Sherman Hosp. v. Wingren*, 169 Ill. App. 3d 161, 119 Ill. Dec. 752, 523 N.E.2d 220 (2 Dist. 1988); *People v. House*, 202 Ill. App. 3d 893, 148 Ill. Dec. 627, 560 N.E.2d 1224 (4 Dist. 1990), appeal denied, 136 Ill. 2d 549, 153 Ill. Dec. 379, 567 N.E.2d 337 (1991); *People v. Tally*, 215 Ill. App. 3d 385, 158 Ill. Dec. 869, 574 N.E.2d 1262 (4 Dist. 1991); *State Farm Mut. Auto. Ins. Co. v. Haskins*, 215 Ill. App. 3d 242, 158 Ill. Dec. 838, 574 N.E.2d 1231 (2 Dist. 1991); *People v. Dixon*, 219 Ill. App. 3d 1, 161 Ill. Dec. 857, 579 N.E.2d 405 (2 Dist. 1991).

An appellant may not make a point by merely stating it, without presenting any arguments or reasons in support of it and the court will not search through the record for possible errors on which a judgment may be reversed; such errors, if any there are, must be specifically pointed out and reasons for the contention that the rulings in question were error must be presented and, if they are not, the court will not consider them. *Soter v. Christoforacos*, 53 Ill. App. 2d 133, 202 N.E.2d 846 (1 Dist. 1964).

--FAILURE TO CITE AUTHORITY

Father involved in proceedings to terminate the father's parental rights in the minor child did not cite any authority to support the father's argument in the father's appellate brief that private guardianship should be considered as a less restrictive permanency goal than adoption. As a result, that argument was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *Mariah C. v. Mario C. (In re Mariah C.)*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2010 Ill. App. LEXIS 699 (1 Dist. July 9, 2010).

Pedestrian in a slip and fall case involving the village and village park district's property did not provide any authority to support the proposition the pedestrian advanced that the legal description of property was somehow dispositive of whether that was property was intended or permitted to be used for recreational purposes, for which they had immunity. As a result, the pedestrian forfeited that argument on appeal pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *Callaghan v. Vill. of Clarendon Hills*, 401 Ill. App. 3d 287, 340 Ill. Dec. 757, 929 N.E.2d 61, 2010 Ill. App. LEXIS 383 (2 Dist. 2010).

Where the property owners in the trial court successfully argued that they had riparian rights in a quarry, the bank and beneficiary could not obtain relief in the trial court based on certain contentions that they raised, as the bank and beneficiary's arguments were not supported by pertinent authority as required under *Ill. Sup. Ct. R. 341*. In particular, the bank and beneficiary did not cite authority for the proposition that the property owners' contention depended on showing that they had a prescriptive or implied easement, that the trial court had to take into account certain activities of the bank and beneficiary in determining the property owners' riparian rights in the quarry, and that the rule that an artificial body of water becomes a natural body of water with certain use over time did not apply to quarries. *Bohne v. La Salle Nat'l Bank*, 399 Ill. App. 3d 485, 339 Ill. Dec. 501, 926 N.E.2d 976, 2010 Ill. App. LEXIS 255 (2 Dist. 2010).

Where the property owners in the trial court successfully argued that they had riparian rights in a quarry, the bank and beneficiary could not obtain relief in the trial court based on certain contentions that they raised, as the bank and beneficiary's arguments were not supported by pertinent authority as required under *Ill. Sup. Ct. R. 341*. In particular, the bank and beneficiary did not cite authority for the proposition that the property owners' contention depended on showing that they had a prescriptive or implied easement, that the trial court had to take into account certain activities of the bank and beneficiary in determining the property owners' riparian rights in the quarry, and that the rule that an

artificial body of water becomes a natural body of water with certain use over time did not apply to quarries. *Bohne v. La Salle Nat'l Bank*, 399 Ill. App. 3d 485, 339 Ill. Dec. 501, 926 N.E.2d 976, 2010 Ill. App. LEXIS 255 (2 Dist. 2010).

Defendant forfeited the argument that outright reversal of defendant's conviction for possession with intent to deliver more than one gram but less than 15 grams of heroin was required after it was determined that the State had not properly weighed the substance confiscated from defendant. Defendant waived the argument pursuant to Ill. Sup. Ct. R. 341(h)(7) because defendant did not cite any authority to support defendant's claim that outright reversal was the only remedy, especially since the conviction could be reduced to simple possession. *People v. Clinton*, Ill. App. 3d , Ill. Dec. , 922 N.E.2d 1118, 2009 Ill. App. LEXIS 1239 (1 Dist. 2009), reh'g denied, 2010 Ill. App. LEXIS 122 (Ill. App. Ct. 1st Dist. 2010).

Injured party was not entitled to have reviewed the injured party's claim that the trial court should not have sanctioned the injured party's counsel for not appearing at a motion hearing. The injured party did not cite any authority in support of that argument and, thus, waived that contention pursuant to Ill. Sup. Ct. R. 341(h)(7). *Curtis v. Lofy*, 394 Ill. App. 3d 170, 333 Ill. Dec. 41, 914 N.E.2d 248, 2009 Ill. App. LEXIS 872 (4 Dist. 2009), appeal denied, 235 Ill. 2d 586, 924 N.E.2d 454, 2010 Ill. LEXIS 266 (2010).

Failure to cite legal authority in support of an argument resulted in a waiver of the issue for purposes of appeal pursuant to subparagraph (h)(7) of this Rule. *Wheeler-Dealer, Ltd. v. Christ*, 379 Ill. App. 3d 864, 319 Ill. Dec. 79, 885 N.E.2d 350, 2008 Ill. App. LEXIS 173 (1 Dist. 2008).

Pursuant to Ill. Sup. Ct. R. 341(e)(7), a party on appeal waives any argument based on a case by failing to cite to the case. *Shea v. Brennan (In re Estate of Shea)*, 364 Ill. App. 3d 963, 302 Ill. Dec. 185, 848 N.E.2d 185, 2006 Ill. App. LEXIS 356 (1 Dist. 2006).

Claim of insufficiency of the evidence to support a criminal conviction is a recognized exception to waiver rule requiring that all arguments be supported by citation to relevant authority. *People v. Kinsloe*, 281 Ill. App. 3d 799, 217 Ill. Dec. 203, 666 N.E.2d 872 (1 Dist. 1996), appeal denied, 168 Ill. 2d 612, 219 Ill. Dec. 571, 671 N.E.2d 738 (1996).

Where, in many instances of alleged error, defendant simply asserted error and concluded that he was prejudiced thereby without bothering to offer pertinent case law or authority, other than cases which stood for the broadest principles of law with only an oblique relation to the issue being discussed, nor did he analyze how the purported error affected his case, he certainly could be deemed to have waived those issues on appeal. *People v. Abrams*, 260 Ill. App. 3d 566, 197 Ill. Dec. 853, 631 N.E.2d 1312 (1 Dist.), appeal denied, 157 Ill. 2d 506, 205 Ill. Dec. 169, 642 N.E.2d 1286 (1994).

Former wife's contention that former husband's appeal should be dismissed because he may have underreported his income to the Internal Revenue Service lacked authority, therefore, the argument was waived. *In re Trull*, 254 Ill. App. 3d 34, 193 Ill. Dec. 219, 626 N.E.2d 252 (2 Dist. 1993).

Lack of citation of legal authority in briefs before appellate court constitutes a failure to comply with subdivision (e)(7) of this Rule and will result in waiver of the issue on appeal. *People v. Bock*, 242 Ill. App. 3d 1056, 183 Ill. Dec. 525, 611 N.E.2d 1173 (1 Dist. 1993).

Where plaintiff contended, challenging imposition of certain recapture fees, the trial court erred in awarding \$5,445 in damages for subdivider's trespass and for failing to find city jointly liable for the trespass, but failed to cite authority in support of his contention, the contentions were waived for failure to cite authority. *Beneficial Dev. Corp. v. City of Highland Park*, 239 Ill. App. 3d 414, 179 Ill. Dec. 1005, 606 N.E.2d 837 (2 Dist. 1992), appeal granted, 149 Ill. 2d 647, 183 Ill. Dec. 858, 612 N.E.2d 510 (1993), modified on other grounds, 161 Ill. 2d 321, 204 Ill. Dec. 211, 641 N.E.2d 435 (1994).

A husband's contention that an expert witness's entire testimony regarding the value of his business in a marriage dissolution proceeding should have been stricken because it was based on hearsay was considered waived for failure to cite relevant authority. *In re Hunter*, 223 Ill. App. 3d 947, 166 Ill. Dec. 242, 585 N.E.2d 1264 (2 Dist.), appeal denied, 145 Ill. 2d 634, 173 Ill. Dec. 4, 596 N.E.2d 628 (1992).

Contentions supported by some argument but by absolutely no authority do not meet the requirements of this Rule. *People v. Tally*, 215 Ill. App. 3d 385, 158 Ill. Dec. 869, 574 N.E.2d 1262 (4 Dist. 1991).

Although a party argued in his brief that the trial court made several erroneous evidentiary rulings, he only cited authority with regard to one of those rulings, the trial judge's conclusion that the parol evidence rule did not prohibit the admission of certain evidence; therefore, he waived review of the evidentiary rulings he complained of, with the

exception of the parole evidence issue. *Oldenburg v. Hagemann*, 207 Ill. App. 3d 315, 152 Ill. Dec. 339, 565 N.E.2d 1021 (2 Dist. 1991).

Inasmuch as defendant failed to cite any interpretation of the statutes by the courts, although there are several cases on point, and offered minimal argument in support of his position, the court would be justified in considering his point waived. *People v. Hood*, 210 Ill. App. 3d 743, 155 Ill. Dec. 228, 569 N.E.2d 228 (4 Dist. 1991).

Arguments in support of issues raised on appeal must contain the contentions and the reasons in support thereof with citations to authorities, and points raised but not properly briefed are waived. *People v. Cruz*, 196 Ill. App. 3d 1047, 143 Ill. Dec. 663, 554 N.E.2d 598 (1 Dist. 1990).

Defendants assertion that battery victim's statements to school nurse were privileged in that they were given to the nurse in her capacity to render medical care to the students failed to satisfy this Rule because defendants cited no authority to support their "nurse patient" privilege argument. *People v. Sambo*, 197 Ill. App. 3d 574, 144 Ill. Dec. 41, 554 N.E.2d 1080 (2 Dist. 1990).

Where appellant failed to comply with numerous requirements of subsection (e) of this Rule governing the contents and substance of an appellant's brief, the court examined the one argument with legal authority cited. *In re Carey*, 188 Ill. App. 3d 1040, 136 Ill. Dec. 518, 544 N.E.2d 1293 (2 Dist. 1989), appeal denied, 129 Ill. 2d 561, 140 Ill. Dec. 669, 550 N.E.2d 554 (1990).

Failure to cite authority in an appellate brief normally constitutes waiver pursuant to this Rule, unless, after a thorough search, no authority can be found. *People v. Williams*, 164 Ill. App. 3d 99, 115 Ill. Dec. 334, 517 N.E.2d 745 (4 Dist. 1987), appeal denied, 121 Ill. 2d 585, 122 Ill. Dec. 445, 526 N.E.2d 838 (1988).

A contention that is supported by some argument but by no authority whatsoever does not satisfy the requirements of this Rule. *Britt v. Federal Land Bank Ass'n*, 153 Ill. App. 3d 605, 505 N.E.2d 387 (2 Dist.), appeal denied, 113 Ill. Dec. 293, 515 N.E.2d 102 (Ill. 1987).

A contention that is supported by some argument, but by no authority whatsoever, does not satisfy the requirements of subdivision (e)(7) of this Rule, and does not merit consideration on appeal. *Thoms v. Private Ledger Fin. Serv., Inc.*, 155 Ill. App. 3d 289, 107 Ill. Dec. 958, 507 N.E.2d 1327 (2 Dist.), appeal denied, 113 Ill. Dec. 319, 515 N.E.2d 128 (Ill. 1987).

Where a defendant contended that a trial court erred in denying its post trial motion, and contained in that motion were 19 assignments of error interspersed with other arguments in the brief, and since the defendant failed to provide legal citations of authority for many of these claims of error, the appellate court declined to address these issue. *Hollembaek v. Dominick's Finer Foods, Inc.*, 137 Ill. App. 3d 773, 92 Ill. Dec. 382, 484 N.E.2d 1237 (1 Dist. 1985).

The failure of a party to cite authority in support of his argument that his constitutional rights have been violated constitutes a waiver of that argument. *Shatkin Inv. Corp. v. Connelly*, 128 Ill. App. 3d 518, 83 Ill. Dec. 810, 470 N.E.2d 1230 (2 Dist. 1984).

Bare contentions unsupported by argument or by citation of authority are waived on appeal. *Potter v. Judge*, 112 Ill. App. 3d 81, 67 Ill. Dec. 585, 444 N.E.2d 821 (3 Dist. 1983).

When appellant seeks reversal, theories presented without authority are deemed waived and, further, a reviewing court should not normally search the record for unargued and unbriefed reasons to reverse a trial court judgment. *Kavanaugh v. Estate of Dobrowolski*, 86 Ill. App. 3d 33, 41 Ill. Dec. 358, 407 N.E.2d 856 (1 Dist. 1980).

Where plaintiffs asserted that 70 ILCS 1205/1-1 violated the constitutional rights of the taxpayers of its district and no point was made in the brief on which to fasten the argument, and the court was not told which constitution the plaintiffs had in mind, state or federal, former Rule 39, Supreme Court Rules required the court to ignore the argument. *People ex rel. Honefenger v. Burriss*, 408 Ill. 68, 95 N.E.2d 882 (1950).

--FAILURE TO CITE RECORD

Police officer forfeited a claim that the Board of Fire and Police Commissioners' decision to terminate the officer was against the manifest weight of the evidence, because the officer failed to comply with Ill. Sup. Ct. R. 341, making only a cursory argument without setting forth factual bases for such with citation to the record. *Gorski v. Bd. of Fire & Police Comm'rs of Woodstock*, Ill. App. 3d , Ill. Dec. , N.E.2d , 2011 Ill. App. LEXIS 1294 (2 Dist. Dec. 22, 2011).

It is the responsibility of the appellant to provide a record sufficient for court to review in ruling on claimed error; even if missing pleadings were available, the appellants' brief failed to identify the portions of the pleadings that were

claimed to be admissible and the issue was waived. *Quality Granite Constr. Co. v. Hurst-Rosche Eng'rs*, 261 Ill. App. 3d 21, 198 Ill. Dec. 528, 632 N.E.2d 1139 (5 Dist.), appeal denied, 157 Ill. 2d 521, 205 Ill. Dec. 185, 642 N.E.2d 1302 (1994).

A portion of the respondent's brief was stricken where the basis of an argument was not part of the record on appeal. *In re Wright*, 212 Ill. App. 3d 392, 156 Ill. Dec. 610, 571 N.E.2d 197 (5 Dist. 1991).

Appellant's failure to cite to the pages of the record relied upon waives the issue argued. *Scoggin v. Rochelle Community Hosp.*, 176 Ill. App. 3d 648, 126 Ill. Dec. 98, 531 N.E.2d 393 (2 Dist. 1988).

A defendant cannot make a general assertion of error without pointing out specific instances in the record to support the general assertion of error and still expect a reviewing court to determine whether his contention is meritorious. *People v. Sauer*, 177 Ill. App. 3d 870, 127 Ill. Dec. 117, 532 N.E.2d 946 (2 Dist. 1988).

Where a portion of a defendant's brief did not comply with this Rule, which requires citation to authorities and pages of the record in support of arguments and factual assertions made in a brief, the court granted plaintiffs' motion and struck that portion. *Richardson v. Kuo Chung Sun*, 152 Ill. App. 3d 1027, 106 Ill. Dec. 68, 505 N.E.2d 374 (2 Dist. 1987), appeal denied, 113 Ill. Dec. 317, 515 N.E.2d 126 (Ill. 1987).

Where attorney's brief did not refer to portions of the record which supported his allegations that he relied on another attorneys misrepresentations in an effort to get him to withdraw from his representation of client and not assert any claim for attorney fees against the other attorney, waived his claim that the circuit court erred in finding for the other attorney. *Paul v. Neely*, 155 Ill. App. 3d 241, 108 Ill. Dec. 240, 508 N.E.2d 401 (4 Dist. 1987).

Unless reference is made to the record concerning matters supporting a reversal, the alleged errors need not be considered. *Allen v. Archer-Daniels-Midland Co.*, 129 Ill. App. 3d 783, 84 Ill. Dec. 921, 473 N.E.2d 137 (4 Dist. 1985).

Unless reference is made in an appellant's brief to those portions of the record supporting reversal, an appellant's argument will not be considered. *Village of Bridgeview v. Strickland*, 139 Ill. App. 3d 744, 94 Ill. Dec. 232, 487 N.E.2d 1109 (1 Dist. 1985).

Failure to comply with subsection (e) of this Rule can operate as a waiver or can warrant dismissal of the appeal, and unless reference is made to those portions of the record supporting reversal, the argument will not be considered. *Mielke v. Condell Mem. Hosp.*, 124 Ill. App. 3d 42, 79 Ill. Dec. 78, 463 N.E.2d 216 (2 Dist. 1984).

Where appellant's brief contained no citation to either specific standards or pertinent portions of the record disclosing those standards, plaintiff waived her reliance on the standards as evidence of a hospital's standard of care. *Mielke v. Condell Mem. Hosp.*, 124 Ill. App. 3d 42, 79 Ill. Dec. 78, 463 N.E.2d 216 (2 Dist. 1984).

The defendant could not make a general assertion of effective assistance of counsel without pointing out specific instances where issues were preserved for review. *People v. Ramirez*, 98 Ill. 2d 439, 75 Ill. Dec. 241, 457 N.E.2d 31 (1983).

It is not an appellate court's duty to search the record for material upon which to base a reversal and, unless reference is made to the abstract or record concerning evidence supporting a reversal, such alleged errors will not be considered on appeal. *Farwell Constr. Co. v. Ticktin*, 84 Ill. App. 3d 791, 39 Ill. Dec. 916, 405 N.E.2d 1051 (1 Dist. 1980); *Geneva Hosp. Supply v. Sanberg*, 172 Ill. App. 3d 960, 123 Ill. Dec. 148, 527 N.E.2d 611 (2 Dist. 1988).

Plaintiff-cross appellant's failure to point out in his brief where in the excerpts or record certain documents might be found and to point out any of the operative facts necessary to an understanding of the issues presented were particularly serious where the record contained voluminous testimony and documentary evidence. Although the entire record was available to the reviewing court, it was not required to search the record to find a reason for reversing the judgment. *Martin v. Orvis Bros. & Co.*, 25 Ill. App. 3d 238, 323 N.E.2d 73 (1 Dist. 1974).

Where there was a failure of appellant to present to the Supreme Court the record in such manner that they could determine the alleged errors complained of, or the action of the court sought to be reviewed, the Supreme Court was compelled to dismiss the appeal. *Knecht v. Sincox*, 376 Ill. 586, 35 N.E.2d 68 (1941).

--FAILURE TO DEVELOP ARGUMENT

In a case where an injured party slipped and fell while trying to enter a train platform, an argument that a railroad company had breached a contract for carriage was waived due to a failure to develop an argument in a brief; however, even if the issue had been considered, it was meritless because the injured party was not a passenger at the time of the incident since she was not in a proper place to be transported, and the railroad company had not accepted her for

transportation. *Del Real v. Northeast Ill. Reg'l Commuter R.R. Corp.*, 404 Ill. App. 3d 65, 343 Ill. Dec. 250, 934 N.E.2d 574, 2010 Ill. App. LEXIS 825 (1 Dist. 2010).

--IMPROPER ARGUMENT

Because only case cited by appellants in support of their position did not have anything to do with argument that they made, Rule 341(e)(7), Supreme Court Rules required that their contention was waived for failure to cite any relevant authority in support of that claim. *RE/MAX R.E. Professionals v. Armstrong*, 288 Ill. App. 3d 552, 223 Ill. Dec. 787, 680 N.E.2d 520, 1997 Ill. App. LEXIS 328 (1 Dist. 1997).

Where an argument in a brief is not presented in accordance with this Rule, the issue is waived. *Gruse v. Belline*, 138 Ill. App. 3d 689, 93 Ill. Dec. 297, 486 N.E.2d 398 (2 Dist. 1985).

Where, in the appellant's brief, the sole proposition stated under points and authorities referred to the question of hospital's failure to exercise its duty to review medical care given, but in the argument portion of brief, plaintiff argued both that issue and the issue of hospital's duty to adequately observe patient and to inform doctor of changes in condition were mentioned, it was found second issue was sufficiently raised in brief and issue should not have been considered waived on appeal. *Collins v. Westlake Community Hosp.*, 57 Ill. 2d 388, 312 N.E.2d 614 (1974).

--ISSUES NOT ARGUED

Condemnees claim in their reply brief that the appraisals that the condemnor attached to its motion for partial summary judgment were inadmissible hearsay was forfeited pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. The condemnees failed to raise that claim in their opening brief and, thus, could not raise it for the first time in their reply brief. *Forest Preserve Dist. of Du Page County v. First Nat'l Bank of Franklin Park*, 401 Ill. App. 3d 966, 341 Ill. Dec. 267, 930 N.E.2d 477, 2010 Ill. App. LEXIS 501 (2 Dist. 2010), aff'd, remanded, 2011 Ill. LEXIS 1840 (Ill. 2011).

Although the former trustee suing the law firm for legal malpractice for not properly advising the former trustee about how to terminate the former trustee's position as trustee argued in its reply brief that it had asked the law firm to indemnify it in lawsuits brought against the former trustee as a result of it terminating its trustee position, it did not make that argument to the trial court or in its opening brief. As a result, that issue was waived under *Ill. Sup. Ct. R. 341(h)(7)*, which held that points not argued in an appellant's initial brief were waived and could not be raised in a reply brief. *Union Planters Bank, N.A. v. Thompson Coburn LLP*, 402 Ill. App. 3d 317, 343 Ill. Dec. 770, 935 N.E.2d 998, 2010 Ill. App. LEXIS 500 (5 Dist. 2010).

Appellate court did not need to address the alleged father's contention that the trial court, in finding the non-paternity of the minor child, was prejudiced against the alleged father. The alleged father failed to present any argument or cite any legal authority to show that the portion of the trial proceedings the alleged father quoted at length demonstrated the claimed prejudice, and, thus, the argument was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *People v. Robert M. (In re M.M.)*, 401 Ill. App. 3d 416, 340 Ill. Dec. 684, 928 N.E.2d 1281, 2010 Ill. App. LEXIS 439 (1 Dist. 2010).

Although one healthcare provider being sued by the minor and mother for medical malpractice challenged their action on standing and ripeness grounds regarding their attack on a statutory provision limiting the recovery of noneconomic damages in such cases, the trial court rejected those arguments and denied that healthcare provider's motion for judgment on the pleadings. Since that healthcare provider did not renew those arguments in the state supreme court, those arguments were waived pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *Lebron v. Gottlieb Mem. Hosp.*, 237 Ill. 2d 217, 341 Ill. Dec. 381, 930 N.E.2d 895, 2010 Ill. LEXIS 26 (2010).

Manufacturer waived arguments that access to documentary or real evidence would be hindered if its forum non conveniens motion to transfer a product liability action to another county was not granted and that a congested court docket in the forum county favored the transfer when it failed to raise those arguments in its opening appellate brief. *Ammerman v. Raymond Corp.*, 379 Ill. App. 3d 878, 318 Ill. Dec. 950, 884 N.E.2d 1221, 2008 Ill. App. LEXIS 139 (1 Dist. 2008).

Employee failed to preserve an issue on appeal because he merely cited to a case for a proposition without offering any argument; therefore, he waived the issue for purposes of appeal. *Irizarry v. Ill. Cent. R.R.*, 377 Ill. App. 3d 486, 316 Ill. Dec. 619, 879 N.E.2d 1007, 2007 Ill. App. LEXIS 1209 (1 Dist. 2007).

Where defendant argued that defendant was entitled to a lesser included offense instruction, defendant waived the issue for failing to preserve it, and defendant waived the issue for plain error review since defendant failed to comply

with *Ill. Sup. Ct. R. 341(e)(7)* by failing to provide argument regarding the elements required for plain error review. *People v. Patel*, 366 Ill. App. 3d 255, 303 Ill. Dec. 560, 851 N.E.2d 747, 2006 Ill. App. LEXIS 488 (1 Dist. 2006).

Supreme Court of Illinois refused to consider the State's argument that the court which presided over defendant's trial on a charge of first degree murder properly decided not to give the jury an instruction on involuntary manslaughter because the evidence presented at trial did not warrant that instruction, because the State did not make that argument when defendant appealed his conviction to the Appellate Court of Illinois. *People v. Carter*, 208 Ill. 2d 309, 280 Ill. Dec. 664, 802 N.E.2d 1185, 2003 Ill. LEXIS 2273 (2003), cert. denied, 541 U.S. 1090, 124 S. Ct. 2822, 159 L. Ed. 2d 254 (2004).

Party's failure to challenge appellate court's initial holding regarding third-party beneficiary standing waived that argument under *Rule 341, Supreme Court Rules. Olson v. Etheridge*, 177 Ill. 2d 396, 226 Ill. Dec. 780, 686 N.E.2d 563, 1997 Ill. LEXIS 438 (1997).

Although appellants' notice of appeal encompassed the dismissal of breach of fiduciary counts in their complaint, the failure to address the propriety of this portion of the trial court's order in the briefs on appeal required a finding that the issue was waived under *Rule 341(e)(7), Supreme Court Rules. Metrick v. Chatz*, 266 Ill. App. 3d 649, 203 Ill. Dec. 159, 639 N.E.2d 198, 1994 Ill. App. LEXIS 1170 (1 Dist. 1994).

Party's failure to challenge appellate court's initial holding regarding third-party beneficiary standing waived that argument under *Rule 341, Supreme Court Rules. Olson v. Etheridge*, 177 Ill. 2d 396, 226 Ill. Dec. 780, 686 N.E.2d 563, 1997 Ill. LEXIS 438 (1997).

Defendant did not argue in its initial brief that its president's affidavit raised a question of fact on the notice issue and thus precluded summary judgment; consequently, defendant waived this argument. *American States Ins. Co. v. National Cycle, Inc.*, 260 Ill. App. 3d 299, 197 Ill. Dec. 833, 631 N.E.2d 1292 (1 Dist. 1994).

Merely referring to a pleading in the common-law record is insufficient to satisfy the requirements of this Rule and appellant was obligated to present argument in support of her brief. *DiMaggio v. Crossings Homeowners Ass'n*, 219 Ill. App. 3d 1084, 162 Ill. Dec. 652, 580 N.E.2d 615 (2 Dist. 1991).

Points not argued in the appellant's brief are waived and shall not be raised in oral argument. *Uhvat v. Country Mut. Ins. Co.*, 125 Ill. App. 3d 295, 80 Ill. Dec. 618, 465 N.E.2d 964 (2 Dist. 1984); *People v. Lewis*, 105 Ill. 2d 226, 85 Ill. Dec. 302, 473 N.E.2d 901 (1984), cert. denied, 474 U.S. 865, 106 S. Ct. 184, 88 L. Ed. 2d 153 (1985).

Where a point was raised in the introduction and conclusion of plaintiffs' brief, but it was never mentioned in the body of the argument the issue was waived under subdivision (e)(7) and subsection (f) of this Rule. *Jenkins v. Delon Wu*, 102 Ill. 2d 468, 82 Ill. Dec. 382, 468 N.E.2d 1162 (1984).

An appellant has a positive duty to support each point made in its appeal with contentions, citation of authorities, and references to pages of the record, and if a point is not argued, it is waived and may not be raised in a reply brief, oral argument or petition for rehearing. *Piper v. Moran's Enters.*, 121 Ill. App. 3d 644, 77 Ill. Dec. 133, 459 N.E.2d 1382 (5 Dist. 1984).

Issues raised in the points and authorities section of the initial brief but not argued in that brief, were deemed to be waived. *In re Glessner*, 119 Ill. App. 3d 306, 74 Ill. Dec. 809, 456 N.E.2d 311 (1 Dist. 1983).

Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing. *Batteast ex rel. Batteast v. Argonaut Ins. Co.*, 118 Ill. App. 3d 4, 73 Ill. Dec. 609, 454 N.E.2d 706 (1 Dist. 1983).

An issue raised by a cross appellant was waived where the cross appellant did not present any arguments in its brief on the issue. *Orrico v. Beverly Bank*, 109 Ill. App. 3d 102, 64 Ill. Dec. 701, 440 N.E.2d 253 (1 Dist. 1982).

A cross-appeal will be dismissed where appellees, in contravention of this Rule, failed to discuss it in their argument and was thereby waived. *Gary-Wheaton Bank v. Village of Lombard*, 84 Ill. App. 3d 125, 39 Ill. Dec. 524, 404 N.E.2d 1115 (2 Dist. 1980).

Where plaintiff filed a cross appeal from the denial of its request for costs and attorneys fees, but did not present any argument in its brief concerning these points, any points not argued in a party's brief were waived, and the appellate court did not consider these issues raised in plaintiff's cross appeal. *Willett Truck Leasing Co. v. Liberty Mut. Ins. Co.*, 88 Ill. App. 3d 133, 43 Ill. Dec. 376, 410 N.E.2d 376 (1 Dist. 1980).

Where a plaintiff's brief never addressed an issue as a separate basis for reversal of the trial court's order, although her notice of appeal purported to request a separate review of and ruling upon this issue, such issue was waived. *Gregory v. First Nat'l Bank & Trust Co.*, 84 Ill. App. 3d 957, 40 Ill. Dec. 577, 406 N.E.2d 583 (2 Dist. 1980).

On appeal by the state from an order of the circuit court dismissing an indictment against defendant on the ground that his right to due process was violated, where the trial court did not specify the nature of the due process violations or resulting prejudice to defendant upon which it based its order, and the state in its brief discussed a broad spectrum of possible grounds upon which the court's order might be based, while defendant, in his brief, responded only to a single issue in support of the order, contending that the trial court properly dismissed the indictment against him on the ground that the State's Attorney failed to comply with his statutory duty to inform the Grand Jury of its right to subpoena defendant, the appellate court would consider the other grounds argued by the state waived by defendant and would not consider them further. *People v. Haag*, 80 Ill. App. 3d 135, 35 Ill. Dec. 450, 399 N.E.2d 284 (2 Dist. 1979).

Defendant's contention that the trial court erred in allowing the state to read to the jury in final argument the correspondence written by defendant against her interests, after the court had ruled that the statement could not be read to the jury at the time of its introduction, would not be considered on appeal where no argument was presented as to this contention in the defendant's brief. *People v. Martin*, 59 Ill. App. 3d 785, 17 Ill. Dec. 172, 376 N.E.2d 65 (2 Dist. 1978).

Where the notice of appeal filed by plaintiff requested reversal of the order of the trial court which quashed service of process on both defendants, but the plaintiff's brief and reply brief were directed only toward arguments that personal jurisdiction over one of the defendants was present in Illinois and no arguments were made concerning the other defendant, the trial court's order, insofar as it concerned that second defendant, was affirmed. *Wiedemann v. Cunard Line*, 63 Ill. App. 3d 1023, 20 Ill. Dec. 723, 380 N.E.2d 932 (1 Dist. 1978).

Where defendants set forth in the "Issues Presented for Review" portion of their brief a certain question, but there was no supporting argument in defendants' brief, defendants would be held to have waived the issue. *Rothner v. City of Chicago*, 66 Ill. App. 3d 428, 23 Ill. Dec. 191, 383 N.E.2d 1218 (1 Dist. 1978).

By granting leave to appeal from interlocutory order denying motion for change of venue pursuant to Rule 308, Supreme Court Rules and thereby indicating the intention to review both issues contained in the question identified, the appellate court did not relieve defendant of its responsibility to argue both issues on appeal, and where defendant failed to argue an issue in its initial brief, that issue was waived. *Winston v. Mitchell*, 53 Ill. App. 3d 206, 10 Ill. Dec. 865, 368 N.E.2d 460 (1 Dist. 1977).

In libel case in which plaintiffs' brief made no argument with regard to why a particular misstatement was libelous, the appellate court concluded that under this Rule, plaintiffs waived any contention that the paragraph in question stated a cause of action for libel. *Halpern v. News-Sun Broadcasting Co.*, 53 Ill. App. 3d 644, 11 Ill. Dec. 454, 368 N.E.2d 1062 (2 Dist. 1977).

Where the defendant's brief on appeal contained 17 enumerated "issues," but in his argument herein he did not argue several of his "issues," these issues would be deemed waived. *People v. Cooper*, 30 Ill. App. 3d 112, 332 N.E.2d 166 (5 Dist. 1975).

Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing. *People v. Scott*, 23 Ill. App. 3d 956, 320 N.E.2d 360 (1 Dist. 1974), cert. denied, 423 U.S. 844, 96 S. Ct. 80, 46 L. Ed. 2d 65 (1975).

Where the state did not argue the ruling of the trial court on motion to suppress without a warrant, the point was waived. *People v. Levin*, 12 Ill. App. 3d 879, 299 N.E.2d 336 (1 Dist. 1973).

Where plaintiffs' reasons for the wrongfulness of the levy and sale of his property were not argued in their brief before the appellate court, those arguments were not sufficiently or properly presented for review or properly presented for review and, consequently, were deemed to have been waived. *Quinn v. Larson*, 77 Ill. App. 2d 240, 222 N.E.2d 239 (2 Dist. 1966).

An appellant may not make a point by merely stating it, without presenting any arguments or reasons in support of it, and the court will not search through the record for possible errors on which a judgment may be reversed; such errors, if any there are, must be specifically pointed out and, reasons for the contention that the rulings in question were error must be presented and, if they are not, the court will not consider them. *Soter v. Christoforacos*, 53 Ill. App. 2d 133, 202 N.E.2d 846 (1 Dist. 1964).

Appellate court is not required to review error not argued; issues not argued are waived. *River v. Atlantic & Pac. Tea Co.*, 31 Ill. App. 2d 232, 175 N.E.2d 593 (4 Dist. 1961); *Pipitone v. Mandala*, 33 Ill. App. 2d 461, 180 N.E.2d 33 (2 Dist. 1962); *Andrews v. Porter*, 70 Ill. App. 2d 202, 217 N.E.2d 305 (1 Dist. 1966), aff'd, 37 Ill. 2d 309, 226 N.E.2d 597 (1967); *People v. Adams*, 109 Ill. App. 2d 385, 248 N.E.2d 748 (1 Dist. 1969); *Werdell v. Turzynski*, 128 Ill. App. 2d

139, 262 N.E.2d 833 (1 Dist. 1970); *Pugh v. Bershad*, 133 Ill. App. 2d 174, 272 N.E.2d 745 (1 Dist. 1971); *Andrulis v. First Nat'l Bank*, 4 Ill. App. 3d 436, 281 N.E.2d 417 (2 Dist. 1972), cert. denied, 410 U.S. 931, 93 S. Ct. 1373, 35 L. Ed. 2d 593 (1973); *Sears v. Weissman*, 6 Ill. App. 3d 827, 286 N.E.2d 777 (1 Dist. 1972); *In re Smith*, 4 Ill. App. 3d 261, 280 N.E.2d 770 (1 Dist. 1972); *People v. Levin*, 12 Ill. App. 3d 879, 299 N.E.2d 336 (1 Dist. 1973); *Antonious v. Girga*, 15 Ill. App. 3d 916, 305 N.E.2d 565 (1 Dist. 1973), aff'd, 60 Ill. 2d 27, 322 N.E.2d 798 (1975); *Fitzpatrick v. McLellan*, 25 Ill. App. 3d 727, 323 N.E.2d 813 (1 Dist. 1975); *Prather v. Lockwood*, 19 Ill. App. 3d 146, 310 N.E.2d 815 (4 Dist. 1974); *Dan Hayes Boiler & Repair Co. v. Illinois Masonic Medical Ctr.*, 30 Ill. App. 3d 616, 332 N.E.2d 463 (1 Dist. 1975); *La Salle Nat'l Bank v. County of Cook*, 34 Ill. App. 3d 264, 340 N.E.2d 79 (1 Dist. 1975); *Bank & Trust Co. v. Cullerton*, 25 Ill. App. 3d 721, 324 N.E.2d 29 (1 Dist. 1975); *Crosby v. Distler*, 38 Ill. App. 3d 1058, 349 N.E.2d 448 (2 Dist. 1976); *Svec v. Allstate Ins. Co.*, 53 Ill. App. 3d 1033, 11 Ill. Dec. 751, 369 N.E.2d 205 (1 Dist. 1977); *People v. Owens*, 46 Ill. App. 3d 978, 5 Ill. Dec. 321, 361 N.E.2d 644 (1 Dist. 1977); *Triple-X Chem. Lab., Inc. v. Great Am. Ins. Co.*, 54 Ill. App. 3d 676, 12 Ill. Dec. 447, 370 N.E.2d 70 (1 Dist. 1977); *Allender v. City of Chicago Zoning Bd. of Appeals*, 63 Ill. App. 3d 204, 21 Ill. Dec. 69, 381 N.E.2d 4 (1 Dist. 1978); *Gale v. Hoekstra*, 59 Ill. App. 3d 400, 16 Ill. Dec. 583, 375 N.E.2d 456 (1 Dist. 1978); *Feldmann v. Feldmann*, 59 Ill. App. 3d 838, 17 Ill. Dec. 297, 376 N.E.2d 296 (2 Dist. 1978); *Eckley v. St. Therese Hosp.*, 62 Ill. App. 3d 299, 19 Ill. Dec. 642, 379 N.E.2d 306 (2 Dist. 1978); *Knapp v. Hertz Corp.*, 59 Ill. App. 3d 241, 17 Ill. Dec. 65, 375 N.E.2d 1349 (1 Dist. 1978); *People v. Olson*, 59 Ill. App. 3d 643, 16 Ill. Dec. 660, 375 N.E.2d 533 (4 Dist. 1978); *People v. Rode*, 57 Ill. App. 3d 645, 15 Ill. Dec. 259, 373 N.E.2d 605 (1 Dist. 1978); *Doolin v. K-S Telegage Co.*, 75 Ill. App. 3d 25, 30 Ill. Dec. 520, 393 N.E.2d 556 (1 Dist. 1979); *Beckus ex rel. Beckus v. Chicago Bd. of Educ.*, 78 Ill. App. 3d 558, 33 Ill. Dec. 842, 397 N.E.2d 175 (1 Dist. 1979); *Denton Enters., Inc. v. Illinois State Toll Hwy. Auth.*, 77 Ill. App. 3d 495, 32 Ill. Dec. 921, 396 N.E.2d 34 (1 Dist. 1979); *In re Stallings*, 75 Ill. App. 3d 96, 30 Ill. Dec. 718, 393 N.E.2d 1065 (5 Dist. 1979); *Janssen v. City of Springfield*, 79 Ill. 2d 435, 38 Ill. Dec. 789, 404 N.E.2d 213 (1980); *Kavanaugh v. Estate of Dobrowolski*, 86 Ill. App. 3d 33, 41 Ill. Dec. 358, 407 N.E.2d 856 (1 Dist. 1980); *McGill ex rel. McGill v. Lazzaro*, 92 Ill. App. 3d 393, 48 Ill. Dec. 134, 416 N.E.2d 29 (1 Dist. 1980); *People v. Lovitz*, 101 Ill. App. 3d 704, 57 Ill. Dec. 177, 428 N.E.2d 727 (2 Dist. 1981); *Piper v. Board of Trustees*, 99 Ill. App. 3d 752, 55 Ill. Dec. 287, 426 N.E.2d 262 (3 Dist. 1981); *Northern Trust Co. v. Dempsey*, 100 Ill. App. 3d 653, 56 Ill. Dec. 155, 427 N.E.2d 235 (1 Dist. 1981); *People v. Fink*, 91 Ill. 2d 237, 62 Ill. Dec. 935, 437 N.E.2d 623 (1982); *Village of Maywood v. Health, Inc.*, 104 Ill. App. 3d 948, 60 Ill. Dec. 713, 433 N.E.2d 951 (1 Dist. 1982); *Allen v. Ali*, 105 Ill. App. 3d 887, 61 Ill. Dec. 678, 435 N.E.2d 167 (1 Dist. 1982); *Pritz v. Chesnut*, 106 Ill. App. 3d 969, 62 Ill. Dec. 605, 436 N.E.2d 631 (1 Dist. 1982); *Ruby v. Wayman*, 99 Ill. App. 2d 146, 240 N.E.2d 699 (2 Dist. 1968); *People v. Hobson*, 117 Ill. App. 3d 191, 72 Ill. Dec. 518, 452 N.E.2d 771 (4 Dist. 1983); *Schroeder v. Meier-Templeton Assocs.*, 130 Ill. App. 3d 554, 85 Ill. Dec. 784, 474 N.E.2d 744 (5 Dist. 1984); *Lindsey v. Schick, Inc.*, 125 Ill. App. 3d 81, 80 Ill. Dec. 523, 465 N.E.2d 635 (1 Dist. 1984); *United States ex rel. Dunmore v. Camp*, 698 F. Supp. 715 (N.D. Ill. 1988); *Burys v. First Bank*, 187 Ill. App. 3d 384, 135 Ill. Dec. 18, 543 N.E.2d 253 (1 Dist. 1989); *People v. Felella*, 131 Ill. 2d 525, 137 Ill. Dec. 547, 546 N.E.2d 492 (1989); *People v. Belcher*, 186 Ill. App. 3d 202, 134 Ill. Dec. 240, 542 N.E.2d 419 (2 Dist. 1989); *Palmisano v. Connell*, 179 Ill. App. 3d 1089, 128 Ill. Dec. 638, 534 N.E.2d 1243 (2 Dist.), appeal denied, 136 Ill. Dec. 591, 545 N.E.2d 115 (1989); *Chessick v. Sherman Hosp. Ass'n*, 190 Ill. App. 3d 889, 138 Ill. Dec. 98, 546 N.E.2d 1153 (2 Dist. 1989); *People v. Dunum*, 182 Ill. App. 3d 92, 130 Ill. Dec. 569, 537 N.E.2d 898 (1 Dist.), appeal denied, 136 Ill. Dec. 594, 545 N.E.2d 118 (Ill. 1989); *Lee v. Canuteson*, 214 Ill. App. 3d 137, 157 Ill. Dec. 900, 573 N.E.2d 318 (3 Dist.), appeal denied, 141 Ill. 2d 543, 162 Ill. Dec. 491, 580 N.E.2d 117 (1991); *People v. Mitchell*, 209 Ill. App. 3d 562, 154 Ill. Dec. 292, 568 N.E.2d 292 (1 Dist. 1991).

--ISSUES NOT RAISED

Defendant forfeited his argument regarding the dismissal of his second postconviction petition by failing to raise any argument on appeal concerning the dismissal of the second petition. *People v. Ramirez*, 402 Ill. App. 3d 638, 343 Ill. Dec. 405, 934 N.E.2d 1008, 2010 Ill. App. LEXIS 587 (2 Dist. 2010).

Interest claimants' assertion that not making the State responsible for interest payments to the interest claimants for abandoned property the State held under its disposition-of-abandoned-of-property law might result in a denial of due process in some cases was forfeited. That issue was waived pursuant to Ill. Sup. Ct. R. 341(h)(7) because the interest claimants waited until their reply brief in order to raise it and, thus, the argument for it was neither clearly defined nor sufficiently presented. *Cwik v. Giannoulis*, 237 Ill. 2d 409, 341 Ill. Dec. 476, 930 N.E.2d 990, 2010 Ill. LEXIS 672

(2010).

Resident suing the nursing home for alleged substandard care that injured the resident did not argue that the care the operators provided involved a "transaction in commerce," which would make the care subject to federal law, and, in particular, the Federal Arbitration Act. Since the resident did not raise that issue in the case, argument on that point on appeal was waived pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *Fosler v. Midwest Care Ctr. II, Inc.*, 398 Ill. App. 3d 563, 340 Ill. Dec. 282, 928 N.E.2d 1, 2010 Ill. App. LEXIS 170 (2 Dist. 2010).

Defendant waived the issue regarding defendant's postconviction petition claim that defendant was not culpably negligent in belatedly filing defendant's postconviction petition by not contesting on appeal the trial court's determination that defendant had not shown a lack of culpable negligence. For failing to raise the issue on appeal, defendant waived the claim pursuant to *Ill. Sup. Ct. R. 341(h)(7)*. *People v. Wofford*, 394 Ill. App. 3d 433, 333 Ill. Dec. 416, 914 N.E.2d 1228, 2009 Ill. App. LEXIS 822 (5 Dist. 2009).

Pursuant to *Ill. Sup. Ct. R. 341(h)(7)*, an appellant waived an argument on appeal by failing to raise it in the appellant's initial brief. *Peltier v. Collins*, 382 Ill. App. 3d 773, 321 Ill. Dec. 291, 888 N.E.2d 1224, 2008 Ill. App. LEXIS 473 (1 Dist. 2008).

Although in her appeals below the employee argued that a social security offset against her potential unemployment insurance benefits was unconstitutional, before the appellate court the employee neither raised nor briefed the issue of constitutionality; accordingly, the employee waived the consideration of that argument on appeal. *Martin v. Dep't of Empl. Sec.*, 376 Ill. App. 3d 853, 315 Ill. Dec. 790, 877 N.E.2d 1119, 2007 Ill. App. LEXIS 1015 (1 Dist. 2007).

In a breach of contract and conversion case, defendant property owner's motion to dismiss under the 2004 version of 735 ILCS 5/2-209 was improperly denied because, contrary to plaintiff laundry systems provider's argument, the prior owner's personal jurisdiction did not run with the land, and, pursuant to Rule 341, Supreme Court Rules, because the provider did not allege any other basis for jurisdiction, the issue was waived. *Commercial Coin Laundry Sys. v. Loon Invs., LLC*, 375 Ill. App. 3d 26, 313 Ill. Dec. 171, 871 N.E.2d 898, 2007 Ill. App. LEXIS 721 (1 Dist. 2007).

Where, in a solicitation of murder for hire case under 720 Ill. Comp. Stat. 5/8-1.2(a), a witness testified, in part, that the cost for solicitation of murder for hire in the instant case should have been \$ 40,000 and that it was important for the undercover officer to elicit from defendant specific facts about the act to be performed and the amount to be transacted for the particular act, defendant waived the claim that defendant was deprived of a fair trial, as defendant failed to raise it in defendant's posttrial motion, and defendant failed to raise it in the opening appellate brief as required under *Ill. Sup. Ct. R. 341(e)(7)* and (g); plain error analysis under *Ill. Sup. Ct. R. 615(a)* was unavailable since the evidence in the case was not closely balanced given that the solicitation was recorded, and the error was not so serious that its consideration was necessary to preserve the integrity and reputation of the judicial process given that the witness's testimony was an improper comment on a question of law, was based on speculation, and did not deprive defendant of a fair trial under *Ill. Const. art. I, § 8*. *People v. Patel*, 366 Ill. App. 3d 255, 303 Ill. Dec. 560, 851 N.E.2d 747, 2006 Ill. App. LEXIS 488 (1 Dist. 2006).

Appellate court chose not to address a widow's argument in her appeal in a wrongful death case that a doctor failed to adequately disclose in advance the substance of an expert witness's testimony because the widow failed to identify in her opening brief the precise manner in which she contended that the disclosure was deficient. Accordingly, as the point was not fully argued in the widow's opening brief in her appeal, the point was waived and could not be raised in a reply brief or at oral argument under *Ill. Sup. Ct. R. 341(e)(7)*. *Gee v. Treece*, 365 Ill. App. 3d 1029, 303 Ill. Dec. 418, 851 N.E.2d 605, 2006 Ill. App. LEXIS 354 (1 Dist. 2006).

While the insurance company claimed in its reply brief that a genuine issue of material fact existed as to whether the company actually sent a letter denying the driver a defense, this issue was waived since it was not raised in the company's opening brief. *Insurance Co. v. Federal Kemper Ins. Co.*, 291 Ill. App. 3d 384, 225 Ill. Dec. 444, 683 N.E.2d 947 (1 Dist. 1997), appeal denied, 175 Ill. 2d 528, 228 Ill. Dec. 718, 689 N.E.2d 1139 (1997).

In his brief appeal, plaintiff only requested the opportunity to replead his counts and did not contend that the trial court's decision to grant the motion to dismiss was improper, thus, plaintiff waived any contention that the motion was improvidently granted, due to subdivision (e)(7). *In re Estate of Nicholson*, 268 Ill. App. 3d 689, 205 Ill. Dec. 831, 644 N.E.2d 47 (1 Dist. 1994).

Where an issue was not raised in the appellant's initial brief, it is waived and the court will not consider it. *People v. O'Neil*, 25 Ill. App. 3d 227, 323 N.E.2d 7 (1 Dist. 1974); *Vasilopoulos v. Zoning Bd. of Appeals*, 34 Ill. App. 3d 480, 340

N.E.2d 19 (1 Dist. 1975); *Gale v. Hoekstra*, 59 Ill. App. 3d 400, 16 Ill. Dec. 583, 375 N.E.2d 456 (1 Dist. 1978); *Terracina v. Castelli*, 80 Ill. App. 3d 475, 35 Ill. Dec. 890, 400 N.E.2d 27 (1 Dist. 1979); *Hassett Storage Whse., Inc. v. Board of Election Comm'rs*, 69 Ill. App. 3d 972, 25 Ill. Dec. 909, 387 N.E.2d 785 (1 Dist. 1979); *Local 134, Int'l Bhd. of Elec. Workers v. Chicago Transit Auth.*, 68 Ill. App. 3d 855, 25 Ill. Dec. 32, 386 N.E.2d 303 (1 Dist. 1979); *Altman v. AMOCO*, 85 Ill. App. 3d 104, 40 Ill. Dec. 441, 406 N.E.2d 142 (1 Dist. 1980); *Rome v. Commonwealth Edison Co.*, 81 Ill. App. 3d 776, 36 Ill. Dec. 894, 401 N.E.2d 1032 (1 Dist. 1980); *Niemann ex rel. Niemann v. Vermilion County Hous. Auth.*, 101 Ill. App. 3d 735, 57 Ill. Dec. 156, 428 N.E.2d 706 (4 Dist. 1981); *People v. Godinez*, 91 Ill. 2d 47, 61 Ill. Dec. 524, 434 N.E.2d 1121 (1982); *Dial v. Mihalic*, 107 Ill. App. 3d 855, 63 Ill. Dec. 615, 438 N.E.2d 546 (1 Dist. 1982); *J.R. Sinnott Carpentry, Inc. v. Phillips*, 110 Ill. App. 3d 632, 66 Ill. Dec. 671, 443 N.E.2d 597 (4 Dist. 1982); *Will v. Will Prods., Inc.*, 109 Ill. App. 3d 778, 65 Ill. Dec. 430, 441 N.E.2d 343 (2 Dist. 1982); *Unger v. Continental Assurance Co.*, 122 Ill. App. 3d 376, 77 Ill. Dec. 908, 461 N.E.2d 531 (1 Dist. 1984), aff'd, 107 Ill. 2d 79, 89 Ill. Dec. 841, 481 N.E.2d 684 (1985); *People v. Porter*, 111 Ill. 2d 386, 95 Ill. Dec. 465, 489 N.E.2d 1329, cert. denied, 479 U.S. 898, 107 S. Ct. 298, 93 L. Ed. 2d 272 (1986); *City of Belleville v. Human Rights Comm'n*, 167 Ill. App. 3d 834, 118 Ill. Dec. 813, 522 N.E.2d 268 (5 Dist. 1988), appeal denied, 122 Ill. 2d 569, 125 Ill. Dec. 213, 530 N.E.2d 241 (1988); *McNichols v. Jersild*, 169 Ill. App. 3d 791, 120 Ill. Dec. 261, 523 N.E.2d 1172 (3 Dist. 1988); *Rybak v. Provenzale*, 181 Ill. App. 3d 884, 130 Ill. Dec. 852, 537 N.E.2d 1321 (2 Dist.), appeal denied, 136 Ill. Dec. 606, 545 N.E.2d 130 (Ill. 1989); *People v. Stewart*, 141 Ill. 2d 107, 152 Ill. Dec. 286, 565 N.E.2d 968 (1990), cert. denied, 502 U.S. 853, 112 S. Ct. 162, 116 L. Ed. 2d 126 (1991); *Gunia v. Cook County Sheriff's Merit Bd.*, 211 Ill. App. 3d 761, 156 Ill. Dec. 177, 570 N.E.2d 653 (1 Dist.), appeal denied, 141 Ill. 2d 540, 162 Ill. Dec. 487, 580 N.E.2d 113 (1991); *In re Kraft*, 217 Ill. App. 3d 502, 160 Ill. Dec. 392, 577 N.E.2d 522 (2 Dist. 1991); *Standard Bank & Trust Co. v. Callaghan*, 215 Ill. App. 3d 76, 158 Ill. Dec. 598, 574 N.E.2d 711 (2 Dist.), appeal denied, 142 Ill. 2d 665, 164 Ill. Dec. 928, 584 N.E.2d 140 (1991).

Respondent's arguments that an award of property pursuant to dissolution was unjust and that the court improperly modified a prior decree after petitioner acted in reliance on that judgment by remarrying were not addressed in her brief and were thereby waived. *In re Callaway*, 150 Ill. App. 3d 712, 104 Ill. Dec. 103, 502 N.E.2d 366 (1 Dist. 1986).

Where insured's appeal concerned the directed verdict on the first count only, he waived any right to have appellate court consider the issue of the directed verdict on the second count. *Fitzgerald v. MFA Mut. Ins. Co.*, 134 Ill. App. 3d 1007, 89 Ill. Dec. 911, 481 N.E.2d 754 (5 Dist. 1985).

Where, on appeal, defendant did not challenge the trial court's determination that defendant's answer to a summary judgment affidavit and his counter affidavit were insufficient, any error in the court's determination of their insufficiency was waived and the affidavit and counter affidavit would not be considered in determining the propriety of the summary judgment. *First Nat'l Bank v. Lambert*, 109 Ill. App. 3d 177, 64 Ill. Dec. 754, 440 N.E.2d 306 (1 Dist. 1982).

Plaintiff waived its right to challenge the decision as to any of the unions, except the one named by its failure to raise these issues as to all unions in its brief. *Wyman-Gordon Co. v. Bowling*, 92 Ill. App. 3d 614, 48 Ill. Dec. 177, 416 N.E.2d 72 (1 Dist. 1981).

Counsel's reply to a question from the bench that he did not intend to waive the question of attorney fees was simply not sufficient to present the issue on appeal where it was not briefed or otherwise referred to in oral argument. *Village of Crainville v. Argonaut Ins. Co.*, 81 Ill. 2d 399, 43 Ill. Dec. 5, 410 N.E.2d 5 (1980).

Where issue of the availability of attorney's fees was never briefed by the parties such issue is considered waived. *In re Olsher*, 78 Ill. App. 3d 627, 34 Ill. Dec. 32, 397 N.E.2d 488 (1 Dist. 1979).

Where the city failed to raise that it was not subject to the statute of limitations in its original brief, and failed to file brief, the issue was waived and could not be raised for the first time on petition for rehearing. *Chicago Park Dist. v. Kenroy Inc.*, 58 Ill. App. 3d 879, 15 Ill. Dec. 887, 374 N.E.2d 670 (1 Dist. 1978), modified on other grounds, 78 Ill. 2d 555, 402 N.E.2d 181 (1980).

Where neither side in a condemnation action cited as error the entering of a certain portion of the trial court's order, any error as to that portion was waived by both sides. *DOT v. Schien*, 50 Ill. App. 3d 73, 8 Ill. Dec. 464, 365 N.E.2d 702 (4 Dist. 1977), aff'd, 72 Ill. 2d 287, 21 Ill. Dec. 163, 381 N.E.2d 241 (1978).

An argument not raised in the state's brief on appeal was waived. *People v. Suggs*, 50 Ill. App. 3d 778, 8 Ill. Dec. 732, 365 N.E.2d 1118 (1 Dist. 1977).

Where the defendant husband's brief was silent on the issues of whether he was financially able to pay the sums

awarded to his wife in a divorce action, and whether the amount of attorney fees awarded was reasonable, the issues concerning the amount of fees awarded and defendant's ability to pay were accordingly waived. *Kenly v. Kenly*, 47 Ill. App. 3d 694, 8 Ill. Dec. 141, 365 N.E.2d 379 (1 Dist. 1977).

Alternative prayer for relief which was first mentioned during oral argument and was not argued in plaintiff's main brief nor in its reply brief would be deemed waived under this Rule. *Continental Grain Co. v. FMC Corp.*, 27 Ill. App. 3d 819, 327 N.E.2d 371 (1 Dist. 1975).

Where defendant, on trial for indecent liberties with a child and contributing to the sexual delinquency of a child, never claimed any protection or right under former Ill.Rev.Stat., ch. 23, paras. 2401, 2402 (repealed) and never called to the trial court's attention, in any way, the right to, or the need for, a psychiatric examination as provided for in Sections 2401 and 2402, and on appeal defendant did not claim to have been prejudiced in any manner by virtue of the trial court's failure to require the examination, defendant would be held to have waived his right to raise the issue on appeal. *People v. Pierce*, 26 Ill. App. 3d 550, 325 N.E.2d 758 (1 Dist. 1975), aff'd, 62 Ill. 2d 223, 341 N.E.2d 705 (1976).

Under this Rule it is the content of the argument in the appellant's brief which determines the propositions relied upon in support of the appeal and, since this Rule provides only that points not argued are waived, the reviewing court will therefore look to the argument to ascertain whether or not a particular issue was raised in the appellate court. *Collins v. Westlake Community Hosp.*, 57 Ill. 2d 388, 312 N.E.2d 614 (1974).

A point not raised or argued in the original brief, but urged for the first time in a petition for rehearing, is considered to be waived. *O'Hare Int'l Bank v. Feddeler*, 16 Ill. App. 3d 35, 305 N.E.2d 325 (1 Dist. 1973).

Defendant's contention regarding the availability of a "key witness" was not considered on appeal, where the matter was neither abstracted nor briefed on appeal but was raised for the first time during oral argument in the appellate court, and where the record did not support defendant's position in this regard, which would have been necessary to bring the matter within the plain error rule. *People v. Allen*, 7 Ill. App. 3d 875, 289 N.E.2d 21 (1 Dist. 1972).

Statement in passing that defendant failed to allege a meritorious defense in her petition, which was not otherwise argued in the brief, was not properly preserved for appeal and was waived. *Wright v. McGee*, 131 Ill. App. 2d 522, 264 N.E.2d 882 (1 Dist. 1970).

A contention raised for the first time on petition for rehearing too late for consideration. *Kessen v. Zarattini*, 119 Ill. App. 2d 284, 256 N.E.2d 377 (1 Dist. 1969).

The failure to raise an allegation or issue in a brief or reply filed in the Supreme Court could not be raised in argument. *People ex rel. Carpentier v. Treloar Trucking Co.*, 13 Ill. 2d 596, 150 N.E.2d 624 (1958).

An alleged error or point not contained in the brief in chief shall not be raised afterwards, either by reply brief, or in oral or printed argument, or on petition for rehearing. *Rhodes v. Rhodes*, 172 Ill. 187, 50 N.E. 170 (1898).

--MATERIALS OUTSIDE RECORD

Merely citing to necessary transcripts in appellate briefs is not sufficient, the record on appeal must contain the actual transcripts cited to in the briefs. *Sapp v. Industrial Comm'n*, 222 Ill. App. 3d 1068, 165 Ill. Dec. 385, 584 N.E.2d 819 (4 Dist. 1991).

An attorney's affidavit may not be used to supplement the record on appeal and an affidavit which was not filed in the trial court and not part of the record on appeal will not be considered by a reviewing court. *Silny v. Lorens*, 73 Ill. App. 3d 638, 29 Ill. Dec. 710, 392 N.E.2d 267 (1 Dist. 1979).

--NOT APPLICABLE

With respect to Ill. Sup. Ct. R. 341(e)(7), (f), waiver is a limitation on the parties, not the reviewing court. *Gusich v. Metro. Pier & Exposition Auth.*, 326 Ill. App. 3d 1030, 260 Ill. Dec. 768, 762 N.E.2d 34, 2001 Ill. App. LEXIS 929 (1 Dist. 2001).

The question of whether defendant's counterclaim was properly denied was not waived on appeal by defendant's failure to discuss it in its brief, where, at trial, plaintiff-lessee presented no defenses whatsoever to defendant's counterclaim other than the lease's alleged unconscionability and, since plaintiff's liability for the amount of defendant's counterclaim would automatically result from a decision that the lease was conscionable, a discussion of defendant's counterclaim in its brief was unnecessary and would, in fact, have been superfluous. *Dillman & Assocs. v. Capitol Leasing Co.*, 110 Ill. App. 3d 335, 66 Ill. Dec. 39, 442 N.E.2d 311 (4 Dist. 1982).

Although plaintiff's presentation of his claim was clouded by his sometimes purely semantic arguments, his contentions adequately raised the issue of manifest weight of the evidence, and thus there was no waiver which would bar consideration of this issue. *Tanquilut v. Illinois Dep't of Pub. Aid*, 78 Ill. App. 3d 55, 33 Ill. Dec. 402, 396 N.E.2d 1126 (1 Dist. 1979).

Although appellants failed to raise the question of the court exceeding its power in the lower court, they would not be prevented from arguing it on appeal, where the lower court reviewed the proceedings before the Zoning Board of Appeals solely from the record of that body, and there could not be any objection until the entry of the court's order. *Sanderson v. De Kalb County Zoning Bd. of Appeals*, 24 Ill. App. 3d 107, 320 N.E.2d 54 (2 Dist. 1974).

--POINTS AND AUTHORITIES

Where a portion of a defendant's brief did not comply with this Rule which requires citation to authorities and pages of the record in support of arguments and factual assertions made in a brief, the court granted plaintiffs' motion and struck that portion of the brief. *Richardson v. Kuo Chung Sun*, 152 Ill. App. 3d 1027, 106 Ill. Dec. 68, 505 N.E.2d 374 (2 Dist. 1987), appeal denied, 113 Ill. Dec. 317, 515 N.E.2d 126 (Ill. 1987).

By not raising the question of attorney fees in his Points and Authorities the defendant was deemed to have waived it. *People v. Almanza*, 76 Ill. App. 2d 395, 222 N.E.2d 74 (1 Dist. 1966).

--SCOPE OF LIMITATION

The waiver doctrine is an admonition to the parties and not a limitation upon the power of a reviewing court to address issues of law as the case may require. *Mayfield v. Acme Barrel Co.*, 258 Ill. App. 3d 32, 196 Ill. Dec. 145, 629 N.E.2d 690 (1 Dist. 1994).

Even though a plaintiff presented a brief having 22 points, many of which having been raised and passed upon in previous cases attacking the Public Building Commission Act, the court was under no obligation to discuss these constitutional grounds raised because the court may confine its opinion to those issues not heretofore passed upon in previous cases, therefore, the doctrine of res judicata and the doctrine of stare decisis are applicable to waiver. *Gouker v. Winnebago County Bd. of Supvrs.*, 37 Ill. 2d 473, 228 N.E.2d 881 (1967).

--SHOWN

Defendant's contentions on appeal that were unsupported by citation of authority or else did not cite to pages of the record relied upon failed to meet the requirements of Rule 341(h)(7), Supreme Court Rules and were therefore waived. *First Nat'l Bank v. Lowrey*, 375 Ill. App. 3d 181, 313 Ill. Dec. 464, 872 N.E.2d 447, 2007 Ill. App. LEXIS 727 (1 Dist. 2007), appeal denied, 2007 Ill. LEXIS 1729 (Ill. 2007).

In an dispute concerning the disqualification of an attorney and a firm from representing an employee in a wrongful discharge action, the employee's argument that the trial court should not have "overruled" a prior decision by the Attorney Registration and Disciplinary Commission (ARDC) was meritless; moreover, the employee cited no authority for his assertion that the trial court was bound by an ARDC investigator's decision not to proceed, and thus, pursuant to Rule 341(e)(7), Supreme Court Rules, the employee waived the argument. *Franzoni v. Hart Schaffner & Marx*, 312 Ill. App. 3d 394, 244 Ill. Dec. 744, 726 N.E.2d 719, 2000 Ill. App. LEXIS 155 (1 Dist. 2000).

Where, to the extent that plaintiffs' complaint addressed intrastate communications, defendants argued that federal claims were preempted by the Public Utilities Act (220 ILCS 5/1-101 et seq.) but the trial court refused to hear argument on the point, indicating that it was unnecessary, because plaintiffs did not address intrastate communications of the defendants' argument concerning preemption by the Public Utilities Act on appeal, any argument regarding intrastate communications was waived. *Manning v. City of Chicago*, 276 Ill. App. 3d 260, 212 Ill. Dec. 778, 657 N.E.2d 1123 (1 Dist. 1995), appeal denied, 166 Ill. 2d 542, 216 Ill. Dec. 5, 664 N.E.2d 642 (1996), cert. denied, 519 U.S. 862, 117 S. Ct. 168, 136 L. Ed. 2d 110 (1996).

In a tort action against an employee and employer, the employer waived the issue of whether its retention of the employee was a proximate cause of plaintiff's injuries, as it devoted only two sentences to this allegation in its brief and never stated why it believed proof of proximate cause was lacking, in derogation of Rule 341(e)(7), Supreme Court Rules. *Bryant v. Livigni*, 250 Ill. App. 3d 303, 188 Ill. Dec. 925, 619 N.E.2d 550, 1993 Ill. App. LEXIS 1357 (1 Dist. 1993).

A conclusory argument consisting of but two sentences was considered waived on appeal. *Curran Contracting Co. v. Woodland Hills Dev. Co.*, 235 Ill. App. 3d 406, 176 Ill. Dec. 843, 602 N.E.2d 497 (2 Dist. 1992).

Because arguments that do not meet the requirements of subsection (e)(7) of this Rule are deemed waived, defendant waived a final issue because he did not cite any reasons in support of his contention. *Benison v. Silverman*, 233 Ill. App. 3d 689, 175 Ill. Dec. 87, 599 N.E.2d 1101 (1 Dist. 1992).

Plaintiff's failure to object to a witness' testimony at trial constituted a waiver of the issue on appeal. *Fitzpatrick v. ACF Properties Group, Inc.*, 231 Ill. App. 3d 690, 172 Ill. Dec. 657, 595 N.E.2d 1327 (2 Dist.), appeal denied, 146 Ill. 2d 626, 176 Ill. Dec. 797, 602 N.E.2d 451 (1992).

Because subsection (g) of this Rule prohibits a party from raising new matters by way of a reply brief and plaintiffs' failed to make their argument in their official brief, they waived it for purposes of appeal. *Obenland v. Economy Fire & Cas. Co.*, 234 Ill. App. 3d 99, 174 Ill. Dec. 915, 599 N.E.2d 999 (1 Dist. 1992), aff'd, 251 Ill. App. 3d 868, 191 Ill. Dec. 158, 623 N.E.2d 748 (1993).

Appellant, who did not cite any authority as to why the trial court erred by ordering the particular property division, waived her argument regarding the distribution order. *People ex rel. Hartigan v. Anderson*, 232 Ill. App. 3d 273, 173 Ill. Dec. 852, 597 N.E.2d 826 (3 Dist 1992).

LEGAL PERIODICALS

For article, "Survey of Illinois Law: Civil Trial and Appellate Practice and Procedure Developments," see 31 S. Ill. U.L.J. 759 (2007).

For article, "Mixed Up Questions of Fact and Law: Illinois Standards of Appellate Review in Civil Cases Following the 1997 Amendment to Supreme Court Rule 341," see 28 S. Ill. U. L.J. 13 (2003).

For article, "Taking Standards of Appellate Review Seriously: A Proposal to Amend Rule 341," see 83 Ill. B.J. 512 (1995).

For article, "The Case on Appeal: A Brief Proposal," see 73 Ill. Bar J. 490 (1985).

For article, "Ten Rules to Present an Oral Argument on Appeal," see 66 Chi. B. Rec. 270 (1985).

For article, "Ten Rules for the Preparation of an Effective Appellate Brief," see 72 Ill. B.J. 190 (1983).

PRACTICE GUIDES AND TREATISES

Civil Appellate Practice: State and Federal (Illinois) § 4.1 Standards of Review - Introduction (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 15.8 Content of Application (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 15.11 Appellate Court Standard in Granting Rule 308 Petitions (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 21.17 Motions To File Briefs in Excess of Page Limitations (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.4 Length of Briefs (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.5 Contents of Briefs (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.6 Cover (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.7 Tables of Contents and Points and Authorities (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.8 Nature of Case (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.9 Issues Presented (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.10 Statement of Jurisdiction (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.11 Statutes Involved (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.12 Statement of Facts (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.13 Argument (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.14 Arguing Facts (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.17 Method of Citing Cases (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.18 Selection of Points To Argue (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.22 Appellee's Brief (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.23 Reply Briefs (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 22.25 Reference to Parties (IICLE)

Civil Appellate Practice: State and Federal (Illinois) § 29.15 Fair and Accurate Statement of Facts (IICLE)
Product Liability Practice (Illinois) § 12.29 Form of Briefs (IICLE)
Eminent Domain Practice (Illinois) § 13.2 Preservation of Error for Review (IICLE)