

NOTICE

Decision filed 03/19/25. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2025 IL App (5th) 241199-U

NO. 5-24-1199

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE

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

<i>In re</i> MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
MENG LIU,	)	Champaign County.
	)	
Petitioner-Appellee,	)	
	)	
and	)	No. 18-D-173
	)	
JONATHAN COX,	)	Honorable
	)	Ramona M. Sullivan,
Respondent-Appellant.	)	Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Boie and Vaughan concurred in the judgment.

ORDER

¶ 1 *Held:* The appellant failed to comply with the requirements of Illinois Supreme Court rules regarding appellate briefs. Appeal dismissed.

¶ 2 I. BACKGROUND

¶ 3 Meng Liu and Jonathan Cox were married on August 8, 2013. Two children were born to the parties as the result of the marriage, C.C., who was born in August 2014, and R.C., who was born in April 2016.

¶ 4 Liu filed a petition for dissolution of marriage in the circuit court of Champaign County on May 1, 2018. A bench trial in this matter was held on April 18, 2024, April 19, 2024, and June 17, 2024. The trial court’s docket entry of June 17, 2024, indicated, *inter alia*, “Court orders the parties

to cooperate with completing and submitting applications for passports for both minor children. Cause is taken under advisement as to issues of allocation of parental responsibilities.”

¶ 5 The trial court entered its written judgment of allocation of parental responsibilities on July 3, 2024. The judgment provided, *inter alia*, that

“[d]uring Summer Break from school, the Petitioner [mother] will have four consecutive weeks of parenting time, and she may travel to China with the children during her parenting time. Petitioner must notify Respondent [father] of her selected weeks by May 1 each year. Respondent shall have two uninterrupted weeks of parenting time in the summer. Respondent must notify Petitioner of his selected weeks by May 15 each year.”

The trial court entered a parenting plan the same day consistent with the judgment.

¶ 6 On July 18, 2024, Cox filed a motion to vacate order for parties to cooperate with completing and submitting passport applications. On August 12, 2024, Cox filed a motion to modify the trial court’s parenting plan order. On September 2, 2024, Liu filed a motion to order respondent to sign passport applications. A hearing on the aforementioned motions was held on October 10, 2024. By docket entry the same day, the trial court denied Cox’s motions filed on July 18, 2024, and August 12, 2024. The trial court granted Liu’s motion filed on September 2, 2024, and ordered that the applications for passports be completed on or before November 6, 2024. Cox made an oral motion to stay the signing of the passports, which was denied.

¶ 7 Cox filed his notice of appeal on November 1, 2024, which identified only October 10, 2024, as the date of “every order or judgment you want to appeal.” As the appeal involved a question of child custody and allocation of parental responsibilities, this court, on November 15, 2024, notified the parties the docket would be accelerated pursuant to Illinois Supreme Court Rule

311(a) (eff. July 1, 2018). Accordingly, the record on appeal was due to be filed by the appellant, Cox, on or before December 6, 2024.

¶ 8 On December 9, 2024, Cox filed a motion to stay enforcement of judgment pending appeal. Liu filed an objection to the motion on December 12, 2024. This court denied the motion to stay on December 17, 2024.

¶ 9 On January 13, 2025, Liu filed a motion to dismiss the appeal based on the appellant's failure to file the record on appeal. This court denied the motion to dismiss and ordered the trial court of Champaign County to file the record on appeal. The record on appeal was filed with this court on February 6, 2025.

¶ 10 Pursuant to the accelerated schedule, the appellant's brief was due to be filed on or before February 27, 2025. The appellant did not file a brief by the deadline. On February 28, 2025, this court entered an order requiring the appellant to show cause, within seven days, why his appeal should not be dismissed for want of prosecution. The appellant did not file a response to the order to show cause.

¶ 11 On March 7, 2025, the appellant filed, without leave of court to file a late brief, a document titled "Appellant's Brief." The brief consists of a scant four pages. On March 12, 2025, the appellant filed, again without leave of court to file late, the appellant's appendix.

¶ 12 II. ANALYSIS

¶ 13 It is well settled that Illinois Supreme Court rules are not mere suggestions; they have the force of law and are to be construed in the same manner as statutes. *In re Denzel W.*, 237 Ill. 2d 285, 284 (2010). Upon review of this matter, we find the appellant's brief fails to conform with the requirements of Illinois Supreme Court Rules 341 (eff. Oct. 1, 2020) and 342 (eff. Oct. 1, 2019). Rule 341 governs the form and contents of an appellant's brief, and Rule 342 governs the

form and contents of the appendix to be submitted by the appellant. “Compliance with these procedural rules is mandatory.” *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 12 (citing *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8).

¶ 14 The appellant’s brief failed to comply with almost all seven subparts of Rule 341. The brief lacks a table of contents (Rule 341(h)(1)); lacks an introductory paragraph (Rule 341(h)(2)); lacks a statement of the issue or issues presented for review (Rule 341(h)(3)); lacks a statement of jurisdiction (Rule 341(h)(4)); lacks a statement of facts (Rule 341(h)(6)); and lacks 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” (Rule 341(h)(7)). Ill. S. Ct. R. 341(h) (eff. Oct. 1, 2020). The appellant did not initially submit an appendix with his brief pursuant to Rule 342; however, a late appendix was filed without leave of court.

¶ 15 With respect to the appellant’s brief and the requirements of Rule 341(h)(7), a “reviewing court is entitled to have the issues on appeal clearly defined with pertinent authority cited and a cohesive legal argument presented. The appellate court is not a depository in which the appellant may dump the burden of argument and research.” *Thrall Car Manufacturing. Co. v. Lindquist*, 145 Ill. App. 3d 712, 719 (1986).

¶ 16 The appellant’s brief concedes that the issue regarding passports is now moot. Turning to the issue regarding the denial of Cox’s motion to modify the parenting plan order, the brief does reference two statutes regarding parenting time. However, the brief does not contain any citations to legal authority to support the appellant’s arguments, which are set forth in the brief as follows:

“8. Respondent [Cox] respectfully suggests that:

- a. the Trial Court did not adequately specify in its Judgment of Allocation of Parental Responsibilities and Court’s Parenting Plan its rationale for permitting

Appellee Mother an extended period of time over the summer (i.e. four consecutive weeks) with the children while only permitting Appellant Father a lesser period of time (i.e. two consecutive weeks) with the children over the summer;

b. the Trial Court did not adequately explain in its Judgment of Allocation of Parental Responsibilities and Court's Parenting Plan why Appellant [*sic*] Mother was being afforded four consecutive weeks over the summer with the children to travel with them but Appellant Father was not being afforded the same privilege;

c. the Trial Court did not adequately explain why it decided to make the parties' summer parenting time unequal despite making the rest of their parenting time equal;

d. ordering unequal parenting time over the summer is fundamentally unfair to Respondent; and

e. ordering unequal parenting time over the summer is not in the best interests of the minor children."

¶ 17 The appellant failed to support his "suggestions" with cohesive legal arguments and citations to relevant authorities.

¶ 18 We find that the appellant's brief is completely deficient and fails to comply with Rules 341 and 342. "Although we seldom enter an order dismissing an appeal for failure to comply with supreme court rules, our sound discretion permits us to do so." *McCann*, 2015 IL App (1st) 141291,

¶ 20. Therefore, in the exercise of our discretion, we strike the appellant's brief and dismiss the appeal.

¶ 19 III. CONCLUSION

¶ 20 For the foregoing reasons, we dismiss the appeal.

¶ 21 Appeal dismissed.