

No. 1-25-2011

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

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

RAUL VALDIVIA and MARIA VALDIVIA,	)	Appeal from the
	)	Circuit Court of
Plaintiffs-Appellees,	)	Cook County
	)	
v.	)	
	)	No. 23M1719053
MARY MBAZIIRA, COLLETTE NAKAMYUKA, and	)	
FRANCIS MBOGGA,	)	
	)	Honorable
Defendants	)	Jasmine Villaflor Hernandez,
	)	Judge Presiding.
(Francis Mbogga,	)	
Defendant-Appellant).	)	

JUSTICE REYES delivered the judgment of the court.
Presiding Justice D.B. Walker and Justice Van Tine concurred in the judgment.

ORDER

¶ 1 *Held:* Affirming a judgment for the lessors in a residential eviction action where the record was inadequate to review the claims of error.

¶ 2 Plaintiffs Raul Valdivia and Maria Valdivia, as lessors, filed a residential eviction complaint in the circuit court of Cook County against multiple defendants, including Francis Mbogga (Francis). After a bench trial, the circuit court granted possession of the property to the

plaintiffs and entered a money judgment against one of Francis's codefendants. In this *pro se* appeal, Francis advances various challenges to the judgment. As discussed below, we affirm.

¶ 3

BACKGROUND

¶ 4 The plaintiffs filed an eviction complaint in the circuit court of Cook County in December 2023 relating to a residential unit in the 5000 block of North Elston Avenue in Chicago (property). Although the complaint initially was filed against defendants Mary Mbaziira (Mary)¹ and Collette Nakamyuka (Collette), the second amended complaint (operative complaint) added Francis as a defendant. While the record is not entirely clear, it appears that Mary, Collette, and Francis were lessees and/or occupants of the property at various times. In the operative complaint, the plaintiffs sought possession of the property and at least \$16,765 in past-due rent.

¶ 5 The defendants, including Francis, proceeded *pro se*. In August 2025, Francis filed motions seeking his dismissal from the action; he argued, in part, that he was not a party to the applicable lease agreement and he only intermittently occupied the property in his capacity as a caregiver for another occupant. Mary and Collette also sought dismissal of the action based on defective service and other issues. Mary subsequently filed an answer to the operative complaint and an eight-count verified counterclaim alleging, in part, that the plaintiffs violated state and federal law by failing to properly maintain the property and by engaging in abusive conduct.

¶ 6 The case proceeded to a bench trial on August 22, 2025. Although the record does not include a transcript or other report of the proceeding (as discussed below), the record reflects that Francis was present in court, and Collette participated by Zoom teleconference. In orders

¹ The operative complaint named "Mary Mbazina" as a defendant, but Mary's filings indicate that her last name as "Mbaziira."

entered on September 2, 2025, the circuit court held that (a) Collette was dismissed from the action, (b) Mary, Francis, and any unknown occupants would be evicted if they did not move out of the property that day, and (c) a money judgment of \$57,300 was entered against Mary.

¶ 7 Mary and Francis filed motions to vacate the judgment and stay enforcement, which were denied. Francis then filed a motion to reconsider the judgment pursuant to section 2-1203 of the Code of Civil Procedure (735 ILCS 5/2-1203 (West 2024)), which was also denied. Although each defendant filed a notice of appeal, the appeals filed by Mary and Collette were eventually dismissed for want of prosecution.

¶ 8 ANALYSIS

¶ 9 Francis advances multiple contentions on appeal. He argues that the landlords failed to properly serve notice of a rent increase and that they waived their termination rights by accepting rent after service of a five-day notice. He also maintains that the circuit court erred by relying on testimony which was contradicted by documentary exhibits, by failing to consider certain records admitted during the trial, and by permitting the plaintiffs to pursue their claims for unpaid rent after they failed to submit a rent ledger, as required by a prior order. Francis further contends that the circuit court improperly struck his jury demand. Finally, he asserts that the judgment is void, as he was not provided notice that the case was reassigned to a different judge prior to trial.

¶ 10 *Preliminary Issues*

¶ 11 As a preliminary matter, we observe that the plaintiffs did not file a brief in this appeal. We will nevertheless address the merits of the appeal under the principles set forth in *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). Pursuant to *Talandis*, a reviewing court should address an appeal on the merits where the record is simple and where the claimed errors are such that the court may easily decide the issues raised by the

appellant. *McHenry Township v. County of McHenry*, 2022 IL 127258, ¶ 48.

¶ 12 We note, however, that the deficiencies of Francis’s brief hinder our consideration of his claims. His brief violates Illinois Supreme Court Rule 341 (eff. Oct. 1, 2020), which governs the form and contents of appellate briefs. *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8. Among other things, the brief does not contain a complete table of contents or an introductory paragraph stating the nature of the action. See Ill. S. Ct. R. 341(h)(1), (h)(2) (eff. Oct. 1, 2020). The jurisdictional statement and the statement of facts each fail to include page references to the record on appeal. See Ill. S. Ct. R. 341(h)(4), (h)(6) (eff. Oct. 1, 2020). Also, while Francis purports to be appealing the judgment for possession and a “monetary award,” we observe that the monetary award appears to be solely an obligation of Mary, who is not a party to this appeal. An appellant is to provide the reviewing court with the facts necessary to an understanding of the case (Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020)), but Francis did not adequately do so.

¶ 13 As to the argument section of his brief, Rule 341(h)(7) requires an appellant’s brief to set forth his contentions, which must be supported with argument, citations to the appellate record, and citations to authority. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). “This rule is especially important because, when reviewing a case, the appellate court starts with the presumption that the circuit court’s ruling was in conformity with the law and the facts.” *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 15. In this case, the argument section includes few references to applicable law; most of his arguments contain no citations to authority. See *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises, Inc.*, 2013 IL 115106, ¶ 56 (observing that “a reviewing court is not simply a depository into which a party may dump the burden of argument and research”).

¶ 14 “The purpose of the rules is to require parties before a reviewing court to present clear

and orderly arguments so that the court can properly ascertain and dispose of the issues involved.” *Hall v. Naper Gold Hospitality*, 2012 IL App (2d) 111151, ¶ 7. Francis’s *pro se* status does not excuse his noncompliance with the rules. See *Ammar v. Schiller, DuCanto & Fleck, LLP*, 2017 IL App (1st) 162931, ¶ 16 (providing that a *pro se* party is held to the same standards as a licensed attorney). Although we have discretion to strike a brief and to dismiss an appeal for failure to comply with the applicable rules (*McCann*, 2015 IL App (1st) 141291, ¶ 12), we decline to strike Francis’s brief, as we understand the core contentions presented therein. We observe, however, that the deficiencies of the record on appeal preclude our effective review.

¶ 15

Claims of Error on Appeal

¶ 16 As noted above, Francis advances various claims of error regarding the bench trial, *i.e.*, that the circuit court improperly relied on contradicted testimony, failed to consider certain exhibits, and erred by permitting the plaintiffs to proceed on their unpaid rent claims despite their apparent failure to produce a rent ledger in accordance with a prior order. He also challenges actions by the plaintiffs which presumably were (or could have been) addressed during the bench trial, *i.e.*, their allegedly defective service of a rent increase and their acceptance of rent after service of the five-day notice. “The standard of review in a bench trial is whether the judgment is against the manifest weight of the evidence.” *Chicago Pizza, Inc. v. Chicago’s Pizza Franchise Ltd. USA*, 384 Ill. App. 3d 849, 859 (2008). A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or if the finding is arbitrary, unreasonable, or not based on the evidence presented. *Andrew W. Levenfeld & Associates, Ltd. v. O’Brien*, 2024 IL 129599, ¶ 56.

¶ 17 We are unable, however, to review Francis’s contentions, given that the record on appeal

is inadequate for our review. As the appellant, Francis has the burden of presenting a sufficiently complete record to support a claim of error and, in the absence of such a record, it will be presumed that the circuit court's orders had a sufficient factual basis and were in conformity with law. See *Waukegan Hospitality Group, LLC v. Stretch's Sports Bar & Grill Corp.*, 2024 IL 129277, ¶ 20; *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Francis has failed to satisfy his burden. As the record does not include a transcript of the trial proceedings or an acceptable substitute, we are unable to assess whether the circuit court's rulings were arbitrary, unreasonable, or not based on the evidence. See Ill. S. Ct. R. 321 (eff. Oct. 1, 2021) (providing that the record on appeal shall "include any report of proceedings prepared in accordance with Rule 323"); Ill. S. Ct. R. 323 (eff. July 1, 2017) (allowing a bystander's report or an agreed statement of facts if no verbatim transcript is available).

¶ 18 Francis's other claims of error are unavailing. While he challenges the striking of his jury demand, he failed to provide a transcript or other report of the hearing during which the circuit court heard arguments and issued such ruling. See *Foutch*, 99 Ill. 2d at 391. We are also unmoved by his contention that the reassignment of the case to another judge without notice resulted in "due process violations." See *Department of Public Works & Buildings v. Legg*, 374 Ill. 306, 309 (1940) (observing that "jurisdiction is vested in the courts, not in the judges"); *In re Marriage of Zander*, 273 Ill. App. 3d 669, 673 (1995) (noting that a party was not entitled to a new trial "if happenstance or court procedure requiring the rotation of judges prevents the original judge from presiding over post-trial motions"). In any event, Francis failed to cite any legal authorities in support of the foregoing contentions. *McCann*, 2015 IL App (1st) 141291, ¶ 15 (noting that Rule 341 "requires the appellant to present reasoned argument and citation to legal authority *** in support of his claim of error"); *King v. Find-a-Way Shipping, LLC*, 2020

1-25-2011

IL App (1st) 191307, ¶ 15 (stating that “[a]rguments that violate Rule 341 do not merit consideration and can be rejected solely for that reason”).

¶ 19

CONCLUSION

¶ 20 For the reasons discussed above, the judgment of the circuit court of Cook County is affirmed in its entirety.

¶ 21 Affirmed.