This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Appellate Courts.

		<u>'</u>
Instructions ▼	☐ THIS APPEAL INVOLVES A MATTER SUBJECT	TO EXPEDITED DISPOSITION UNDER
Make this cover page		
light blue.	RULE 311(a).	
Check the box to the		
right if your case		
involves custody,		
visitation, or removal		
of a child.	Appellate Case No.:	
Enter the Appellate		
Court case number.	IN THE APPELLATE CO	OURT OF
Just below "In the	ILLINOIS	
Appellate Court of	ILLINOIS	
Illinois," enter the		
number of the		District
appellate district		
where the appeal was		A 16
filed.		Appeal from the Circuit Court
If the case name in the	In re	of County
trial court began with		
"In re" (e.g., "In re Marriage of Jones"),		
enter that name.		Trial Court Case No.:
Below that, enter the		
names of the parties in	Plaintiff/Petitioner (First, middle, last names)	
the trial court, and		
check the correct	Appellant Appellee	Honorable
boxes to show which		
party filed the appeal		
("appellant") and which party is	V.	Judge, Presiding
responding to the		
appeal ("appellee").		
	Defendant/Respondent (First, middle, last names)	_
To the far right, enter	Deteridant/Respondent (First, Inidate, last Tiames)	
the trial court county, trial court case number,	Appellant Appellee	
and trial judge's name.		
Add your	APPELLEE'S BRIEF	
Add your: 1) Name;	Your Information	
2) Address;	Name:	
3) Phone number; and	First Middle	Last
4) Email address.		
NOTE: insert your	Address:	0(-(- 710
email address only if you agree to receive	Street, Apt # City	State ZIP
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Check "Requested" if	Email:	
you want oral argument		
OR check "Not		
Requested" if you do	Oral Argument	
not want oral argument.		
See How to File an	☐ Requested ☐ Not Requested	
Appellee's Brief for a		
discussion of oral		
arguments.]	

You may have to section before completing the Points

State the title of your 1st argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the 1st argument in the

POINTS AND AUTHORITIES

[Refer to Illinois Supreme Court Rule 341(h)(1)]

complete the Argument Page of Brief and Authorities section. 1. The __ trial court or __ jury (check one) was right to appellant's brief. Authorities: In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 1st argument, in order of their importance, and the pages on which they will appear.

	Enter the Case Number given by the Appellate Court Clerk:	
You may have to complete the Argument section before completing the Points and Authorities section.	2. The ☐ trial court or ☐ jury <i>(check one)</i> was right to	Page of Brief
If the appellant makes a 2nd argument, state the title of your 2nd argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the appellant's 2nd argument. If the appellant doesn't make a 2nd argument, remove this page.		
In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 2nd argument, in order of their importance, and the pages on which they will appear.	Authorities:	

	Enter the Case Number given by the Appellate Court Clerk:	
You may have to complete the Argument section before completing the Points and Authorities section. If the appellant makes a 3rd argument, state the title of your 3rd argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the appellant's 3rd argument. If the appellant doesn't make a 3rd argument, remove this page.	3. The trial court or jury (check one) was right to	Page of Brief
In the formats provided by Illinois Supreme Court Rule 6, list the authorities (cases, statutes (laws), etc.) that you refer to in your 3rd argument, in order of their importance, and the pages on which they will appear.	Authorities:	
If the appellant is making more than 3 arguments, fill out and insert 1 or more Additional Points and Authorities forms after		

ABA-B 2303.2 (10/17)

this page.

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You do not need to include this section, but you may do so if you disagree with the appellant's version.

State the kind of case that was in the trial

NATURE OF THE CASE

[Refer to Illinois Supreme Court Rule 341(h)(2)]

court (e.g., "This case was filed in the trial court to recover damages caused by the alleged negligence of the defendant in driving his automobile.").		This case was filed in the trial court to
Check boxes to designate: (1) whether or not the judgment being appealed was based on a jury's verdict; (2) whether the judgment was in favor of the plaintiff/petitioner or the defendant/respondent; and	(1)	The trial court judgment was based on a jury verdict Yes No The trial court entered a judgment in favor of Plaintiff/Petitioner Defendant/Respondent
(3) whether or not the judgment said there was a problem in the pleadings (meaning the complaint or petition). If the judgment did find a problem, describe the problem.	(3)	A question is raised on the pleadings Yes No If a question is raised on the pleadings, describe it:
		in a question to raised on the pleadings, describe it.
Starting with this page, number the pages of your brief 1, 2, 3, etc. (This page is numbered for you.)		

You do not need to include this section, but you may do so if you disagree with the appellant's version. In 1, state the title of your 1st argument as you wrote it in the Points and Authorities section above.	ISSUES PRESENTED FOR REVIEW [Refer to Illinois Supreme Court Rule 341(h)(3)] 1. Whether the trial court or the jury (check one) was right to
If you are making more than 1 argument, use 2 and 3 (if necessary) to state the titles of those arguments. If not, leave the rest of this section blank.	2. Whether the trial court or the jury (check one) was right to
If the appellant is	3. Whether the trial court or the jury (check one) was right to
making more than 3 arguments, fill out and insert 1 or more Additional Issues forms after this page.	

Enter the Case Number given by the Appellate Court Clerk: ___

ABA-B 2303.2 Page ____ (10/17)

	Enter the Case Number given by the Appellate Court Clerk:
You do not need to nclude this section, but you may do so if you lisagree with the	JURISDICTION [Refer to Illinois Supreme Court Rule 341(h)(4)(ii)]
appellant's version.	This court has jurisdiction under Illinois Supreme Court Rule
n 1, state the Illinois Supreme Court Rule, if any, under which the appellate court has urisdiction, and explain why the trial court's udgment is appealable under that rule. If no ule applies, explain	 301, because the trial court's judgment ended a civil (non-criminal) case. 304, because the trial court's judgment ended only part of a civil (non-criminal) case but included a special finding of appealability under Rule 304(a). ended only part of a civil (non-criminal) case but is one of the judgments listed in Rule 304(b), such as a child custody order.
vhy not.	Specifically, the judgment

In 2, 3, 4, and 5, referring to the pages of the common law record where the documents appear, fill in the dates of the documents that show whether the appeal is timely.

Specifically, fill in the date of the judgment, the dates of any post-judgment motions, the dates of the rulings on those motions, and the date of the *Notice of Appeal*. State whether the *Notice of Appeal* was timely.

			Rule 304(b), such as a child cu	criminal) case but is one of the judgmo	
		cas	se but is one of the judgments listental rights or a restraining orde	nent did not end any part of a civil (no ted in Rule 307, such as a termination r.	n of
		Ot	her:		
		No	one:		
2.	On		ter Date	, the trial court entered the judgment	(C) Enter page(s) of record
3.	On	En	ter Date(s)	, post-judgment motion(s) was/we	re filed
	(C Ente). age(s) of record		
4.	On	En	ter Date(s)	, the trial court ruled on the post-ju	dgment
mo	tion((C). Enter page(s) of record		
5.	On	En	ter Date	, the Notice of Appeal was filed	(C).
		Th	e Notice of Appeal was timely.	☐ The Notice of Appeal was until	mely.

ABA-B 2303.2 Page ____ (10/17)

You do not need to include this section, but you may do so if you disagree with the appellant's version.	STATUTES (LAWS) INVOLVED [Refer to Illinois Supreme Court Rule 341(h)(5)]
If the case involves the meaning or validity of a statute (law), constitutional provision, treaty, ordinance, or regulation, provide the	
language and the number (for example, 735 ILCS 5/2-615) for each. If the case does not	
involve a statute (law) or other provision, leave this page blank.	
If you need more room, fill out and insert 1 or more <i>Additional Statutes</i> (<i>Laws</i>) <i>Involved</i> forms	
after this page.	

Enter the Case Number given by the Appellate Court Clerk:

You do not need to include this section, but you may do so if you disagree with the appellant's version.	STATEMENT OF FACTS [Refer to Illinois Supreme Court Rule 341(h)(6)]
Tell the story of what happened in the trial court, with references to	
the specific pages of the record where each fact appears. Refer to pages	
of the common law record as "C [page]." Refer to pages of the	
report of proceedings as "R [page]." For example, "On January 2,	
2015, the plaintiff filed his complaint. C 1."	
You should describe the following:	
 what was said in the complaint or petition, 	
 anything relevant that happened in 	
court before the trial,the testimony of all witnesses,	
 how the judge ruled, any findings by the jury, and anything 	
that happened in court after the trial.	
Refer to the specific pages of the record where each fact appears.	
Tell the story correctly and fairly. Do not make	
arguments or comments here.	

Enter the Case Number given by the Appellate Court Clerk:

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If you need more room, fill out and insert 1 or	
fill out and insert 1 or more <i>Additional</i>	
Statement of Facts forms after this page.	
norms after this page.	

Enter the Case Number given by the Appellate Court Clerk: ___

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ARGUMENT

[Refer to Illinois Supreme Court Rule 341(h)(7)]

State the title of your 1st argument here as you wrote it in the Points and Authorities section above.

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

the standard of review you want the appellate court

to apply; the law that you want the appellate court to apply; how the law applies to your case; and

court.

the relief you want from the appellate

1. The 🗌	trial court or jury <i>(check one)</i> was right to
Standard	of review (Check all that apply to your 1st argument)
	The trial court correctly applied the law. (This is de novo review. The appellate court
	must give no deference to the trial court);
	The trial court or the jury correctly decided the facts. (This is manifest weight of
	the evidence review. The appellate court must give great deference to the trial
	court or the jury);
	The trial court correctly conducted the trial procedure. (This is abuse of discretion
	review. The appellate court must give extreme deference to the trial court); and/or
	other:
Authority	for standard of review:
Explain y	our argument, using the law to demonstrate why, under the facts of your case, the
appellant's a	rgument is wrong. (Use the facts of the case and your authorities (cases and
statutes (laws)) to help you do this.)

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Enter the Case Number given by the Appellate Court Clerk:	

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	Standard of review (Check all that apply to your 2nd argument)
	☐ The trial court correctly applied the law. (This is de novo review. The appellate court
	must give no deference to the trial court);
	☐ The trial court or the jury correctly decided the facts. (This is manifest weight of
	the evidence review. The appellate court must give great deference to the trial
	court or the jury);
	☐ The trial court correctly conducted the trial procedure. (This is abuse of discretion
	review. The appellate court must give extreme deference to the trial court); and/or
Jsing the authorities from your Points and authorities section, and	other:
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the standard of review you want the appellate court	Explain your argument, using the law to demonstrate why, under the facts of your case, the
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want the appellate court to apply; how the law	statutes (laws)) to help you do this.)
applies to your case; and	
the relief you want from the appellate	
court.	

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	Enter the Case Number given by the Appellate Court Clerk:
tate the title of your rd argument here as ou wrote it in the oints and Authorities ection above.	3. The trial court or jury (check one) was right to
you don't have a 3rd rgument, remove this age and the following rgument pages.	
	Standard of review (Check all that apply to your 3rd argument)
	The trial court correctly applied the law. (This is de novo review. The appellate court must give no deference to the trial court);
	The trial court or the jury correctly decided the facts. (This is manifest weight of
	the evidence review. The appellate court must give great deference to the trial
	court or the jury);
	☐ The trial court correctly conducted the trial procedure. (This is abuse of discretion
	review. The appellate court must give extreme deference to the trial court); and/or
rom your Points and authorities section, and	other:
with references to the ages of the record for acts within your rgument, explain:	Authority for standard of review:
the standard of review you want the appellate court	Explain your argument, using the law to demonstrate why, under the facts of your case, the
to apply; the law that you	appellant's argument is wrong. (Use the facts of the case and your authorities (cases and
want the appellate court to apply; how the law	statutes (laws)) to help you do this.)
applies to your case; and the relief you want	
from the appellate court.	

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If the appellant is	
If the appellant is making more than 3 arguments, fill out and insert 1 or more	
insert 1 or more Additional Argument	
Additional Argument forms after this page.	
	

Enter the Case Number given by the Appellate Court Clerk:

Enter the Case Number given by the Appellate Court Clerk:

<u>CONCLUSION</u>
[Refer to <u>Illinois Supreme Court Rule 341(h)(8)]</u>

State what you want the court to do. You may check as many as aŗ

apply.	The appe	ellee respectfully requests that this court:
		affirm the trial court's judgment;
		other:
	and	grant any other relief that the court finds appropriate.
If you are completing this form on a computer, sign your		Respectfully submitted,
name by typing it. If you are completing it		<u>/s/</u>
by hand, sign by hand and print your name.		Signature
		Print Name

Rule 341(a) governs the form of briefs, and Rule 341(b) governs the length. Unless a motion to file a longer *Brief* is granted, the *Appellee's Brief* (not counting the pages listed) must contain no more than 50 pages OR no more than 15,000 words.

If your *Brief* is within the page limit, add the number of pages in your *Brief* (not counting the pages listed).

If your *Brief* is not within the page limit, but is within the word limit, add the number of words in your *Brief* (not counting the pages listed).

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

CERTIFICATE OF COMPLIANCE

[Refer to Illinois Supreme Court Rule 341(c)]

I certify that this *Brief* conforms to the requirements of Supreme Court Rules 341(a) and (b).

The length of this *Brief*, excluding the pages or words contained in 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 or words.

/s/	
Signature	
3	
Print Name	

PROOF OF SERVICE

[Refer to Illinois Supreme Court Rule 11]

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

2.

l se	ent this document:			
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Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

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f you are serving more han 3 parties or awyers, fill out and ansert 1 or more additional Proof of tervice forms after this page.			At:	Tim	a.m.	p.m.			

Under the Code of Civil Procedure, <u>735</u> <u>ILCS 5/1-109</u>, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign by hand and print your name.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/	
Your Signature	
Print Your Name	

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Enter the Ca	ase Nillmher	diven by the	Appellate Ca	ourt Cierk.

You do not need to include this section, but you may do so if you disagree with the appellant's version.

This is a Table of Contents for the Appendix.

- In addition to the materials listed, list any other materials from the record that are relevant to the appeal. Do not list materials that are not in the record.
- Add those materials to the end of the Appendix, in the order in which you list them.
- Number the pages of the Appendix A-1, A-2, A-3, etc.
- Fill in the appropriate page numbers on the Table of Contents.

<u>APPENDIX</u>

[Refer to Illinois Supreme Court Rule 342(a)]

1.	Index to the record	A
2.	Complaint or Petition	A
3.	Judgment	A
4.	Notice of Appeal	A

INDEX TO THE RECORD

Common Law Record ("C")

[Refer to Illinois Supreme Court Rule 321]

Rule 321 discusses the common law record.
List the title of each document in the common law record (the documents filed in the trial court), the date on which each document was filed, and the page of the record on which each document begins.

Document Date of Filing		Page
		-
	_	

If you need more room, fill out and insert 1 or more Additional Common Law Record forms after this page.

Α- ____

Report of Proceedings ("R")

[Refer to Illinois Supreme Court Rule 323]

Rule 323 discusses
reports of proceedings.
List each hearing in the
report of proceedings
(the transcript of the
trial court hearings), the
date on which each
hearing occurred, and
the page of the
transcript on which the
report of each hearing
begins.

Date	Page
	_
	_
	_
	_

If you need more room, fill out and insert 1 or more Additional Report of Proceedings forms after this page.

Α- ____

	Index of Witnesses			
List the name of each witness who testified during the hearings; the party who called each witness to testify; and the pages of the transcript on which the examinations of each witness begin.	Witness (Called By)	Direct [←	Cross Redirect Page Numbers	Recross →]
The direct examination is when the witness was questioned by the party who called the witness.				
The cross examination is when the witness was questioned by the other party.				
• The redirect is when the witness was questioned again by the party who called the witness.				
• The recross is when the witness was questioned again by the other party.				
	_			
TC 1				

If you need more room, fill out and insert 1 or more *Additional Index* of Witnesses forms after this page.

A- ____

[Complaint or Petition]

After this page, insert the complaint or petition that was filed in the trial court.

A- ____

After this page, insert the trial court's written judgment that the appellant is saying was wrong (including any opinion, memorandum, or findings of fact).

[Judgment]

A- ____

After this page, insert the *Notice of Appeal*.

Add any other materials from the record that are relevant to the appeal. Number those pages. List the additional materials and page numbers in the Table of Contents for the Appendix, in the order in which you attach them.

[Notice of Appeal]

A- ____