

From: Alphonse Talarico contact@lawofficeofalphonsetalarico.com 

Subject: Sample to follow to see what the statement of facts should be.

Date: November 21, 2023 at 10:50 AM

To: Paul Dulberg pdulberg@icloud.com, Paul Dulberg Paul_Dulberg@comcast.net, T Kost tkost999@gmail.com

AT

See statement of facts and additional statement of facts

Alphonse A. Talarico

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Illinois

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1.5 MB

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

Instructions ▼ Keep this cover page white. Check the box to the right if your case involves custody, visitation, or removal of a child. Enter the Appellate Court case number. Just below “In the Appellate Court of Illinois,” enter the number of the appellate district where the appeal was filed. If the case name in the trial court began with “In re” (for example, “In re Marriage of Jones”), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal (“appellant”) and which party is responding to the appeal (“appellee”). To the far right, enter the trial court county, trial court case number, and trial judge's name.	☐ THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a). Appellate Case No.: IN THE APPELLATE COURT OF ILLINOIS District	Appeal from the Circuit Court of County Trial Court Case No.: Honorable Judge, Presiding
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Enter your complete address, telephone number, and email address, if you have one.
Check “Requested” if you want oral argument OR check “Not Requested” if you do not want oral argument. See <i>How to File an Appellant’s Brief</i> for a discussion of oral arguments.

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Phone: _____

Email: _____

☐ Requested ☐ Not Requested

POINTS AND AUTHORITIES

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

Page of
Brief

You may have to complete the Argument section before completing the Points and Authorities section.

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

1. The ☐ trial court or ☐ jury (*check one*) made a mistake by _____

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.

NATURE OF THE CASE

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

State the kind of case that was in the trial 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 you are appealing was based on a jury's verdict;
(2) whether the judgment was in favor of the plaintiff/petitioner or the defendant/respondent; and
(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.

(1) The trial court judgment was based on a jury verdict

☐ Yes ☐ No

(2) The trial court entered a judgment in favor of

☐ Plaintiff/Petitioner ☐ Defendant/Respondent

(3) A question is raised on the pleadings

☐ Yes ☐ No

If a question is 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.)

ISSUES PRESENTED FOR REVIEW
[Refer to Illinois Supreme Court Rule 341(h)(3)]

In **1**, state the title of your 1st argument as you wrote it in the Points and Authorities section above.

1. Whether ☐ the trial court or ☐ the jury (*check one*) made a mistake by _____
- _____
- _____
- _____
- _____

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*) made a mistake by _____
- _____
- _____
- _____
- _____

3. Whether ☐ the trial court or ☐ the jury (*check one*) made a mistake by _____
- _____
- _____
- _____
- _____

If you are making more than 3 arguments, fill out and insert 1 or more *Additional Issues Presented for Review* forms after this page.

JURISDICTION

[Refer to Illinois Supreme Court Rule 341(h)(4)(ii)]

In 1, state the Illinois Supreme Court Rule under which the appellate court has jurisdiction, and explain why the trial court's judgment is appealable under that rule.

1. This court has jurisdiction under Illinois Supreme Court Rule

- ☐ 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.

Specifically, the judgment _____

- ☐ 307, because the trial court's judgment did not end any part of a civil (non-criminal) case but is one of the judgments listed in Rule 307, such as a termination of parental rights or a restraining order.

Specifically, the judgment _____

- ☐ Other: _____

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 that 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 (Civil)*.

2. On _____, the trial court entered the judgment (C _____).
Enter Date *Enter page(s) of record*

3. On _____, post-judgment motion(s) was/were filed
Enter Date(s)
- (C _____).
Enter page(s) of record

4. On _____, the trial court ruled on the post-judgment
Enter Date(s)
- motion(s) (C _____).
Enter page(s) of record

5. On _____, the *Notice of Appeal (Civil)* was
Enter Date filed (C _____).
Enter page(s) of record

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

[illegible]

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

[illegible]

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

[illegible]

[illegible]

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

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.

1. The ☐ trial court or ☐ jury (*check one*) made a mistake by _____

Standard of review (*Check all that apply to your 1st argument*)

- ☐ The trial court made a mistake in applying the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);
- ☐ The trial court or the jury made a mistake in deciding 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 made a mistake in conducting 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 your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

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
- the relief you want from the appellate court.

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

[illegible]

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

[illegible]

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

[illegible]

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

[illegible]

State the title of your 2nd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 2nd argument, remove this page and the following argument pages.

2. The ☐ trial court or ☐ jury (*check one*) made a mistake by _____

Standard of review (*Check all that apply to your 2nd argument*)

☐ The trial court made a mistake in applying the law. (This is **de novo** review.

The appellate court must give **no** deference to the trial court);

☐ The trial court or the jury made a mistake in deciding 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 made a mistake in conducting 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: _____

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
- the relief you want from the appellate court.

Explain your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

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

[illegible]

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

[illegible]

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

[illegible]

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

[illegible]

State the title of your 3rd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 3rd argument, remove this page and the following argument pages.

3. The ☐ trial court or ☐ jury (*check one*) made a mistake by _____

Standard of review (*Check all that apply to your 3rd argument*)

☐ The trial court made a mistake in applying the law. (This is **de novo** review.

The appellate court must give **no** deference to the trial court);

☐ The trial court or the jury made a mistake in deciding 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 made a mistake in conducting 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 your argument, using the law to demonstrate how, under the facts of your case, the outcome should have been different. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

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
- the relief you want from the appellate court.

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

[illegible]

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

[illegible]

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

[illegible]

[illegible]

If you are making more than 3 arguments, fill out and insert 1 or more *Additional Argument* forms after this page.

CONCLUSION

[Refer to Illinois Supreme Court Rule 341(h)(8)]

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

The appellant respectfully requests that this court:

- ☐ reverse the trial court's judgment (*change the judgment in favor of the other party into a judgment in your favor*) and ☐ send the case back to the trial court for any hearings that are still required;
- ☐ vacate the trial court's judgment (*erase the judgment in favor of the other party*) and ☐ send the case back to the trial court for a new hearing and a new judgment;
- ☐ change the trial court's judgment to say: _____

- ☐ order the trial court to: _____

- ☐ other: _____

and grant any other relief that the court finds appropriate.

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.

Respectfully submitted,

/s/
Signature

Print Name

CERTIFICATE OF COMPLIANCE

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

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 *Appellant'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.

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

Print Name

PROOF OF SERVICE (You must serve the other party and complete this section)

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.

In **1b**, check the box to show how you are sending the document.

CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

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.

1. I sent this document:

a. To:

Name: _____

First

Middle

Last

Address: _____

Street, Apt #

City

State

ZIP

Email address: _____

b. By:

☐ An approved electronic filing service provider (EFSP)

☐ Email (*not through an EFSP*)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:

☐ The party

☐ The party's family member who is 13 or older, at the party's residence

☐ The party's lawyer

☐ The party's lawyer's office

☐ Mail or third-party carrier

c. On: _____

Date

At: _____

☐ a.m.

☐ p.m.

Time

2. I sent this document:

a. To:

Name: _____

First

Middle

Last

Address: _____

Street, Apt #

City

State

ZIP

Email address: _____

b. By:

☐ An approved electronic filing service provider (EFSP)

☐ Email (*not through an EFSP*)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

☐ Personal hand delivery to:

☐ The party

☐ The party's family member who is 13 or older, at the party's residence

☐ The party's lawyer

☐ The party's lawyer's office

☐ Mail or third-party carrier

c. On: _____

Date

At: _____

☐ a.m.

☐ p.m.

Time

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

Under the Code of Civil Procedure, 735 ILCS 5/1-109, 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

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

APPENDIX

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

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.

1. Index to the record A- _____
2. Complaint or Petition A- _____
3. Judgment A- _____
4. *Notice of Appeal (Civil)* A- _____

[illegible]

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

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.

[illegible]

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

A-

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

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.

[illegible]

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

A-

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.

- 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.

Witness (Called By)

Direct [←	Cross Page Numbers	Redirect	Recross →]
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This image shows a single page of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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

A- _____

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

[Complaint or Petition]

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

A- _____

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

[Judgment]

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

A- _____

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

[Notice of Appeal (Civil)]

After this page, insert
the *Notice of Appeal*
(*Civil*).

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.

A- _____

ADDITIONAL STATEMENT OF FACTS

[Refer to [Illinois Supreme Court Rule 341\(h\)\(6\)](#)]

Continue to 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.