



## APPELLATE COURT, FIFTH DISTRICT 14TH & MAIN ST., P.O. Box 867 MT. VERNON, IL 62864-0018

February 4, 2019

John Thomas Papa Callis, Papa & Szewczyk, P.C. 1326 Niedringhaus Avenue P.O. Box 1326 Granite City, IL 62040

RE: City of Madison v. Link General No.: 5-18-0453

> County/Agency: Madison County Trial Court/Agency No: 18OV400153

The court has this day, February 04, 2019, entered the attached order in the above entitled cause:

Clerk of the Appellate Court

Kevin Link c:

## 5-18-0453

CITY OF MADISON,
Petitioner-Appellee,
v.
KEVIN LINK,
Defendant-Appellant.

Madison County

Trial Court/Agency No.: 18OV400153

## ORDER

This cause coming to be heard on the court's own motion, the appellee's motion to strike brief and dismiss appeal, appellant's response, and the court being advised in the premises, finds:

That the appellant's brief was filed on December 17, 2018;

That the appellee has filed a motion to strike the appellant's brief and to dismiss the appeal. The motion asserts that the appellant's brief does not comply with Supreme Court Rules and contains materials outside the record on appeal. The appellee requests that the brief be stricken and the appeal be dismissed;

That the appellant responded indicating that he did not include any materials that were outside the record on appeal that were not pertinent and that he has attempted to comply with the Supreme Court Rules. The appellant asserts that the brief allows informed review of the case and requests that the motion be denied.

That the appellee is correct that the appellant's brief contains citations and matters in the appendix that are not a part of the record on appeal and were in fact, denied supplementation to the record by this court. These matters are not allowed to be contained within said brief.

That however, the court is inclined to give the appellant the ability to file a substitute brief that complies with Supreme Court Rules.

## IT IS THEREFORE ORDERED as follows:

That the appellee's motion to dismiss the appeal is hereby DENIED;

That the appellee's motion to strike appellant's brief is GRANTED;

That the appellant's brief is STRICKEN and the appellant is GRANTED 35 days from the date of this order in which to e-file a substitute brief in compliance with the Supreme Court Rules that contains NO reference to any materials (including those from the appellant's other cases before the trial court) outside the record on appeal.

That failure to file a brief in compliance with Supreme Court Rules and this order at such time will result in dismissal of the appeal.