

No. 1-07-0088

Here, the clear and unequivocal language of the statute provides that an “intent to defraud” is a required element. Courts are required to give effect to the plain and unambiguous language of a statute. Elementary School District 159 v. Schiller, 221 Ill. 2d 130, 144 (2006).

Accordingly, we find that the trial court, to the extent that it employed a legal standard requiring the element of intent to defraud with regards to the Illinois Odometer Act, was not in error.

Sufficiency of the Evidence

Next, plaintiff challenges the trial court’s order granting judgment in favor of defendant, contending that it was in error and, accordingly, should be reversed. We disagree.

“The standard of review we apply when a challenge is made to a trial court’s ruling following a bench trial is whether the trial court’s judgment is against the manifest weight of the evidence.” Judgment Services Corp. v. Sullivan, 321 Ill. App. 3d 151, 154 (2001). A judgment is against the manifest weight of the evidence only where the opposite conclusion is clearly evident.

General Motors Acceptance Corp. v. Stoval, 374 Ill. App. 3d 1064, 1072 (2007).

“When there is a gap in the record that could have a material impact on the outcome of the case, the reviewing court will presume that the missing evidence supported the judgment of the trial court and resolve any doubts against the appellant.” Midwest Builder Distributing, Inc. v. Lord and Essex, Inc., ___ Ill. App. ___, 891 N.E. 2d 1, 13 (2007). But, where a court of review has all the evidence necessary to make a proper decision on the merits under the appropriate standard of review, the court may under take a substantive analysis of the case although the record is not fully complete. Midwest Builder Distributing, Inc. v. Lord and Essex, Inc., ___ Ill. App. ___, 891 N.E. 2d 1, 14 (2007), citing Gonnella Baking Co. v. Clara’s Pasta Di Casa, Ltd.,