

FILED
6/9/2025 6:23 PM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
20251707919
Courtroom, 1302
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIRST DEPARTMENT, MUNICIPAL DIVISION**

BRANDON MCGIVERN,)
)
Plaintiff,)
)
v.)
KYLE HADLEY,)
)
Defendant.)
)

Case No. **20251707919**

FILED DATE: 6/9/2025 6:23 PM 20251707919

MOTION FOR CONTEMPT OF COURT ORDER

NOW COMES Plaintiff BRANDON MCGIVERN, and respectfully moves this Honorable Court for entry of an Order holding Defendant KYLE HADLEY in contempt of this Court's June 5, 2025 Agreed Order, and in support thereof states:

I. FACTUAL BACKGROUND

1. On June 5, 2025, this Court entered an Agreed Order granting Plaintiff access to the property for assessment and remediation of water damage, stating: *"Defendant will provide access to Plaintiff, Plaintiff's representative(s), and designated contractor(s) to access the Property between 8am-5pm on June 7, 2025 to assess and remediate water damage, including inspection of affected and potentially affected areas."*

2. The Court's Order was entered with the intent to preserve the property and prevent further water damage during ongoing litigation.

3. On June 7, 2025, Plaintiff conducted the court-ordered inspection with professional contractors and his mother as representative.

II. PROFESSIONAL FINDINGS REQUIRING IMMEDIATE CESSATION

4. The licensed plumber who conducted repairs found:
 - (a) Corroded and damaged overflow valve in upstairs shower (replaced)
 - (b) Multiple cracks in shower grout
 - (c) Improperly sealed areas on exterior of tub

5. The restoration contractor assessed:
 - (a) Extensive grout deterioration throughout shower
 - (b) Multiple unsealed areas compromising water barrier
 - (c) Likely significant damage to wall structure behind tiles
 - (d) Recommendation for complete tile removal due to suspected wall damage

6. Professionals determined that continued use of the upstairs shower would introduce additional water through compromised grout and sealing, directly worsening the existing structural damage.

III. DEFENDANT'S VIOLATION OF COURT ORDER PRESERVATION INTENT

7. On June 8, 2025, at 5:03 PM CDT, Plaintiff sent written directive to Defendant and Defendant's counsel stating: *"Effective immediately, both Kyle and his roommate must cease all use of the upstairs bathroom shower until restoration work is completed. Continued use introduces additional water through compromised grout/sealing, worsening structural damage and potentially affecting insurance coverage. This violates the court's preservation order intent from June 5, 2025."*

8. The directive specifically noted that alternative bathroom facilities are available: (a) Full bathroom with shower/tub in basement (b) Half-bath on main floor

9. Plaintiff's directive concluded: "Please confirm receipt and compliance."

10. Defendant's non-response continues the exact pattern from the previous week.

On June 6, 2025, at 12:26 PM CDT, Plaintiff notified Defendant and counsel of the Saturday inspection, requesting confirmation by 5:00 PM CDT. After receiving no response, Plaintiff called Defendant's counsel at 5:15 PM CDT and left a voicemail. Within 4 minutes, counsel emailed Defendant, who responded at 5:21 PM CDT.

11. As of the filing of this Motion, **neither Defendant nor Defendant's counsel have responded** to confirm receipt or compliance despite:

(a) Written directive sent June 8, 2025 at 5:03 PM CDT

(b) Follow-up voicemail to Defendant's counsel on June 10, 2025 at 12:09 PM CDT

(c) Warning in voicemail that contempt motion would be filed if no response received

IV. DEFENDANT'S PATTERN OF NON-COMPLIANCE

12. Defendant's failure to respond continues a documented pattern of obstructing court orders and property preservation, including:

(a) Strategic denial of May 10, 2025 court-ordered inspection (documented by police Event #2513009537)

(b) Five-month concealment of water damage emergency

(c) Deliberate avoidance of law enforcement observation during May 10 inspection

13. The Court's June 5, 2025 Order was specifically entered to prevent further property damage and ensure compliance with preservation requirements.

14. Defendant's continued use of the damaged shower after professional determination that such use worsens structural damage directly violates the preservation intent of the Court's Order.

V. IMMEDIATE HARM FROM CONTINUED VIOLATION

15. Each day of continued shower use after professional directive:

- (a) Introduces additional water through compromised grout and sealing
- (b) Exponentially increases structural damage to walls behind tiles
- (c) Worsens mold and moisture damage requiring more extensive

remediation

- (d) Prejudices insurance coverage and increases repair costs
- (e) Undermines the Court's preservation order

15. Defendant has adequate alternative bathroom facilities on the property, making continued use of the damaged shower willful disregard of property preservation.

VI. IMMEDIATE HARM FROM CONTINUED VIOLATION

16. During the court-ordered inspection on June 7, 2025, the first contractor arrived at 10:00 AM CDT and the second contractor arrived at approximately 12:45 PM CDT.

17. Between these professional inspections, Defendant deliberately used the upstairs shower despite knowing it was the source of the water damage being assessed.

18. Plaintiff has photographic evidence showing:

- (a) The shower/tub dry before Defendant's use

(b) The shower/tub wet after Defendant's use during the inspection period

19. Plaintiff's mother, who was present as Plaintiff's representative during the court-ordered inspection, noticed the Defendant's use of the damaged shower while second contractor was assessing the water damage.

20. Defendant's decision to use the damaged shower during the very inspection designed to assess water damage demonstrates blatant disregard for property preservation and the Court's Order.

VII. LEGAL STANDARD FOR CONTEMPT

21. A person is in contempt of court when they willfully disobey a court order. Here, Defendant's continued use of the upstairs shower after professional directive violates the preservation intent of this Court's June 5, 2025 Order.

22. Defendant's complete failure to respond to Plaintiff's directive, combined with the established pattern of forcing Plaintiff to call counsel to obtain basic responses, demonstrates willful disregard for court-ordered property preservation.

23. Defendant's use of the damaged shower during the court-ordered inspection itself evidences a pattern of deliberate disregard for property preservation requirements.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court:

1. Find Defendant KYLE HADLEY in contempt of this Court's June 5, 2025 Agreed Order;
2. Issue a specific order immediately prohibiting Defendant and all occupants from using the upstairs bathroom shower until restoration work is completed;

3. Impose daily fines of \$100 per day for each day of continued violation until compliance;
4. Award Plaintiff costs and attorney's fees associated with this Motion;
5. Grant such other relief as justice requires.
6. Schedule an expedited hearing on this Motion for June 12, 2025.

Dated June 9, 2025

Respectfully submitted,

/s/ Brandon McGivern

Plaintiff

Brandon McGivern
5701 N Sheridan Rd, #23G
Chicago, IL 60660



Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I, Brandon McGivern, a non-attorney, on oath state that on June 9, 2025, I served a true and correct copy of the foregoing **MOTION FOR CONTEMPT OF COURT ORDER**, along with copies of Exhibits 1, 2, 3, and 4 referenced therein, upon Defendant's counsel via email to:

Mason S. Cole
mcole@colesadkin.com

Attorney for Defendant Kyle Hadley

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statements set forth in this instrument are true and correct.

/s/ Brandon McGivern
Brandon McGivern, Pro Se

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EXHIBIT 1

June 5, 2025 Agreed Order

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, MUNICIPAL DIVISION**

BRANDON MCGIVERN,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2025-M1-707919
)	
KYLE HADLEY,)	Judge Corinne Heggie
)	
<i>Defendant.</i>)	Courtroom 1301

June 5, 2025 AGREED ORDER

Pro se Defendant and Defendant counsel appeared for presentment of Plaintiff’s Emergency Motion for Immediate Property Access and Preservation Order.

IT IS HEREBY ORDERED:

1. Plaintiff’s Motion for Emergency Relief is GRANTED in part and DENIED in part. Defendant will provide access to Plaintiff, Plaintiff’s representative(s), and designated contractor(s) to access the Property between 8am-5pm on June 7, 2025 to assess and remediate water damage, including inspection of affected and potentially affected areas.
2. Plaintiff and Plaintiff’s representative(s) shall be permitted to document the condition of the property through photographs and video during the inspection for insurance and repair purposes.
3. All other requests in this motion are hereby STRICKEN. All future court dates related to this emergency motion are STRICKEN.
4. This case is hereby transferred out of 1301 to be reinstated with a different trial judge for re-setting of any motions.

Honorable Corinne Heggie

Prepared and drafted by:
COLE SADKIN LLC
Mason S. Cole
1652 W Belmont Ave, Suite 1
Chicago, Illinois 60657
T: (312) 548-8610

Firm ID: 49001
Counsel for Defendant

Reviewed and Approved by:

Brandon McGivern



Pro Se Plaintiff

EXHIBIT 2

June 7, 5:03 PM Email communication



Brandon McGivern [REDACTED]@gmail.com>

Compliance with Court Order - Immediate Cessation of Shower Use

1 message

Brandon McGivern [REDACTED]
To: Mason Cole <mcole@colesackin.com>, Kyle Hadley [REDACTED]@gmail.com>
Cc: [REDACTED]

Sat, Jun 7, 2025 at 6:03 PM

Professional Inspection Results - Today's inspections revealed:

Plumber: Replaced corroded overflow valve, identified multiple grout cracks and improperly sealed areas

Restoration Contractor: Extensive grout deterioration, compromised water barrier, likely significant wall damage behind tiles requiring complete tile removal

Required Immediate Action

Effective immediately, both Kyle and his roommate must cease all use of the upstairs bathroom shower until restoration work is completed.

Reason: Continued use introduces additional water through compromised grout/sealing, worsening structural damage and potentially affecting insurance coverage. This violates the court's preservation order intent from June 5, 2025.

Alternative Facilities Available

- Full bathroom with shower/tub in basement
- Half-bath on main floor

Next Steps

- Restoration contractor's report will be submitted to insurance
- Restoration work scheduled upon insurance approval
- You'll be notified when shower use can resume

This directive is documented as part of ongoing litigation. Continued use after this notice could be considered willful property damage.

Please confirm receipt and compliance.

Brandon McGivern
6122 N Winthrop Ave Unit C, Property Owner

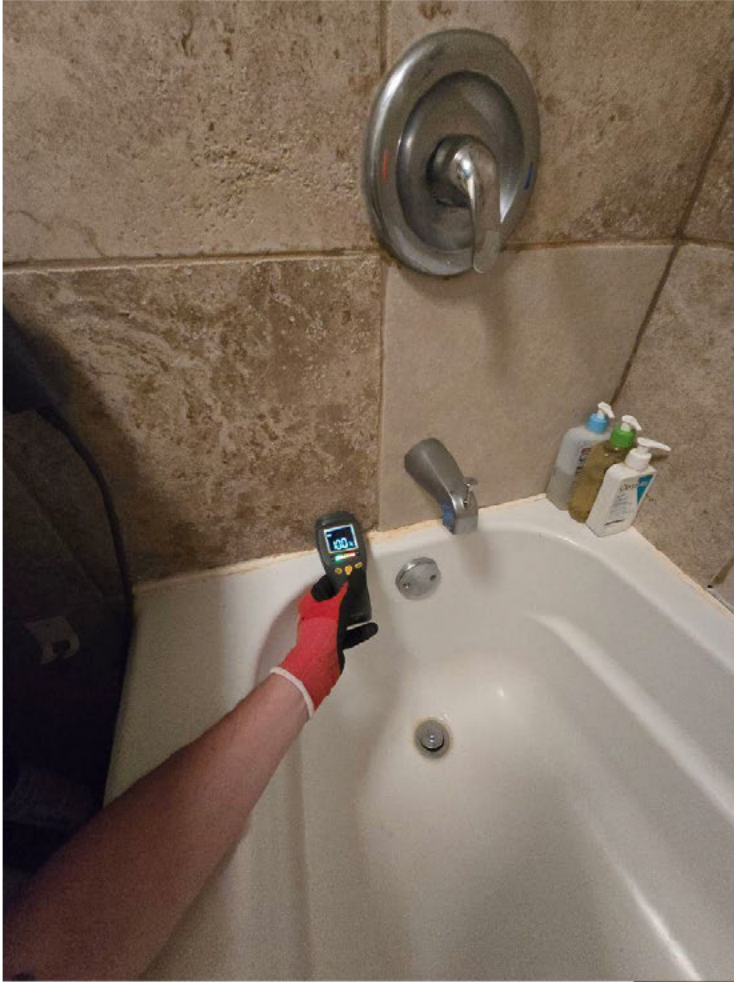
Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

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EXHIBIT 3

Photos - Dry vs. Wet Shower

Dry Shower and tub during first inspection



Wet tub during second inspection



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EXHIBIT 4

Timeline of Friday's Response Pattern:
12:26 pm CDT- Friday email communication
5:19 pm CDT - voicemail to Mr. Cole
5:21 pm CDT - Mr. Hadley's response

Re: Court-Ordered Property Access - June 7, 2025 - Case No. 2025-M1-707919

3 messages

Mason Cole <mcole@colesadkin.com>

Fri, Jun 6, 2025 at 6:19 PM

To: Brandon McGivern [REDACTED]

Cc: Kyle Hadley [REDACTED]@gmail.com>, [REDACTED]

Kyle, can you reply all to Brandon and [REDACTED] for the limited purpose of confirming you will be on premises tomorrow (Saturday) from 8am-5pm to provide access to selected contractor?

Brandon, if you can confirm updated access times so that we don't have anyone waiting around, that would be appreciated.

On Fri, Jun 6, 2025 at 1:26 PM Brandon McGivern <brandon@brandonmcgivern.com> wrote:

RE: Immediate Property Access Pursuant to June 5, 2025 Agreed Order**Case No. 2025-M1-707919****Property: 6122 N Winthrop Ave Unit C, Chicago, IL 60660**

Dear Mr. Cole and Mr. Hadley:

This communication serves as formal notice pursuant to the June 5, 2025 Agreed Order entered by the Honorable Judge Corinne Heggie granting Plaintiff's Emergency Motion for Immediate Property Access and Preservation Order.

COURT-ORDERED ACCESS - JUNE 7, 2025

In accordance with the Agreed Order, the following personnel will access the Property on June 7, 2025, between the court-authorized hours of 8:00 AM - 5:00 PM to assess and remediate water damage:

Primary Representative:

- [REDACTED] (Plaintiff's Designated Representative)
- Contact: [REDACTED]
- Authority: On-site supervision and coordination of all inspection activities
- Documentation: Photo and video recording as authorized under the Court's Order

Contractor #1 - Water Damage Assessment:

- Company: Quality Assurance Restoration
- Arrival: 10:00 AM
- Scope: Comprehensive inspection of all affected and potentially affected areas as ordered by the Court
- Documentation: Video and photographic evidence collection for insurance and repair purposes as authorized by the Court

Contractor #2 - Plumbing Inspection and Emergency Repair:

- Company: Rescue Plumbing
- Arrival Window: 10:00 AM - 12:00 PM
- Scope: Inspection of water leak source and emergency repairs to prevent continuing damage
- Documentation: Video and photographic documentation of plumbing systems as necessary

REQUIRED DEFENDANT COOPERATION:

To ensure compliance with the Court's Order and facilitate efficient completion of the emergency assessment:

1. **Access Confirmation:** Please confirm receipt of this notice and acknowledge that access will be provided as ordered.
2. **Security Access:** If Mr. Hadley will not be present during the inspection, please provide all necessary entry codes, keys, or access credentials to ensure unimpeded entry.
3. **Animal Restraint:** Any pets or animals on the premises must be properly secured or removed to ensure contractor safety and unobstructed access.
4. **Clear Access Paths:** All areas requiring inspection must be accessible, including but not limited to:
 - Clear pathways to the second-floor bathroom (identified leak source)
 - Unobstructed access to the plumbing access panel in the upstairs bedroom closet
 - Clear sightlines and access to dining and living areas (affected areas per Defendant's June 2, 2025 report)
 - Any other areas that may require assessment for water damage

LEGAL NOTICE:

This access is court-ordered emergency relief. Any interference with, obstruction of, or denial of the access specified in the June 5, 2025 Agreed Order may constitute contempt of court. All documentation and assessment activities are specifically authorized under the Court's Order for insurance and repair purposes.

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Please provide written confirmation of compliance with this court-ordered access by 5:00 PM on June 6, 2025.

Respectfully,

Brandon McGivern
Pro Se Plaintiff

[Redacted]

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

--
Sincerely,

Mason Cole
Cole Sadkin, LLC
www.colesadkin.com
Office: (312) 548-8610
1652 W. Belmont Avenue, Suite 1, Chicago, IL 60657
244 Fifth Avenue, Suite M297, New York, NY 10001

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Kyle Hadley [Redacted]@gmail.com>
To: Mason Cole <mcole@colesadkin.com>
Cc: Brandon McGivern [Redacted], [Redacted]

Fri, Jun 6, 2025 at 6:21 PM

Yes, I will be present to provide access.

Best,
Kyle Hadley
[Redacted]
@KyleSellsChi

On Jun 6, 2025, at 5:20 PM, Mason Cole <mcole@colesadkin.com> wrote:

[Quoted text hidden]

Brandon McGivern [Redacted]
To: Kyle Hadley [Redacted]@gmail.com>
Cc: Mason Cole <mcole@colesadkin.com> [Redacted]

Sat, Jun 7, 2025 at 1:30 PM

PLUMBER STATUS UPDATE - JUNE 7, 2025

Dear Mr. Cole and Mr. Hadley:

This serves as an update to our court-ordered access notice for today's emergency property inspection.

Contractor #1 Status: Quality Assurance Restoration arrived at 10:00 AM as scheduled and has completed their water damage assessment.

Contractor #2 Status: Rescue Plumbing did not arrive during their promised 10:00 AM - 12:00 PM window. After multiple calls with their dispatch center, they have guaranteed arrival between **12:30 PM - 1:00 PM** today.

All other provisions of the June 5, 2025 Agreed Order remain in effect. The plumbing inspection and emergency repairs will proceed immediately upon their arrival to prevent continuing water damage as authorized by the Court.

Respectfully,

Brandon McGivern
Pro Se Plaintiff

[Redacted signature]

Brandon McGivern
Web Developer / Graphic Designer

[Redacted contact information]

[Quoted text hidden]

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