

EXHIBIT D

**Email chain documenting seven attempts
to schedule Rule 201(k) conference**



Brandon McGivern [REDACTED]

201k conference

1 message

Brandon McGivern [REDACTED]

Fri, Aug 1, 2025 at 10:54 AM

To: Mason Cole <mcole@colesadkin.com>

Mason, pursuant to Rule 201(k), I request a meet and confer conference within 7 days to discuss outstanding discovery disputes before re-filing motions with the court.

Brandon McGivern

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

FILED DATE: 9/2/2025 9:19 AM 2025CH05527

FILED DATE: 9/2/2025 9:19 AM 2025CH05527

Rebecca Bach <rbach@colesadkin.com>
To: Brandon McGivern [REDACTED]
Cc: Mason Cole <mcole@colesadkin.com>

Fri, Aug 1, 2025 at 11:51 A

Hello,

Attached is the draft order from this morning's hearing for your review.

Best,

Rebecca
[Quoted text hidden]
--

Rebecca Bach
Director of Practice Support
Cole Sadkin, LLC
1652 West Belmont, Suite 1
Chicago, IL 60657
T: (312) 380-7134
F: (312) 283-2626
E: rbach@colesadkin.com
[Quoted text hidden]

 **Hadley v. McGivern, 25-CH-05527--August 1, 2025 Agreed Order (MSC Redline 8-1).docx**
23K

Brandon McGivern [REDACTED]
To: Rebecca Bach <rbach@colesadkin.com>
Cc: Mason Cole <mcole@colesadkin.com>


Fri, Aug 1, 2025 at 12:32 PM


I have made my edits to the agreed order. Attached you will find the approved version in Word Doc format as well as a redlined pdf version for your simpler review.

Brandon McGivern

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]
[Quoted text hidden]

2 attachments

 **Untitled document.pdf**
155K

 **8-1-25_Agreed_Order.docx**
9K

Brandon McGivern <[REDACTED]>
To: Rebecca Bach <rbach@colesadkin.com>
Cc: Mason Cole <mcole@colesadkin.com>

Fri, Aug 1, 2025 at 1:39 PM

Mason,

I spent considerable time preparing a marked-up version of the agreed order with tracked changes to facilitate your review. If you intend to submit multiple versions of agreed orders as standard practice, please advise so I can adjust my approach accordingly and avoid duplicating efforts.

Best regards,
Brandon

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]
[Quoted text hidden]

Mason Cole <mcole@colesadkin.com>
To: Brandon McGivern [REDACTED]
Cc: Rebecca Bach <rbach@colesadkin.com>

Fri, Aug 1, 2025 at 1:45 PM

Brandon, you literally showed up for trial and defaulted me despite Judge Porter specifically striking the trial, and then did not even provide courtesy to call me to tell me trial was moving forward despite you knowing I was not going to appear. You have filed multiple duplicative, frivolous motions and not even participated in 201k conferences and now are instead trying to argue technical defaults instead of the merits of the underlying case.
[Quoted text hidden]

Brandon McGivern [REDACTED]
To: Mason Cole <mcole@colesadkin.com>

Fri, Aug 1, 2025 at 2:14 PM

Cc: Rebecca Bach <rbach@colesadkin.com>

Mason,

This morning I sent you a Rule 201(k) meet and confer conference request, which you have not acknowledged despite sending multiple other emails. Your failure to respond to my actual 201(k) request while simultaneously criticizing me for not following 201(k) procedures is noted.

Regarding the eviction case: you agreed to the June 26 order language during our July 11 phone call and were CC'd on the submission. Additionally, I filed trial exhibits on July 14 and served them on you - clear indication that I believed the July 21 trial remained scheduled. Your professional obligation was to verify with the court if you disagreed, not to simply fail to appear. The written order controls.

For the deemed admissions motion: Rule 201(k) applies to compelling responses, not judicial determination of already-filed responses under Rule 216. Your client filed responses on July 3 - the issue is their adequacy, not obtaining new responses.

Please respond to my Rule 201(k) conference request so we can resolve the actual discovery disputes you reference.

Best regards,
Brandon

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

Mason Cole <mcole@colesadkin.com>

Sat, Aug 2, 2025 at 9:00 AM

To: Brandon McGivern [Redacted]

Cc: Rebecca Bach <rbach@colesadkin.com>

That's fair; we are hoping to have full responses to all discovery on or before Friday (8/8).

[Quoted text hidden]

Brandon McGivern [Redacted]

Mon, Aug 4, 2025 at 9:33 AM

To: Mason Cole <mcole@colesadkin.com>

Cc: Rebecca Bach <rbach@colesadkin.com>

Mason, thank you for confirming discovery responses will be provided by August 8th. Let's schedule our Rule 201(k) conference for Monday, August 11th at 4:00 PM via Zoom to discuss the discovery after I've had opportunity to review your submissions.

Please confirm your availability.

Thank you,
Brandon McGivern

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

Brandon McGivern [Redacted]

Fri, Aug 8, 2025 at 1:58 PM

To: Mason Cole <mcole@colesadkin.com>

Cc: Rebecca Bach <rbach@colesadkin.com>

Mason,

I wanted to check in about meeting this coming Monday, August 11th at 4:00pm to have our court ordered 201(k) conference. Please let me know if that time works for you.

Brandon

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

Mason Cole <mcole@colesadkin.com>

Fri, Aug 8, 2025 at 4:35 PM

To: Brandon McGivern [Redacted]

Cc: James Cook <jcook@colesadkin.com>

Brandon, why don't we punt 201k to next Friday (8/15), as we are hoping to finalize our responses shortly. JC is stepping in to help me with some of the heavy lifting on this one.

[Quoted text hidden]

Brandon McGivern [Redacted]

Fri, Aug 8, 2025 at 5:06 PM

To: Mason Cole <mcole@colesadkin.com>

Cc: James Cook <jcook@colesadkin.com>

Mason,

Your request to postpone our Rule 201(k) conference to August 15th raises significant concerns given Thursday's scheduled proceedings.

The timeline speaks for itself:

- Discovery requests were served on June 24, 2025 - **46 days ago**
- Your discovery responses were due July 24, 2025 - **15 days ago**
- My trial exhibits for the eviction case were served on you July 14, 2025 - **25 days ago**
- I requested a Rule 201(k) conference on August 1, 2025 - **7 days ago**
- You assured full responses by today, August 8, 2025

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Despite having my evidence for nearly a month and your discovery obligations for over six weeks, you now propose delaying our required conference until after both pending hearings on August 14th.

This asymmetry is particularly troubling - you've had extensive time to review my documentation and evidence while providing nothing in return, yet now seek additional delay that would push our conference past critical court dates.

I remain available at any of these times before Thursday's proceedings:

Available Options:

- **Today, August 8th** - Any time after 4:00 PM
- **Saturday, August 9th** - Any time
- **Sunday, August 10th** - Any time
- **Monday, August 11th** - Any time from 4pm on, for the rest of the evening (4pm as originally proposed would be ideal)
- **Tuesday, August 12th** - Any time from 4pm on, for the rest of the evening
- **Wednesday, August 13th** - Any time before 10:00 AM

Given the extensive time that has passed and the upcoming court dates, prompt resolution of these discovery issues would benefit both parties.

Please advise which time works for your schedule. Also, kindly confirm whether the discovery responses you committed to providing today have been sent.

Brandon McGivern

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

FILED DATE: 9/2/2025 9:19 AM 2025CH05527

Brandon McGivern [Redacted]

Mon, Aug 11, 2025 at 4:06 PM

To: Mason Cole <mcole@colesadkin.com>
Cc: James Cook <jcook@colesadkin.com>

Mason,

I haven't received a response to Friday's email regarding our court-ordered 201(k) conference.

Also, the discovery responses promised for August 8th have not been received.

I'm still available today from 4pm on, tomorrow from 4pm on, or Wednesday before 10am.

Please confirm which works, or if none do, please propose alternative times before Thursday's hearings.

Brandon

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

Brandon McGivern [Redacted]

Thu, Aug 14, 2025 at 11:40 AM

To: Mason Cole <mcole@colesadkin.com>
Cc: James Cook <jcook@colesadkin.com>

Mason, per the Court's August 14th order, we must conduct our Rule 201(k) conference on or before August 20, 2025.

I am available:

- Monday, August 18 @ 4:00pm (or later)
- Tuesday, August 19 @ 4:00pm (or later)

I will provide a detailed agenda after completing my review of your discovery responses over the weekend. Please confirm which time works for your schedule.

Brandon

Brandon McGivern
Web Developer / Graphic Designer

[Redacted]

[Quoted text hidden]

Brandon McGivern [Redacted]

Sat, Aug 16, 2025 at 6:22 PM

To: Mason Cole <mcole@colesadkin.com>
Cc: James Cook <jcook@colesadkin.com>

Mason and James,

Following up again on this thread regarding our court-ordered 201(k) conference that must occur by August 20. As shown below, I have attempted to schedule this conference multiple times without response.

Available times remain:

- **Monday 8/18 @ 4:00pm or later**
- **Tuesday 8/19 @ 4:00pm or later**

Primary Discussion Points:

- Corrupted Bank of America production file
- Missing critical documents (Lenihan, Baughman + Sheets communications, water damage photos, vehicle purchase, closing documents)
- Interrogatory contradictions requiring amendment

- Timeline for supplementation

Mason, as lead counsel familiar with the discovery responses, your participation is essential to meaningfully address these deficiencies.

The conference will be recorded via Google Meet to ensure accuracy of any agreements reached.

Please confirm by 10:00 AM Monday, August 18 which time works for your schedule.

Brandon McGivern
Pro Se Defendant

Brandon McGivern
Web Developer / Graphic Designer
[Redacted]

[Quoted text hidden]

Brandon McGivern [Redacted]
To: Mason Cole <mcole@colesadkin.com>
Cc: James Cook <jcook@colesadkin.com>

Mon, Aug 18, 2025 at 11:05 AM

Mason and James,

No response was received by 10 AM as requested. I remain available today at 4 PM or later, or Tuesday at 4 PM or later. Please advise immediately if either time works.

If I don't hear from you, I will inform the Court on Thursday that the ordered conference could not occur despite multiple scheduling attempts beginning August 1.

Brandon

Brandon McGivern
Web Developer / Graphic Designer
[Redacted]

[Quoted text hidden]

FILED DATE: 9/2/2025 9:19 AM 2025CH05527

Mason Cole <mcole@colesadkin.com>

Mon, Aug 18, 2025 at 8:44 PM

To: Brandon McGivern [REDACTED]

Cc: jcook@colesadkin.com

Brandon, sent you a calendar invite for tomorrow (Tuesday) morning for the 201k conference. I may be popping out of a hearing, but I'll send a zoom invite as soon as able.

[Quoted text hidden]

Brandon McGivern [REDACTED]

Mon, Aug 18, 2025 at 9:43 PM

To: Mason Cole <mcole@colesadkin.com>

Cc: jcook@colesadkin.com

Mason,

I cannot accommodate tomorrow morning with less than 14 hours notice. Additionally, 20 minutes is insufficient to address 27 discovery requests with multiple deficiencies. I am available:

- Tuesday (tomorrow) at 4:00 PM for at least one hour
- Wednesday at 4:00 PM for at least one hour

I will host the meeting to ensure recording capability.


Please note you responded to the eviction case court order thread, not the Chancery case discovery conference thread. I'm attaching the correct thread documenting my scheduling attempts since August 8 that went unanswered for 10 days.

Confirm which afternoon works.

Brandon

Brandon McGivern
Web Developer / Graphic Designer

[Quoted text hidden]

 **201k Conference Email Thread.pdf**
222K

Mason Cole <mcole@colesadkin.com>

Tue, Aug 19, 2025 at 8:02 AM

To: Brandon McGivern [REDACTED]

Cc: jcook@colesadkin.com

Brandon, I am not amenable to you recording the 201k conference. You need to place your concerns in writing in advance of the conference.

JC, I am booked all week, but I don't want us to miss our obligations to participate. I'll leave it to you and Brandon to attempt to connect in advance of Thursday (8/21) hearing.

[Quoted text hidden]

Brandon McGivern [REDACTED]
To: Mason Cole <mcole@colesadkin.com>
Cc: jcook@colesadkin.com

Tue, Aug 19, 2025 at 9:42 AM

Mason and James,

I'll meet with Mr. Cook to comply with the Court's order, though I note Mason's absence after 18 days of scheduling attempts will limit meaningful resolution.

Regarding recording - understood. I'll take detailed notes and email a summary immediately after the conference. Failure to correct any inaccuracies within 24 hours will constitute agreement with my summary. My concerns were already placed in writing on August 16.

James - I'm available Tuesday (today) or Wednesday ideally at 4:00 PM. (later could work as well) Please confirm which works.

For Thursday's hearing, I'll report that we conducted the conference and any key issues requiring lead counsel's participation that could not be resolved.

Brandon

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

[Quoted text hidden]

FILED DATE: 9/2/2025 9:19 AM 2025CH05527