

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

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

Case No. **20251707919**

Judge Kelly Marie McCarthy
Courtroom 1402

**PLAINTIFF'S SUPPLEMENT TO EMERGENCY MOTION TO
RECONSIDER/CLARIFY STAY ORDER BASED ON SEPTEMBER 29, 2025
CHANCERY COURT FINDINGS**

NOW COMES Plaintiff, BRANDON MCGIVERN, pro se, and respectfully supplements his September 16, 2025 Emergency Motion with dispositive new developments from today's Chancery Court proceedings:

1. Today, September 29, 2025, Judge Eve M. Reilly in Case No. 2025CH05527 entered the following orders (*minute order attached as Exhibit A*):

A. **GRANTED** Defendant's Motion to Strike Exhibit B as Fabricated Evidence and for Rule 137 Sanctions, finding that Plaintiff Kyle Hadley and his counsel fabricated a critical financial document.

B. **GRANTED** Defendant's Motion for Entry of Order Deeming Admissions, deeming ALL THIRTY (30) Requests for Admission admitted after Plaintiff submitted fabricated "responses" that included answers to requests never served. (*see Exhibit B*)

2. The deemed admissions establish the following dispositive facts:

OWNERSHIP AND AGREEMENT:

(A) **Admission #23:** Kyle Hadley has never had a written real estate purchase agreement with Defendant

(B) **Admission #22:** As a licensed real estate agent, Kyle Hadley knows oral real estate purchase agreements are void under Illinois law

(C) **Admission #21:** Kyle Hadley is a licensed real estate agent in Illinois

KYLE HADLEY'S BREACHES AND REPUDIATION:

(D) **Admission #15:** Kyle Hadley sent text messages on October 9, 2024 stating "Sell the house. I'll move out"

(E) **Admission #16:** Kyle Hadley used proceeds from his October 2023 condominium sale to purchase a vehicle rather than to purchase the Property

(F) **Admission #20:** Kyle Hadley's email of February 14, 2025 constituted a repudiation of any purchase agreement

(G) **Admission #19:** Kyle Hadley sent an email on February 14, 2025 demanding return of his investment funds

FABRICATION OF EVIDENCE:

(H) **Admission #26:** Kyle Hadley altered or fabricated portions of the equity tracking document attached as Exhibit B to his Complaint

(I) **Admission #27:** Kyle Hadley changed the purchase price from \$320,000 to \$300,000 in the document attached as Exhibit B

SUBLETTING AND CONCEALMENT:

(J) **Admission #18:** Kyle Hadley collected rental payments from additional roommates beyond Timothy Lenihan since August 2024

(K) **Admission #11:** Kyle Hadley concealed the ongoing status and worsening condition of water damage for over four months

(L) **Admission #28:** Kyle Hadley disposed of functioning appliances including a working washer and dryer without Defendant's authorization

3. These judicial findings and deemed admissions definitively establish:

(A) **NO OWNERSHIP DISPUTE EXISTS** - Kyle Hadley admits no written agreement exists and knows as a licensed agent that oral agreements are void

(B) **Kyle Hadley BREACHED FIRST** - Used condo proceeds for a car, texted "Sell the house," and repudiated in February

(C) **Kyle Hadley FABRICATED EVIDENCE** - Admitted altering documents and found sanctionable by Judge Reilly

(D) **Kyle Hadley IS SUBLETTING FOR PROFIT** - Collecting rent while paying below-market to Plaintiff

4. The eviction was stayed on September 16 based on an alleged "ownership dispute." Today's Chancery findings prove no such dispute exists - only a tenant facing eviction who fabricated evidence.

5. The October 1, 2025 mortgage increase (in 2 days) creates mathematical certainty of foreclosure with only \$2,080 use & occupancy versus \$2,303.69 mortgage obligation.

WHEREFORE, Plaintiff respectfully requests this Court IMMEDIATELY VACATE the stay based on:

- Chancery Court's finding of fabricated evidence
- Thirty deemed admissions destroying any ownership claim

- Kyle Hadley's professional knowledge as licensed agent that oral agreements are void
- Kyle Hadley's admitted breaches and repudiation
- Urgent financial emergency with October 1 mortgage increase

Alternatively, increase use and occupancy to market rate of \$3,259 to prevent foreclosure.

Dated September 29, 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 September 29, 2025, I served a true and correct copy of the foregoing **Plaintiff's Supplement to Emergency Motion to Reconsider/Clarify Stay Order Based on September 29, 2025 Chancery Court Findings**, 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*

EXHIBIT A

September 29, 2025 Order

entered by Judge Eve M. Reilly in Case No. 2025CH05527

(finding fabricated evidence and deeming 30 admissions admitted)

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

KYLE HADLEY,

Plaintiff,

v.

BRANDON MCGIVERN,

Defendant.

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Case No. 2025-CH-05527

Judge Eve M. Reilly

Courtroom 2405

September 29, 2025 Agreed Order

Plaintiff's counsel and *pro se* Defendant appeared for oral arguments on:

1. Defendant's Motion to Strike Exhibit B As Fabricated Evidence and for Rule 137 Sanctions;
2. Plaintiff's Motion to Strike Defendant's Affirmative Defenses; and
3. Defendant's Motion for Entry of Order Deeming Admissions under Illinois Supreme Court Rule 216.
4. Defendant's September 2, 2025 Motion to Compel Discovery Responses and for Sanctions is entered and continued generally to be considered for briefing schedule.

IT IS HEREBY ORDERED:

1. Defendant's Motion to Strike Exhibit B As Fabricated Evidence and for Rule 137 Sanctions is **GRANTED**.
2. Defendant's Motion for Entry of Order Deeming Admissions under Illinois Supreme Court Rule 216 is **GRANTED**. All 30 facts are deemed **ADMITTED**.
3. Plaintiff's Motion to Strike Defendant's Affirmative Defenses and Defendant's

Motion to Compel Discovery Responses and for Sanctions are taken under advisement with an Order to follow in the afternoon of September 30, 2025.

4. Defendant's September 2, 2025 Motion to Compel Discovery Responses and for Sanctions is entered and continued generally to be considered for briefing schedule. Judge Reilly will issue a written order and set a new presentment date as needed.

Entered:

Prepared and Drafted by:

Brandon McGivern

[REDACTED]

[REDACTED]

Pro Se Plaintiff

Reviewed and Approved by:

Mason S. Cole

COLE SADKIN LLC

1652 W. Belmont Ave., Ste. 1

Chicago, Illinois 60657

T: (312) 548-8610

Firm ID: 49001

mcole@colesadkin.com

Counsel for Plaintiff

EXHIBIT B

Defendant's Requests for Admissions served June 24, 2025

(all 30 requests now deemed admitted by Court Order)

FILED
6/24/2025 8:05 AM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
2025CH05527
Calendar, 7
33271548

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

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

Case No. **2025CH05527**

WARNING: If you fail to serve the response required by Rule 216 within 28 days after you are served with this document, all the facts set forth in the requests will be deemed true and all the documents described in the requests will be deemed genuine.

DEFENDANT'S REQUESTS FOR ADMISSIONS

TO: Plaintiff Kyle Hadley, by and through his attorney, Mason Cole

Pursuant to Illinois Supreme Court Rule 216, Defendant Brandon McGivern requests that Plaintiff admit or deny the following matters of fact within twenty-eight (28) days of service of this request:

INSTRUCTIONS

1. Each matter must be admitted or denied. If you cannot truthfully admit or deny a matter, you must set forth in detail the reasons why.
2. An admission in response to a request is considered conclusively established unless the court permits withdrawal or amendment.

FILED DATE: 6/24/2025 8:05 AM 2025CH05527

3. Failure to respond within 28 days results in deemed admissions of all requested facts.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: You operated rental businesses involving multiple properties from June 2022 to present, including your condominium and portions of 6122 N. Winthrop Avenue, Unit C, Chicago, Illinois 60660.

REQUEST FOR ADMISSION NO. 2: You received rental payments from tenants for occupancy of your condominium from June 2022 until its sale in October 2023.

REQUEST FOR ADMISSION NO. 3: You received rental payments from Timothy Lenihan for occupancy of a portion of the Property.

REQUEST FOR ADMISSION NO. 4: You received at least \$6,400 in rental payments from Timothy Lenihan during 2024-2025.

REQUEST FOR ADMISSION NO. 5: You have had additional roommates or tenants at the Property since August 2024 without Defendant's knowledge or consent.

REQUEST FOR ADMISSION NO. 6: You charged rental rates of approximately \$1,000 per month to occupants of the Property.

REQUEST FOR ADMISSION NO. 7: You operated simultaneous rental businesses from June 2022 to October 2023, collecting rent from your condominium tenants while paying below-market rent to Defendant.

REQUEST FOR ADMISSION NO. 8: You discovered water damage at the Property on or about January 6, 2025.

REQUEST FOR ADMISSION NO. 9: After notifying Defendant of water damage in January 2025, you failed to follow through on obtaining repair estimates despite Defendant's insurance guidance.

REQUEST FOR ADMISSION NO. 10: You ceased communication with Defendant regarding the water damage after initially reporting it, failing to provide promised repair estimates or updates on the damage status.

REQUEST FOR ADMISSION NO. 11: You concealed the ongoing status and worsening condition of the water damage from Defendant for over four months after your initial January 2025 notification.

REQUEST FOR ADMISSION NO. 12: You were waiting outside the Property when Defendant arrived on May 10, 2025, and denied Defendant access to inspect the interior of the Property.

REQUEST FOR ADMISSION NO. 13: You entered the Property through the front door after Defendant left to call police, but exited through the rear door when police officers arrived on May 10, 2025.

REQUEST FOR ADMISSION NO. 14: You allowed an unauthorized contractor to access and potentially damage the Property without notifying Defendant.

REQUEST FOR ADMISSION NO. 15: You sent text messages to Defendant on October 9, 2024 stating "Sell the house. I'll move out."

REQUEST FOR ADMISSION NO. 16: You used proceeds from your October 2023 condominium sale to purchase a vehicle rather than to purchase the Property.

REQUEST FOR ADMISSION NO. 17: You sold your condominium in October 2023.

REQUEST FOR ADMISSION NO. 18: You collected rental payments from additional roommates or tenants at the Property beyond Timothy Lenihan since August 2024.

REQUEST FOR ADMISSION NO. 19: You sent an email to Defendant on February 14, 2025 demanding return of your investment funds.

REQUEST FOR ADMISSION NO. 20: The email of February 14, 2025 constituted a repudiation of any purchase agreement.

REQUEST FOR ADMISSION NO. 21: You are a licensed real estate agent in Illinois.

REQUEST FOR ADMISSION NO. 22: As a licensed real estate agent, you know that oral real estate purchase agreements are void under Illinois law.

REQUEST FOR ADMISSION NO. 23: You have never had a written real estate purchase agreement with Defendant.

REQUEST FOR ADMISSION NO. 24: Exhibit B to your Complaint contains entries dated after January 30, 2025.

REQUEST FOR ADMISSION NO. 25: You did not have access to Defendant's equity tracking document after January 30, 2025.

REQUEST FOR ADMISSION NO. 26: You altered or fabricated portions of the equity tracking document attached as Exhibit B to your Complaint.

REQUEST FOR ADMISSION NO. 27: You changed the purchase price from \$320,000 to \$300,000 in the document attached as Exhibit B.

REQUEST FOR ADMISSION NO. 28: You disposed of functioning appliances at the Property, including a working washer and dryer, without Defendant's authorization.

REQUEST FOR ADMISSION NO. 29: You have no knowledge of any steps taken by Defendant to market or sell the Property to third parties prior to March 2025.

REQUEST FOR ADMISSION NO. 30: Your pattern of operating rental businesses while living at below-market rent demonstrates you intended to profit from rental arbitrage rather than purchase the Property.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Requests for Admissions was served upon Plaintiff's counsel by email to mcole@colesadkin.com on June 24, 2025.

RESPECTFULLY SUBMITTED,

/s/ Brandon McGivern

Brandon McGivern, Defendant

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

