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Mariyana T. Spyropoulos
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
CHANCERY DIVISION**

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

Case No. **2025-CH-05527**

Judge Eve M. Reilly
Courtroom 2405

MOTION TO COMPEL DISCOVERY RESPONSES AND FOR SANCTIONS

NOW COMES Defendant, BRANDON MCGIVERN, pro se, and respectfully moves this Court to compel Plaintiff to provide complete responses to Defendant's outstanding discovery requests and for sanctions pursuant to Illinois Supreme Court Rules 213, 214, and 219, and in support thereof states:

I. PROCEDURAL BACKGROUND

1. On June 24, 2025, Defendant served upon Plaintiff's counsel the following discovery requests:

- **Defendant's Interrogatories to Plaintiff** (12 interrogatories pursuant to Rule 213)
- **Defendant's Requests for Production of Documents** (11 document requests pursuant to Rule 214)

2. **Certificate of Service:** Both discovery requests were properly served upon Plaintiff's counsel Mason Cole by email to mcole@colesadkin.com on June 24, 2025.

FILED DATE: 7/25/2025 9:52 AM 2025CH05527

3. **Response Deadline:** Under Illinois Supreme Court Rules 213 and 214, Plaintiff had thirty (30) days to respond to these discovery requests, making the deadline **July 24, 2025**.

4. **Complete Non-Response:** As of the filing of this Motion, Plaintiff has completely failed to respond to any of Defendant's interrogatories or document production requests.

5. **Attempted Discovery Evasion:** On July 8, 2025, Plaintiff filed a Motion to Strike Affirmative Defenses requesting the Court "Stay the written discovery issued by Defendant on ___ until the pleadings are finalized." However, **no court order granting such a stay has been entered**, and Plaintiff's discovery obligations remain in full effect.

6. **Pattern of Discovery Obstruction:** This failure to respond continues Plaintiff's pattern of discovery misconduct, including his fabrication of responses to Defendant's Requests for Admissions (subject of separate motion currently pending before this Court).

II. OUTSTANDING DISCOVERY REQUESTS

A. Interrogatories (Rule 213)

7. Defendant's twelve (12) interrogatories seek fundamental information regarding:

- Plaintiff's rental arbitrage operations involving multiple properties
- Financial records and rental income received from the subject property
- Plaintiff's real estate licensing and professional obligations
- Water damage concealment and property condition issues
- Purchase agreement terms and financing arrangements

B. Document Production Requests (Rule 214)

8. Defendant's eleven (11) document requests seek critical evidence including:
- Financial records showing rental income and property-related expenses
 - Communications with contractors regarding concealed water damage
 - Real estate license documentation and professional standards materials
 - Vehicle purchase and condominium sale records from October 2023
 - Equity tracking spreadsheets and purchase agreement documentation

III. LEGAL STANDARD FOR COMPELLED DISCOVERY

9. Illinois Supreme Court Rules 213 and 214 mandate responses within thirty (30) days of service. While Plaintiff requested relief from discovery obligations in his July 8, 2025 Motion to Strike, **no court order has granted such relief.**

10. **No Stay in Effect:** Absent a court order, discovery obligations remain binding regardless of pending motions to strike pleadings. The Illinois Supreme Court Rules do not provide for self-executing stays based on unresolved motions.

11. Illinois courts consistently hold that complete failure to respond to properly served discovery warrants both compelled responses and sanctions. See *Kedzie & 103rd Currency Exchange, Inc. v. Hodge*, 156 Ill. 2d 112 (1993).

12. Under **Rule 219(c)**, courts may impose sanctions for discovery violations, including striking pleadings, dismissing claims, and awarding costs and attorney fees to the prejudiced party.

IV. PREJUDICE TO DEFENDANT

13. **Case Timeline Impact:** Plaintiff's discovery obstruction delays resolution of this case and prevents Defendant from adequately preparing his defense and counterclaims.

14. **Improper Discovery Avoidance:** Plaintiff's attempt to use his Motion to Strike as a shield against discovery obligations is improper and prejudicial. The requested discovery seeks relevant information regardless of whether affirmative defenses are ultimately stricken.

15. **Financial Evidence Critical:** The requested financial records are essential to proving Defendant's counterclaims regarding:

- Plaintiff's undisclosed rental arbitrage operations
- Rental income concealment affecting property valuation
- Professional misconduct warranting license discipline

16. **Water Damage Documentation:** Communications with contractors are crucial evidence of Plaintiff's five-month concealment of emergency water damage, affecting property value and habitability.

V. SANCTIONS WARRANTED

17. **Systematic Discovery Abuse:** Plaintiff's complete non-response follows his fabrication of admission responses, establishing a clear pattern of discovery misconduct that undermines the judicial process.

19. **Bad Faith Procedural Tactics:** Rather than seeking a proper extension or attempting good faith compliance, Plaintiff improperly treats his ungranted Motion to

Strike as authorization to ignore discovery deadlines entirely.

20. **Professional Misconduct:** Counsel's failure to ensure basic discovery compliance violates Rule 137 obligations and warrants monetary sanctions to deter future violations.

VIII. RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests this Court enter an order:

A. COMPELLING Plaintiff to serve complete, verified responses to Defendant's Interrogatories (served June 24, 2025) within fourteen (14) days of this Court's order;

B. COMPELLING Plaintiff to produce all requested documents (per Defendant's June 24, 2025 Document Requests) within fourteen (14) days of this Court's order;

C. IMPOSING RULE 219 SANCTIONS against Plaintiff in the amount of **\$3,000** for costs and expenses incurred due to discovery obstruction;

D. IMPOSING RULE 137 SANCTIONS against Plaintiff's counsel Mason Cole in the amount of **\$2,000** for failing to ensure timely discovery compliance;

E. WARNING that further discovery violations may result in dismissal of Plaintiff's claims or other severe sanctions;

F. ESTABLISHING that any late responses must be supplemented if additional information becomes available;

G. ORDERING expedited consideration of this motion given the significant delay already caused by Plaintiff's non-compliance; and

H. Granting such other relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

/s/ Brandon McGivern

Brandon McGivern, Defendant

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



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel Discovery Responses and for Sanctions was served upon Plaintiff's counsel by email to mcole@colesadkin.com on July 25, 2025.

/s/ Brandon McGivern

Brandon McGivern, Pro Se
