

**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

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PLAINTIFF'S MOTION FOR CONTEMPT

NOW COMES Plaintiff, BRANDON MCGIVERN, pro se, and moves this Court to find Defendant in contempt for willfully violating this Court's September 16, 2025 Order.

I. THE VIOLATION IS UNDISPUTED

1. On September 16, 2025, this Court ordered Defendant to pay \$3,120 within 14 days. The deadline was September 30, 2025.
2. Defendant has paid nothing. As of October 8, 2025, Defendant owes:
 - \$3,120 (due September 30)
 - \$2,080 (due October 1)
 - **Total: \$5,200**
3. At the October 1 hearing, Defendant's counsel Mason Cole admitted that the September 16 order was "very clear" and that he was "unaware" his client hadn't paid.
4. This is not Defendant's first violation. After this Court granted use and occupancy on August 14, 2025, Defendant refused to pay anything, forcing Plaintiff to file an Emergency

Motion for Payment Terms. Only after that motion did this Court enter the specific September 16 order, which Defendant has also violated.

5. Defendant did not file anything. Defendant did not contact the court. Defendant simply didn't pay.

II. DEFENDANT HAS THE ABILITY TO PAY

6. Defendant Kyle Hadley is a licensed real estate agent who recently closed on over \$1,000,000 in property transactions.

7. Defendant collects \$800-\$1,600 monthly from subletting the property while paying Plaintiff nothing.

8. Defendant's non-payment is not about inability, it's willful defiance.

III. THE LEGAL STANDARD IS MET

9. Civil contempt requires: (a) a clear court order; (b) defendant's knowledge; (c) ability to comply; and (d) willful refusal. In re *Marriage of Logston*, 103 Ill. 2d 266, 286 (1984).

10. All elements are proven: (a) Clear order: Defendant's counsel admits it was "very clear" (b) Knowledge: Counsel was present on September 16 (c) Ability: \$1M in real estate deals + subletting income (d) Willful refusal: No payment, no extension request, didn't even inform counsel.

IV. IMMEDIATE RELIEF IS REQUIRED

11. Every day of non-payment pushes Plaintiff toward foreclosure. Plaintiff's mortgage already exceeds the use and occupancy amount by \$223.69 monthly, creating mathematical certainty of default.

12. Without consequences, court orders become suggestions.

13. Given counsel's admission that the order was "very clear" and Defendant's undisputed non-payment, no hearing is necessary to establish contempt.

WHEREFORE, Plaintiff respectfully requests:

A. Immediate finding of contempt based on Defendant's counsel's admissions and the undisputed non-payment;

B. Upon finding contempt:


- Immediate payment of **\$5,200** or incarceration until paid
- Daily fines of \$200 until payment is made
- Direct payment order to Defendant's subletters
- Vacation of the Stay given Defendant's contempt of this Court's payment orders

C. Any other relief this Court deems just.

Dated October 1, 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 October 1, 2025, I served a true and correct copy of the foregoing **Plaintiff's Motion for Contempt**, 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*