

**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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and other case information, please visit our Online Case Search
and search for your case: <https://casesearch.cookcountyclerkofcourt.org>

**PLAINTIFF'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
EMERGENCY MOTION FOR CONTEMPT AND PERMANENT ACCESS ORDER**

Plaintiff respectfully submits this Supplemental Memorandum documenting
developments since filing the Emergency Motion on November 24, 2025:

**I. DEFENSE COUNSEL'S FALSE STATEMENT AND CONTRADICTING
EVIDENCE**

1. On December 1, 2025 at 3:14 PM, Defense Counsel stated: "Kyle provided his contact information to your plumber and never heard back." (Exhibit A)
2. This statement is false. On December 1, 2025 at 4:58 PM, Plaintiff provided screenshot evidence showing the plumber called Defendant at 5:30 PM on November 24, 2025 for 1 minute duration. (Exhibit A; screenshot attached as Exhibit B)
3. Defendant did not return this call.
4. On December 2, 2025 at 8:00 AM, after being confronted with this evidence, Defense Counsel sent a one-sentence response: "Brandon, why not introduce the plumber to Kyle to assist for a time that works for all?" (Exhibit A)

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5. This response completely ignores that Defendant already has the plumber's phone number from the November 24 call and attempts to reframe Defendant's violations as coordination issues.

II. LEGAL NOTICE FOR DECEMBER 5, 2025 PROPERTY ACCESS

6. On December 1, 2025 at 4:43 PM, Plaintiff provided formal notice that plumber is scheduled for Thursday, December 4, 2025, 9:00 AM - 12:00 PM. (Exhibit A)

7. This notice exceeds Chicago Municipal Code § 5-12-050 requirements (3 days vs. 2 days required; reasonable hours; emergency repair purpose).

8. The notice requires Defendant either be present OR provide permanent access (keys and Google Home admin restoration).

9. Under § 5-12-050(f) and (h), emergency water leaks permit landlord access without notice. Plaintiff nonetheless provided 3 days advance notice.

10. The December 4 repair will proceed pursuant to the legal notice provided.

III. DECEMBER 1, 2025 USE & OCCUPANCY VIOLATION

11. As of this filing (December 3, 2025), Defendant has not paid court ordered December 1, 2025 Use & Occupancy payment of \$2,080.

12. This is the fifth consecutive month of late or non-payment:

- September 29, 2025: Late - paid after contempt motion
- October 1, 2025: Late - paid after contempt motion
- November 1, 2025: Late - paid after attorney contact
- December 1, 2025: Not paid

13. The pattern is consistent: Defendant violates order, Plaintiff threatens contempt, Defendant pays, no consequence imposed, pattern repeats.

IV. RELIEF REQUESTED

14. The original Motion requested five specific forms of relief. The additional evidence documented herein supports additional relief and strengthens the original requests:

A. Contempt finding for November 20, 2025 violation of June 5, 2025 Agreed Order (property access);

B. Contempt finding for four violations of September 16, 2025 Use & Occupancy Order:

- September 2025: Late payment
- October 2025: Late payment
- November 2025: Late payment
- December 2025: Non-payment as of December 3

C. Permanent access order requiring Defendant provide keys AND Google Home admin access within 24 hours;

D. Sanctions of \$500/day until permanent access provided;

E. Order that any future violation of Use & Occupancy, property access, or other court orders shall result in:

- (i) Automatic sanctions of \$500/day from date of violation, AND
- (ii) Automatic lifting of stay of eviction proceedings,

both without requirement of additional hearings or motions.

15. Five months of violations without consequence has established that Defendant will

only comply when threatened with contempt. Without meaningful enforcement, this pattern will continue indefinitely while property damage worsens and Plaintiff remains locked out of property Plaintiff owns.

Dated December 3, 2025

Respectfully submitted,

/s/ Brandon McGivern

Plaintiff

Brandon McGivern
5701 N Sheridan Rd. [REDACTED]
Chicago, IL 60660

[REDACTED]
Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I, Brandon McGivern, a non-attorney, on oath state that on December 3, 2025, I served a copy of this **Supplemental Memorandum and Exhibits A & B** 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*

SUPPLEMENTAL EXHIBIT A

December 1 & 2, 2025 Email Thread

(Timestamps are EST)

Courtesy Copies - Emergency Motion for Hearing Today at 2:00 PM - McGivern v. Hadley (20251707919)

8 messages

Brandon McGivern [REDACTED]
To: courtorders1402@cookcountycourt.com
Cc: Mason Cole <mcole@colesadkin.com>

Mon, Dec 1, 2025 at 7:24 AM

Dear Judge McCarthy's Clerk,

Attached are courtesy copies of filings for today's 2:00 PM emergency hearing:

1. Emergency Motion for Contempt and Permanent Access Order (filed November 20, 2025)
2. Notice of Motion - Emergency (re-filed November 25, 2025)
3. Supplemental Exhibits documenting 12 days of ongoing water damage

Case: McGivern v. Hadley
Case No: 20251707919
Hearing: December 1, 2025 at 2:00 PM
Courtroom: 1402


Thank you for your assistance.

Respectfully,


Brandon McGivern
Pro Se Plaintiff
(312) 848-2099

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

3 attachments

 **11.24.25_NOM.pdf**
133K

 **11.20.25_Emergency_Motion_for_Contempt.pdf**
1139K

 **12-1-2025_Exhibits.pdf**
228K

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

Mon, Dec 1, 2025 at 3:14 PM

Brandon, Kyle provided his contact information to your plumber and never heard back. Do you want to find plumber's availability or maybe just do an email intro for us to get this resolved? Confirmed we are not using the shower that needs to be fixed, so I don't think there is an emergency. No order needed for today and we will just try again on Wednesday (12/3) at 2pm.

[Quoted text hidden]

Kyle Hadley [REDACTED]

Mon, Dec 1, 2025 at 3:20 PM

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

I have no reason to want this to go on longer than it has to. Please provide the plumbers contact information, and I will reach out directly.

[Quoted text hidden]

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

Mon, Dec 1, 2025 at 4:58 PM

Mason and Kyle,

Attached is one screenshot showing the plumber called Kyle at 5:30 PM on November 24 and left a message. **Kyle did not return the call.**

This contradicts Mason's December 1 statement: "Kyle provided contact information to your plumber and never heard back."

Timeline:

- November 19, 6:25 PM: Kyle confirms "I will be available to provide access"
- November 20, 2:55 PM: Plumber arrives, Kyle not home, dogs loose
- November 24, 5:30 PM: Plumber calls Kyle. Kyle doesn't respond.
- November 24-30: I email Mason multiple times. Zero response.
- December 1: Court schedules hearing for December 3. Suddenly Kyle and Mason respond.

The pattern: Violate orders, ignore communications, offer cooperation only when hearing is actually scheduled.

The solution: Kyle provides permanent access to MY property by either:

1. Adding me back as admin on Google Home system (Kyle changed locks and removed my access), OR
2. Providing physical keys

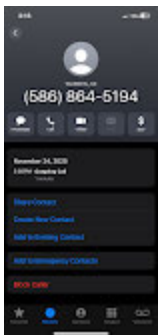
Kyle changed the locks and has unlawfully excluded me from property I own. Whether Kyle is a tenant or claims partial ownership is irrelevant—**he cannot legally lock me out of my own property.** His refusal to provide keys or restore my Google Home admin access is **illegal.**

The December 3 hearing will proceed as scheduled to address Kyle's violations of the June 5, 2025 Agreed Order and the need for permanent access with enforceable consequences.

Brandon McGivern
Owner, 6122 N Winthrop Ave, Unit C

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

[Quoted text hidden]



screenshot.png
323K

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

Mon, Dec 1, 2025 at 5:43 PM

Mason and Kyle,

The plumber has been scheduled for **Thursday, December 5, 2025, between 9:00 AM - 12:00 PM** to assess and repair the water leak at 6122 N Winthrop Ave, Unit C.

As the property owner, I am providing this notice as required by law. The plumber will access the property during this window to complete the necessary repairs.

Any dogs must be secured or removed from the property during the repair window. On November 20, the plumber was unable to access the property due to dogs being left loose, preventing the repair.

Kyle may be present if he chooses, but his presence is not required. If Kyle will not be present, he must either:

1. Restore my Google Home admin access, OR
2. Provide physical keys to me or my representative by end of day Wednesday, December 4

This repair will proceed as scheduled.

Brandon McGivern
Owner, 6122 N Winthrop Ave, Unit C

Brandon McGivern
Web Developer / Graphic Designer
[REDACTED]

[Quoted text hidden]

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

Tue, Dec 2, 2025 at 9:00 AM

Brandon, why not introduce the plumber to Kyle to assist for a time that works for all?

[Quoted text hidden]

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SUPPLEMENTAL EXHIBIT B

Phone Call Record: Plumber to Kyle Hadley

November 24, 2025 at 5:30 PM (1 minute duration)

3:13

5G+ 41



WARREN, MI

(586) 86[REDACTED]

message

call

video

mail

pay

November 24, 2025

5:30 PM Outgoing Call
1 minute

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Block Caller



Favorites



Recents



Contacts



Keypad



Voicemail

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