

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

Kyle Hadley,

Plaintiff(s),

v.

Brandon McGivern,

Defendant(s).

Case No: 2025CH05527
Calendar 7

ORDER

THIS MATTER coming before the Court for oral argument on five fully briefed motions: (1) Defendant's Motion for Judgment on the Pleadings; (2) Defendant's Motion to Compel Complete Discovery Responses and for Sanctions; (3) Defendant's Motion for Entry of Order Specifying Rule 137 Sanctions; (4) Defendant's Motion for Default Judgment on Counterclaims; and (5) Defendant's Motion to Strike Plaintiff's Untimely Answer to Counterclaims, the Court being fully advised on the matter. It is hereby ordered:

1. Defendant's Motion for Judgment on the Pleadings is DENIED. Even in consideration of the admissions contained within Plaintiff's Responses to the Request to Admit, there remains a question of material fact as to whether there was partial performance of the oral agreement by Plaintiff as an exception to the Statute of Frauds.
2. However, the Court, *sua sponte*, dismisses Counts III (Constructive Trust) and IV (Injunctive Relief) of Plaintiff's Complaint with prejudice as they are remedies and do not state valid causes of action. Similarly, Counts IV (Holdover Tenancy Damages) and V (Attorneys' Fees and Costs) of the Counterclaim are also dismissed, *sua sponte*, with prejudice as they also do not state valid causes of action.
3. Defendant's Motion for Entry of Rule 137 Sanctions is DENIED because the Court already issued a sanction in the form of deeming facts admitted.
4. As to Defendant's Motion to Compel, the Motion is granted, in part, as follows:
 - a. Plaintiff shall produce the missing Bank of America Statements for January 2023 – July 2023, October 2023 – December 2023, August 2024 – September 2024, and June 2025 – July 2025.
 - b. Plaintiff shall also produce legible copies of the Venmo Statements as they are currently illegible.
 - c. All objections contained within Plaintiff's Responses to written discovery requests are overruled. However, it appears that responses were provided over objection and were sufficient notwithstanding those in need of supplementation as specified herein.

5. Defendant's Motion to Compel is DENIED, in part, as to Interrogatory #5. Further, the Court declines to enter sanctions relating to this Motion to Compel.
6. All of Plaintiff's supplemental discovery production shall be completed by or before January 20, 2026.
7. Defendant's Motion to Strike the Answer to the Counterclaims as untimely is GRANTED as it was filed late without leave of court. As such, Defendant's Motion for Default Judgment on the Counterclaims is GRANTED.
8. This matter is set for prove-up on the remaining counterclaims for January 26, 2026 at 10:00 a.m. via Zoom Teleconference (Meeting ID: 943 7767 4389; Passcode; 980847; Dial-in: (312) 626-6799).

Judge Eve M. Reilly
DEC 22 2025
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Entered:

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Judge Eve M. Reilly