

**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 on two motions: (1) Plaintiff's Motion to Strike Defendant's Pro Se Prove-Up Memorandum and for Entry of a Prove-Up Hearing; and (2) Plaintiff's Motion to Stay Summary Judgment Briefing Schedule Pursuant to Illinois Supreme Court Rule 191(b), the Court having taken this matter and Defendant's Prove-Up Memorandum directly under advisement, and the Court being fully advised on the matter. It is hereby ordered:

1. On December 22, 2025, this court entered a default order on the verified counterclaims and set the matter for a prove-up on January 26, 2026. The default was entered because plaintiff answered the counterclaim over 100 days late and without leave of court. On the prove-up date, the Plaintiff appeared and did not object to the prove-up and the court took the matter under advisement. The next day, the Plaintiff filed this motion to strike the prove-up memorandum claiming a lack of evidence to support the damage award. The Plaintiff never filed a motion to vacate the default pursuant to 735 ILCS 5/2-1301 and never objected to the prove-up on the date the prove up was set. However, the Defendant is correct that the Plaintiff did not have an affidavit attached to his prove-up motion and only submitted one after the memorandum was taken under advisement. Even though the counterclaims are verified and deemed admitted and there are also facts deemed admitted, none of these establish the exact dollar amount due and owing the defendant and an affidavit is needed. Therefore, Plaintiff's motion is granted in part.
2. The court grants leave to the Defendant to amend his prove-up memorandum to attach his affidavit by March 30, 2026.
3. Plaintiff may have 14 days to respond to the prove-up memorandum by April 13, 2026.
4. Plaintiff's Motion to Stay Summary Judgment Briefing is denied as his affidavit does not strictly comply with Supreme Court Rule 191(b). Plaintiff does not state that there are material facts which ought to appear in an affidavit that are known only to persons whose affidavits affiant is unable to procure and it is unclear what the Defendant would testify to if sworn and why this information is necessary to respond to the summary judgment motion.

5. This matter is set for status on the prove-up of the counterclaims and on setting a briefing schedule on the motion for summary judgment for April 15, 2026, at 9:30 a.m. in person in courtroom 2405 with hybrid capabilities.

Judge Eve M. Reilly

MAR 24 2026

Circuit Court-2122

Entered:

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Judge Eve M. Reilly