

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

KYLE HADLEY,	)	
	)	
<i>Plaintiff,</i>	)	
	)	Case No. 2025-CH-05527
v.	)	
BRANDON MCGIVERN,	)	Judge Eve M. Reilly
	)	Courtroom 2405
<i>Defendant.</i>	)	
	)	

**DEFENDANT'S MOTION TO CONTINUE THE MAY 20, 2026 DEPOSITION OF
DEFENDANT PENDING THE COURT'S RULING ON DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

NOW COMES Defendant, BRANDON McGIVERN, *pro se*, and pursuant to Illinois Supreme Court Rules 201(c)(1) and 201(k), respectfully moves this Court to continue the deposition of Defendant currently scheduled for May 20, 2026 at 12:00 PM until a reasonable date after the Court rules on Defendant's Motion for Summary Judgment on Plaintiff's Remaining Claims. In support, Defendant states as follows:

I. INTRODUCTION

1. Defendant's Motion for Summary Judgment is set for presentment on June 9, 2026 at 9:30 AM, with briefing complete on June 1, 2026. The Motion, if granted, will dispose of the only claims remaining for adjudication on the merits and will moot any need for further discovery from Defendant.

2. Plaintiff has noticed Defendant's deposition for May 20, 2026 at 12:00 PM, two days after Plaintiff's response to the Motion is due and twenty days before the

Motion is presented to the Court fully briefed. Defendant respectfully requests a brief continuance of the deposition until a reasonable date after the Court's ruling on the Motion.

3. On April 28, 2026, Defendant requested this accommodation directly from Plaintiff's counsel by email. (Ex. 1.) Plaintiff's counsel has not responded in the eight days since, despite responding within hours on the same email thread the day prior. Defendant brings this motion only after Plaintiff's continued silence has made informal resolution impracticable.

II. BACKGROUND

4. On December 22, 2025, this Court dismissed with prejudice Counts III and IV of Plaintiff's Complaint and entered default judgment on Defendant's Counterclaims. Only Count I (Breach of Oral Contract) and Count II (Quantum Meruit) remain for adjudication on the merits.

5. Defendant filed his Motion for Summary Judgment on those remaining claims on January 2, 2026.

6. Plaintiff has filed three successive Motions to Stay the MSJ briefing schedule pursuant to Illinois Supreme Court Rule 191(b), each contending that Plaintiff requires Defendant's deposition before Plaintiff can respond to the Motion. Each has been denied:

(A) Plaintiff's first Motion to Stay was denied on January 26, 2026 for failure to comply with Rule 191(b).

(B) Plaintiff's second Motion to Stay was denied on the merits on March 24,

2026, with the Court finding Plaintiff's affidavit "does not state what Plaintiff believes the discovery will reveal" and that "it is unclear what the Defendant would testify to if sworn and why this information is necessary to respond to the summary judgment motion."

(C) Plaintiff's third Motion to Stay was denied with prejudice on April 27, 2026 (Ex. 2), with the Court again finding Plaintiff's Rule 191(b) affidavit fails to state what Plaintiff believes the discovery would reveal.

7. By the same April 27, 2026 Order (Ex. 2), this Court vacated the prior briefing schedule and entered the current schedule:

- Plaintiff's Response: May 18, 2026
- Defendant's Reply: June 1, 2026
- Presentment: June 9, 2026 at 9:30 AM

8. Plaintiff served a Notice of Deposition of Defendant on April 15, 2026 (Ex. 3), setting the deposition for May 20, 2026 at 12:00 PM via video conference.

9. On April 23, 2026, Defendant served complete responses and objections to Plaintiff's First Set of Interrogatories and First Set of Requests for Document Production, twenty days before the May 13, 2026 response deadline. (Ex. 1.)

10. On April 27, 2026, Plaintiff's counsel responded by email at 9:03 AM, acknowledging the responses, confirming written discovery was complete, and proposing to "fast-track" the deposition. (Ex. 1.)

11. On April 28, 2026, Defendant responded and respectfully requested that the deposition be rescheduled to a date after the Court's ruling on the Motion for Summary

Judgment, given that the Motion would be fully briefed and presented to the Court on June 9, 2026. (Ex. 1.) As of the date of this filing, Plaintiff's counsel has not responded.

III. ARGUMENT

A. The Court has broad authority to regulate the timing of depositions.

12. Illinois Supreme Court Rule 201(c)(1) authorizes this Court, on motion of any party, to "make a protective order as justice requires, denying, limiting, conditioning, or regulating discovery to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or oppression." The continuation of a deposition pending the resolution of a fully-briefed dispositive motion is a routine exercise of that authority.

B. The Court has already determined, three times, that Plaintiff does not need Defendant's deposition to respond to the Motion for Summary Judgment.

13. The April 27, 2026 Order is dispositive of the only basis Plaintiff has ever offered for noticing the May 20, 2026 deposition. By denying Plaintiff's Third Motion to Stay with prejudice and ordering Plaintiff's response due May 18, 2026, the Court has affirmatively determined that Plaintiff is required to respond to the Motion for Summary Judgment without the benefit of Defendant's deposition. The May 20 deposition cannot be necessary for a response that, by this Court's order, must be filed two days earlier. (See ¶¶ 6-7, *supra*.)

C. A brief continuance serves judicial economy, and Plaintiff identifies no countervailing prejudice.

14. If the Court grants Defendant's Motion for Summary Judgment, Plaintiff's

remaining claims will be disposed of and there will be no further need for Defendant's deposition. If the Court denies the Motion, Plaintiff suffers no meaningful prejudice from the brief continuance requested. No discovery cutoff has been set in this matter, and no trial date has been set. The deposition may be rescheduled on reasonable notice following the Court's ruling, with the benefit of the Court's analysis of the merits in hand.

15. The Notice of Deposition (Ex. 3) identifies no trial date, deadline, case-management event, or other basis of urgency, and Plaintiff's response to the Motion will, by court order, already have been filed by the date noticed. (See ¶ 7, *supra*.) The requested continuance is brief, narrowly targeted, and tied to a milestone already set by this Court. It does not seek to avoid the deposition or to delay discovery generally; it asks only that the deposition be held after, rather than before, the Court's disposition of a Motion that may render the deposition unnecessary.

IV. CONCLUSION

WHEREFORE, Defendant Brandon McGivern respectfully requests that this Court enter an Order:

(a) Continuing the deposition of Defendant currently scheduled for May 20, 2026 at 12:00 PM until a reasonable date after the Court rules on Defendant's Motion for Summary Judgment on Plaintiff's Remaining Claims, to be mutually scheduled by the parties or set by the Court; and

(b) Granting such other and further relief as the Court deems just and proper.

Dated: May 6, 2026

RESPECTFULLY SUBMITTED,

/s/ Brandon McGivern

Brandon McGivern, Defendant

Brandon McGivern, *Pro Se*



EXHIBITS

Exhibit 1 Email Correspondence between Defendant and Plaintiff's Counsel regarding Deposition Scheduling, April 27 and April 28, 2026

Exhibit 2 Order entered April 27, 2026 (Hon. Eve M. Reilly)

Exhibit 3 Plaintiff's Notice of Deposition of Defendant, served April 15, 2026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant's Motion to Continue the May 20, 2026 Deposition of Defendant Pending the Court's Ruling on Defendant's Motion for Summary Judgment** and all exhibits attached thereto was served upon Plaintiff's counsel by email to mcole@colesadkin.com on May 6, 2026.

/s/ Brandon McGivern

Brandon McGivern, *Pro Se Defendant*

EXHIBIT 1

**Email Correspondence between Defendant and
Plaintiff's Counsel regarding Deposition Scheduling**

April 27 and April 28, 2026

Brandon McGivern [REDACTED]

Mon, Apr 27, 2026 at 10:55 AM

To: Mason Cole <mcole@colesadkin.com>, Rebecca Bach <rbach@colesadkin.com>, Carly Brandt <admin@colesadkin.com>

Here is the email thread that was sent to you on April 23.

Brandon

[Quoted text hidden]

3 attachments

 **Defendant_Brandon_McGivern_Production_Exhibit_1.pdf**
871K

 **4.23.26_Defendant_Brandon_McGivern_Responses_and_Objections_to_Plaintiff's_First_Set_of_Requests_for_Document_Production.pdf**
1022K

 **4.23.26_Defendant_Brandon_McGivern_Responses_and_Objections_to_Plaintiff's_First_Set_of_Interrogatories.pdf**
1073K

Mason Cole <mcole@colesadkin.com>

Mon, Apr 27, 2026 at 11:03 AM

To: Brandon McGivern [REDACTED]
Cc: Rebecca Bach <rbach@colesadkin.com>

Brandon,

I really appreciate the thorough nature of these responses. I believe some of the miscommunication may have been because of you using multiple email addresses, this one for some reason which appears to get caught in my spam. Pursuant to your production responses, it is my understanding that you do not have further correspondence between the Parties or evidence than what was already tendered. If you can respond and approve the same, then I agree that written discovery is now fully complete. To that end, I would be amenable to fast-tracking your pending deposition to the week of 5/4, and I am currently available any day starting at 1pm (cst) via zoom. Please let me know if you have any comments or questions. Looking forward to hearing from you. Have a great week.

[Quoted text hidden]

Brandon McGivern [REDACTED]

Tue, Apr 28, 2026 at 10:00 AM

To: Mason Cole <mcole@colesadkin.com>
Cc: Rebecca Bach <rbach@colesadkin.com>
[REDACTED]

Mason,

Confirming receipt. As to your question on completeness, my responses speak for themselves, and I'd rather let the document do the talking than recharacterize it.

As to scheduling, given the Court's April 27 order setting Plaintiff's MSJ response deadline for May 18, the May 20 deposition would occur two days after the response is filed. I'd ask that we reschedule the deposition to after the Court's ruling on the Motion for Summary Judgment, since the MSJ may resolve the remaining counts and obviate the need for the deposition entirely.

Please let me know whether you agree.

Regards,
Brandon

Brandon McGivern



[Quoted text hidden]

EXHIBIT 2

Order entered April 27, 2026

(Hon. Eve M. Reilly)

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

Kyle Hadley,

Plaintiff(s), Case No: 2025CH05527

v.

Calendar 7

Brandon McGivern,

Defendant(s)

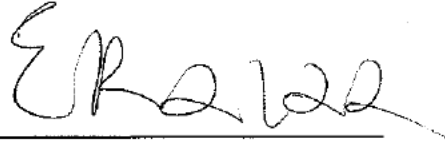
ORDER

THIS MATTER coming before the Court on presentment of Plaintiff's Third Motion to Stay the Summary Judgment Briefing Schedule Pursuant to Rule 191(b), Plaintiff appearing through Counsel and Defendant appearing *pro se*, and the Court being fully advised on the matter. It is hereby ordered:

1. This is Plaintiff's third attempt to stay the summary judgment briefing schedule pursuant to Illinois Supreme Court Rule 191(b). Still, Plaintiff's Rule 191(b) affidavit fails to comply with the rule. Rule 191(b) requires a party seeking discovery in the face of a summary judgment motion to state with specificity what discovery is needed, what the party believes the discovery will reveal, and the basis for the party's belief that the requested discovery will produce the party's sought-after proofs. *Kim v. State Farm Mut. Auto. Ins. Co.*, 2021 IL App 200135, ¶ 62. Plaintiff's affidavit does not state what Plaintiff believes the discovery will reveal. Thus, Plaintiff's Third Motion to Stay the Summary Judgment Briefing Schedule pursuant to Rule 191(b) is DENIED with prejudice.
2. The prior briefing schedule dated April 15, 2026 is vacated and reset as set forth herein.
3. The clerk's status previously set for May 18, 2026 is stricken.
4. Plaintiff shall have until May 18, 2026 to respond to the Defendant's Motion for Summary Judgment.
5. Defendant shall have until June 1, 2026 to file a reply in support of his Motion for Summary Judgment.
6. A clerk's status is set for June 2, 2026 at 9:30 a.m. in person in courtroom 2405 or via Zoom Teleconference (Meeting ID: 943 7767 4389; Passcode; 980847; Dial-in: (312) 626-6799).

7. Defendant, as the movant, shall furnish digital courtesy copies of the complete briefing to the Court via e-mail to ccc.chancerycalendar7@cookcountyil.gov on or before the clerk's status date.

Entered:



Judge Eve M. Reilly

Judge Eve M. Reilly

APR 27 2026

Circuit Court-2122

Judge Eve M. Reilly

(312) 603-3342

ccc.chancerycalendar7@cookcountyil.gov

Courtroom 2405

EXHIBIT 3

Plaintiff's Notice of Deposition of Defendant

served April 15, 2026

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

KYLE HADLEY,

Plaintiff,

v.

BRANDON MCGIVERN,

Defendant.

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Case No. 2025-CH-05527

Judge Eve M. Reilly

Courtroom 2405

NOTICE OF DEPOSITION

TO: Brandon McGivern



PLEASE TAKE NOTICE, that Defendant pursuant to Illinois Supreme Court Rule 206(a)(1) will take the discovery deposition of Defendant, Brandon McGivern. This deposition will take place on **May 20, 2026** at 12:00 PM before a Notary Public via video call pursuant to 735 ILCS 5/2-1003 and Illinois Supreme Court Rule 201. A link and information to access the video-call will be provided 24 hours prior to the deposition.

DATED: April 15, 2026

Respectfully submitted,

/s/ Mason S Cole

One of the Attorneys for the Plaintiff

COLE SADKIN LLC

Mason Cole

1652 W Belmont Ave, Ste 1

Chicago, IL 60657

Tel.: (312) 548-8610

Fax: (312) 283-2626

Firm ID: 49001

mcole@colesadkin.com

PROOF OF SERVICE

I, Rebecca Bach, the undersigned hereby certify that on April 15, 2026, I served this notice and true and correct copies of the above documents by electronically mailing copies to the above-listed individuals.

/s/ Rebecca Bach