

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 DAVID MARTIN,

5 Plaintiff,

6 vs.

7 ATTORNEY GENERAL KWAME RAOUL, JUDGE
8 GREGORY EMMETT AHERN, JR., UNNAMED
9 COOK COUNTY CLERKS, COOK COUNTY,

10 Defendants.

)
)
)
) No. 22 CV 6296
)
)

) Chicago, Illinois
) February 8, 2024
) 9:35 a.m.
)
)

11 TRANSCRIPT OF PROCEEDINGS - TELEPHONIC STATUS HEARING

12 BEFORE THE HONORABLE ANDREA R. WOOD

13 APPEARANCES:

14 For the Plaintiff: MR. DAVID MARTIN, Pro Se
15 5352 South Princeton Avenue
16 Chicago, Illinois 60609
17 (773) 893-0813
18 Martinvthompson@gmail.com

19 For the Defendants: ILLINOIS ATTORNEY GENERAL
20 BY: MS. MARY ALICE JOHNSTON
21 115 South LaSalle Street, 27th Floor
22 Chicago, Illinois 60603
23 (312) 814-4417
24 Mary.johnston@ilag.gov

25 Court Reporter: Brenda S. Varney, CSR, RMR, CRR
Official Court Reporter
219 South Dearborn Street, Suite 2144D
Chicago, Illinois 60604
(312) 554-8931
brenda_varney@ilnd.uscourts.gov

1 (Proceedings heard via telephone:)

2 THE CLERK: Calling case 22 CV 6296, Martin versus
3 Ahern, et al., for status.

4 MR. MARTIN: Martin here.

5 THE COURT: Thank you, Mr. Martin.

6 And do we have defense counsel?

7 MS. JOHNSTON: Yes. Good morning, Your Honor.

8 Assistant Attorney General Mary Johnston on behalf of
9 defendant.

10 THE COURT: Thank you, Ms. Johnston.

11 Okay. So I've had a chance to review the briefing
12 fully in connection with the motion to dismiss that is
13 pending, and I'm working on a ruling in connection with that.

14 I do believe that the defendants have raised some
15 serious questions regarding my ability to exercise subject
16 matter jurisdiction here, particularly in light of the *Woodard*
17 case that was recently decided by the Seventh Circuit which
18 addresses the federal court's ability to enter orders that
19 relate to or get into the procedures and mechanisms of an
20 ongoing case in a domestic relations type case.

21 And this is a case, I believe, where Mr. Martin is
22 concerned about his ability to challenge orders regarding
23 college expenses and orders issued by Judge Ahern that he
24 believes have made it, as I understand it, difficult, if not
25 impossible, to challenge certain orders there.

1 I am taking a look at the recent developments in the
2 case law to see if I think there is any way to avoid the
3 subject matter jurisdiction concerns and will finish up a
4 detailed ruling shortly. It is taking a little bit longer
5 than I had originally anticipated because I do have a jury
6 trial going on; however, I expect that order to be issued
7 probably sometime next week hopefully. That's where things
8 are in front of me.

9 I will hear if there's any new development from the
10 parties that you'd like to bring to my attention. In
11 particular, Mr. Martin, do you still have any ongoing
12 proceedings in state court or a next court date that I should
13 be aware of?

14 MR. MARTIN: Well, there will be ongoing proceedings
15 after your ruling, but I just want to point out that, you
16 know, there's a present issue as to the arrest warrant that's
17 out for me, and --

18 THE COURT: Has that still been issued? I think at
19 some point, you had indicated that perhaps it had been quashed
20 or withdrawn. It was a writ for body attachment. Is that
21 still outstanding?

22 MR. MARTIN: Yes, the writ for body attachment is
23 still out there. And I think it's reasonable to resolve that.
24 The case was removed, and after the removal, they entered a
25 writ of body attachment which they simply just can't do. They

1 can't, you know, do that according to the rules of removal.
2 You can't gauge the strength of the removal and say, "Oh, the
3 removal is no good. It was never properly removed on your
4 own" and then issue a writ of body attachment. So that's --

5 THE COURT: I understand.

6 And have they sent anybody to try to pick you up on
7 the writ?

8 MR. MARTIN: No. I mean, no, not yet. I mean, but I
9 have a job, and that's kind of, you know, putting my job at
10 risk because I work in an industry that is highly regulated.
11 And my employer is aware of the body attachment so not only
12 would I be locked up, but I could potentially lose my job,
13 right? And that would be devastating at this time.

14 But with that said, I also want to point out that I
15 cannot appeal any of those state court judgments without some
16 type of declaratory order. So, I mean, I don't see how -- if
17 the Court doesn't do anything, then I wouldn't have a way to
18 appeal.

19 THE COURT: Yes, I understand that issue raised in
20 your paperwork.

21 I mention the subject matter jurisdiction issue
22 because that, of course, affects both the merits of the case
23 as well as the removal issue.

24 I think the last time we had a hearing, you were very
25 helpful actually, Mr. Martin, in explaining some of your

1 concerns about the ability of the state court to take certain
2 actions during the time when a case had been removed, as it
3 had not been clear from the docket as I read it that that was
4 part of your challenge, that you were actually seeking to
5 remove the case rather than filing a new case which is how the
6 docket had been set up.

7 The subject matter jurisdiction has to be resolved,
8 the issue, either way for removal purposes and for the merits
9 so I'm working my way through that. And, as I said, that's
10 ongoing and should be resolved within the next several days.

11 MR. MARTIN: Well, if I could press upon you, I just
12 want to argue that you do have subject matter jurisdiction
13 because the issue is there's a lot of things going on with
14 this case. The main issue is my ability to appeal.

15 You're not entering a judgment as regards to Ahern's
16 college expenses. You're simply issuing a judgment saying
17 that I can have the bystander's report so I can appeal Ahern's
18 judgment in state court. So as regards to that, you have
19 subject matter jurisdiction.

20 I don't want to confuse the issue, but there's other
21 things going on. There's another appeal issue as regards to
22 getting the state court documents.

23 As I argue in my brief, they've been -- I allege
24 they've been intentionally altering documents. And when I go
25 to appeal, other documents have been altered. I would be in a

1 situation where I won't be able to appeal the other judgment.

2 So then, you know, there's other issues that could be
3 heard if this case moved forward. So there's a lot of, I
4 guess, moving pieces to the case, but as it pertains to Ahern,
5 right now, the matter is really simple. I can't appeal his
6 judgment without the bystander's report.

7 So you're not making a ruling as it pertains to his
8 judgments in state court as regards to domestic relations.
9 You're just making a judgment saying, "Okay, he has the right
10 to get the bystander's report so he can appeal in state
11 court."

12 So as it pertains to Ahern, the issue of domestic
13 relations is not even an issue because you're not making a
14 ruling that's going to impact domestic relations. You're
15 making a ruling that's based in due process, you know, being
16 able to carry documents over to the state appellate court.
17 And that's pretty much it.

18 THE COURT: I think you've actually very clearly
19 stated your position, so thank you for that, Mr. Martin.

20 Since Mr. Martin had a chance to reiterate briefly
21 his position, I'll see if Ms. Johnston has anything to add on
22 her side of things.

23 MS. JOHNSTON: No, Your Honor. We're comfortable
24 standing on the briefs.

25 THE COURT: Okay. Laritza, let's see if we can have

1 a post ruling status. And I'd like to do it in between the
2 two trials, so I'm going to suggest that we take a look -- can
3 we fit them in on the 28th of February?

4 THE CLERK: Yes, Judge. We can do February 28th at
5 10:30.

6 THE COURT: That should be fine.
7 Would you be available to call in then, Mr. Martin?

8 MR. MARTIN: That works for me.

9 THE COURT: Thank you.

10 Ms. Johnston?

11 MS. JOHNSTON: Yes, I'm available.

12 THE COURT: Okay. Thank you.

13 That concludes the status call this morning. Have a
14 good day.

15 (Proceedings adjourned at 9:45 a.m.)

16 * * * * *

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Brenda S. Varney, certify that the foregoing is a complete, true, and accurate transcript from the record of proceedings on February 8, 2024, before the HONORABLE ANDREA R. WOOD in the above-entitled matter.

<u>/s/Brenda S. Varney, CSR, RMR, CRR</u>	<u>June 17, 2024</u>
Official Court Reporter	Date
United States District Court	
Northern District of Illinois	
Eastern Division	