

I, David Martin, in pursuant to Federal Rule of Civil Procedure 56, request that this court issue a partial summary judgment and or any remedy that this court deems appropriate. In support of this motion, I state the following.

**United States District Court  
Northern District of Illinois**

**UNDISPUTED FACTS**

1. There was no actual controversy in the state court case.
2. On January 31<sup>st</sup> 2022, a default order for contribution of college expenses was entered against me.
3. On March 10<sup>th</sup> 2022, I appeared in court to correct the court's record and to object to the court's jurisdiction to hear a claim for college expenses. **(see affidavit of proceedings)**. Judge Ahern issued an order for college expenses.
4. On June 8<sup>th</sup> 2022 Judge Ahern denied my request to certify my bystanders report. **(see affidavit of proceedings)**.
5. The bystander's report is necessary to appeal Ahern's judgments.

**ARGUMENT**

In my complaint filed in the U.S. district court, various allegations are made against several individuals. Specifically addressing defendant Ahern, the central issue pertains to the possibility of filing a bystander's report. As previously asserted, the ability to appeal hinges on having a bystander's report or a record of the proceedings. Notably, there are no disputes regarding material facts in this matter. A default judgment was

**United States District Court  
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rendered against me after I contested Ahern's jurisdiction in court. Despite my objections, Ahern proceeded to enter a judgment. Subsequently, I filed a motion seeking certification of a bystander's report, which Ahern denied. I am unable to appeal without the certification of my bystander's report.

In Ahern's response to my federal complaint, he has not contested the aforementioned facts. I contend that this matter could be resolved through a partial summary judgment and request the court to issue a judgment affirming my right to file a bystander's report. Alternatively, I seek any other declaratory order that would allow me to appeal Ahern's judgment in state court.

**Wherefor I pray:**

- 1. Any remedy that this court can provide.**
- 2. A summary judgment that declares I have a right to file a by standers report in state court.**

**Date of signing:** *1/23/24*  
**David Martin**  
**5352 S. Princeton, Chicago IL 60649**  
**Email: martinvtompson@gmail.com**  
**Signature of Plaintiff**  
*David Martin*

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

**MOTION TO CERTIFY BYSTANDERS REPORT  
ILLINOIS SUPREME COURT RULE 323(C ) & (D)**

**AFFIDAVIT**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

AFFIDAVIT OF PROCEEDINGS  
ON MARCH 10, 2022

Plaintiff(s)	)	
Arnell Frances Thompson	)	
IL Dept of Healthcare and Family Services	)	
People of the State of Illinois, ex. Rel.	)	
vs.	)	Case No. 02D056455
Defendant	)	
David Terrence Martin	)	
In Propria Persona	)	

AFFIDAVIT OF PROCEEDINGS  
ON MARCH 10, 2022

I, David Martin, first duly sworn upon depose and states that I am over the age of 18, suffer from no disability and if call as a witness, could competently testify on my own personal knowledge, as follows:

On March 10<sup>th</sup>, 2022, at 2:00 PM, I logged in to zoom and appeared in Judge Gregory Ahern's room at: Meeting ID: 836 1836 1978 Password: 527306. After logging in I was placed into a waiting queue. As the proceeding was not scheduled to start until 2:15 PM. Around 2:19 PM, I became worried that I would not be let into the hearing. As a result, I called Judge Ahern's clerk at 312-603-4808. No one picked up, so I began

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**AFFIDAVIT OF PROCEEDINGS  
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leaving a voice mail. Getting close to the end of my voice mail, I noticed that it appeared that I was being let into the room. I quickly finished my voice mail and hung up. After I hung up the phone, It became apparent to me that I was simply in another zoom waiting room. I waited a few minutes, then I called Aherns clerk again to see if I could get some one on the phone. I ended up starting another voice mail. Around 2:30 PM I was let into the room where Judge Ahern and Attorney Spencer was present. I instantly heard Judge Ahern say something to the effect "Oh there he is". Attorney Spencer at some point said that his client Ms. Thompson was trying to get into the room. After some time, Ms. Thompson entered the room. I informed the court that I was appearing only to correct the court's record and to object to the courts jurisdiction to hear a claim for contribution of college expenses. I argued that this case is currently in Illinois Court of Appeals. Then, I informed Judge Ahern that I was in his court room the day he entered the default judgment, but I was held in a zoom back room. Judge Ahern responded saying that he lets everyone enter his zoom once he starts court. I then argued that I already defended myself against Ms. Thompson claims and that this case was already heard. As a result of that hearing, I filed a notice of appeal and a docketing statement. Arguing, that the Court of Appeals has jurisdiction over this case. Judge Ahern responded saying that these are separate cases. I insisted saying that they are the same case, and that res judicatta should apply to Ms. Thompson claim for contribution of college expenses. Judge Ahern said that I was wrong. Judge Ahern then asked when was there a hearing. To which I said please give me a second, let me get that

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information... I then replied that the hearing was on May 25<sup>th</sup> 2021. Judge Ahern then asked when did I appeal, I responded saying that I appealed the judgment on June 7<sup>th</sup> 2021. Attorney Spencer responded saying that he never received a copy of the appeal. I then stated that both the appeal and docketing statement was sent to MS. Thompson at her home address. Attorney Spencer was not apart of the case when I appealed. I explained that Attorney Spencer filed the motion for college expenses after this case was already in appeals court. Judge Ahern then told us to wait for a second. He then stepped away from the zoom session. After about 10 minutes, he returned, he firmly stated that the cases were separate. He then read Judge Julie Aimen's last judgement which stated that I failed to appear. He then told me to raise my right hand to be sworn in. After swearing in, he asked if I had a relationship with my son. I responded saying that I was only here to correct the court record and to object to jurisdiction. I told him that I was not participating in the hearing of Ms. Thompson's claim for contribution of college expenses. Judge Ahern said that's fine, you don't have to participate if you don't want to. From that point on, I simply observed the proceeding... In that proceeding, the plaintiffs did not present any proof of actual cost, such as tuition receipts, rental leases, or rental receipts. Instead, Attorney spencer spoke about the estimated cost of attending college. Ms. Thompson said that Emanuel has his own apartment which she pays for. The cost of that apartment is \$900 a month. Judge Ahern then asked if Emmanuel was working. Ms. Thompson said he had two jobs, but those jobs did not work out... At some point Judge Ahern said the total cost could not exceed \$37k a year. Attorney

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spencer said the total cost was about \$25k a year. Judge Ahern then granted Ms. Thompson an order for \$25K, split between both Me and Ms. Thompson after credit is given for student loans, Pell Grant's, etc. After granting the order, it seemed as if Judge Ahern was going to end the zoom call. Fearing this, I quickly interjected saying what about my motions. Judge Ahern respond saying oh, I read your proposed order. He then said that there was nothing in the preposed order that seemed unreasonable. He then checked with Attorney Spencer to see if there was any objections. Attorney Spencer Acknowledged that there were no objections. At that point Judge Ahern granted my order to correct the court record and the zoom session ended. I received copies of the order sometime after the session ended. I felt uncomfortable after inspecting the order. As it appears that it may mislead the reader to believe that I participated in the proceeding. I emailed Judge Ahern and Attorney spencer to request that the order be modified to show that I did not participate in the proceeding for college expenses beyond my objection. I never received a response from either Judge Ahern or Attorney spencer. Given the chain of events, I want to make it clear that I did not participate in the proceeding for contribution of college expenses. I strongly believed that the court did not have jurisdiction to hear Ms. Thompson's claims for college expenses.



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Under penalties as provided by law pursuant to 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to the matters therein stated, to be on information and belief and as to such the undersigned certifies as aforesaid believes the same as true.

Dated: 3/28/22

Respectfully submitted,



David Terrence Martin

5352 S. Princeton

Chicago, IL 60649

SIGNATURE: *David Martin*

ON THIS THE  
DAY OF  
NOTARY

28<sup>th</sup>  
March  
2022

