

DAVID MARTIN,

Plaintiff,

vs.

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

Defendants.

BEFORE THE HONORABLE ANDREA R. WOOD

For the Plaintiff: MR. DAVID MARTIN, Pro Se
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1 (Proceedings heard via telephone:)

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

4 THE COURT: For the plaintiff?

5 MR. MARTIN: David Martin.

6 THE COURT: Okay, Mr. Martin. So this is the initial
7 status hearing in this case. Have you taken any steps to
8 serve the defendants?

9 MR. MARTIN: Yes. Judge Ahern was served, and I
10 did -- I served electronically the Attorney General, but they
11 haven't responded yet.

12 THE COURT: Okay. So I see that your complaint names
13 Governor Pritzker; the Attorney General, Kwame Raoul; the
14 State's Attorney, Kim Foxx; but I didn't see anything in your
15 complaint that says what it is you think they did that forms
16 the basis for your claim. So why are you suing those three?

17 MR. MARTIN: So I did ask for permission to amend the
18 complaint according to the Supreme Court -- I mean according
19 to the Federal Rules of Civil Procedure, and I do need to
20 remove some of those participants: Kim Foxx, Governor
21 Pritzker.

22 And it should be the Attorney General because I'm
23 going to -- if given permission to amend the complaint, I
24 would like to challenge the statute that they're using to
25 bring me into court.

1 THE COURT: And what statute is that? Is that a
2 statute relating to child support?

3 MR. MARTIN: So what's happened is that there was a
4 statute used for contribution of college expenses. And in
5 this situation, that statute, if I'm given a chance to amend
6 the complaint, I want to argue that it's unconstitutional as
7 applied.

8 THE COURT: I see. Okay. And so right now, that's,
9 of course, not in your current complaint. So you are seeking
10 the ability to amend your complaint?

11 MR. MARTIN: Yes, Judge.

12 THE COURT: Okay. So under Rule 15, you do have the
13 ability to amend your complaint once as a matter of course
14 before the defendants have filed any sort of response, whether
15 a responsive pleading or a motion. So I will grant you leave
16 to file an amended complaint.

17 This will be your one opportunity to do so where you
18 don't have to, you know, meet a standard for it being proper.
19 This is something that you can do once as a matter of course
20 is the language that the rule uses.

21 I will let you know and would strongly encourage you
22 to consider in filing your amended complaint that, in general,
23 you are not able to sue a judge for orders that they issue in
24 connection with a proceeding. The proper way to challenge the
25 orders that the state court judge has entered is to file an

1 appeal and to go through the state court process.

2 Based on my initial review of your current complaint,
3 it does seem that what you are trying to do with respect to
4 Judge Ahern is essentially to express your concerns about the
5 orders that have been entered and the way that your case was
6 handled in state court.

7 As a general matter, I'm not going to have
8 jurisdiction over those issues so I would strongly encourage
9 you to consider when you amend your complaint whether there's
10 any basis for you to assert a claim against Judge Ahern when
11 it seems like your concern with him and the state court clerk
12 is how they handled your case there.

13 Do you --

14 MR. MARTIN: There is --

15 THE COURT: I'm sorry, sir. You were going to add
16 something?

17 MR. MARTIN: There is an exception to that rule,
18 Judge, and when I file the amended complaint, I would like to
19 present the arguments for the exception to the rule that you
20 wouldn't have jurisdiction to hear a case against the judge.

21 THE COURT: What is the exception that you're
22 referring to?

23 MR. MARTIN: I don't have it in front of me right
24 now, but in good faith, there is an exception to the rule when
25 you're -- yeah, I don't want to -- I would like a chance to

1 put it in my complaint.

2 THE COURT: Okay. Make sure you spell out the facts
3 supporting it.

4 In general, a complaint is not the place to make a
5 lot of legal argument. Complaints are for just stating the
6 facts that show what your claim is. So keep that in mind and
7 please do not file a brief at this point.

8 If you do file an amended complaint, depending on
9 where you are in the process of serving Judge Ahern, you may
10 have to re-serve him with the amended complaint. You probably
11 would have to so keep that in mind.

12 How soon can you file the amended complaint that you
13 have in mind?

14 MR. MARTIN: I was hoping to get an additional
15 30 days.

16 THE COURT: Okay. Thirty days would take us until
17 March 6th. Will you be able to file the complaint by that
18 date?

19 MR. MARTIN: I should be able to, yes, Judge.

20 THE COURT: Okay. So pursuant to Rule 15, I'm going
21 to allow leave for you to file an amended complaint as a
22 matter of course, as it is within the time period for doing
23 so. And do so by March 6th. And then I will set a status
24 hearing for a short period after that to allow defendants to
25 be served and for me to review the complaint that you file.

1 Since the defendants will have three weeks to answer,
2 we'll set your amended complaint -- rather a status hearing
3 for your amended complaint during the first week of April.
4 We'll set it as a telephone hearing.

5 Laritza, can you suggest a date and time?

6 THE CLERK: Yes, Judge. We can do April 5th at
7 9:00 a.m.

8 THE COURT: Will you be able to attend telephonically
9 at that time, Mr. Martin?

10 MR. MARTIN: Yes, Judge.

11 THE COURT: Are you planning to include Arnell
12 Thompson in your amended complaint?

13 MR. MARTIN: Yes, Judge.

14 THE COURT: And what is the claim that you're going
15 to assert against Ms. Thompson?

16 MR. MARTIN: Right now, at this point in time, I
17 don't see a specific claim against Ms. Thompson. So it's kind
18 of a complicated situation. So Ms. Thompson was already being
19 sued in state court, but before I had a chance to actually sue
20 her, she filed the contribution of college expenses, and then
21 they had a separate hearing.

22 Overall, my argument is that that should have been a
23 part of the lawsuit against Ms. Thompson. Instead, they gave
24 her a separate hearing which was with Judge Ahern. And it's
25 all part of me asking for a -- part of it has to do with the

1 fact that I also asked for a trial by jury and I didn't get
2 one.

3 So I think Ms. Thompson is just simply being included
4 so that she can have the opportunity to respond in this
5 lawsuit against Judge Ahern and the Attorney General, but
6 there's no specific complaint against Mrs. Thompson.

7 THE COURT: So if there is not a complaint against
8 her, then it would not be proper to name her as a defendant.
9 There would have to be facts set out that establish that
10 there's a claim for some relief that you're seeking against
11 her.

12 We also don't have in federal court what is sometimes
13 called respondent in discovery which is something that exists
14 under the state court procedures, meaning you can't name
15 somebody in a lawsuit just for the purpose of getting
16 information from them or seeking discovery. We just don't
17 have that practice and procedure under the federal rules.

18 MR. MARTIN: Okay, Judge.

19 THE COURT: Okay. So keep that all in mind.

20 There's a next status date. I will keep an eye out
21 for the filing of your amended complaint.

22 Do you have any questions for me, Mr. Martin?

23 MR. MARTIN: No, Judge.

24 THE COURT: Okay. Thank you. That's all on this
25 case this morning.

1 MR. MARTIN: Okay. Thank you. Bye-bye.

2 (Proceedings adjourned at 9:28 a.m.)

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4 C E R T I F I C A T E

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6 I, Brenda S. Varney, certify that the foregoing is a
7 complete, true, and accurate transcript from the record of
8 proceedings on February 2, 2023, before the HONORABLE
9 ANDREA R. WOOD in the above-entitled matter.

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12 /s/Brenda S. Varney, CSR, RMR, CRR

June 17, 2024

13 Official Court Reporter
14 United States District Court
15 Northern District of Illinois
16 Eastern Division

Date

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