

United States District Court
Northern District of Illinois

David Martin,)	
Plaintiff)	
)	
)	
V.)	VERIFIED COMPLAINT
)	
Judge Gregory Ahern)	
State of Illinois)	
Governor JB Pritzker)	
States Attorney Kim Fox)	
Illinois Department of Healthcare)	
And Family Services)	
Unknown Defendants)	
Arnell Frances Thompson)	

VERIFIED COMPLAINT

The parties to this complaint

1. The Plaintiff

Name: David Martin, a natural person.

Street Address: 5352 S. Princeton Ave

City and County: Chicago, Cook County

State and Zip Code: Illinois, 60609

Phone: 773-893-0813

E-Mail Address: MartinvThompson@gmail.com

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The Defendant(s)

2. Name: Arnell F. Thompson

Represented by: Keith L. Spence

Street Address: 4749 Lincoln Mall Dr.-Ste. 202

City and County: Mattson, Cook County

State and Zip Code: Illinois 60643

Phone: 708-983-1641

E-Mail Address: Attyspence@gmail.com

3. Name: Attorney General Kwame Raoul individually

and in his official capacity

Represented by: Benjamin F. Jacobson

Street Address: 100 W. Randolph St., 12th Fl.

City and County: Chicago, Cook County

State and Zip Code: Illinois 60649

Phone: 312-814-2546 (office) | 872-276-3643(cell)

E-Mail Address: Benjamin.Jacobson@ilag.gov

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4. Name: States Attorney Kim Fox, individually

and in her official capacity

Street Address: 28 N. Clark Street, suit 300

City and County: Chicago Cook

State and Zip Code: 60602

E-Mail Address: sao.csed@cookcountyil.gov

5. Name: Illinois Governor JB Pritzker, individually

and in his official capacity

Street Address: 555 W. Monroe St., 16th Floor,

City and County: Chicago, Cook County

State and Zip Code: 60601

Phone: 312-814-2121 | 312-814-2122

E-Mail Address: Unknown

6. Name: Judge Gregory Emmett Ahern Jr. , individually

and in his official capacity

Street Address: 50 W. Washington St., Room 1508

City and County: Chicago, Cook County

State and Zip Code: 60602

Phone: (312) 603-4808

E-Mail Address: CCC.DomRelCR1508@cookcountyilgov

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JURISDICTION AND VENUE

This action is brought pursuant to 42 U.S. Code § 1983. Civil action for deprivation of rights. The US. District Courts have jurisdiction because **the "very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights." Mitchum v. Foster, 407 U. S. 225, 242**

This action is brought pursuant to the 28 U.S.C. § 1331. **"The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."**

The US District court has jurisdiction over the pending state litigation under 28 U.S. Code § 1441. "(c) Joinder of Federal Law Claims and State Law Claims".

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The US District Court has jurisdiction over the pending state litigation under 28 U.S. Code § 1446 Removal of civil actions. The pending state litigation has become removable.

This case is being filed in federal court because of several constitutional violations. This court should exercise jurisdiction over the pending State court litigation because **“this Court has long adhered to principles of pendent and ancillary jurisdiction by which the federal courts' original jurisdiction over federal questions carries with it jurisdiction over state law claims that "derive from a common nucleus of operative fact," such that "the relationship between [the federal] claim and the state claim permits the conclusion that the entire action before the court comprises but one constitutional `case.' " Mine Workers v. Gibbs, 383 U. S. 715, 725 (1966); see Hurn v. Oursler, 289 U. S. 238 (1933); Siler v. Louisville & Nashville R. Co., 213 U. S. 175 (1909). Congress has codified those principles in the supplemental jurisdiction statute, which combines the doctrines of pendent and ancillary jurisdiction under a common heading. 28 U. S. C. § 1367. The statute provides, "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution." § 1367(a).**

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FEDERAL QUESTIONS

- 1.) Whether or not I was deprived of due process of law.

BRIEF STATEMENT OF FACTS

1. On or around May 2017, Illinois Dept of HFS filed a petition for arrearages.
Ms. Thompson was the plaintiff in that petition; however, she did not provide a mailing address or an email address... Among many things, I responded to Ms. Thompson's petition with a 2-619 motion to dismiss and a counter claim. My 2-619 motion contained an argument and defense against Ms. Thompson claims for contribution of College Expenses.
2. On May 25th 2021, Judge Mackoff entered a final and appealable judgment.
After the hearing. Judge Mackoff gave Ms. Thompson an in-depth lecture about hiring a lawyer. He told her that I was going to file a motion for a default judgment, and that bad things would happen if she did not have a lawyer. Judge Mackoff then told Ms. Thompson that he would talk to her in more detail after the call.

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3. On June 7th 2021, I filed a notice of appeal. Ms. Thompson was served the notice of appeal at her address 3550 South Giles Avenue Unit 4N Chicago, IL 60653.
4. On June 16th 2021, I filed the docketing statement with the court of appeals. Ms. Thompson was served the docketing statement at her 3550 South Giles Avenue Unit 4N Chicago, IL 60653.
5. On or around June 22nd 2021 Attorney Keith L. Spence filed an appearance.
6. On July 13th Attorney Spencer filed a motion for contribution of college expenses.
7. On October 29th Judge Marita Sullivan issued an order for the “Defendant to appear”
8. On December 3rd Ms. Thompson did not appear, and as a result Judge Julie Aimen Struck the case from her call. **(See exhibit A)**
9. On January 7th 2022, Judge Julie Aimen issued an order for the “defendant to appear” on January 31, 2022. via zoom ID: 984 1388 9930; Passcode 102870. **(See Exhibit B)**
10. On January 10th I refiled my motions to correct the court record. These motions were previously filed several times. Most notably November 29th and December 13th.

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11. On January 12th 2022, I was diagnosed with COVID 19.

12. On January 31st a default order for contribution of college expenses was entered against me

ARGUMENT

COUNT 1

DEPRIVATION OF RIGHTS

UNDER COLOR OF LAW

I allege that I was deprived of my right to due process under the color of law by; Judge Gregory Ahern, the county of cook, The circuit court of cook county and its employees, The Clerks of Cook County, The State of Illinois and its employees...

Section 1 of The Fourteenth Amendment of the United States Constitution

Provides that

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”. It has been well established that (**“The hallmarks of procedural due process are notice and an**

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opportunity to be heard. See Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 313, 70 S.Ct. 652, 94 L.Ed. 865 (1950).”). I allege that I was not given proper notice of the proceedings that took place on January 31st 2022. On or around January 10th I contacted the clerk's office for a hearing on my motions to correct the court record. The clerk explained that there was already a court date scheduled for 9:30 AM on January 31st 2022. I asked her what the hearing was for, She said that it was for contribution of college expenses. She then provided me with zoom ID: 984 1388 9930; Passcode 102870. At 9:30 AM on January 31st 2022, I attempted to connect to that zoom ID and was unable to do so. I immediately called the clerk's office and explained that I was unable to connect to zoom using the ID that she provided. She apologized and said that she gave me the wrong zoom ID. She then told me that my case was in Judge Julie B. Aimen's court room, and the zoom ID was 966 5031 4052, passcode: 167210. When I connected, Judge Aimen told me that my case was no longer in her court room. She said that my case was in Judge Ahern's court room and provided me with zoom ID: 836 1836 1978, passcode: 527306. When I signed into Judge Ahern's zoom ID, I explained to him that I was here for my motions to correct the court record. I also explained that I had just become aware of the plaintiff's motion for college expenses, and that was up for hearing today. Judge Ahern told me that he was not aware of this. He then said that the State was not present in court on that day. He then scheduled a court date for 9:30 AM on February 25th. I later found out that judge Ahern put in a default judgment against me. **(See exhibit C)**... At 9:30 AM On February 25th I joined Judge Ahern's zoom ID. The state's attorney said that my case was not on her call. Judge Ahern then told me to come back on March 10th at 2:15 PM. I returned on

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March 10th, and I objected to the court's jurisdiction (**see affidavit**). That objection was denied. Puzzled by the chain of events, I went down to the courthouse to find Judge Aimen's order for my appearance on January 31st (**Exhibit B**). Upon inspection of the order, I found the zoom ID provided (984 1388 9930), did not belong to Judge Aimen and did it belong to Judge Ahern. I never received a notice for the hearing on January 31st. If I had, it would not have mattered because there was an insufficiency of service of process. The order written on Jan 7th 2022, directed me to appear via zoom ID: 984 1388 9930. This was obviously not correct because I appeared on time and was not able to connect to a zoom room. I was then forced to play three card monte with the judge's zoom ID's to figure out where my case was being heard. In addition this case has been transferred between several judges since Mackoff's final judgment. According to Circuit Court General Order NO. 1.3 (e) transfer orders shall be in writing. There is no transfer order on file. In addition, I never received any notice that the case was being transferred between judges. It has been well settled that due process of law includes notice and opportunity to be heard. I argue that I was deprived of due process because I was given incorrect zoom info and I was never provided a transfer order.

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COUNT 2

DEPRIVATION OF RIGHTS

UNDER COLOR OF LAW

I allege that I was deprived of my right to due process under the color of law by; Judge Gregory Ahern, the county of cook, the circuit court of cook county and its employees, the clerks of cook county, The State of Illinois and its employees...All of the aforementioned allegation apply here. On June 7th, 2021 I filed a notice of appeal for judge Mackoff's judgment for child support arrearages. The law specifically states **"When the notice of appeal is filed, the appellate court's jurisdiction attaches instanter, and the cause is beyond the jurisdiction of the trial court."** (People v. Carter 38*38 (1980), 91 Ill. App.3d 635, 638.) I alleged that the cook county clerks intentionally altered the record on appeal. This led to me filing a petition in circuit court to correct the record on appeal. According to **Illinois Supreme Court rule 11, the circuit court's jurisdiction is limited to correcting the court record.** In my efforts to correct the court's record, I became aware that Ms. Thompsons filed a claim for college expenses sometime after my appeal. This led to me filing a motion to object to the circuit court's jurisdiction. On March 10th, I appeared via a circuit court zoom call before Judge Ahern. I informed the judge that I was only there for the purpose of correcting the court's record for my pending appeal, and to object to the court's jurisdiction (**see affidavit**). Ms. Thompson's and her Attorney Keith Spencer did not make any opposing arguments as it regarded to the court's jurisdiction. Judge Ahern contended that the court had Jurisdiction, but his order contains no findings of jurisdiction. The order

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generically stated that I objected to jurisdiction, and that objection was denied. After I received the court order, I realized that it may appear that I participated in the proceedings. I emailed Judge Ahern and Attorney Spence to ask that the court order be modified to indicate that I did not participate in the proceedings, beyond my objection. My request was ignored. Subsequently, I filed a motion to certify my bystanders report of the March 10th proceedings. **According to Illinois Supreme Court Rule 323(c)**, after being provided a copy of the report, any party may propose their amendments or present an alternative report. Ms. Thompson and her lawyer were promptly served with copies of my report. On June 8th 2022, during a zoom hearing, Judge Ahern mistakenly admitted that he did not have jurisdiction over my case. He said “ I don’t have Jurisdiction to do anything because this case is being appealed.” To which I responded “I know, but you’ve already entered a judgement on this case while it was in the court of appeals. I am just here to certify my bystanders report so that I can have your judgment properly appealed.” I also went on further to contend that his court could have not had jurisdiction because there was a pending jury claim for the same exact issues. The Judge before him, had already granted the request for a jury trial, and the case was supposed to have been transferred to the Law division. At that point Judge Ahern told me to hold on while he cleared his other cases.... After clearing the other cases, Judge Ahern then said “I’ve read your motion to certify the record. I don’t agree with that. I won’t certify it”. He then went on to say “It’s a final order here, you can go ahead and appeal it, take your appeal up there if that’s what you so choose to do.” I then went on to explain “that there has to be some input from the opposing party or from the court specifically as to what’s not correct, because it’s a motion to essentially preserve the

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record for appeal.” Judge Ahern then went on to say “I don't agree with what you said in your report; so I'm not certifying it.”... He also went on to say that I participated in the case. At this point I allege he is lying or simply being untruthful. To prove this, I then asked “Okay, so what is it that you don't agree with? That's what I'm trying to figure out”. To which he responded There's a lot of it I didn't agree with and I'm denying your motion... I don't have to. I don't have to go through and write my own record.... I searched and was not able to find any case law that would allow Judge Ahern to refuse to certify the court record. In fact, **Supreme Court Rule 323(c) provides that “any other party may serve proposed amendments or an alternative proposed report of proceedings...the appellant shall, upon notice, present the proposed report or reports and any proposed amendments to the trial court for settlement and approval. The court, holding hearings if necessary, shall promptly settle, certify, and order filed an accurate report of proceedings.”** I argue that according to the law, Judge Ahern does not have the discretion to flat out deny my motion to certify my bystanders report. According to the law, he has the duty to propose amendments to my report or present an alternative report so that the matter can be settled and certified. I allege that he can't make any substantial amendments or propose an alternate chain of events because everything I provided in my report is accurate. I allege that Judge Ahern is biased. He knew that he did not have jurisdiction when he entered the judgment for college expenses. He is now being untruthful, saying that I participated when I clearly didn't. The record is absolutely clear that my jury request was granted, and the case was in the court of appeals at the time. Judge Ahern is now blocking the certification of the record so that I cannot effectively appeal his judgment. I argue that I am being

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deprived of my constitutional right for a fair and impartial hearing. **The right to a fair trial is "a basic requirement of due process" and includes the right to an unbiased judge. In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 625, 99 L.Ed. 942 (1955). In addition Due process requires both fairness and the appearance of fairness in the tribunal. "[T]o perform its high function in the best way, `justice must satisfy the appearance of justice.'" Murchison, 349 U.S. at 136, 75 S.Ct. 623 (citing Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954)).** I argue that this trial lacks the appearance of fairness. There was never a real controversy in Ms. Thompson's claim for college expenses. I offered to pay for our son's college expenses several times and Ms. Thompson turn those offers down each time. Ms. Thompson has never asked me to assist her with paying for my son's college expenses and neither has my son. This case was supposed to have been transferred to the law division, but somehow made it to Judge Julia Aimen's court room. After she entered a judgment, the case was magically transferred to Judge Ahern's court room with no rhyme or reason. A transfer order does not exist, despite the fact that the circuit court rule requires that a transfer order be written for all transfers. I've complained of these types of transfers in the past. I allege that the purpose of such transfers was to allow the case to go to a biased judge. Again it was plainly clear that the court did not have jurisdiction. When I bring this to the courts attention, Judge Ahern simply lies and prevents me from making the court record.

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**I would like to reserve a chance to amend this pleading under
the Federal Rules of civil procedure 15.**

Wherefore, I Pray:

- 1. Any remedy that this court can provide**
- 2. That I receive a fair and impartial hearing**
- 3. That there be a certification of the circuit courts record.**

VERIFICATION

I reviewed this complaint.

I have personal knowledge of all the allegations in this complaint and I believe them to be true.

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly

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increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: *11-10-22*
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 10th, 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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COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION**

**AFFIDAVIT OF PROCEEDINGS
ON MARCH 10, 2022**

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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AFFIDAVIT OF PROCEEDINGS
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information... I then replied that the hearing was on May 25th 2021. Judge Ahern then asked when did I appeal, I responded saying that I appealed the judgment on June 7th 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

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

AFFIDAVIT OF PROCEEDINGS
ON MARCH 10, 2022

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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AFFIDAVIT OF PROCEEDINGS
ON MARCH 10, 2022

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

28th
March
2022

