

David Martin,  
Plaintiff )  
)  
)  
) Case 1:22-cv-06296  
V. )  
)  
)  
Attorney General Kwame Raoul )  
Judge Gregory Emmett Ahern Jr. )  
Unnamed Cook County Clerks )  
Cook County )

I David Martin respectfully request that this Honorable Court deny the defendant's motion to dismiss. The defendant's motion should be denied because; This court has jurisdiction, I have stated a viable section 1983 claim against Judge Ahern, Judge Ahern is not immune to declaratory judgments and injunctive relief, I have provided viable claims challenging the constitutionality of the state's College Contribution Statute and this court has jurisdiction to enter a judgment.

The defendants are asking this court to dismiss my claim against them pursuant to the Federal Rules of Civil Procedure 12(b)(1) & 12(b)(6). They are essentially arguing that this court does not have jurisdiction, and I have failed to state a claim. They argue..

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*("Plaintiff's claims against Judge Ahern fail because this Court lacks jurisdiction over these claims or, alternatively, should abstain from hearing these claims pursuant to principles of comity..... Plaintiff has also failed to state a Section 1983 claim against Judge Ahern and Judge Ahern is entitled to absolute judicial immunity regarding any claim for damages.").*

I argue that the defendants are simply wrong. This court has jurisdiction and principles of comity do not apply when; There are no adequate remedies in state court, There is bias or corruption, and I will suffer irreparable harm. Among many things, my complaint basically alleges that; (1) A judgment was entered against me without proper notice of the proceedings, (2) I was provided with incorrect zoom information, which prevented me from participating in the court room proceedings, (3) The State court did not have jurisdiction because the case was pending in the state court of appeals, (4) Judge Ahern does not have the authority to refuse to certify a record of the court room proceedings... refusing to certify the record sabotages my appeal, (5) In addition the defendant's are attempting to sabotage my State court appeal by altering and omitting court documents.

I filed this complaint mostly to preserve my appeal in state court. I argue that this court does have jurisdiction under U.S. 42 section 1983. I have stated a viable claim because I am asking this court to declare that; (1) I have a right to notice and an opportunity to be heard. (2) I have a right to accurate zoom information so that I can attend the court room proceedings, (3) I have a right to record the zoom proceedings so that I can create a bystanders report, (4) I have a right to a record of the court room proceedings and that I have a right to accurate court documents, (5) I am also asking

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this court to get the defendants to stop altering and omitting documents and to stop trying to sabotage my appeal in state court.

I allege that judge Ahern and the other defendants are trying to sabotage my appeals in state court. They are doing this by refusing to give me a record of the court room proceedings and by altering and omitting court documents needed for my appeal. According to State law, the state court records are the responsibility of the appellant. However, getting accurate records is proving to be an impossible task because the defendants are outright refusing to provide them. When they do provide them, they are providing altered or incomplete documents. In addition, I noticed other issues with state court proceedings such as; (1) Zoom information not being provided for court room proceedings. (2) Discouraging the recording of zoom hearings to prevent an individual from obtaining a record of the proceedings for appeal.

I argue that many of the defendant's actions are clear cut violations of the United states constitution and this court has jurisdiction to enter judgments to prevent the defendants from continuing to violate the constitution. In addition several federal questions are raised in this case, and this court has jurisdiction to answer them. I argue that the defendants are asking this court to dismiss my case so that they can continue to; conduct court room proceedings without a notice and opportunity, to deny me a record of the court room proceedings, and alter and omit court documents. I argue that there are no other adequate remedies available other than a declaration of my rights.

The Vagueness doctrine applies to civil lawsuits. The doctrine protects individuals from arbitrary enforcement. Individuals are required to be given a fair notice

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of what conduct caused them to be dragged to court. What did I do... or what did I not do that caused me to be sued? I argue that there is no genuine controversy in the state court case. Ms. Thompson was offered help with college expenses on multiple occasions. On each occasion she turned those offers down. The College Contribution Statute allowed Ms. Thompson to arbitrarily sue for college expenses. In fact, Ms. Thompson's complaint does not even allege that there was a controversy. Without a genuine dispute, the statute allowed judge Ahern to arbitrarily award Ms. Thompson a money judgment.

The void for vagueness doctrine also protects property rights. In this case, two types of property are involved. First my parental rights were taken away. The U.S. Supreme Court has long established that parental rights are rights greater than property rights. The Fourteenth Amendment establishes that everyone is entitled to equal rights under the law. I argue that my parental rights include an equal right to make financial decisions regarding my children. Second my money is at stake. I argue that I have a right to the fruits of my labor. I have a right to determine how my money will be spent.

The College Contribution Statute denies an individual of substantive due process. Under the doctrine of substantive due process, the government must respect the rights of the individual. As argued, parental rights have long been established as fundamental rights. I argue that this right includes the equal right to make financial decisions for their children. This statute allows for natural fathers to be striped of their natural rights, so that they can be made debtors. The statute will robbed me of my right to review the finances regarding my son and to participate in those decisions.

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I argue that I was entitled to a trial by jury. Ms. Thompson filed a complaint for child support and I responded with a counterclaim. Along with my counter claim I requested a trial by jury and my case was to be transferred to the law division. I appealed an earlier judgment just before the case was transferred. As a result the court of appeals had jurisdiction over the case. However, the case was still transferred to the law division. Sometime after Ms. Thompson filed a complaint for college expenses and received a default judgment. This is despite the fact that the case was in the Court of Appeals. Even If the case was not in the court of appeals, the case should have still been in the law division. My counter claim alleges that Ms. Thompson; Abducted or son, committed fraud, committed conversion, made secret contracts with the government, and intentionally committed emotion distress. I argue that I am entitled to a trial by jury because there was never a controversy concerning college expenses. The nature of the controversy in this case is based on abduction, fraud, conversion, etc.

**BACKGROUND**

Ms. Thompson and I started dating around November 1,1999. Sometime around April of 2001, Ms. Thompson became pregnant. At that time Ms. Thompson was unsure who the father was. Despite this, I provided financial support for Ms. Thompson throughout her pregnancy. We both agreed that we would have a blood test to determine who the father was. Our son was born on January 27, 2002 and the blood test revealed that I was the father. After his birth I continued to provide for him

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emotionally, physically, and financially. Sometime after his birth, I offered Ms. Thompson several forms of additional support beyond the financial support that I was already providing. One of the notable forms of additional support was that I would start a 529 college saving plan. Ms. Thompson turned down the offers of additional support. At some point Ms. Thompson abducted our son. I continued to provide financial support throughout his abduction. Despite the fact that I provided financial support, Ms. Thompson went to the state's attorney to sue me for child support around Feb 27 2003. When I asked why I was being sued, she told me **"This is not about you taking care of your son, I just want to make sure you never have shit in life"**. That litigation ended after I appeared in propria persona, filing documents stating that I would no longer participate in the case and that I would not accept any agreement other than joint legal and physical custody. Sometime after, I reached out to Ms. Thompson several times attempting to reconcile our differences. I offered to start sending money for our son's college expenses. Ms. Thompson again turn that offer down.

Around May 2017, The Illinois States Attorney filed a petition for arrearages.

I had several responses to their petition. Two of which was a 2-619 motion to dismiss and a counterclaim requesting a trial by jury. The motion to dismiss argued many things. Two of which was that the court did not have jurisdiction because; (1) There was never a genuine controversy, (2) That the government had violated my rights and denied me substantive due process. The counterclaim alleged many things, three of which was that Ms. Thompson had; (1) Abducted our son, (2) Committed fraud, (3) Committed conversion.... I allege that my rights were violated several times while in state court. This led to me filing a complaint in federal court alleging that the circuit court clerks, and

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the judge were acting in bad faith. The complaint was dismissed in federal court and the circuit court judges entered an order for arrearages. My Motion to dismiss was never ruled on, and my claims against Ms. Thompson was transferred to the law division. At this time I was afraid that I would miss my chance to appeal, so I filed an appeal in the circuit court of appeals. At the same time my case was transferred to the law division. Sometime after Ms. Thompson filed a new complaint for contribution of college expenses. Ms. Thompson received a default judgment. I was unaware of her complaint at the time. I found out about her complaint when I returned to circuit court to correct the record for appeal. At that time, I objected to the jurisdiction of the court and Judge Ahern awarded Ms. Thompson money on her default judgment.

My complaint alleges that the defendants are trying to sabotage my appeal in state court. They are doing this by refusing to provide accurate court documents and refusing to allow me to create a bystander's report of the record of the proceedings. There is no adequate remedy in law, other than declaratory and Injunctive relief.

This complaint has very little to do with child support. I am simply trying to preserve my appeal to the child support judgment and the judgment for college expenses.

The defendants incorrectly state *"In May 2017, the mother of Plaintiff's child filed a claim against Plaintiff for contribution for college expenses"*.

As previously provided in my statement of facts, the Mother Ms. Thompson filed a complaint for college expenses on July 13, 2021. This date is important for several reasons. (1) Our son was an adult when this complaint was filed. (2) She filed the

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lawsuit with the same case number as the child support case, and that case was pending in the state court of appeals. Even if the case was not being appealed, it was transferred to the Law division. In addition; I was not properly served with her complaint and I never participated in a hearing for contribution of college expenses. I was provided incorrect zoom information. More importantly I allege that the manner in which the information is provided, violates due process of law. Overall, I found much of the information provided in the defendants motion are either incorrect or simply false. I ask that this court stick to the facts as outline in my complaint.

As previously argued, I allege that Judge Ahern does not have discretion to deny me a record of the proceedings. In this case my bystanders report. I am almost guaranteed to lose my appeal without a record of the proceedings(transcript). State law continuously places the burden of providing the record on the appellant (“**...The appellant... has the responsibility to present a sufficiently complete record to this court, including transcripts, to support his claims of error on appeal. Foutch, 99 Ill. 2d at 391–92, 76 Ill.Dec. 823, 459 N.E.2d 958.**”)... I’m not here to debate state law. I am simply showing that I am almost guaranteed to lose my appeal if I show up in the Illinois Court of Appeals without the court records and the transcripts of the proceedings. When there is no transcript of the proceedings, the supreme court of Illinois allows one to make a bystander’s report. In this situation Judge Ahern is refusing to certify the bystanders report. Effectively making my appeal an exercise in futility because (“**In the absence of a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. Any doubts which may arise from the incompleteness of the record will be**



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**resolved against the appellant. As there is no transcript of the hearing on the motion to vacate here, there is no basis for holding that the trial court abused discretion in denying the motion.”)... Foutch v. O'BRYANT, 459 NE 2d 958 - Ill: Supreme Court 1984.** As a Judge, I allege that Ahern knows or should know the state law regarding court room transcripts. He is simply trying to withhold the record so that my appeal will fail.

The outbreak of COVID-19 caused Illinois State Courts to hold court room proceedings remotely via Zoom. I realized that the Zoom software has many features that allows one to effortlessly create bystander reports. However, I argue that Supreme Court Rule 63(A)(8) is unconstitutionally being used to prevent one from recording proceedings with the intention of creating a bystander's report. I ask this court to declare that individuals have a right to record zoom hearings for the purpose of creating bystanders reports. I am also asking this court to declare that I have right to access all of the zoom features.

Another issue in this case is the failure of the defendants to provide timely Zoom conference information. Without the zoom conference information, I am unable to attend the proceedings. Currently, litigants are allowed to file notice of hearings with outdated links to Zoom conference information. Making it impossible to attend these hearings. I argue that this is a clear-cut violation of the due process requirement of notice and opportunity to be heard. I have several future proceedings to attend in state court. I am asking this court to declare that I have a right to an adequate notice of zoom hearings so that I may attend those proceedings in the future.

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Most importantly, I was never properly served with Ms. Thompson complaint for Contribution of College Expenses. As previously argue the case was in the Illinois court of appeals and I was pre-occupied with resolving appellate court issues. I only found out about her complaint when I went back to the state's lower courts to correct the record on appeal.

Finally I am challenging the constitutionality of the Contribution of College Expenses Statute. I argue that the Statute is Vague, deprives me of my right to trial by jury, and it denies me of substantive due process. I ask that this court declare the statute unconstitutional so that it cannot be used to deprive me of my rights in the future.

**LEGAL STANDARD**

**“pleadings of pro se petitioners are held to less stringent standards than those prepared by attorneys, and are liberally construed when determining whether they fail to state a claim upon which relief can be granted”. Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir.1991).** Inherently, I believe my complaint includes a request for a declaratory judgment. Thus, I argue that it should be liberally construed to seek declaratory. relief. **“A declaratory judgment is meant to define the legal rights and obligations**

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**of the parties in anticipation of some future conduct, not simply to proclaim**

**liability for a past act.” Justice Network Inc. v. Craighead County Viewed Recently**

**United States Court of Appeals, Eighth Circuit. July 26, 2019 931 F.3d 753 2019**

**WL 3366723.** In this case I am seeking a declaratory judgment so that I may preserve the records for my future appeal. In the future, I will have several hearings via zoom. I would like it declared that I have a right to zoom logs, transcripts, and other zoom features. I would like it declared that I have the right to record zoom proceedings for the purpose of creating bystander reports. It should be noted that zoom is a software product. There are other competing software products on the market and the court may choose to use a different product. I ask that if this courts grants declaratory relief, that relief should be directed at any conferencing software that the circuit court decides to use. I am also seeking a declaratory judgment to prevent the college contribution statute from being used against me in the future. Finally, I requested a jury trial for my claims against Ms. Thompson. I ask that this court declare that I have a right to defend myself against Ms. Thompson’s claims in that jury trial.

**“In order to receive declaratory or injunctive relief, plaintiffs must establish that there was a violation, that there is a serious risk of continuing irreparable injury if the relief is not granted, and the absence of an adequate remedy at law”. See Newman v. Alabama, 683 F.2d 1312 (11th Cir.1982).** In this case I allege that the defendants violated my rights, and they continue to do so. I argue that there is a serious risk of irreparable harm. I have suffered a serious injustice. An

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appeal is the only chance of me receiving some relief. However, I am unable to have an affective appeal without the court records and the bystander's report. Without them I am guaranteed to lose my appeal. Declaratory relief is the only adequate remedy at law.

**"a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Bell Atlantic Corp. v. Twombly, 550 US 544 - Supreme Court.** The facts of this case are: (1) The circuit court case 02D056455 was in the court of appeals. It is well settled that a lower court loses jurisdiction when an appeal is filed. However, Ms. Thompson was allowed to file a new claim in a case that was being appealed. (2) I was not properly served with notice of Ms. Thompson claim for contribution of college expenses. (3) I never participated in the case for the contribution of college expenses. (4) I never had a hearing for contribution of college expenses. (5) Ms. Thompson's complaint did not provide a controversy. (6) There was never a real controversy as it regards to the contribution of college expenses, and it is well settled that a controversy is required to invoke a courts jurisdiction. (7) The circuit court clerks altered and omitted records which are necessary for my appeal, (8) Judge Ahern is refusing to certify my bystander report so that I may appeal his judgment. These facts can be easily proven and the defendants have not and cannot deny these facts. They are simply asking this court to ignore them and dismiss my complaint on a technicality. My complaint should not be dismissed because **"One objective of Rule 8 is to decide cases fairly on their merits, not to debate finer points of pleading where opponents have fair notice of the claim or defense. See Fed.R.Civ.P. 8(e) ("Pleadings must be construed so as to do justice.").** Generally, if a district court

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**dismisses for failure to state a claim, the court should give the party one opportunity to try to cure the problem, even if the court is skeptical about the prospects for success". See Foster, 545 F.3d at 584.** I argue that my complaint gives the defendants fair notice. As it clearly lays out that I am trying to preserve my future appeal, my future right to a jury trial, and challenge future applications of the college contribution statute. However, I ask that this court give me an opportunity to amend my complaint if necessary.

**ARGUMENT**

**I. I HAVE STATED VIABLE CLAIMS AGAINST JUDGE AHERN.**

The defendants argue *"the Court lacks jurisdiction over Plaintiff's claims based on the domestic relations exception and Rooker-Feldman doctrine. Even if the Court has jurisdiction, it should decline to exercise that jurisdiction based on principles of federal abstention."*

I argue that I would be unfairly denied justice if this court applies the domestic relations exception, Rooker-Feldman doctrine, and the principles of federal abstention. The defendants have clearly violated my constitutional rights. Applying these principles would mean that I would have to wait an unreasonable amount of time before I could receive relief. If applied, much of the relief that I could receive would be meaningless because the damage would have already been done. This case requires immediate attention because the defendants are actively violating my constitutional rights, and they will continue to do so if this court does not act.

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**A. This Court has Jurisdiction over my claims against Judge Ahern.**

The defendants provided *Marshall v. Marshall*, 547 U.S. 293, 308 (2006). Arguing that the Domestic Relation Exception applies to my case. ... That case was about a will in Texas probate court. Which was collaterally attacked in federal bankruptcy court. I argue that this case supports federal jurisdiction. As it says that federal courts have applied “The Domestic Relations Exception” beyond its limits. The case **“clarified that only ‘divorce, alimony, and child custody decrees’ remain outside federal jurisdictional bounds.”** *Marshall v. Marshall*, 547 US 293 - **Supreme Court 2006**. I was never married, and my federal case does not involve a divorce, alimony, or child custody decree. In addition, my son is not a child. He is a grown man. I argue that my federal claims do not involve any domestic relation issues. My claims seek to; preserve my future appeal in state court, get access to zoom features in future proceedings, to preserve the integrity of my future trial against Ms. Thompson in state court, and protect myself from future use of a statute that violates my constitutional rights. There is no domestic relations exception that can be applied here. I am not asking this court to make decisions involving domestic relation issues. I am asking this court to declare that I have a right to a record of the proceedings so that I may appeal in state court. This court has jurisdiction to grant relief because the Jurisdiction of Federal courts is granted by **Article III section 2 of the United States Constitution. Which provides “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States.”**

The defendant's also provided *Kowalski v. Boliker*, as a reason to apply the Domestic Relation Exception to my case. I argue that the case does not apply. *Kowalski*

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did not lose his case based on a Domestic Relation Exception. In fact, that case reiterates the limits of the exception. Kowalski provides “**Although the present dispute arises out of a divorce and custody proceeding, that alone is not enough to trigger that exception. The exception covers a narrow range of domestic relations issues involving the granting of divorce, decrees of alimony, and child custody orders.**” According to Kowalski, the Domestic Relations Exception can only be applied in a few circumstances. None of those circumstances exist in my case. Again, I was never married. My son is an adult. My federal case does not challenge the granting of a divorce, decrees of alimony, or a child custody order. Neither does it challenge Ahern’s previous order granting an award to Ms. Thompson. My claim against judge Ahern was filed to protect my due process rights in the states court of appeals. Judge Ahern is blocking my appeal by refusing to certify the bystanders report. Without the report, I am unable to properly present my case to the state court of appeals. This has nothing to do with any judgments regarding divorce, alimony, and custody.

I argue that Kowalski also establishes that the Domestic Relation Exception does not apply to cases where a declaratory relief is sought. The exception can only be applied where one seeks to modify a domestic order. **The exception (“does not intend to strip the federal courts of authority to hear cases arising from the domestic relations of persons unless they seek the granting or modification of a divorce or alimony decree.”) Ankenbrandt v. Richards, 504 US 689 - Supreme Court 1992.** As argue my claims against Ahern does not seek to modify his order granting Ms. Thompson a money judgment. My claim against Ahern simply seeks to preserve the record of the proceeding via a bystanders report.

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My Federal claim asks for declaratory relief, and a judge is not immune to declaratory relief where there is no adequate remedy at law. As I've argued several times, I'm trying to get my bystander's report certified. Which is essentially a record of the courts proceedings. There is no adequate remedy at law other than for this court to declare that I have a right to a record of the proceedings... However, after reading *Kowalski v. Boliker*, I don't believe Judge Ahern has judicial immunity. In **"Kowalski's complaint against Judge Boliker centers on her interference in a case to which she was never assigned and over which she had no responsibility. Judge Boliker cannot assert judicial immunity over matters so far removed from matters under her jurisdiction"**. I argue that the circuit court case was never transferred to Judge Ahern. As there is no record of a transfer order. There was also a jury trial pending in the law division. The case in question was also in the State Court of appeal. I only appeared in his court room to object to the court's jurisdiction. Thus, I argue that Judge Ahern does not have judicial immunity because the case was never assigned to him. Thus I argue, he was acting completely without jurisdiction.

Also, I argue that judge Ahern acted completely without jurisdiction when he denied the certification of my bystander report. I argue that there is no law that would allow judge Ahern to consider a flat-out denial of a certification of a bystanders report. Ahern's exact words are "I don't agree with what you said in your report; so I'm not certifying it." The law in question only allows Judge Ahern to alter my bystander report, consider objections and make modifications based on those objections. However, nothing in the law allows for a flat-out denial of my bystanders report. He was



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completely without jurisdiction because there is no statute or law that allows him to consider denying my bystanders report simply because he does not like what's in it.

The defendants argues that my claims are barred by the Rooker-Feldman doctrine. They provided several cases to support their argument. One of which was Hadzi-Tanovic v. Johnson. In which they provide *"To the extent that Plaintiff is challenging any state court orders requiring him to pay child support and college expenses, these are final orders for purposes of the Rooker-Feldman doctrine. (holding that a state court custody order entered pursuant to the Illinois Marriage and Dissolution of Marriage Act was a final and appealable judgment)."*

I argue that there are four necessary requirements for Rooker-Feldman to apply; (1) The federal-court plaintiff must have lost in state court. (2) The plaintiff must complain of injuries caused by a state-court judgment. (3) The plaintiff must invite district court review and rejection of that judgment. (4) The state-court judgment must have been rendered before the district court proceedings commenced. I argue that the Rooker-Feldman doctrine does not apply because the first requirement is not met. I have not lost in state court because there was never a trial to begin with. As I alleged in my complaint, I was completely unaware of Ms. Thompsons Claim for College expenses. I only found out about her claim when I went to court to correct the courts record. An appeal was filed before Ms. Thompson filed her claim, and there is a well-established rule that once an appeal is properly filed, the trial court is divested of jurisdiction. However according to rule 11 of the Illinois Appeals Court, the circuit court has limited jurisdiction to correct the record. The defendants claim that my appeal and Ms. Thompson's claim for college expenses were separate. Even if this was true, I

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argue that this does not satisfy the due process requirement which is necessary for the court to have had jurisdiction. I only appeared in court to correct the court record, and I did not receive a copy of Ms. Thompson's complaint. It is well settled that service of process is typically done by a third party not involved in the lawsuit. The record will show that I was never served by a third party. Even if I had been, which I was not, there would still be an insufficient service of process because the zoom information provided was incorrect. For this reason and many more, I filed an objection to the courts jurisdiction to hear Ms. Thompson's claim. When I appeared, I objected to jurisdiction and did not participate in the case. The defendants cannot argue that Rooker-Feldman applies because there was simply never a trial in state court.

Even if there were a fair trial in state court, the defendants still can't argue that Rooker-Feldman applies because the second element is not met. My federal complaint does not complain about injuries from Ahern's judgment of contribution of college expenses. Subsequently, the doctrine does not apply because the third element is not met. I'm not asking this court to review Ahern's judgment for college expenses. I am simply trying to get the court transcripts (bystanders report) so that I can appeal his judgment in the state court of appeals.

I argue that the Rooker-Feldman doctrine does not apply because I did not have a reasonable opportunity to litigate Ms. Thompson's claims. **"Under the exception, if a plaintiff lacked a reasonable opportunity to litigate its claims in state court, then the federal lawsuit can proceed."** **Kelley v. Med-1 Solutions, LLC, 548 F. 3d 600 - Court of Appeals, 7th Circuit 2008.** All of my previous arguments apply here. Ms. Thompson file her complaint after I appealed. I was pre-occupied with the appeals court

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process and was completely unaware of her law suit. Ms. Thompson did not provide correct zoom information so that I could attend those proceedings. Ms. Thompson did not provide me with a copy of her complaint. In addition, I contracted COVID-19 shortly after Ms. Thompson filed her complaint. All of these fact's denied me a reasonable opportunity to litigate Ms. Thompson's suite for college expenses.

I argue that the Rooker-Feldman doctrine does not apply because of extrinsic fraud In circuit court. **"The classic definition of `extrinsic fraud' refers to situations where `the unsuccessful party has been prevented from exhibiting fully his case. . . as by keeping him away from court . . . or where the defendant never had knowledge of the suit.'" Falcon v. Faulkner, 209 Ill.App.3d 1, 153 Ill.Dec. 728, 567 N.E.2d 686, 694-95 (1991).** All of my previous arguments apply here. I argue that Ms. Thompson intentionally kept me away from court so that she could get a judgment before I could have a chance of defending myself. The record will show that there was never a proper service of process. The record will show that the correct zoom information was not provided. The record will show that the case was in the court of appeals at the time and that there was a jury trial pending. I argue that Ms. Thompson knew all of these facts and she used them to get a quick default judgment before I could have a fair chance to respond. The circuit court has an electronic email system for receiving court documents. I allege that Ms. Thompson didn't use this system because it would have given me fair notice of her lawsuit.

I argue that the Rooker-Feldman doctrine does not apply because it would allow extrinsic fraud in the Illinois court of appeals. **Extrinsic fraud is conduct which prevents a party from presenting his claim in court. Green v. Ancora-Citronelle**

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**Corp., 577 F.2d 1380, 1384 (9th Cir. 1978).** All of my previous arguments apply here. I allege that Judge Ahern commit extrinsic fraud in the circuit court. I informed Judge Ahern about the appeal, the lack of service, and the incorrect zoom information. Despite this, I allege that he intentionally entered judgments against me because he did not want to give me a chance to defend myself in court. Now, I allege that Ahern is attempting to commit extrinsic fraud in the court of appeals because he is refusing to certify my bystanders report. Without a bystander's report, I would be unable to properly present my claim in the Illinois Court of Appeals.

The defendants argue *"this Court should decline to hear the claims pursuant to Younger v. Harris, 470 U.S. 37 (1971). Federal courts apply Younger abstention when there is a parallel, pending state proceeding and any federal rulings would "implicate a State's interest in enforcing the orders and judgments of its courts." Spring Comm. Inc. v. Jacobs, 571 U.S. 69, 72-73 (2013)."*

A huge part of my claim is an effort to preserve the circuit court proceedings (bystanders report) so that I can appeal Judge Ahern's judgment. Another part of my claim is an effort to preserve the circuit court records so that I can appeal the child support judgement against me. The case law that the defendants provided states that the doctrine applies to pending state proceedings. In this instance, there are no pending state proceedings as far as Ahern is concerned because he has already entered a judgment against me. The only thing left now is for me to appeal his judgment. I argue that the younger extension doctrine does not apply because my federal claims do not involve pending state proceedings. I am simply trying to preserve my state appeal for judgments that have already been entered against me. In addition, a declaration that I

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have a right to a bystanders report and accurate court records would have not have any bearing on State interest in domestic relations.

Even if the Younger v. Harris doctrine applied to Ahern, this court should still grant me relief because of the bad faith and harassment exception to that doctrine. Bad faith is defined as (**"threats to enforce statutes without any reasonable expectation of securing a valid conviction"**) **Younger v. Harris, 401 US 37 - Supreme Court 1971**. In my case, Ms. Thompson filed a claim under the contribution of college expense statute. I argue that Ms. Thompson had absolutely no chance of success if there were a fair and impartial hearing. She was offered money for our son's college expenses multiple times. These offers came with absolutely no strings attached. Each time she turned those offers down. Neither she nor my son has ever asked me to help with college. I had no knowledge that he was even going to college until after she filed her lawsuit. There is nothing that I have done or did not do that would have allowed her to sue me under this statute. Her complaint does not allege a controversy and a controversy is necessary in order for Ahern to have had jurisdiction. To make matters worse Ms. Thompson did not properly serve me a copy of her complaint. Even if she did serve me a copy of her complaint, it would not have mattered because she did not provide the correct zoom information so that I could attend the hearings. This is besides the fact that the case was not supposed to be in Aherns court room because it was being appealed, after the appeal, the case was supposed to go to the law division for my jury trial. The case was routed to Ahern. However, there is no order of transfer that would have allowed the case to come to him. I filed an objection to jurisdiction which pointed out all of these red flags to Ahern, but he simply ignored them and entered a

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judgment against me. I argue that his judgment would easily be overturned in the court of appeals, but only if I have a bystanders report... I allege that Ms. Thompson filed her complaint in bad faith. I argue that Ahern acted in bad faith because no judge would award money without due process of law. Now Ahern is again acting in bad faith because he's trying to keep me from appealing his judgment.

I allege that Ahern's Judgment's were issued in bad faith. In my opinion his judgment was the textbook example of a bad faith. In this situation Ms. Thompson's complaint did not contain any allegation's of a real controversy. The record is extremely clear that there was no service of process by an independent third party. The record will show that the case was in the court of appeals. The record will show that the case was supposed to had been in the law division for a jury trial. There is no order of transfer that would have allowed the case to come to Judge Ahern. I outlined all of these defects in my objection to the courts jurisdiction. Judge Ahern simply ignored them and entered a judgment against. Now he is refusing to certify the bystanders report. In my opinion certification is a straightforward process. However, I allege that Ahern is refusing to certify it because he knows he acted in bad faith and now he's trying to keep me from appealing his judgment.

I also argue that this court should grant relief because of the inadequacies of the state forum. (**"The issue is not whether an individual is actually biased but whether, in the natural course of events, there is an indication of a possible temptation of bias"**) - **Gibson v. Berryhill, 411 US 564 - Supreme Court 1973**. I allege that there has been a pattern of abuse by the clerks and state court judges. For example, on one occasion I was given a bogus transfer order. In another example a

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judge dismissed my claims against Ms. Thompson without reason. In a more recent example, a judge all but told Ms. Thompson that she was going to loose if she did not have a lawyer. He then told her that he would talk to her after the zoom hearing. To which he had an exparte meeting with Ms. Thompson. After that meeting, Ms. Thompson hired a lawyer and sued for college expenses. I argue that these incidents prove that there is bias and I would not receive a fair and impartial hearing in the state court.

**B. The principles of federal abstention do not apply.**

The defendants argue “the Seventh Circuit explained in *J.D. v. Woodward*, even if a recognized abstention doctrine is not an exact fit, abstention can be appropriate because “to insist on literal perfection” based on a complaint’s allegations “risks a serious federal infringement ... A common thread underlying the Supreme Court’s abstention cases is that they all implicate in one way or another and to different degrees underlying principles of equity, comity, and federalism foundational to our federal constitutional structure”

I argue that comity requires a reciprocal respect for the United States Constitution. In this case I allege the defendants have no respect for the constitution. I argue that the principles of comity and federalism do not apply as far as Judge Ahern is concern. As I’m simply trying to get a bystanders report certified.... **(“Jurisdiction is given to federal courts in suits involving the requisite amount arising under the constitution or laws of the United States.”) - Ex parte Young, 209 US 123.** I argue that my property is being taken without due process of law and Ex parte young clearly

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established that federal courts have jurisdiction to adjudicate cases like mine... 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.**

**C. I have stated a viable claim against Judge Ahern.**

The defendants argue "Even if Plaintiff could get past the substantial jurisdictional hurdles, Plaintiff has not stated a plausible claim for relief under Section 1983 against Judge Ahern"

Judge Ahern is refusing to certify my bystanders report. I argue that he does not have the authority to deny the certification of my bystanders report in this circumstance. In addition, the defendants have not offered this court any reasoning on why such a denial is justified. I am unable to appeal his judgment without a bystanders report. I am asking this court to declare that I have a right to the bystanders report. I argue that such a declaration is allowed under section 1983. However, I ask for any other remedy that this court can provide if it decides not to make the declaration.

**D. Judge Ahern did not have jurisdiction when he entered his judgments.**

The defendants argue *"Further, Judge Ahern had jurisdiction to hear Plaintiff's See claims III. Const. Art. 6 §§ 6 & 9 (describing jurisdiction of the Illinois circuit and appellate courts)."*



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I argue that Ahern did not have personal jurisdiction. I filed an objection to the court's jurisdiction. In that objection I complained about many things. One of them was that I was not properly served. I also verbally objected to the court's jurisdiction. The plaintiff did not offer any opposing arguments. In addition the case was in the state court of appeals at the time Ahern entered his judgments. Typically when the appeals court releases a case, it issues an order so that the case can return to the lower court. In this situation there was no such order issued. Personal jurisdiction is critical because **"The personal jurisdiction requirement recognizes and protects an individual liberty interest. It represents a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty. Thus, the test for personal jurisdiction requires that the maintenance of the suit . . . not offend traditional notions of fair play and substantial justice."** *International Shoe Co. v. Washington*, 326 U. S. 310, 316 (1945)...

I argue that Ahern did not have subject matter jurisdiction because Ms. Thompson's complaint did not allege a genuine controversy. It is well settled that the plaintiff's complaint must present some sort of controversy to invoke the court's subject matter jurisdiction. **"subject-matter jurisdiction, because it involves the court's power to hear a case, can never be forfeited or waived."** *United States v. Cotton*, 535 U. S. 625, 630 (2002). I filed an objection to jurisdiction, which pointed out that there was no controversy and that Ms. Thompson could not allege a controversy. It is well settled that when an objection to jurisdiction is made, it must be proven on the record. The plaintiff bears the burden of proof that such a controversy exist. An example of this would be the Federal Rules of Civil Procedure Rule 12(b)(1). **"The burden of**

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**proof for a Rule 12(b)(1) motion to dismiss is on the party asserting jurisdiction.”**

**McDaniel v. United States, 899 F.Supp. 305, 307 (E.D.Tex.1995) ... “The plaintiff constantly bears the burden of proof that jurisdiction does in fact exist.”**

**Menchaca v. Chrysler Credit Corp., 613 F.2d 507, 511 (5th Cir.1980).** Ms. Thompson made absolutely no attempt to prove that jurisdiction existed. She made no attempt to prove an actual controversy. Jurisdiction was never proven on the record. The defendants in this case have not argued and cannot argue that there was a genuine controversy that could have invoke the state court with jurisdiction. Judge Ahern was completely absent of all jurisdiction because he made no attempt to verify that the court had jurisdiction. I argue that this was not an error, but an intentional choice.

I argue that the defendants are suggesting that this court do nothing while property is being taken without due process of law. They are suggesting that I must allow my property to be taken without a trial, and wait 10 years for this case to be heard by the U.S. Supreme Court. The Supremacy Clause of the Constitution of the United States (Article VI, Clause 2) establishes that the Constitution is the supreme law of the land. This court has jurisdiction to hear claims where property is being taken without due process of law.

**II. ATTORNEY GENERAL RAOUL WAS GIVEN FAIR NOTICE OF A  
CHALLENGE TO STATE LAWS**

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**A. This court has jurisdiction to hear claims to prevent private parties from enforcing unconstitutional state statutes.**

The defendants argue *“Plaintiff’s claims against the Attorney General are barred by the Eleventh Amendment and are not viable because the underlying statute is constitutional... an official-capacity suit is, in all respects other than name, to be treated as a suit against the entity. Kentucky v. Graham, 473 U.S. 159, 166 (1985). Ex Parte Young that allows for suits against state officers to enjoin the enforcement of allegedly unconstitutional acts. See Ex Parte Young, 209 U.S. 123, 155-57 (1908). But this exception does not apply here. To fall under this exception, a plaintiff must show that the named state official plays some role in enforcing the statute in order to avoid the Eleventh Amendment. Doe v. Holcomb, 883 F.3d 971, 975 (7th Cir. 2019), citing Ex Parte Young, 209 U.S. at 157.”*

The Federal Rule of Civil Procedure 5.1(a)(1)(B) requires that Attorney General Raoul be given notice of a challenge to state laws. The rule provides “a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.”... Attorney General was sent a notice on 11/29/22. That notice informed him that I intended to challenge the statute 750 ILCS 5/513. I ask that this court certify my challenge of the statute under 28 U.S.C section 2403.

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I argue that Ex Parte Young establishes that Federal courts have the right to intervene when property is being taken without due process of law. Attorney General Raoul may choose not to intervene. Whether or not he does, I argue that his involvement or there lack thereof, does not stop me from challenging the statute. This court has the power to issue declarations and injunctions which would prohibit any private party from using the statute against me. **Article III section 2 provides “The judicial power shall extend to all cases, in law and equity, arising under this Constitution”**. I ask that this court issue a declaration that the statute is unconstitutional for the reasons already set forth in my complaint. I ask for any remedy that this court can provide if this court chooses not to make such a declaration.

**B. I have stated a viable claim challenging the states constitutionality.**

The defendants argue *“Marriage and Dissolution of Marriage Act is constitutional because the right to a trial by jury only applies to suits that were available “at common law” when the constitution was adopted, and divorce proceedings were historically, and remain, equitable proceedings”*

I was never married to Ms. Thompson and my son is not a child. He is a grown man. The defendants have not addressed the arguments provided in my complaint. Which is that statutes do not determine whether one has a right to trial by jury. That right is determined by the nature of the controversy. **“However difficult it may have**

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been to define with precision the line between actions at law dealing with legal rights and suits in equity dealing with equitable matters, **Whitehead v. Shattuck, 138 U. S. 146, 151 (1891)**, some proceedings were unmistakably actions at law triable to a jury. The Seventh Amendment, for example, entitled the parties to a jury trial in actions for damages to a person or property, for libel and slander, for recovery of land, and for conversion of personal property.”. As I have repeatedly argued, there is no controversy as it pertains to the contribution of college expenses. The defendants have not provided any explicit arguments which proves that there was. Simply having a child does not create a controversy. Ms. Thompson was sued way before she filed her claim for college expenses. Among many things, she is being sued for theft of parental rights, fraud, and conversion. Some of the controversy in this case involves theft of parental rights, fraud, and conversion. A jury trial was requested, and it is allowed for all of these claims. As argued, this statute is unconstitutional as applied because it deprives me of the right to trial by jury.

The defendants argue *“The void-for-vagueness doctrine typically applies to criminal statutes and guarantees that ordinary people have ‘fair notice’ of the conduct a statute proscribes. Sessions v. Dimya, 138 S. Ct. 1204, 1212 (2018), citing Papachristou v. Jacksonville, 405 U.S. 156, 162 (1972). Except”*

I argue that nothing provided in Sessions v. Dimya or Papachristou v. Jacksonville, suggest that the void for vagueness doctrine only applies to criminal trials. In fact in Sessions v. Dimya, the governments arguments acknowledges that the void for vagueness clause applies to civil trials.

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**“Although originally developed as one component of the due process safeguards afforded to defendants in criminal cases, the void for vagueness doctrine has been extended to civil cases.” Professional Standards Com'n v. Alberson, 614 SE 2d 132 - Ga: Court of Appeals 2005.** The overarching aim of providing fair notice, preventing arbitrary enforcement, and ensuring clarity remains relevant in both criminal and civil contexts.

The defendants argue “Moreover, the College Contribution Statute is not vague; it provides clear direction about what educational expenses may be awarded to provide the educational expenses for a non-minor child and the factors that can be considered in making those determinations.”

I argue that the defendants is avoiding one of the key components of the void for vagueness doctrine. Which is giving individuals a fair notice of what conduct is prohibit or required. In other words what did I do, or what did I fail to do which has caused me to be sued. The statute does not address this due process concern. The statute allows private parties to arbitrarily file claims against another individual. The statute does not give an individual a fair notice of what conduct they have committed which caused them to be sued.

The defendants argue “Despite Plaintiff’s conclusory assertion otherwise, there is no fundamental right to budget for a child’s educational expenses.”

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I argue that the defendants have taken a preposterous position... Parental rights have long been established as rights (**"far more precious than property rights"**).

**Stanley v. Illinois, 405 U.S. 645 (1972).**

**Black's Law dictionary defines Parental Rights as a parent's rights to make all decisions concerning his or her child, including the right to determine the child's care and custody, the right to educate and discipline the child, and the right to control the child's earnings and property...** I argue that If a parent has the right to make all decisions concerning their minor child, then they quite naturally have the right to make decisions about that child's college finances. However, my son is not a child. So the ultimate right to make decisions about his finances belong to him. Not me or Ms. Thompson. However, if he want's my assistance, then I retain the right to decide how my money will be used. This statute is unconstitutional because without reason and without cause it robs me of my right to make such decisions, and makes me indebted to Ms. Thompson. I ask that this court protect me from this statute being used against me in the future.

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**THERE IS NO ADEQUATE REMEDY AT LAW**

I argue that there is no adequate remedy at law. One would think that I could simply go to the state supreme court and request a writ of Mandamus or a supervisory order. Those remedies are not adequate because the state supreme court can simply ignore those writs.

**CONCLUSION**

The defendants have blatantly violated my constitutional rights. Now they are asking this court to ignore those violations and dismiss my complaint because of comity and several abstention doctrines. I argue that comity requires a mutual respect for the United States constitution. The defendants have clearly shown that they have no respect for the constitution. They are essentially asking this court to stand by so that they can take property without due process of law... The defendant's motion should be denied because this court has jurisdiction. This court has jurisdiction to provide declaratory relief. This court can declare that I have a right to a record of the proceedings. This court also has jurisdiction to declare the college contribution statute is unconstitutional.



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*7/7/23*