

United States District Court  
Northern District of Illinois

David Martin,  
Plaintiff

V.

Attorney General Kwame Raoul  
Judge Gregory Emmett Ahern Jr.  
Unnamed Cook County Clerks  
Cook County

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case 1:22-cv-06296

**VERIFIED COMPLAINT**

**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](mailto:MartinvThompson@gmail.com)**

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

**The Defendant(s)**

- 1. Name: Attorney General Kwame Raoul individually**

**and in his official capacity**

**Represented by: Benjamin F. Jacobson**

**Street Address: 100 W. Randolph St., 12<sup>th</sup> 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](mailto:Benjamin.Jacobson@ilag.gov)**

- 2. 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](mailto:CCC.DomRelCR1508@cookcountyilgov)**

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

**3. Unnamed Cook County Clerks individually  
and in their official capacity**

**Street Address:** 118 N. Clark Street

**City and County:** Chicago

**State and Zip Code:** IL 60602

**Phone:** (312) 443-5500

**E-Mail Address:** [riskmgmt.genliability@cookcountyil.gov](mailto:riskmgmt.genliability@cookcountyil.gov)

**4. Cook County**

**Street Address:** 118 N. Clark Street

**City and County:** Chicago

**State and Zip Code:** IL 60602

**Phone:** (312) 443-5500

**E-Mail Address:** [riskmgmt.genliability@cookcountyil.gov](mailto:riskmgmt.genliability@cookcountyil.gov)

United States District Court  
Northern District of Illinois

**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".

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**

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

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).

**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.

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

2. On August 24<sup>th</sup> 2020 I filed a claim against Ms. Thompson. I requested a trial by jury for that claim.
3. On May 25<sup>th</sup> 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.
4. On June 7<sup>th</sup> 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 16<sup>th</sup> 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 22<sup>nd</sup> 2021 Attorney Keith L. Spence filed an appearance.
6. On July 13<sup>th</sup> Attorney Spencer filed a motion for contribution of college expenses.
7. On October 29<sup>th</sup> Judge Marita Sullivan issued an order for the “Defendant to appear”

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

8. On December 3<sup>rd</sup> Ms. Thompson did not appear, and as a result Judge Julie Aimen Struck the case from her call.
9. On January 7<sup>th</sup> 2022, Judge Julie Aimen issued an order for the “defendant to appear” on January 31, 2022. via zoom ID: 984 1388 9930; Passcode 102870.
10. On January 10<sup>th</sup> I refiled my motions to correct the court record. These motions were previously filed several times. Most notably November 29<sup>th</sup> and December 13<sup>th</sup>.
11. On January 12<sup>th</sup> 2022, I was diagnosed with COVID 19.
12. On January 31<sup>st</sup> a default order for contribution of college expenses was entered against me.

United States District Court  
Northern District of Illinois

**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 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 31<sup>st</sup> 2002. On or around January 10th I contacted the clerk’s office for a hearing on my motions to correct the**



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

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. 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 March 10th, and I objected to the court's jurisdiction. 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 31<sup>st</sup>. 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

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

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.

**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 allegations apply here. On June 7<sup>th</sup>, 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**

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

**instantly, 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 10<sup>th</sup>, 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 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 10<sup>th</sup> 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 8<sup>th</sup> 2022, during a zoom hearing, Judge Ahern mistakenly admitted that he did not have jurisdiction over my case. He said “I don’t have

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

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 appealed.” I also went on further to contend that his court could not have had jurisdiction because there was a pending jury claim involving 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. Judge Ahern 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 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 untruthfull. 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

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

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 lying saying that I participated when I 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 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 the proceeding lacked 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 turned those offers down each time. Ms. Thompson has never asked me to assist her with

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

paying for my son's college expenses. 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.

**Pulliam v. Allen, 466 US 522 - Supreme Court 1984** establishes that the United States District Courts has jurisdiction to provide injunctive and declaratory relief. The issue at hand is that Judge Ahern is refusing to produce an accurate record so that I may appeal his judgment. I was not able to find anything in law that would allow him to refuse to provide a record. I argue that it is in fact his duty to provide a record when requested. Without a record, I am unable to effectively appeal. I also argue that refusing to provide a record is unheard of and a deprivation of my right to due process. I argue that this court has jurisdiction to provide relief under 42 U.S. section 1983.

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

**COUNT 3**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I allege that I continue to be 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. On October 31<sup>st</sup> 2022, Attorney Keith spence filed a Petition for Rule to Show Cause. The notice that was filed along with his petition did not provide the judges name, and it did not provide any zoom information. The notice provides the calendar number (44) and a html link. The link is in the top left-hand corner of the notice. Clicking the link leads to a list of zoom ID's and passwords. Upon inspection of the list. I found that the list is two years old and had not been updated sense September 14<sup>th</sup>, 2020... On the date of the zoom hearing November 11<sup>th</sup> 2022, I recorded myself attempting to use the notice in order to attend the proceeding. The zoom meeting ID provided 984 1388 9930, took me into a zoom session where two other zoom ID's were provided. One ID for calendar 32 and another for Calendar 44. I attempted to use the new zoom ID for Calendar 44. That ID was 836 1836 1978. I tried using it several times, but I received the error message "Invalid Meeting ID". I then tried using the zoom ID for calendar 32 (864 6297 1874). That zoom ID took me to Judge William Boyd's Court room. After waiting for an opportunity to speak, I was eventually able to get another zoom ID 823 0918 0627. This was Judge Aherns zoom session. Eventually my case was called, and I complained of

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

the incorrect zoom information, however my complaint fell on death ears... I argue that (**"The hallmarks of procedural due process are notice and an 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 alleged that I am continuously being deprived of due process of law. The plaintiff in that case provided a notice of hearing with incorrect zoom information. I allege that this has been a re-occurring problem and is the type of thing that has led to a default judgment being entered against me. I argue that providing links to zoom ID's is a violation of due process of law. In this case, the information provided was out of date. I believe that providing a link is simply a bad idea, and it will frequently lead to violations of due process of law. I argue that the moving party is responsible for providing the correct zoom information in his notice of proceedings...

I have a recording of my attempt to sign into zoom. I would like to submit this into this courts recorded. However, I am not sure how this can be done. I ask that this court allow me time to figure out how to get my recording submitted.

**COUNT 4**

**Extrinsic Fraud**

I allege that the cook county clerks attempted to commit extrinsic fraud. On May 24<sup>th</sup> 2021, I filed a 2-1401 motion to vacate the judgment for arrearages which was entered against me on March 24<sup>th</sup> 2021. That motion was denied and subsequently I appealed. On or around January 2<sup>nd</sup> 2021, I noticed a very serious problem with the court records that the cook county clerks provided. Those records contained an altered



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

version of my 2-1401 motion. I allege that several parts of the document was altered with the intention of making it unusable for my appeal. I reached out to the circuit court clerks to correct their obvious errors. They refused to do so, and insisted that I needed a court order. I then filed a motion in circuit court on February 2<sup>nd</sup> 2022, requesting that the clerks provide a true and correct record. On March 10<sup>th</sup> 2022, I received two orders. One order was against me granting Ms. Thompson an award of \$25, 740. The second order instructed the circuit court clerks to “ensure that the appeals record is true and correct” and to “ensure that the record was free of any errors, alterations, and omissions. The order directed the clerks to “Supplement the appeals record with all the recent filings”. On July 6, 2022 the Illinois court of appeals entered a separated ordered. That order directed the circuit court clerks to prepare a record containing materials dated on and after June 7<sup>th</sup> 2021, and transmit those record to the Illinois court of appeals. Those records would contain all the case files from Ms. Thompson’s claim for contribution of college expenses... On around may 31<sup>st</sup> 2022 I was informed that the corrected record also known as the supplemental record, was ready. I asked the clerks to send the record to me first, so that I could review it to make sure it was correct. The clerks told me that they don’t send records to anyone except the court of appeals... On June 23<sup>rd</sup> 2022, the Illinois court of appeals gave me a copy of the supplemental record. The record contained a correct copy of my 2-1401 motion, but it did not contain any of the court filings after June 7<sup>th</sup> 2021.

**Extrinsic fraud is conduct which prevents a party from presenting his claim in court. Green v. Ancora-Citronelle Corp., 577 F.2d 1380, 1384 (9th Cir. 1978).** I argue that the clerks are trying to prevent me from effectively presenting a claim in the

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

court of appeals. The circuit court records are necessary for an appeal. I argue that the clerks are intentionally providing unusable records so that my appeal will be ineffective. In the first instance, I allege that they attempted to alter documents in my appeal for child support. In the second instance I allege that they intentionally omitted records necessary for my appeals for contribution of college expenses. The clerks have been asked to deliver a true and correct record to the appeals court. The clerks have been ordered several times to ensure that they deliver a true and complete record to the appeals court. I alleged that despite the request and numerous orders, the clerks intentionally chose to deliver altered and incomplete records. I allege that they are intentionally trying to commit extrinsic fraud by impeding, obstructing , and sabotage my appeals.

**COUNT 5**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that the Illinois statute 750 ILCS 5/513 is unconstitutional because it violates the seventh amendment of the United States Constitution, which provides a right to a trial by jury. I argue that the right to a trial by jury is not determined by statutes. It is determined by the nature of controversy. The law provides... **“However difficult it may have been to define with precision the line between actions at law dealing with legal rights and suits in equity dealing with equitable**

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

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.<sup>[1]</sup> ”.

**COUNT 6**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that the Illinois statute 750 ILCS 5/513 is unconstitutional as applied. As it denied me a right to a trial by jury... All of the arguments in the previous paragraphs applies here... On August 24<sup>th</sup> 2020 I filed a claim against Ms. Thompson. I requested a trial by jury for that claim. The nature of that claim involves fraud, conversion, abduction, and contract disputes. All of which allows for a trial by jury. The jury request was granted on or around May 24<sup>th</sup> 2021. My claim is still pending before the court and it has not been heard. On or around July 13<sup>th</sup> 2021, Ms. Thompson filed a petition for contribution of college expenses. Ms. Thompson was awarded a judgment on her claim on March 10<sup>th</sup> 2022. I argue that I was deprived of my Seventh Amendment right to a trial by jury because Ms. Thompsons claims involves the exact same set of facts in my claim against her.

United States District Court  
Northern District of Illinois

**COUNT 7**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that the Illinois statute 750 ILCS 5/513 is void because it is unconstitutionally vague... All of the arguments in the previous paragraphs applies here... **"The void-for-vagueness doctrine protects against the ills of a law that `fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.'" Ctr. for Individual Freedom v. Madigan, 697 F.3d 464, 478-79 (7th Cir. 2012) (quoting FCC v. Fox Television Stations, Inc., 567 U.S. 239, 253, 132 S.Ct. 2307, 183 L.Ed.2d 234 (2012) (internal quotations omitted)). "The `vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way.'" Id. (citing Fox Television, 567 U.S. at 253, 132 S.Ct. 2307)...** It has been well settled that a controversy must exist for any court to have jurisdiction to render a judgement. However the statute allows one to be sued without there being an actual controversy and without the opposing party having actual standing. I argue that the statute violates the void-for-vagueness doctrine because there is no inherent controversy in a man going to college.

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

The statute does not give an individual proper notice as to what they have done wrong or what harm they have caused to the opposing party. I argue that an individual must know what they must do or avoid doing so that they do not cause harm to the opposing party. The statute clearly does not “prohibit” any specific actions and it does not provide any “standards”. I allege that the statute allows for “discriminatory enforcement”.

**COUNT 8**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that the Illinois statute 750 ILCS 5/513 is unconstitutional as applied because of its vagueness... All of the arguments in the previous paragraphs applies here... I offered to pay for my son’s college expenses shortly after his birth. At the time my employer offered a 529 college savings plan. However, Ms. Thompson turned down my offer to enroll our son into that plan. I was so puzzled by this, that I wrote her a letter to try and get her to reconsider. In addition, I allege that there were several other times that I offered to send her money for our son’s future college expenses. She again turned those offers down. There is simply no controversy as it relates to contribution of college expenses. There were simply no justiciable matters for the court to adjudicate. Ms. Thompson has never asked me to assist with our son’s college expenses. My son has never asked me to assist him with college expenses. I have never had any disputes or disagreements over our son’s college expenses. I did not even know he was going to college until Ms. Thompson filed a claim against me. I argue that I have been denied my

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

right to due process of law because the statute does not provide a (**“fair notice of what is prohibited, and it is standardless. It authorizes or encourages seriously discriminatory enforcement.”**). I also argue that Ms. Thompson’s petition for contribution of college expenses does not provide a fair notice because it does not allege a controversy.

**COUNT 9**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that the Illinois statute 750 ILCS 5/513 is unconstitutional as applied because it deprives me of substantive due process... All of the arguments in the previous paragraphs applies here... **“The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." Washington v. Glucksberg, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." Id., at 720; see also Reno v. Flores, 507 U. S. 292, 301-302 (1993)”**.

I argue that the right to plan and budget for a child’s college expenses is a fundamental right. The statute deprives me of those rights because it allows Ms.

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

Thompson to forgo the planning, coordination, and budgeting that should happen between two parents. Without reason and without cause the statute effectively removes my right to make financial decisions regarding my son, and place them in the hands of a judge.

**COUNT 10**

**DEPRIVATION OF RIGHTS**

**UNDER COLOR OF LAW**

I argue that Illinois Supreme Court Rule 63(A)(8) is unconstitutional in zoom hearings because it deprives an individual of due process of law... All of the arguments in the previous paragraphs applies here... Zoom is a video conferencing software application. Some of its features are; 1) It allows one to record the video conference session, 2) It can transcribe a conference session, and 3) It logs the times and dates of when individual joins a conference session. In short, zoom can keep an accurate record of a video conference.

According to the cook county courts website, <https://www.cookcountycourt.org/HOME/LiveStream>, hearings are streamed to youtube at: <https://www.youtube.com/channel/UCFWc8Pfgngzw6v9xyXif1Yg/channels>., but According to the courts website, recording the proceedings are prohibited by **Supreme Court Rule 63(A)(8)**. That rule is actually part of Canon 3 of the Code of Judicial Conduct. Which simply states, **“Proceedings in court should be conducted with fitting dignity, decorum, and without distraction.”**. I argue that Supreme Court Rule

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

63(A)(8) is unconstitutional and has absolutely nothing to do with recording sessions on zoom or on youtube. First of all, Supreme Court Rule 63(A)(8) is the judicial code of conduct and do not apply to litigants. Second, recording a court proceeding on youtube has absolutely no impact on the actual court proceeding. Recording a youtube session would be the equivalent of some one recording their favorite television show from home. Third, recording the actual session should not cause any form of distraction. Zoom participants have the ability to record the session if the host makes that feature available. I argue that recording a zoom session has no impact on dignity and decorum.

I argue that the ability to record zoom conferences, transcribe zoom conferences, and gain access to zoom logs have a direct impact on one's appeal. **It is well settled that the 14<sup>th</sup> amendment due process right includes the right to present evidence and question adverse witness.** I argue that the Illinois Supreme Court Rule 63(A)(8) as being applied to zoom hearings, prevents one from effectively presenting his case in appeals. The a copy of the court proceeding is necessary to appeal a judgment. The supreme court rule unnecessarily prevents an individual from getting access to the court room proceeding in a cost effective manner. In fact, this claim is being filed because I am essentially being denied a true and correct record of a court room proceeding.



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

**Wherefore, I Pray:**

- 1. Any remedy that this court can provide.**
- 2. That I receive a fair and impartial hearing in the circuit court of cook county.**
- 3. That there be a certification of the circuit courts record.**
- 4. That the cook county clerks be ordered to provide complete accurate records to the court of appeals.**
- 5. That it be declared that I have a right to record my court room proceedings from zoom and or youtube.**
- 6. That it be declared unconstitutional to provide web links to zoom information on notice of proceedings.**
- 7. That the circuit court of cook county require the actual zoom ID and password be present on all notices of proceedings.**
- 8. That the Illinois statute 750 ILCS 5/513 be declared unconstitutional.**
- 9. That the Illinois statute 750 ILCS 5/513 be declared unconstitutional as applied.**
- 10. An order declaring that I have been denied Substantive due process.**
- 11. An order declaring that I have been denied due process of law.**

**Date of signing:** *3/6/2023*  
**David Martin**  
**5352 S. Princeton, Chicago IL 60649**  
**Email:** *martinvthompson@gmail.com*  
**Signature of Plaintiff** *David Martin*

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

**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 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.

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