

Appeal No. 5-18-0453

**IN THE APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT**

KEVIN LINK)	Appeal from Madison County
)	
Defendant/Appellant,)	Circuit Court No.: 18-OV-400153
)	
vs.)	Trial Judge: Honorable Ronald R. Slemer
)	
CITY OF MADISON,)	
)	
Plaintiff/Appellee)	

**DEFENDANT/APPELLANT'S REPLY TO PLAINTIFF/APPELLEE'S MOTION TO
STRIKE DEFENDANT/APPELLANT'S BRIEF AND DISMISS THE REVISED
APPEAL**

1. The Appellee characterizes the appellant's arguments as vague or generalized, however, this Appellant attests that the claim is clear in his brief. That is, subsequent to trial, the owner of the vehicles (allegedly disabled or unregistered as defined by the ordinance) was dismissed of all liability for the alleged ordinance violation, thus the ordinance was not in fact violated and this Appellant cannot be found liable. While this Court has denied the ability to present these facts by way of producing the trial record for that lower court case, the record still does contain references to that situation in the lower court made by this Appellant in his motion to vacate.
2. It is ironic that the Appellee's motion offers a characterization of the Appellant's brief as "vague and generalized", yet itself does not identify a single instance in that same brief which fails in that regard. Appellant has made every reasonable and diligent effort to cite the Record and draw his inferences, arguments, and conclusions from those references.

3. The necessary and limited claim presented is: whether a landlord, which by definition means that landlord does not occupy the rented property nor have any necessary control over the personal property of the renter, may be found liable under a municipal ordinance prohibiting nuisances, where the renter is later dismissed from the same claim in a separate and subsequent citation. Is that a factual situation within the record? Appellant acknowledges it is not in light of the denial by this Court of his motion to supplement the Record. What is not in dispute is the fact that this Appellant made the situation known to the trial court and the attorneys representing the City of Madison during the motion to vacate judgment (Record: C-21). That effort to make this incongruent situation known to the trial court is in fact set forth in the Record, as clearly identified within the body of the Appellant's Brief.

4. Appellant acknowledges that he does not have the training to completely comply to the nuances of the court rules. However, he has made every effort in good faith to clearly set forth what occurred with references to documents contained in the record, as previously requested by this Court. Lack of legal expertise should not impede the righting of an unjust verdict in the trial court.

5. Appellant is not asking this court to eliminate its standards for considering appeal, rather he is asking this Court for the opportunity to right a monstrous wrong committed against him in the lower court. This wrong is evident, and is something that was made known to the lower court, and having the record expanded, as this Appellant requested through a motion to supplement the Record, would confirm this claim. Regardless, the record does clearly show here that the Appellant raised this precise point before the lower court (Record: C-21). [that he could not be found liable when no finding of liability was made as to the actual violator of the ordinance, meaning no violation had been found to have occurred].

6. It would be a further travesty of justice to impose upon this appellant the need to prepare a document to the same degree of detail as a trained attorney. This would result in a double penalty upon the appellant. First being inappropriately and illogically found liable for violating an ordinance which the city of Madison *must* acknowledge had not been violated, as they dismissed proceedings against the actual owner of the vehicles; after unjustly imposing a fine upon this Appellant, the city of Madison now asks this Court to dismiss any opportunity for the Appellant to seek redress for an unjust verdict, insinuating that this Appellant should have spent a significant sum to retain an attorney to prepare his brief, thus defeating the purpose of seeking relief through appeal.

Therefore, the Appellee's ongoing motion to Strike the Appellant's Brief and Dismiss the Revised Appeal should be denied.

Respectfully submitted,



Kevin Link – Defendant/Appellant
Self-Represented

CERTIFICATE OF FILING AND PROOF OF SERVICE

I certify that on March 27th, 2019, I electronically filed this Reply to the Appellee's ongoing motion through the Odyssey eFile system. I further certify that a true and correct copy of this document was mailed with postage fully prepaid and by depositing said envelope in a U.S. Post Office Mailbox in Granite City, Illinois, to:

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