

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

KEVIN LINK)
)
Plaintiff,)
) 19-MR-357
v.)
)
CITY OF GRANITE CITY,)
)
Defendant.)

MOTION TO DISMISS ADMINISTRATIVE REVIEW AS MOOT

Comes now the Defendant, CITY OF GRANITE CITY, by and through its attorney, ERIN M. PHILLIPS of the Law Firm Unsell, Schattnik, & Phillips, P.C., and moves this Court to dismiss this administrative review as moot. In support of this Motion, Defendant states as follows:

1. This instant matter arises out of a default judgment entered in the CITY OF GRANITE CITY Municipal Court on February 11, 2019 against Plaintiff, KEVIN LINK.
2. Plaintiff filed this instant administrative review seeking this Court to review the default judgment against him, to reverse and vacate the default judgment as against the manifest weight of the evidence, and enter a order finding no liability to Plaintiff in regards to the underlying Granite City ordinance citations.
3. On November 11, 2018, Plaintiff was issued two citations for violations of the Granite City Municipal Code at Plaintiff's

rental property at 2707 E. 24th St., Granite City, Illinois, Citations Nos. 50008548 and 50008549. These citations contained a Notice to Appear for a municipal court hearing on January 7, 2019. See Citations at pages 2 and 6 of the Administrative Record attached hereto as Exhibit 1.

4. Plaintiff and the tenants of 2707 E. 24th St., Granite City, Illinois, appeared at the municipal court hearing held on January 7, 2019.

5. According to the records from the January 7, 2019, hearing Citation No. 500085848 was voided. See Violation Status printout at page 3 of Exhibit 1. However, Citation No. 500085849 was not voided or dismissed but was reset for a new hearing on February 11, 2019. See page 5 of the Administrative Record attached as Exhibit 1.

6. On January 8, 2019, the Treasurer's Office sent a letter to notify Plaintiff of the new February 11, 2019, hearing date. However, a clerical error was made and the letter had the incorrect date and listed the previous hearing date of January 7, 2019 instead. Plaintiff was not otherwise notified of the new hearing date of February 11, 2019.

7. On February 11, 2019, Plaintiff did not appear at the hearing. A default judgment as to Citation No. 500085849 was entered against Defendant. See Pages 5 and 10 of the Administrative Record attached as Exhibit 1.

8. Plaintiff was mailed a letter on February 12, 2019, informing him a default judgment had been entered against him. It appears from the letter filed by Mr. Link as part of his Complaint for Review the letter sent to Mr. Link was incorrect and inadvertently listed a default for both the citations 500085848 and 500085489. This amount was incorrect as only a default judgment for Citation No. 500085489 had been entered and only a fine of \$750.00 was entered by the Court. It is unclear how and/or why Mr. Link received this inaccurate letter.

9. On March 11, 2019, Plaintiff then filed a Motion to Vacate Default Judgment and Dismiss asking the February 12, 2019 default be vacated as he did not receive proper notice and for dismissal of the citations. See Petition to Set Aside Default attached at page 11 of Exhibit 1.

10. On March 11, 2019, Scott Griffith, the City of Granite City Municipal Court Hearing Officer granted Plaintiff's Motion to Set Aside Default, vacated the default judgment, and order a new hearing be scheduled for April 8, 2019. See Petition to Set Aside Default attached at page 11 of Exhibit 1.

11. On March 15, 2019, Plaintiff also filed the instant administrative review seeking this Court reverse the default judgment and enter a finding of no liability on the citations.

12. On April 8, 2019, a new hearing was held and remaining citation, Citation No. 8500085849, was voided. As of this April

8, 2019, hearing both Citation Nos. 500085848 and 500085849 were voided and Mr. Link cannot be held liable on these citations. See Pages 8-9 of the Administrative Record attached as Exhibit 1.

13. On April 18, 2019, Plaintiff was mailed a letter informing him that the default judgment had been vacated, and that the Citation Nos. 500085848 and 50085849 had now both been voided. See letter dated April 18, 2019 attached as Exhibit 2.

14. As of April 8, 2019, the default judgment has been reversed and the citations against the Plaintiff have been voided. All the relief Plaintiff has sought in this administrative review has already been achieved through actions in the municipal court in order to address Plaintiff's concerns. As a result of vacating the default and voiding the citations, there is also no longer a judgment against Plaintiff for this Court to review.

15. Therefore, there is no longer a case or controversy for this Court to hear and this action is now moot.

WHEREFORE, the Defendant, CITY OF GRANITE CITY, moves that this matter be dismissed as moot as there no longer remains a controversy for this Court to resolve.

/s/ Erin Phillips

Erin M. Phillips, #62897223 (Lead)
Unsell, Schattnik & Phillips, P.C.
3 S. 6th Street
Wood River, IL 62095
(618) 258-1800
Attorney for Defendant

Certificate of Service

I hereby certify that on June 3, 2019 I electronically filed this **Motion to Dismiss** with the Clerk of the Court using the Odyssey E-filing system and a paper copy has been mailed to Pro Se Plaintiff Kevin Link at the following address:

Kevin Link
PO Box 22
Granite City, Illinois 62040

/s/ Erin Phillips
Erin M. Phillips