

**IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, IL**

**KEVIN LINK**

**Plaintiff,**

**v.**

**CITY OF GRANITE CITY,**

**Defendant,**

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**Case #: 19-MR-357**

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**PLAINTIFF'S REPLY TO MOTION TO  
DISMISS ADMINISTRATIVE REVIEW AS MOOT**

The trial court made an unjustifiable amount of errors during litigation, the most notable of which are detailed below; any single error may be justifiable to some degree when examined alone, however, when all of these errors are examined as a whole, they represent a pattern of conduct by the defendant that could only be explained by gross negligence/incompetence, or by ulterior motives.

1. The defendant's motion states that according to the records on January 7<sup>th</sup>, 2019, Citation No. #500085848 was voided (*Motion to dismiss administrative review*, **pg. 2**). While the defendant claims that the citation was voided on January 7<sup>th</sup>, 2019 the record indicates otherwise. The record shows that the docket for citation #500085848 was not officially voided until January 8<sup>th</sup> at 12:45 PM, yet for reasons unknown at that same time the voiding date was entered into the record as January 7<sup>th</sup>, 2019 at 4:00 P.M (*Defendant's Motion, Exhibit 1; Link Admin. Record 000004, at line 5*). Therefore, the record indicates that both citations were still active during and at the conclusion of the January 7<sup>th</sup>, 2019 and furthermore this plaintiff asserts that he was not notified of any intent to dismiss citation #500085848 during that hearing. The record further shows that the defendant failed to notify the plaintiff of the dismissal of citation #500085848 after the hearing, as it is devoid of any evidence that a notice of that dismissal was ever issued until April 18<sup>th</sup>, 2019, some four months later and after the filing of this administrative review, as if the administrative review itself prompted the defendant to issue a proper dismissal notice.

2. Both citations request that the plaintiff remove the above ground pool from his rental property, and repair fascia/install gutters on the detached garage. The plaintiff asserts that he had addressed both of these complaints before the January 7<sup>th</sup> hearing, and the record shows that no additions or changes were made to the evidence the trial court was presented subsequent to the January 7<sup>th</sup> hearing. Why is it then that citation #500085848 was voided on January 8<sup>th</sup>, but citation #500085849 was reset for a new hearing on February 11<sup>th</sup>, 2019? Why did the defendant not dismiss citation #500085849 along with #500085848 on January 8<sup>th</sup>? What prompted the defendant to instead wait until the filing of an administrative review to finally dismiss the citation, when the evidence had not changed?
3. Self-admittedly by the defendant, their Treasurer's office erred by sending a hearing notice that incorrectly showed January 7<sup>th</sup>, 2019, instead of February 11<sup>th</sup>, 2019. The defendant also concedes that the plaintiff was not otherwise notified of his February 11<sup>th</sup> court date.
4. On February 11<sup>th</sup>, the plaintiff did not appear at his scheduled hearing due to the defendant's failure to notify the plaintiff of said court hearing. The City of Granite (defendant) then committed another critical error by issuing a meritless default judgment to plaintiff Link for citation #500085849, as the city presumably failed to consult the record for verification that the plaintiff had been notified of the February 11<sup>th</sup> hearing. This significantly extended litigation.
5. Not only did the City of Granite (defendant) issue a meritless default judgment to plaintiff Link, but the defendant self-admittedly (*Defendant's Motion*, **Pg. 3**) failed even in properly notifying plaintiff Link of the judgment entered against him, further complicating and needlessly extending litigation. The notice mailed to plaintiff Link by the defendant showed that a default judgment was entered for **both** citations #500085848 and #500085489 in a total amount of \$1,500 (*Defendant's Motion*, **Exhibit 2**); while the defendant asserts that a default judgment had only been entered for citation #500085489 in the amount of \$750. The defendant alleges that the notice was "incorrect" and that it is unknown why Mr. Link received this "inaccurate" notice.

6. In the case of the April 8<sup>th</sup> court hearing, the defendant failed once *again* to notify the plaintiff of his hearing; no notice of the April 8<sup>th</sup> hearing was mailed to the plaintiff, nor does any evidence of such a mailed notice exist in the record. Instead, the only reason the plaintiff became aware of his April 8<sup>th</sup> hearing is that he took time out of a business day to inquire in-person at the Granite city court house, an action deemed necessary due to the defendant's persistent failure to properly notify the plaintiff of proceedings, whether by issuing notices with severe inaccuracies (See default judgment notice; *Defendant's Motion*, **Exhibit 2**), or by failing to issue any notice whatsoever, such was the case for the February 11<sup>th</sup> hearing and the April 8<sup>th</sup> hearing.

Every single error impacted the livelihood of this plaintiff to some degree, whether by causing needless stress, or by frivolously and inappropriately wasting the plaintiff's time, effort, and funds all of which would have been better spent maintaining his already struggling business; it is expected that some errors will arise as a result of litigation, yet the amount and severity of errors made here would be difficult to justify as simple incompetence. First, the defendant's failure to notify the plaintiff of his February 11<sup>th</sup> hearing resulted in the issuance of a meritless default judgment, which made it necessary for this pro-se plaintiff to expend more time and effort to prepare his legal response. The plaintiff was further distressed upon receiving a notice of that meritless default judgment that listed an amount *double* (\$1,500) that of what the defendant has asserted to be the actual judgment amount (\$750). Then after the plaintiff's motion to vacate that erroneous judgment was granted, the city fails to mail notice of the reset hearing date on April 8<sup>th</sup>, an action which certainly would of resulted in further significant damages to this plaintiff had he not taken the initiative to inquire in person at the court house. Lastly, why did the defendant wait until after the filing of this administrative review to void citation #500085489? The plaintiff had addressed the issues listed on both citations prior to attending the January 7<sup>th</sup> hearing, and therefore nothing in actuality had changed as to the state of the plaintiff's property between the January 7<sup>th</sup> hearing and the final dismissal date on April 8<sup>th</sup>, and to this plaintiff's knowledge there were no additions or changes to the evidence the trial court had at its disposal to prompt that overdue dismissal. This suggests that all litigation after the January 7<sup>th</sup> hearing was pointless and a significant waste of the plaintiff's time and tax payer dollars, and the fact that the defendant delayed voiding the citations until an administrative review was filed is telling in itself.

For a municipality to make this many egregious “errors” when litigating a single set of linked citations would mean that the defendant is guilty of at least one of two possibilities. Either the City of Granite (defendant) is guilty of gross negligence, incompetence, and mismanagement to an extent which alone would be worthy of admonishment and intervention by this Court; or these were not errors at all, but instead a calculated and targeted attempt to manipulate the court system in a malicious pursuit of this Plaintiff.

Finally, not all relief sought by this administrative review has been achieved, the plaintiff is seeking any just compensation that this court deems appropriate for the additional time, effort, and funds that this plaintiff was needlessly required to expend as a direct result of the numerous, severe errors made by the defendant during proceedings in the trial court. If it is not this court's duty to adjudicate or grant just compensation, then the plaintiff asks that this court take what action it deems appropriate to ensure a more fair, just, and appropriate litigation process that will prevent such a grievous string of errors from occurring in the future, whether through due admonishment or other action against this defendant; as it should be clear to this Court that the amount and severity of the errors made during litigation here by the City of Granite are far in excess of what would be considered acceptable or justifiable for a municipality. Major clerical errors such as listing the wrong date on hearing notices (if a notice is even sent at all), and even more severely incorrectly notifying a citizen of a non-existent default judgment, as in the case of citation #500085848 here, have the potential to cause major hardship for less fortunate individuals who simply cannot afford to “be given the run-around” by their city, taking time off work to go to court for potentially non-existent court hearings, or to defend themselves when the city fails to notify them of a hearing date and issues a meritless default judgment.

Respectfully Submitted,

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Plaintiff Kevin Link, Pro-Se

## Certificate of Service

I hereby certify that on Jun 11, 2019, I electronically filed this **Reply to Motion to Dismiss** with the Clerk of the Court using the Odyssey E-filing system and that a paper copy has been mailed to **Erin Phillips**, attorney for the defendant at the following address:

Erin M. Phillips,  
Unsell, Schattnik & Phillips  
3 S. 6<sup>th</sup> Street,  
Wood River, IL 62095

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Kevin Link, Pro se