

3. Prior to the issuance of Ticket # **2016ov400378** (***Exhibit K-1***) [hereon referred to as: Ticket 378], and Ticket #**16000338** (***Exhibit L-1***) [hereon referred to as: Ticket 338], by the Defendant, City of Granite: Toni Link, this plaintiff's wife, contacted the Granite city Building and Zoning dept. to inform them that there were unauthorized strangers occupying Kevin Link's (Plaintiff's) Granite city business property located at 2506 Iowa. (*Dismissal Request, Exhibit K-2; Toni's Statement, L-3*).
4. And again prior to the issuance of both tickets, Plaintiff Kevin Link personally met with two Granite City police officers at 2506 Iowa (the location where both violations allegedly occurred) to request that the unauthorized occupants whom Kevin Link deemed to be trespassing be removed and/or ticketed. (*Dismissal Request, Exhibit K-2*).
5. Neither Granite city police nor the Granite city building and Zoning department took any action to either remove the unauthorized individuals or ticket them as per Kevin Link's requests.
6. After being denied any assistance from the Granite city police department or Granite city Building and Zoning in removing the unauthorized individuals, Kevin Link filed for the eviction of the unauthorized occupants on **May 4th, 2016** (*Eviction Request, Exhibit K-3*), about a month *before* the issuance of ticket 378 **June 7th, 2016**.

7. Ticket 378 alleged that Kevin Link had **knowingly allowed** individuals who were not on the occupancy permit to occupy his property, however, as Kevin Link was in fact the individual who reported those “illegal” occupants (as trespassers), requested their removal by police, and had filed for their eviction (*Eviction Request, Exhibit K-3*), it would hardly seem that Kevin Link had “knowingly allowed” the situation to occur as alleged by ticket 378. Therefore, Ticket 378 was meritless, should not have been issued, and a situation requiring Plaintiff Kevin Link to appear in court should not have occurred. Granite city and its officials knew or should have known this, and the ticketing officer knew or should have known this, as any reasonable investigation would of revealed that Kevin Link was the individual who had reported the unauthorized occupants to the Granite city police department, requested their removal, *and* was currently in the process of evicting the unauthorized occupants. Yet instead of assisting in the removal of the trespassers, the City of Granite chose to ticket the victim, this plaintiff, while eviction proceedings were still ongoing.

8. **Exhibit K-3** (*Eviction Request*) shows that Kevin Link had filed for eviction of the “illegal” occupants and thus had taken all legal action that could be reasonably expected of him. This along with a request for dismissal (**Exhibit K-2**) was filed into public record, and mailed to the defendant (City of Granite) and should have constituted sufficient evidence for the City of Granite (Defendant) to dismiss ticket 378 and ticket 338 without requiring Kevin Link to appear, however, for reasons unknown the City of Granite chose not to dismiss either ticket and unnecessarily extend litigation far beyond what was reasonable considering the weight of the evidence presented to them.

**KEY ARGUMENT 2: CITY OF GRANITE OFFICIALS EITHER MISINFORMED OR
DISINFORMED KEVIN LINK THAT BOTH CITATIONS WERE DISMISSED
WITHOUT NEED FOR FURTHER COURT APPEARANCES.**

9. Plaintiff Kevin Link attended his first court appearance for tickets 378 and 338 on July 25th, 2016, in Granite city courthouse room 6B, where he met with Granite city representative Richard Worths (to his best recollection).

10. Richard Worths stated that Kevin Link had two outstanding ordinance violations on city record for his property at 2506 Iowa: “One for allowing individuals not on the occupancy permit, and another for the occupant's trash”, and that he would give Kevin Link a “2-for-1 deal” and that they (Granite city) would litigate both violations together. (*Bystander's Report*, **Exhibit L-2**)

11. Kevin Link plead “Not Guilty” and provided Richard Worths and the hearing officer a copy of his previously filed request for dismissal as his defense (**Exhibit K-2**).

12. Richard Worths consulted with a Granite city crime-free police officer and the hearing officer on duty; the hearing officer then informed Plaintiff Kevin Link that both tickets would be dismissed by Granite city.

13. Seeking to avoid any misunderstandings, Kevin Link inquired about the next scheduled appearance or any other possible future court appearances regarding these citations, and was told by the Crime-free police officer “Not to worry, we (Granite city) will take care of it”.

14. While Defendant Granite city did dismiss ticket 16000338 as agreed, unbeknownst to this plaintiff the city neglected to dismiss ticket 2016ov400378, which later resulted in this plaintiff's unjust arrest.

15. In the context of Richard Worth's "2-for-1" deal and the hearing officer's verbal dismissal, this plaintiff reasonably concluded that both citations were settled and closed cases, and no future court appearances were required.

KEY ARGUMENT 3: THE FALSE INFORMATION GIVEN TO KEVIN LINK BY GRANITE CITY OFFICIALS AT HIS JULY 25TH, 2016 COURT APPEARANCE DIRECTLY RESULTED IN HIS "FAILURE TO APPEAR" AND SUBSEQUENT ARREST WARRANT; THEREFORE KEVIN LINK WAS NOT AT FAULT AND GRANITE CITY ERRED IN ARRESTING KEVIN LINK.

16. Subsequent to his court appearance on July 25th, 2016 where Kevin Link was falsely informed that both tickets would be dismissed, he received no further notices concerning either ticket and thus had no reason to believe that either ticket had not been dismissed as agreed.

17. Plaintiff Kevin Link allegedly failed to appear at a scheduled court appearance for ticket 378. It was only because of the Granite city hearing officer's verbal dismissal and Richard Worth's "2-for-1 deal" given on July 25th, 2016 that Plaintiff Kevin Link came to the reasonable conclusion that both tickets had already been dismissed and that no further court appearances would be required.

18. Furthermore, at his appearance on July 25th, 2016, Plaintiff Kevin Link specifically asked about any outstanding scheduled appearances or possible future appearances concerning Ticket 378 and he was informed by the City of Granite that they would be taken care of. (Refer to point 13 of this document)
19. A warrant was issued on August 25th, 2016, for the arrest of Plaintiff Kevin Link due to the “failure to appear” caused by the City of Granite's act of misinforming Kevin Link.
20. The situation that “justified” the issuance of that arrest warrant was directly caused by the City of Granite through their act of either misinforming or disinforming Kevin Link and being either negligent or malicious in their failure to dismiss ticket 378 after the July 25th, 2016 appearance.
21. Plaintiff Kevin Link learned of the arrest warrant about a year after its issuance, when he was arrested on June 10th, 2017 while reporting a crime which had occurred at one of his Granite city business properties.
22. After his arrest, Kevin Link appeared in court for the second time concerning ticket 378 on July 13th, 2017, where he plead not guilty to city attorney Ryan Roberson, and requested either the full return of the \$600 paid to bail him (Kevin Link) out of jail, or a trial before a Judge. City attorney Ryan R. declined to return the \$600, and instead offered Kevin Link a trial as requested.
23. Kevin Link appeared in court a third time on August 17th, 2017 for his scheduled trial. City attorney Ryan R. stated that a city witness was on “vacation” and the trial would therefore be postponed.

24. Kevin Link appeared in court a *fourth* time on September 21st, 2017 expecting his scheduled trial, yet he still did not receive the promised trial. Instead he was not allowed to appear before a Judge, and city attorney Ryan R. informed him that Granite city had dismissed the case and Plaintiff Kevin Link would “not be getting a trial”.
25. Granite city did not offer any reason or explanation for their dismissal of the ticket at his fourth appearance. The dismissal was completely arbitrary in the sense that nothing in reality had changed in between the time of the plaintiff's first court appearance prior to his arrest and his fourth and final appearance as to the status of the alleged cause(s) of the violations. Why then did the City of Granite choose to withhold dismissal until a fourth appearance, putting this plaintiff through much unnecessary and inappropriate litigation indicative of harassment?

FINAL NOTES

26. The Defendant argues that this Plaintiff erred by naming Judy Whitaker in this suit. To clarify, the reason this plaintiff has named Judy Whitaker in this suit is as such: On 6-6-19 this plaintiff visited the Granite city court house and asked the legal clerk on duty whom he (the plaintiff) should name in a suit against Granite city, the plaintiff was told by the Granite city legal clerk on duty to name Judy Whitaker.
27. The plaintiff's arrest could only be the result of either: serious error(s) on the part of Granite city which itself would be worthy of reprimand and compensation for this Plaintiff, or the result of targeted and intentional harassment by Granite City Crime-free officials.

28. During the booking process following this Plaintiff's unjust arrest, he asked the booking officer if this (his arrest) could be some sort of mistake. The booking officer replied by stating "this arrest is not a mistake, it's a going away present from Captain Gaggich." For context, Captain Gaggich who had recently transferred to a different municipality, had on many occasions during his time as a Granite city crime-free police captain demonstrated discrimination and contempt towards Plaintiff Kevin Link, stemming from Kevin Link's previous refusal to comply with an unjust demand made by Captain Gaggich (More information: **Exhibit L-4, Paragraph 10, starting at "In early 2016,"**). NOTE: This took place two years ago so the booking officers statement may not be verbatim, however as this took place in a police station it was recorded. This Plaintiff plans to submit a discovery motion to obtain that recording.
29. This claim is not only for the costs incurred, but also for damages caused to Plaintiff Kevin Link, who should be appropriately compensated for the unjust taking of his freedom, unjust damages to his lawful business, unjust damage to his public reputation through a "crime" all-but fabricated by Granite city, and all other damages and relief this court deems equitable.
30. Justice requires that Plaintiff Kevin Link at least be given the opportunity to plead his case at trial, where he wishes to present further argument supporting the claim that Granite city did not simply make a mistake by misinforming Kevin Link that the cases would be dismissed, but instead used calculated disinformation with the ultimate intent of harassing the plaintiff and disrupting his business.

FOR THE REASONS SET FORTH, Plaintiff respectfully requests that this court deny the Defendant's foregoing "Combined Motion to Dismiss", that this court grant Plaintiff time for discovery, that a trial be set, and for such other and further relief that this Court deems just and equitable.

Respectfully Submitted,

Plaintiff Kevin Link