Hearing Date: 7/30/2025 10:00 AM - 10:05 AM
Location: <<CourtRoomNumber>>
Judge: Calendar, Y

FILED
7/21/2025 2:39 PM
Mariyana T. Spyropoulos
CIRCUIT CLERK
COOK COUNTY, IL
2022L010246
Calendar, Y
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FILED DATE: 7/21/2025 2:39 PM 2022L010246

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LAW DIVISION

30 DEGREE DESIGN, LLC, an Illinois limited liability company,

BRAD BEHMER, an individual, and

KENNETH MAYLE, an individual

Plaintiffs,

v.

GP OPPORTUNITY FUND, LLC, an Illinois limited liability company,

and CITY OF CHICAGO

Defendants.

Case No.: 2022L010246

Calendar: Y, Judge Tully

Room: 2004

PLAINTIFF KENNETH MAYLE'S MOTION FOR SANCTIONS UNDER SUPREME COURT RULE 137

NOW COMES Plaintiff, Kenneth Mayle, pro se, and respectfully moves this Honorable Court pursuant to Illinois Supreme Court Rule 137 for sanctions against Defendant GP Opportunity Fund, LLC and its counsel Zachary Limbaugh, and in support states as follows:

1. On August 20, 2024, this Court entered an order granting Weiss Ortiz, P.C.'s motion to withdraw as counsel for Plaintiff Kenneth Mayle. The order required service of the withdrawal and specified Mr. Mayle's email address (ken.mayle@gmail.com) and last known physical address.

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2. Subsequently, on September 10, 2024, the Court granted Weiss Ortiz's motion to withdraw for Plaintiff Brad Behmer. These orders required compliance with Illinois Supreme Court Rule 13(c), including notice and updated service details.

3. Despite having actual knowledge of Mr. Mayle's contact information and the withdrawal orders, Defendant GP Opportunity Fund filed a Motion for Default against Counter Defendants, including Mr. Mayle on or about October 8, 2024, and obtained a prove-up date without providing any notice of the motion to Mr. Mayle.

4. The Motion for Default, as filed and paper copy provided by past counsel, contains no Certificate of Service and does not indicate any attempt to notify Mr. Mayle despite Rule 11(a)'s requirement that documents be served upon the party directly when no attorney is on record.

5. As a direct result of this improper and procedurally deficient motion practice, Plaintiff was forced to hire emergency counsel and incur a $2,499 expense solely for the limited purpose of vacating the improper October 8, 2024 default order. This order was successfully vacated on December 11, 2024.

   While Plaintiff ordinarily would attach a receipt or invoice substantiating the legal fees incurred, due to the tight filing schedule and limited access to a clean version of the documentation, such exhibit is not included at this time. Plaintiff respectfully reserves the right to supplement this motion with a copy of the billing record or sworn declaration if requested by the Court.

6. Defendant's actions were unreasonable and vexatious, violating Rule 137 by making filings without a reasonable inquiry into the truth or legal sufficiency, and by failing to serve a known pro se litigant, causing unnecessary delay, cost, and burden.

WHEREFORE, Plaintiff Kenneth Mayle respectfully requests this Court:

A. To sanction Defendant GP Opportunity Fund and/or its attorney under Supreme Court Rule 137; B. To order reimbursement of $2,499 for legal expenses incurred to vacate the improperly obtained default; C. To grant such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Kenneth Mayle
Kenneth Mayle, Pro Se
ken.mayle@gmail.com
1034 N. Karlov Ave Chicago, IL