Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, Y

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COOK COUNTY, IL
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Emergency Motion **(12/01/24) CCG 0686**

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

30 Degree Design, LCC
Plaintiff

v.

GP Opportunity Fund, LLC
Defendant

Case No. 2022L010246

EMERGENCY MOTION

- ○ Vacate Judgment
- ○ Agreed Order
- ○ Stay of Eviction
- ○ Continuation of Trial
- ◉ Other See Attached Motion - MOTION TO DISMISS COUNTER-COMPLAINT FOR FRAUD ON THE COURT

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

30 DEGREE DESIGN LLC,

an Illinois Limited Liability Company,

BRAD BEHMER, an individual,

KENNETH MAYLE, an individual,

Plaintiffs,

v.

GP OPPORTUNITY FUND, LLC, (managed by Bryon Finke),

an Illinois Limited Liability Company,

and THE CITY OF CHICAGO,

Defendants.

Case No. 2022L010246

Calendar Y, Court Room 2004

Judge: Calendar Y

MOTION TO DISMISS COUNTER-COMPLAINT FOR FRAUD ON THE COURT

NOW COMES Plaintiff Kenneth Mayle, pro se, pursuant to the Court's inherent authority and 735 ILCS 5/2-619(a)(9), and moves to dismiss Defendant GP Opportunity Fund, LLC's counter-complaint with prejudice for fraud on the court. In support, Plaintiff states:

I. INTRODUCTION

This motion arises from Plaintiff's Motion to Strike Lease Agreement, filed September 16, 2025 (Exhibit A), which revealed defects in the lease for 4714A West Lake Street, Chicago, IL (PIN

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16-10-301-011), including fraud by inducement. While preparing a Fourth Amended Complaint and revised answer to Defendant's counter-complaint, Plaintiff reviewed City of Chicago discovery materials obtained via subpoena. After missing a CTA Green Line stop at the Cicero platform, Plaintiff, a licensed professional engineer (Illinois License No. 062-065459), observed a roof alteration from bow truss to flat-top design knowing such change would require approved permit/plans. Mayle also recalled previous discussion with Bryon Finke via email confirming the building's historic status (Exhibit F). This led to discovery of false certifications in Permit Application No. 101032831, evading historic and fire protection reviews and involving licensed professionals in misrepresentations. Given the counter-complaint's $2 million default claim (later reduced to $650k and historically perhaps other various amounts), unsupported settlement demands citing fire damages as deferred maintenance, and the urgency of addressing permit fraud to protect Plaintiff's strategic amendment of pleadings, Plaintiff files this emergency motion.

Fraud on the court occurs where misconduct undermines the impartial function of the court, defiling the judicial machinery itself, rather than mere fraud in discovery. *In re Marriage of Varco*, 158 Ill. App. 3d 578, 583 (1st Dist. 1987); *Sander v. Dow Chem. Co.*, 166 Ill. 2d 48, 66 (1995).

II. BACKGROUND

On or about October 1, 2021, Plaintiff Kenneth Mayle signed as guarantor for a lease with GP Opportunity Fund, LLC as purported landlord for 4714A West Lake Street, relying on representations of authority and suitability (Exhibit A). Inability to use the property for its intended purpose and failed lease termination attempts led to this lawsuit in 2022. A fire occurred on February 6, 2023, prompting a Chicago Police Department arson investigation (ongoing, records withheld per subpoena for report JG142843; Exhibit E (CFD report)). The Chicago Fire Department (CFD) lists the fire cause as undetermined, with NFIRS code "AES Presence – None" indicating no sprinklers (Exhibit E), despite Defendant's allegations against Plaintiffs, with alternative explanations plau-

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sible. The building's sprinklers were nonexistent or noncompliant per NFPA 25, a fact Defendant, a sophisticated landlord, knew or should have known, yet required unattainable fire insurance, inducing the lease through concealment of hazards (Exhibit D). Defendant's counter-complaint, filed July 5, 2023 (Exhibit B), seeks hundreds of thousands or even millions in alleged fire damages, misrepresented as fire-related but constituting deferred maintenance and alterations/upgrades, contradicted by Permit No. 101032831's certifications denying fire damage (Exhibit C, page 3). Signed by Bryon Finke (pages 6, 9), Ghulam M. Kamal (page 7), and "AJ" (Mohammed Aijaz, TFWA Corporation, page 8) on September 25, 2023, the $495,000 permit for roof replacement and interior work falsely denied historic status and fire damage (page 3), evading reviews under Chicago Municipal Code § 2-120-740 (historic) and § 14A-1-104.4 (fire protection).

The building, part of a historic factory complex (4700-4744 W. Lake Street, built circa 1919, Orange 1 classification; Exhibit J), held in Chicago Title Land Trust No. 8002378806 (Exhibit N), lacks functional fire suppression. An inoperable fire pump, required to actuate sprinklers across factory structures / subdivided units (6-7?), has failed since at least 2016, with the last passing inspection in 2015 (Exhibit D, pages 1-2; Exhibit G). A May 4, 2021 notice demanded inspection since September 1, 2018, addressed to former owner Columbia Glass, with compliance evaded (Exhibit D, page 4). The flat roof alteration shifts NFPA 13 sprinkler actuation setpoints, compounding risks with an inoperable pump, standpipe, and witnessed below-grade basement tank. Plaintiff's review of Permit No. 101032831 notes omissions of elevation views, inaccurate egress points, and nonexistent or incorrect water line diagrams, mismatching prior records and photographs, including an ABC7 aerial photo and Plaintiff's personal photo (Exhibit I), evidencing intent to evade scrutiny. This reflects deferred maintenance on a fully depreciated complex, upgrades/alterations claimed as damages, endangering sections 6-7 by leasing units, including 4714A and likely 4714B, without operational fire suppression. Plaintiff alleges Defendant continued rent demands while seeking a new tenant despite knowing the fire pump was inoperable (Exhibit D).

Under Chicago's Self-Certification Program (Chicago Municipal Code § 14A-4-406; DOB Rules,

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Section 3), eligible projects bypass city plan review when licensed professionals certify compliance, relying on ethics (68 Ill. Admin. Code 1480). Triggers like historic status or fire damage require review, which false certifications by Finke, Kamal, and others (Exhibit C, pages 3, 6-9; Exhibit L) evaded to expedite approval, conceal fire suppression faults, and impact this litigation, constituting fraud. Defendant has leveraged fraudulent claims during litigation and exploited the Judge himself in a pre-trial turned settlement hearing in August 2025.

III. PARTIES INVOLVED

The following parties supported false certifications or performed undisclosed work on Permit No. 101032831:

- **GP Opportunity Fund, LLC (GP LLC)**: Illinois LLC based in Chicago, Cook County. Bryon Finke is manager and controlling member (Exhibit C, page 5; Exhibit M).
- **G.P. Opportunity Corp. (GP Corp)**: Illinois corporation based in Chicago, registered agent for GP LLC (Exhibit M).
- **Bryon Finke (Finke)**: Cook County resident, manager, director, president, and/or alter ego of GP LLC and GP Corp. Signed lease as "Owner" and, upon information and belief, beneficiary of Chicago Title Land Trust No. 8002378806; manager of MGPGA LLC (Exhibit C, pages 6, 9; Exhibit M).
- **Chicago Title Land Trust Company (Trustee)**: Illinois corporation holding title to 4714A W. Lake Street under Trust No. 8002378806 (Exhibit N; Exhibit M).
- **MGPGA LLC**: Illinois LLC with Chicago General Contractor License No. TGC114939, managed by Finke. General contractor for interior work on Permit No. 101032831 (Exhibit C, page 5; Exhibit M).

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- **TFWA Corporation**: Illinois corporation with Chicago General Contractor License No. TGC103505, Mohammed Aijaz (possibly "AJ") as representative. Performed roof replacement and steel work (stairs, platform) on Permit No. 101032831 (Exhibit C, pages 5, 8; Exhibit M).

- **Lucid Engineering Services Group, LLC (Lucid)**: Illinois LLC providing structural engineering. Ghulam Kamal signed and sealed Permit No. 101032831 as Design Professional of Record (Exhibit C, page 7; Exhibit L; Exhibit M).

- **A1A Design Group Corporation (A1A)**: Illinois corporation providing architectural/structural engineering services (Exhibit M). Upon information and belief, coordinated structural calculations/drawings for Permit No. 101032831, with Aphrodite Angelakos as responsible engineer.

- **Ghulam Kamal (Kamal)**: Illinois-licensed structural engineer (License No. 081-006522). Signed and sealed Permit No. 101032831, certifying compliance (Exhibit C, page 7; Exhibit L).

- **Aphrodite Angelakos (Angelakos)**: Illinois-licensed structural engineer (License No. 081-005459). Upon information and belief, prepared/supervised structural documents (calculations for the new roof design), and reviewed the package for A1A on Permit No. 101032831.

- **Lucid AEC Services**: Performed roofing and possibly structural steel work per liens, potentially without Illinois roofing license (225 ILCS 335) or permit disclosure (Exhibit Q). Structural steel installation may require a general contractor license (68 Ill. Admin. Code 1480), though Plaintiff is uncertain of requirements (Exhibit M).

IDFPR complaints (Case Nos. 2025-12057, 2025-12198; Exhibits O, P) have been filed against licensed parties.

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IV. LEGAL AUTHORITY AND JUDICIAL DECEPTION

A. Definition of Fraud on the Court

Fraud on the court occurs when a party's misconduct undermines the impartial function of the judicial process, defiling the court's integrity. *Sander v. Dow Chem. Co.*, 166 Ill. 2d 48, 66 (1995); *In re Marriage of Varco*, 158 Ill. App. 3d 578, 583 (1st Dist. 1987). It requires a deliberate scheme to deceive, beyond mere discovery violations (2024), involving false statements made with knowledge and intent to mislead the court, resulting in reliance and corruption of the judicial process. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245-46 (1944); *Illinois Graphic Co. v. Nickum*, 159 Ill. 2d 469, 485 (1994).

B. Application to Defendant's Contradictory Representations

Defendant's false certifications in Permit No. 101032831, denying historic status and fire damage (Exhibit C, page 3), constitute fraud on the court. Defendant cannot claim to this Court that damages were fire-related, as asserted in the counter-complaint (Exhibit B) and Motion for Default seeking $2 million (Exhibit K), while simultaneously certifying to the City of Chicago that the same property suffered no fire damage (Exhibit C, page 3). Later reduced to $650k, claims are still fraudulent. These contradictory factual statements demonstrate knowing falsity and deliberate intent to defraud the court, undermining judicial integrity. *Hazel-Atlas Glass Co.*, 322 U.S. at 245; *Varco*, 158 Ill. App. 3d at 583; *Sander*, 166 Ill. 2d at 66. As a sophisticated landlord owning the property since 2018 (Exhibit N), Bryon Finke knew or was required to know of the inoperable fire pump and other deficiencies, a duty heightened under commercial lease law. *Tirapelli v. Advanced Equities, Inc.*, 351 Ill. App. 3d 450, 456 (1st Dist. 2004). This is not a good-faith dispute but a scheme to convert pre-existing deferred maintenance and upgrades/alterations, exposed by the February 6, 2023 fire (Exhibit E), into fire-related damages to maximize payout and judicial

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sympathy. *Shimanovsky v. General Motors Corp.*, 181 Ill. 2d 112, 123 (1998); *In re Cutrone*, 225 Ill. App. 3d 856, 863 (1992). Discovery obtained via subpoena from Acuity Insurance Company (Exhibit R, 2 pages) further exposes Defendant's misrepresentation. An October 2021 loss control inspection, conducted before the fire, documented the building as exhibiting "signs of deterioration," "deferred maintenance," a roof "heavily patched and in poor condition," and fire suppression systems "not clear if operational" with connections "stuffed with trash," concluding the property was a "poor Property risk" that would "remain a below average Property risk." Despite this, Defendant represented fire-related damages to this Court while certifying no fire damage to the City. Plaintiff's review of permit documents notes omissions in drawings (elevation views, egress points, water line diagrams), contradicting prior records and photographs, including an ABC7 aerial photo and Plaintiff's personal photo showing roof design change and patchwork condition (Exhibit I), concealing hazards like an inoperable fire pump since 2016 (Exhibit D, G). Leasing without functional suppression may constitute reckless conduct (720 ILCS 5/12-5), and false certifications may violate perjury statutes (720 ILCS 5/32-2). The Court's inherent authority and 735 ILCS 5/2-619(a)(9) support dismissal.

Defendant's contradictory certifications to municipal authorities and this Court are not mistakes but the centerpiece of a sustained scheme to mislead the Judiciary, warranting dismissal of its counter-complaint with prejudice.

V. PRAYER FOR RELIEF

Plaintiff prays the Court:

1. Designate this motion as an emergency due to the immediate harm posed by Defendant's fraud on the court, which undermines judicial integrity and prejudices Plaintiff's ability to amend pleadings strategically;

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2. Require Defendant to respond to this motion before the Court considers other pending filings, including responses to motions to compel or the Motion to Strike the Lease (Exhibit A), to prioritize resolution of the fraud issue;

3. Dismiss Defendant's counter-complaint with prejudice;

4. Strike the counter-complaint in its entirety;

5. Impose sanctions, including attorney's fees and costs, under Illinois Supreme Court Rule 137;

6. Refer matters to the Cook County State's Attorney for investigation;

7. Grant leave to file a Fourth Amended Complaint when appropriate;

8. Award such other relief as deemed just.

VERIFICATION

I, Kenneth Mayle, pro se plaintiff and licensed professional engineer in the State of Illinois (License No. 062-065459), certify under penalty of perjury pursuant to 735 ILCS 5/1-109 that the statements in the foregoing Motion to Dismiss Counter-Complaint for Fraud on the Court are true and correct to the BEST OF MY KNOWLEDGE, except as to matters stated on information and belief, and as to those matters, I believe them to be true. My observations regarding omissions in Permit Application No. 101032831 (Exhibit C), including missing elevation views, inaccurate egress points, and nonexistent or incorrect water line diagrams, are based on my personal review of the permit documents, prior records, and photographs, including an ABC7 aerial photo and my personal photo showing roof design change and patchwork condition (Exhibit I), as well as my 20 years of experience in electrical engineering and familiarity with NFPA 13, NFPA 25, and fire protection standards relevant to building safety. The omitted or incorrect water line diagrams likely conceal connectivity to the inoperable fire pump and the shared water service for the factory complex's sprinkler system (4700-4744 W. Lake Street, sections 6-7), as required by NFPA 25 (Section 8.3) and NFPA 13 (Section 8.16). Additionally, notations in some permit drawings indicate a post-fire site walk-down, suggesting awareness of fire damage and suppression deficiencies, yet the permit falsely certified "No" to fire damage (Exhibit C, page 3), further evidencing intent to evade scrutiny under Chicago Municipal Code § 2-120-740 and § 14A-1-104.4. I have

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filed complaints with the Illinois Department of Financial and Professional Regulation (IDFPR) against licensed parties involved in the permit certifications (Case Nos. 2025-12057, 2025-12198; Exhibits O, P).

I also conversed with Bryon Finke on 4714 W. Lake's historic designation on review of the City of Chicago zoning and historical database data.

Respectfully submitted,
/s/ Kenneth Mayle
Kenneth Mayle, Pro Se
Professional Engineer, Illinois License No. 062-065459
1034 North Karlov Ave, Chicago, IL 60651
248-635-7455, ken.mayle@gmail.com

Date: October 21, 2025

CERTIFICATE OF SERVICE

I, Kenneth Mayle, certify that on October 22, 2025, I served this motion via the accredited eFile (File and Serve) function to the Defendant's counsel and the City of Chicago (Dismissed but needs to take note), and an email reminder to the City of Chicago attorney of record in this case for redundancy.

/s/ Kenneth Mayle

EXHIBIT LIST

- **Exhibit A**: Motion to Strike Lease Agreement (body only), filed September 16, 2025.
- **Exhibit B**: Defendant's Counter-Complaint, filed July 5, 2023 (attach to comply with court rules).
- **Exhibit C**: Chicago Department of Buildings Permit Application No. 101032831, dated

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September 25, 2023 (9 pages; certifications denying historic status and fire damage on page 3, signatures by Bryon Finke on pages 6, 9, Ghulam M. Kamal on page 7, Mohammed Aijaz on page 8).

– **Exhibit D**: Chicago Fire Department Inspection Records (pages 1-2 show fire pump inoperability since 2016, last passing inspection 2015; page 4 is May 4, 2021 notice to Columbia Glass demanding inspection since September 1, 2018).

– **Exhibit E**: CFD Incident Report for February 6, 2023 fire (undetermined cause, NFIRS code "AES Presence – None" indicating no sprinklers).

– **Exhibit F**: Email from Kenneth Mayle to Bryon Finke, dated July 8, 2022, re: 4714 Violations/Remediation.

– **Exhibit G**: Building Permit and Inspection Records (inspection 11833613 requiring fire pump performance test).

– **Exhibit I**: Photographs of 4714A West Lake Street, including ABC7 Chicago article aerial photo and Plaintiff's personal photo, showing roof design change and patchwork condition.

– **Exhibit J**: Chicago Landmarks Search Details for 4700-4714 W. Lake St (confirms Orange 1 historic classification).

– **Exhibit K**: Defendant's Motion for Default, filed October 16, 2024.

– **Exhibit L**: Self-Certification Professional Statement for Permit No. 101032831, signed by Ghulam M. Kamal.

– **Exhibit M**: Illinois Secretary of State Business Entity Search Records (19 pages; includes A1A Design Group Corporation, GP Opportunity Fund LLC, G.P. Opportunity Corp, MGPGA LLC, TFWA Corporation, Lucid Engineering Services Group LLC, Chicago Title Land Trust Company, Lucid AEC Services).

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- **Exhibit N**: Cook County Recorder Deed in Trust, Document No. 1832349159, establishing Chicago Title Land Trust No. 8002378806.
- **Exhibit O**: IDFPR Complaint Acknowledgment, Case No. 2025-12057, dated October 17, 2025.
- **Exhibit P**: IDFPR Complaint Acknowledgment, Case No. 2025-12198, dated October 21, 2025.
- **Exhibit Q**: City of Chicago Roofing Work Permit Exemptions (evidences roofing license requirements under 225 ILCS 335).
- **Exhibit R**: Acuity Loss Control Report (7 pages, obtained via subpoena; documents pre-fire deferred maintenance, inoperable fire suppression, and poor property condition).

TABLE OF AUTHORITIES

- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)
- *Illinois Graphic Co. v. Nickum*, 159 Ill. 2d 469 (1994)
- *In re Cutrone*, 225 Ill. App. 3d 856 (1992)
- *In re Marriage of Varco*, 158 Ill. App. 3d 578 (1st Dist. 1987)
- *Sander v. Dow Chem. Co.*, 166 Ill. 2d 48 (1995)
- *Shimanovsky v. General Motors Corp.*, 181 Ill. 2d 112 (1998)
- *Tirapelli v. Advanced Equities, Inc.*, 351 Ill. App. 3d 450 (1st Dist. 2004)
- 735 ILCS 5/1-109
- 735 ILCS 5/2-619(a)(9)

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- 720 ILCS 5/12-5
- 720 ILCS 5/32-2
- Chicago Municipal Code § 2-120-740
- Chicago Municipal Code § 14A-1-104.4
- Chicago Municipal Code § 14A-4-406
- Department of Buildings Rules, Section 3
- 68 Ill. Admin. Code 1480
- 225 ILCS 335
- NFPA 13, Section 8.16
- NFPA 25, Section 8.3