IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

30 DEGREE DESIGN, LLC, et al., Plaintiffs,
v.
GP OPPORTUNITY FUND, LLC, et al., Defendants.

No. 2022 L 010246

Hon. Judge Tully

PLAINTIFF KENNETH MAYLE'S RULE 213(f)(3) CONTROLLED EXPERT WITNESS DISCLOSURE

Pursuant to Illinois Supreme Court Rule 213(f)(3), Plaintiff Kenneth Mayle hereby discloses the following controlled expert witness expected to testify at trial on Plaintiff's affirmative claims and in opposition to Defendant GP Opportunity Fund LLC's counterclaim.

I. IDENTITY AND QUALIFICATIONS

Name: Kenneth Mayle, P.E.
Address: 1034 N. Karlov Ave, Chicago, IL 60651
Illinois PE License No.: 062-065459
Compensation: None — Plaintiff testifies as a self-retained expert; no compensation is paid.

Qualifications:

- Licensed Professional Engineer, State of Illinois, License No. 062-065459
- BS Electrical Engineering, The University of Michigan, 2004
- Approximately 22 years of professional engineering experience, including work at nuclear power facilities involving fire protection systems operating under 10 CFR 50 Appendix R, which incorporates and exceeds the requirements of NFPA 13 and NFPA 25
- Personal inspection of the premises at 4700–4744 W. Lake Street, Chicago, Illinois during tenancy 2021–2023, including the fire pump room, sprinkler heads throughout unit 4714A, inter-unit access points, roll-up doors, roof visible from the CTA Cicero Green Line platform, and building perimeter
- Professional review of: Permit Application No. 101032831 (and drawings); City of Chicago Department of Buildings inspection records for 4700–4744 W. Lake Street (Building ID 859337); NFIRS incident report for the February 6, 2023 fire; Acuity Insurance loss control report dated October 22, 2021 (Policy ZL0716); Acuity Insurance cancellation records; City of Chicago enforcement case No. 22 M1 401400; Emergency Closure Order issued by Building Commissioner Matthew Beaudet; and applicable NFPA 13, NFPA 25, NFPA 101, NFPA 51B, and Chicago Municipal Code provisions, as applicable

II. SUBJECT MATTER OF TESTIMONY

Mr. Mayle will offer expert opinions in the following subject areas:

1. Fire pump inspection, testing, and maintenance requirements under NFPA 25
2. Automatic sprinkler system operability, design, and suppression capability
3. AES (Automatic Extinguishing System) coding in NFIRS and its significance
4. Building permit compliance and material omissions under Chicago Municipal Code
5. Structural roof design change from bow truss to flat, thermal dynamics consequences, and permit disclosure obligations
6. Building security design and access control deficiencies
7. Causal analysis of the 2022 code violations relative to the February 6, 2023 fire
8. Hot work hazards in relation to non-functional fire suppression
9. Electrical conditions and absence of ignition sources in unit 4714A
10. Building suitability for commercial occupancy given cumulative fire protection deficiencies
11. Scope and application of the Emergency Closure Order and 2022 enforcement case No. 22 M1 401400
12. Occupancy load and fire hazard exposure relative to alleged residential use of unit 4714A
13. Insurability of the premises given documented fire protection deficiencies; Acuity Insurance Policy ZL0716 cancellation

III. OPINIONS AND BASES

Opinion 1: The fire pump at 4700–4744 W. Lake Street was non-compliant and not credibly operable at the time of lease execution and the February 6, 2023 fire.

Basis: City of Chicago Department of Buildings inspection records document fire pump violation FP2148 — requiring a witnessed performance test under CMC §§ 13-76-120, 15-16-190, 15-16-210, 15-16-220, 15-16-280, 15-16-310, 15-16-1150, and 15-16-1160 — on the following dates: July 11, 2000; January 25, 2002; May 30, 2002; January 28, 2004; June 7, 2004; June 25, 2004; July 30, 2004; August 2, 2011; February 2, 2012; November 5, 2013 (notation: "NO POWER"); December 10, 2013 (notation: "NO POWER"); December 13, 2013; and August 11, 2016. The last passed annual inspection was September 29, 2015. No fire pump inspection, witnessed test, or fire protection compliance record appears in Department of Buildings records after August 11, 2016 — a period spanning more than nine years through the date of this disclosure. Under NFPA 25 Section 8.3.3, annual witnessed performance tests are mandatory. A fire pump that documented "NO POWER" on two separate inspections in 2013 and has not passed a witnessed test since 2015 cannot be

presumed operable. The pump violation FP2148 from August 2016 was never closed or corrected in any subsequent inspection or enforcement proceeding.

Opinion 2: The sprinkler system components present in unit 4714A would not have operated at the time of the fire due to the inoperable fire pump.

Basis: In a wet-pipe automatic sprinkler system, sprinkler heads activate thermally when heat causes the fusible element to release, creating a pressure drop in the system. The fire pump must activate automatically on that pressure drop to maintain water delivery pressure and flow. With a documented non-functional fire pump, no water could be delivered to open sprinkler heads regardless of thermal activation. The Acuity Insurance loss control report (October 22, 2021) documents that the "sprinkler system fire department connections are stuffed with trash" and it is "not clear if [the system] is operational," with 3/4-inch branch lines that "do not meet modern codes." Violation FP2051 (defective alarm valve or water flow bell, 10" bell O.O.S.) was cited on February 2, 2012 and August 2, 2011, and was never subsequently cited as corrected. Based on piping observed from the basement and west wall of the building during tenancy, the fire pump serves the entire 4700–4744 W. Lake Street complex — not solely unit 4714A.

Opinion 3: The NFIRS AES Presence code of "None" confirms no automatic extinguishing system operated during the February 6, 2023 fire; a functioning AES system would have materially mitigated the fire.

Basis: The National Fire Incident Reporting System (NFIRS) incident report for the February 6, 2023 fire at 4700 W. Lake Street codes Automatic Extinguishing System (AES) Presence as "None." In NFIRS reporting terminology, AES Presence "None" means no automatic extinguishing system was present or operated during the fire event. This is consistent with the fire pump's documented non-functional status: although physical sprinkler heads were present in unit 4714A — as documented by the Acuity loss control report and confirmed by personal observation — those heads could not deliver water without pump pressure. In my professional engineering opinion, a properly functioning wet-pipe automatic sprinkler system, supplied by an operational fire pump producing rated gallons per minute and pressure as required under CMC § 15-16-210, would have materially mitigated the fire by delivering water directly to the seat of the fire upon head activation. The CFD incident report documented that the fire burned for hours with firefighters in a defensive posture, the roof partially collapsed, and the building was substantially destroyed. A functional AES system would, to a reasonable degree of engineering certainty, have significantly limited fire spread and structural damage. The absence of a functioning AES is consistent with the documented non-maintenance of the fire pump under NFPA 25 owner obligations described in Opinion 4.

Opinion 4: The building owner bore sole responsibility for NFPA 25 fire pump testing and maintenance; this obligation was not transferred to any tenant or guarantor.

Basis: NFPA 25 Section 4.1.1 assigns responsibility for properly maintaining a water-based fire protection system to the property owner or designated representative. NFPA 25 Section 4.1.5.1 assigns deficiency correction to the property owner. NFPA 25 Section 4.3.2 requires the owner to maintain ITM (inspection, testing, and maintenance) records and make them available to the Authority Having Jurisdiction (AHJ) — here, the City of Chicago Department of Buildings — upon request. No NFPA 25 inspection, testing, or maintenance records for the fire pump or sprinkler system were produced in discovery. The absence of such records constitutes an independent NFPA 25 Section 4.3.2 violation. GP Opportunity Fund LLC, as building owner from 2018 forward, bore exclusive responsibility for these obligations. No provision of the lease assigned NFPA 25 owner obligations to the tenant or guarantor.

Opinion 5: Permit Application No. 101032831 omitted required fire protection disclosures, contained materially incomplete professional certifications, and circumvented mandatory review triggers under Chicago Municipal Code.

Basis: Permit Application No. 101032831 was issued January 9, 2024, for work at 4700–4714 W. Lake Street. The permit discloses a declared construction cost of $495,000 and codes the work as renovation. The permit answers "No" to fire damage repair, omits the fire pump, standpipe, underground tank, and sprinkler system from disclosure, and fails to identify the property's Orange 1 historic district designation. Under Chicago Municipal Code § 14A-1-104.4, permit applications for work affecting or adjacent to fire protection systems require disclosure and plan review by the AHJ. The self-certification program under CMC § 14A-4-406 requires flagging of historic status and fire protection conditions; both were omitted, allowing the permitted work to proceed without the AHJ review those provisions were designed to require.

Three licensed professionals signed certifications attesting to the permit's accuracy: Bryon Finke (General Contractor License TGC114939), Ghulam M. Kamal (Structural Engineer License 081-006522), and Mohammed Aijaz/TFWA Corporation (General Contractor License TGC103505). Complaints regarding these certifications were submitted to the City of Chicago Department of Buildings on two separate occasions; as of the date of this disclosure, I have not received an acknowledgment, written response, or notice of any enforcement action from the City concerning those complaints. Complaints regarding the licensed professionals were also filed with the Illinois Department of Financial and Professional Regulation (IDFPR) (Case Nos. 2025-12057 and 2025-12198). The permit's declared construction cost of $495,000, coded as renovation, differs from Defendant GP Opportunity Fund LLC's counterclaim demand of $564,000 in alleged fire-related damages purportedly arising from work performed under this permit; the basis for the $69,000 difference has not been established by any document produced in discovery. In my professional engineering opinion, the omissions concerning fire protection systems and historic-district status deprived the AHJ of information necessary to determine whether additional plan review, fire protection review, or historic-district review was required under CMC §§ 14A-1-104.4 and 14A-4-406.

Opinion 6: Before the work scoped in Permit 101032831, the roof at 4700–4744 W. Lake Street was a bow truss design; after the permitted work was performed, the roof was altered to a flat design. This constitutes an undisclosed structural alteration of a primary structural element.

Basis: The Acuity Insurance loss control report (October 22, 2021, Policy ZL0716) documents and photographs the roof as bow truss with steel trusses. The ABC7 Chopper 7HD aerial photograph of the February 6, 2023 fire shows the bow truss structure actively burning — confirming the bow truss was present at the time of the fire. CFD's own public post stated: "Truss building." The City of Chicago conservation complaint inspection (June 17, 2022, Inspection No. 13835032) documented: "THIS IS A TRUSS ROOF BUILDING. THE EXISTING METAL ROOF TRUSSES HAVE AREAS OF RUSTED METAL. THERE HAVE BEEN NUMEROUS PURLINS REPLACED ALONG WITH ROOF SHEATHING WITHOUT PERMIT OR EVIDENCE OF QUALIFIED, LICENSED CONTRACTORS HAVING PERFORMED THE WORK." Additionally: "THERE ARE NO PLANS OR PERMITS ON FILE FOR THIS ROOF WORK. A STRUCTURAL ENGINEERS' REPORT IS REQUIRED." Permit 101032831 contains no elevation drawings showing the existing bow truss condition or any proposed structural roof change, preventing required structural and historic district review under CMC §§ 14A-4-401 and 2-120-740. Roofing work was performed by Lucid AEC Services, identified through a recorded mechanic's lien against the property, which does not appear in IDFPR records as a licensed roofing contractor under 225 ILCS 335. A complaint was submitted to the State regarding this issue. My engineering opinion does not depend on the licensing status of Lucid AEC Services; it is based on the absence of permit drawings disclosing the existing bow-truss roof condition and any proposed change to the roof structure. Commercial roofing requires licensure under 225 ILCS 335.

Opinion 6A: The alteration of the roof from bow truss to flat geometry materially changed fire dynamics and thermal updraft patterns within the building, requiring a sprinkler system design review under NFPA 13 that was never conducted.

Basis: A bow truss roof produces convective updraft along curved interior surfaces toward the apex, concentrating the thermal plume at a predictable location. Standard-response sprinkler heads selected and positioned for bow truss geometry activate based on thermal plume characteristics specific to that roof shape and the expected vertical travel of hot gases toward the apex. A flat roof causes hot gases to bank and spread horizontally at ceiling level — a fundamentally different activation geometry requiring different head placement, spacing, and potentially different temperature ratings to achieve equivalent coverage. Under NFPA 13 Section 4.1, a building alteration that changes ceiling geometry, height, or occupancy requires evaluation of whether the existing sprinkler system design remains adequate. The undisclosed structural change from bow truss to flat roof constituted such a building alteration. No NFPA 13 Section 4.1 compliance review was documented, no permit drawings disclosed the structural change to the AHJ, and no redesign or re-evaluation of sprinkler head placement, spacing, or temperature ratings for the new flat-roof geometry was produced in discovery. In my professional engineering opinion, the AHJ was prevented from conducting this required

review due to the material omissions in Permit Application No. 101032831.

Opinion 7: The conditions cited in the June 17, 2022 conservation complaint inspection had no causal relationship to the origin, spread, or magnitude of the February 6, 2023 fire.

Basis: The June 17, 2022 conservation complaint inspection (No. 13835032) cited nine violations including makeshift partition walls, egress obstructions, an unlicensed event space, debris accumulation, and exposed electrical wiring. In my professional engineering opinion, none of these conditions caused or contributed to the failure of the fire suppression system. The fire pump was non-compliant since at least 2016 — six years before the cited violations and five years before Plaintiff executed the guaranty. Partition walls, pianos used as dividers, and stored items do not cause fire pump failure. The pump's non-compliance predates any tenant occupancy under GP's ownership. These violations were cited in connection with a different tenant's operations in a different portion of the building. They are causally irrelevant to the fire suppression failure that allowed the fire to spread unchecked.

Opinion 7A: The alleged residential-style occupancy of unit 4714A did not materially increase fire exposure relative to the documented fire protection deficiencies.

Basis: Unit 4714A comprised approximately 13,000 square feet of warehouse space. Based on personal observation during tenancy, the unit contained a mezzanine area with residential-type amenities, including a kitchen area and standard water heaters — functionally comparable to a small apartment-style area within a much larger industrial and warehouse unit, absent shower or bathtub fixtures. The typical daily occupancy of the unit was approximately one person. Under standard fire engineering principles and NFPA 101, as applicable, fire hazard is evaluated by reference to fuel load per unit area, ignition source density, occupancy classification, occupant load, means of egress, and fire protection system performance. The presence of residential-type amenities or alleged informal sleeping arrangements does not, by itself, establish a material increase in fire exposure absent evidence of an anomalous ignition source, abnormal fuel load, or unsafe appliance condition. A 13,000 square foot warehouse unit occupied by approximately one person represents a substantially lower occupant load and operational intensity than the same space occupied at design capacity, which under typical industrial occupancy load factors per Chicago Municipal Code could lawfully accommodate well over one hundred occupants. Standard residential appliances including water heaters and kitchen equipment are listed and designed for their intended use and do not represent anomalous ignition sources. In my professional engineering opinion, the alleged fact that the tenant may have occupied or slept in unit 4714A is not a material engineering explanation for the origin, spread, or magnitude of the February 6, 2023 fire when compared to the pre-existing fire pump, sprinkler, and water-flow alarm deficiencies documented in Opinions 1 through 3, which were present and unresolved years before any tenant occupied the unit under GP Opportunity Fund LLC's ownership.

Opinion 8: Unit 4714A had no electrical power at the time of the February 6, 2023 fire; no building-service electrical ignition source could have operated in the unit.

Basis: During a personal visit to unit 4714A approximately one month prior to the February 6, 2023 fire, I observed that electrical power to the unit was clearly off — no lights, no powered equipment, and no active electrical service was present. This observation is consistent with reports that ComEd disconnected electrical service to unit 4714A due to non-payment by tenant Brad Behmer/30 Degree Design LLC, and with direct communications between Plaintiff and Behmer regarding non-payment and the ComEd disconnection. Based on my personal observation and knowledge of the disconnection, I have no engineering basis to identify a building-service electrical ignition source within unit 4714A at the time of the fire. Any fire-origin theory premised on powered building electrical service within unit 4714A would require evidence that electrical service or an alternate electrical source was present and energized at the time of ignition. The mere presence of parked vehicles or propane tanks does not, by itself, establish an ignition source without evidence of a leak, heat exposure, failure, or external ignition mechanism.

Opinion 9: The building's security design created access vulnerabilities that make it impossible to establish controlled access on the date of the fire.

Basis: Based on personal observation during tenancy, the 4700–4744 W. Lake Street complex exhibited the following access control deficiencies: (a) a roll-up door accessible from the exterior without a key; (b) inter-unit access points between north and south units (4714A, 4714B, and north units) controlled by building management keys only — to Plaintiff's knowledge only building management held keys to these inter-unit doors, as evidenced by complaints regarding Brad Behmer trespassing between units; (c) broken windows at multiple locations documented in the October 16, 2025 conservation annual inspection (Violation CN104015); and (d) uncontrolled access from the CTA Green Line Cicero station elevated platform to the building's exterior. These conditions made it impossible to establish who had access to the building on February 6, 2023. Any fire origin investigation that does not account for these access vulnerabilities is materially incomplete.

Opinion 10: Hot work operations — including welding, machining, and blacksmithing — are inadvisable and hazardous in a building with a non-functional fire suppression system.

Basis: Hot work operations generate sparks and molten metal that are recognized ignition sources under NFPA standards. Standard practice under NFPA 51B requires functional fire suppression or a formal hot work permit program with fire watch when performing hot work in a sprinklered building. The Acuity Insurance loss control report (October 22, 2021) flagged the potential for blacksmith subletting as a hazard and cited sprinkler system operability concerns as a basis for the policy being graded below average. Acuity subsequently cancelled policy ZL0716 within 30 days of issuance, citing inability to confirm sprinkler system operability. In my professional engineering opinion, any hot work performed in a building with a documented non-functional fire pump and inoperable flow alarm would

create conditions of elevated fire risk that an operational fire suppression system would ordinarily mitigate.

Opinion 11: The Emergency Closure Order and enforcement case No. 22 M1 401400 did not resolve, address, or remediate any fire protection system deficiency.

Basis: The Emergency Closure Order issued by Building Commissioner Matthew Beaudet ordered the "Entire Premises located at 4700 W. Lake Street" immediately closed. The physical Notice of Closure posted at 4714 W. Lake Street closed only the "Interior Space 2nd Level East Half" — a mezzanine area in one unit. The order was not applied to the fire pump room, unit 4714A, the north units, or the fire protection infrastructure of the complex. City of Chicago enforcement case No. 22 M1 401400 was dismissed on a "Substantial Compliance" finding in August 2024. A review of the nine violations cited in that case shows they addressed event-space partitions, unpermitted roof work, structural conditions, and egress deficiencies — none of which included the fire protection system. No order in that enforcement case required GP to test or repair the fire pump, inspect or certify the sprinkler system, or address any FP-coded violation. The "Substantial Compliance" finding cannot be construed as a finding that the fire protection system was in compliance. The most recent conservation annual inspection (October 16, 2025, Inspection No. 14574800) sought entry only to verify carbon monoxide alarms; fire protection systems were not within the inspection scope. The Department of Buildings has not conducted a fire pump or sprinkler system inspection at this property since August 11, 2016 — a period of nine years.

Opinion 12: The building was not suitable for consistent habitable commercial occupancy given the cumulative fire protection deficiencies; a Public Place of Amusement or similar occupancy would be inconsistent with the building's documented fire protection capability.

Basis: A building with: (1) a fire pump that has not passed a witnessed test since September 2015; (2) documented "NO POWER" fire pump conditions in 2013; (3) a water flow alarm bell documented as out of service since 2011; (4) a sprinkler FDC stuffed with debris; (5) NFIRS AES Presence coded as "None," indicating no automatic extinguishing system was reported as present or operating during the incident; (6) no fire protection system inspection in over nine years; and (7) no NFPA 25 ITM records produced in discovery — does not meet the minimum fire safety standards required for safe commercial occupancy under NFPA 25, NFPA 101, and Chicago Municipal Code Chapter 15-16, as applicable. In my professional engineering opinion, a Public Place of Amusement license or similar occupancy requiring consistent habitability would be inconsistent with the building's documented fire protection deficiencies.

Opinion 13: The documented fire protection deficiencies materially impaired the insurability of the premises for fire and property coverage; Acuity Insurance's cancellation of Policy ZL0716 within thirty days of issuance is consistent with that conclusion.

Basis: Acuity Insurance issued Policy ZL0716 for the premises at 4700–4744 W. Lake Street and performed a loss control inspection dated October 22, 2021. The Acuity loss control report documented, among other conditions: fire department connections stuffed with trash; uncertainty as to whether the sprinkler system was operational; 3/4-inch branch lines that did not meet modern code; flagged concern regarding potential blacksmith subletting as a fire hazard; and an overall below-average property condition rating. Acuity subsequently cancelled Policy ZL0716 within approximately thirty days of issuance, citing inability to confirm sprinkler system operability. No replacement fire or property insurance policy covering unit 4714A or the relevant fire loss has been produced in discovery. In my professional engineering opinion, a building with a fire pump that had not passed a witnessed NFPA 25 performance test since September 2015, documented water-flow alarm deficiencies, sprinkler fire department connections obstructed by debris, and no produced NFPA 25 inspection, testing, or maintenance records would present material fire protection concerns to a commercial property insurer evaluating the premises under normal underwriting standards. Acuity's cancellation within thirty days of the loss control inspection is consistent with the conclusion that the building's pre-existing fire protection deficiencies materially impaired the ability to obtain or maintain fire and property coverage for the premises at the time the lease was executed and at all times thereafter until those deficiencies were remediated — an event for which no documentary evidence has been produced in discovery. Those deficiencies existed before lease execution and were within the building owner's NFPA 25 maintenance and recordkeeping responsibilities.

IV. FRYE STANDARD COMPLIANCE

All opinions above are based upon: (1) direct application of NFPA 25, NFPA 13, NFPA 51B, and NFPA 101, as applicable, which are generally accepted fire protection standards used, incorporated, or referenced in fire protection engineering and code compliance analysis; (2) City of Chicago official inspection and permit records obtained through public records requests and subpoenas; (3) personal observation during tenancy; and (4) standard professional engineering analysis within the scope of Plaintiff's PE license and professional experience. No novel scientific methodology is employed. The opinions expressed are held to a reasonable degree of engineering certainty.

V. RESERVATION OF RIGHT TO SUPPLEMENT

Plaintiff reserves the right to supplement this disclosure pursuant to Illinois Supreme Court Rule 213(i) upon receipt of additional discovery materials, deposition testimony, or trial preparation review.

Respectfully submitted,

/s/ Kenneth Mayle, Pro Se Plaintiff
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5-15-2026

CERTIFICATE OF SERVICE

I, Kenneth Mayle, certify that on (see court stamp on the top of page 1 to this filing), I caused a true and correct copy of Plaintiff's Rule 213(f)(3) Controlled Expert Witness Disclosure to be served on counsel for all Defendants via the eFileIL electronic filing and service system.

/s/ Kenneth Mayle