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

FILED
9/11/2023 1:07 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2022L010246
Calendar, I
24315840

FILED DATE: 9/11/2023 1:07 PM 2022L010246

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,	)	**Case No. 2022L010246**
and	)	
	)	**Cal. I**
GP OPPORTUNITY FUND, LLC, an Illinois Limited Liability Company and the CITY OF CHICAGO	)	
Defendants.	)	

MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

NOW COME Plaintiffs, 30 DEGREE BY DESIGN, LLC, BRAD BEHMER, and KENNETH MAYLE, by and through their attorneys, WEISS ORTIZ P.C., and pursuant to 735 ILCS 5/2-616 of the Federal Rules of Civil Procedure, respectfully move this Honorable Court for Leave to File an Amended Complaint. In support thereof, Plaintiffs respectfully state as follows:

1. In lieu of responding to Defendants' Counterclaim, Plaintiffs request leave to amend their Complaint and add CITY OF CHICAGO as an additional Defendant, and add an additional count of Negligence against CITY OF CHICAGO and Defendant GP OPPORTUNITY FUND. Plaintiffs also seek to add an additional Plaintiff, BRAD BEHMER, as to his personal injuries.

2. Section 616(a) of the Practice Act provides that at any time before the final judgment amendments may be allowed on just and reasonable terms … 735 ILCS 5/2-616(a). The Supreme Court has held that:

> In the absence of any declared reason—such as undue delay, bad faith, or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the

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opposing party by virtue of the allowance of the amendment, futility of amendment, etc. the leave sought should, as the rules require, be "freely given." *Id.* citing *Foman v. Davis*, 371 U.S. 178, 182 (1962).

3. This is Plaintiffs' second request to amend, and such leave will not cause undue delay as this case is in its inception and is brought in good faith.

4. For the above stated reasons, Plaintiffs request leave to amend their Complaint.

WHEREFORE, Plaintiffs, 30 DEGREE BY DESIGN, LLC, BRAD BEHMER, and KENNETH MAYLE, respectfully request that this Court enter an order granting Plaintiffs leave to file their third amended complaint, *instanter,* and for any other relief this court deems just and proper.

Dated: September 11, 2023

Respectfully submitted,

30 DEGREE BY DESIGN, LLC,
BRAD BEHMER,
and KENNETH MAYLE,

By: 

Adeena Weiss Ortiz
Attorney for Plaintiffs

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VERIFICATION

Under penalties as provided by law pursuant to Section 735 ILCS 5/1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to the matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

* * * * * FURTHER AFFIANT SAYETH NOT * * * * *

/s/ BRAD BEHMER

/s/ KENNETH MAYLE

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