IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JAMES CARROLL, Plaintiff,	)
v.	) Case No. 2025MR000306
ARCHVIEW CONDOMINIUM OWNERS, INC., Defendant.	)

PLAINTIFF'S MOTION TO DENY DEFENDANT'S REQUEST FOR EXTENSION OF TIME AND TO ENTER DEFAULT

NOW COMES Plaintiff, James Carroll, pro se, and respectfully moves this Court to deny Defendant's oral request for an additional 14 days to file its Answer and to enter default against Defendant ARCHVIEW CONDOMINIUM OWNERS, INC. In support thereof, Plaintiff states as follows:

I. PROCEDURAL BACKGROUND

1. Plaintiff filed this declaratory judgment action on September 22, 2025.
2. Defendant was served on October 1, 2025.
3. On October 24, 2025, Defendant's attorney filed an appearance, despite Plaintiff having challenged the validity of that appearance due to lack of board authorization.
4. On October 30, 2025, this Court granted Defendant 30 days to file its Answer.
5. Defendant's Answer deadline was therefore November 29, 2025.
6. Defendant did not file an Answer by the deadline and did not file any motion for extension before the deadline expired.
7. At the hearing on December 5, 2025, Defendant—through counsel—requested an additional 14 days to file its Answer.

8. Plaintiff objected on the record.

Defendant is now more than one week past the court-ordered deadline.

II. DEFENDANT'S REQUEST IS UNTIMELY AND UNSUPPORTED

9. Illinois courts require motions for extension to be filed before the deadline expires, absent extraordinary circumstances.

   Defendant offered no reason whatsoever to justify its failure.

10. A party cannot wait until a hearing—after the deadline—to request more time without showing:

- good cause,
- diligence, or
- excusable neglect.

No such showing was made.

III. DEFENDANT'S ATTORNEY WAS NOT AUTHORIZED TO ACT ON BEHALF OF THE ASSOCIATION

11. As argued in Plaintiff's *Motion to Strike Appearance and for Default Judgment*, Defendant's counsel filed an appearance without any board authorization.

12. Defendant has produced no minutes, no notice, no agenda, and no vote authorizing counsel to:

- enter an appearance,
- request an extension,
- file pleadings, or
- defend this lawsuit.

13. An unauthorized attorney cannot request extensions.

14. Defendant's subsequent reliance on a 2021 contract does not establish authority because:

- the contract does not authorize litigation representation,
- the term "lawsuit" appears only in a withdrawal clause,
- Defendant refused to produce the contract when Plaintiff requested it under §19,
- the contract was only sent to Plaintiff at 4:00 p.m. the night before the hearing.

Defendant's own conduct demonstrates they did not view the contract as granting authority until after Plaintiff challenged the appearance.

IV. UNDER PALM, RETROACTIVE APPROVAL IS NOT PERMITTED

15. *Palm v. 2800 Lake Shore Drive*, a published and controlling decision, holds:

- Boards must act at open meetings;
- Action taken outside an open meeting is invalid;
- Board decisions cannot be ratified after the fact.

16. Defendant's request for more time is an attempt to retroactively cure the failure to:

- authorize counsel,
- authorize a response,
- authorize expenditures,
- comply with statutory meeting requirements.

17. Illinois law does not allow this.

V. DEFENDANT IS ALREADY IN DEFAULT AS A MATTER OF LAW

18. Because Defendant missed the Answer deadline and failed to seek an extension beforehand, Defendant is in default.

19. Defendant has offered no cause—let alone good cause—for the failure to timely answer.

20. Under Illinois procedure, default is appropriate where:

- the Answer is not filed,
- the deadline passes, and
- no timely extension is sought.

All three apply.

VI. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Deny Defendant's oral request for an additional 14 days to file an Answer;

B. Enter default against Defendant ARCHVIEW CONDOMINIUM OWNERS, INC. for failure to timely answer;

C. Grant Plaintiff's Motion to Strike Appearance and for Default Judgment; and

D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

James Carroll
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Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I, James Carroll, certify tha ton the date shown below, I placed a true and correct copy of the foregoing Plaintiff's Motion to Deny Extension and Enter Default in the U.S. Mail, with first-class postage fully prepaid, addressed to the following counsel of record:

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Respectfully submitted,

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