NO. ____

IN THE
SUPREME COURT OF THE UNITED STATES

JANE F. GIRARD,

Plaintiff-Respondent,

v.

KENTON GIRARD,

Defendant/Crossclaim Plaintiff-Respondent,

MARISSA GIRARD,

Defendant/Crossclaim Defendant-Applicant.

MARISSA GIRARD,

Counterclaim Plaintiff/TP Plaintiff,

v.

JANE F. GIRARD,

Counterclaim Defendant,

VANESSA L. HAMMER, ESQ.,
KAREN V. PAIGE, ESQ.,
CANDACE L. MEYERS, ESQ., and
DETECTIVE RYAN MCENERNEY,

TP Defendants.

APPLICATION TO THE HONORABLE AMY CONEY BARRETT FOR AN EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE SEVENTH CIRCUIT

Marissa Girard
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Glencoe, IL 60022
marissadakis@gmail.com
Tel: (773) 435-4095

Applicant, In Pro Se

APPLICATION

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Supreme Court Rules 13(5), 22, and 30, Applicant Marissa Girard respectfully requests a 30-day extension of time, to and including December 5, 2025, within which to file a petition for a writ of certiorari in this matter. The Seventh Circuit issued its published decision and judgment on July 21, 2025 (**Exhibit A**) and denied Applicant's timely petition for panel rehearing on August 7, 2025 (**Exhibit B**). The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on November 5, 2025. This application is timely because it has been filed more than ten days prior to the date on which the time for filing the petition for certiorari is to expire.

In support of this request, Applicant states as follows:

BACKGROUND

This case arises from illegal retaliation undertaken by state officials in Cook County, Illinois, against the Applicant (who is Hispanic/Latinx and suffers from two qualifying disabilities recognized under the Americans with Disabilities Act) after she filed a 42 U.S.C. § 1983 civil rights lawsuit (*Girard v. Fernandez et al.*, Civil Action No. 1:25-cv-00136, N. Dist. Illinois) against various Cook County judges, Cook County personnel and private attorneys for *inter alia* violating her civil rights by discriminating against her on the basis of her race and her disabilities, and

violating her constitutional rights by sustaining her involvement in a seemingly never-ending and statute-violating[1] custody proceeding incepted by Applicant's husband's ex-wife Jane F. Girard (*IRMO Girard*, Cook County Case No. 2015-D-009633). Under that custody proceeding, notably, Applicant was not actioned with a pleading and her joinder has been implemented solely for the purposes of harassment: Applicant possesses neither a biological connection to nor parental relationship with the minor children at issue under *IRMO Girard*.

Under these circumstances, the remand order by District Judge Jeremy C. Daniel (Civil Action No. 1:25-cv-04586, N. Dist. Illinois) under Applicant's timely removal of those proceedings to the Northern District of Illinois upon being served with crossclaims implicating federal questions is reviewable under 28 U.S.C. § 1443(1), however the Seventh Circuit refused to conduct such review.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The refusal – in its order dated July 21 2025, and denying panel rehearing on August 7 2025 – by the Seventh Circuit as to conducting a review of District Judge Jeremy Daniel's remand decision (and the implied ruling upholding such remand decision) is raised for attention by the Court.

PROSPECTIVE QUESTIONS OF INTEREST

The decision in question by the Seventh Circuit raises multiple immediate questions, consideration of which will ultimately inform the petition for certiorari:

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[1] Under Illinois Supreme Court Rule 922, custody proceedings are limited to 18 months in duration, unless there is a finding of good cause for an extension – which has been neither requested nor implemented. The custody proceedings in question are now entering month 43.

a. Does a notice of removal have to explicitly cite 28 U.S.C. § 1443(1) as one of the bases for removal in order to avail of the reviewability of a subsequent remand decision, even if the predicate requirements of 28 U.S.C. § 1443(1) are manifestly satisfied by the papers and pleadings which are included together with the notice of removal?

b. Should a notice of removal by a pro se litigant be construed liberally in keeping with the Court's prior rulings on treatment of pro se papers which are inartfully pleaded such as under *Estelle v. Gamble*, 429 U.S. at 106 (1976). Also see Fed. Rule Civ. Proc. 8(e) ("Pleadings must be construed as to do justice.").

c. Is the "equivalent basis exception" for satisfying the "second prong" requirement under 28 USC § 1443(1) as discussed by *Fenton v. Dudley*, 761 F.3d 3 774-775 (7th Cir. 2014) – as articulated under *Johnson v. Mississippi*, 421 U.S. 213, 219, (1975) (quoting *Georgia v. Rachel*, 384 U.S. 780, 792 (1966)) – good law[2]?

d. Does racial discrimination as required under 28 USC § 1443(1) subsume discrimination against Hispanic/Latinx persons, in keeping with (a) *Village of Freeport v. Barrella*, 14 F. 3d 59 (2nd. Cir. 2016) wherein the Second Circuit held that Hispanic constitutes a race for purposes of Title VII and Section 1981, and (b) *Saint Francis College v. Al-Khazraji*. 481 U.S. 604 (1987) wherein the

[2] Here, importantly, the Second Circuit recently found that retaliation for filing a discrimination complaint is duly actionable under Section 1983. *Vega v. Hempstead Union Free Sch. Dist.*, 801 F.3d 72 (2nd Cir. 2015).

Court defined "race" to include discrimination based on "ancestry or ethnic characteristics."

e. When a state court original defendant is impleaded with a crossclaim[3] raising federal questions, can she remove the matter to federal court pursuant to 28 U.S.C. §§ 1441, 1446?

These questions are important as the federal removal statute is invoked in a large number of cases litigated in the federal court system. In recent years, more than 30,000 civil cases are removed from state to federal court per year, and many of those cases involve more than one defendant. Comparing such a figure with the aggregate number of filings in the federal courts as published under the published findings under the Federal Judicial Caseload Statistics for 2024 reveals the number of cases affected by removal constitutes a significant percentage of filings.

The fact that the Federal Courts Jurisdiction and Venue Clarification Act of 2011 amended 28 U.S.C. § 1446(b) and codified the "last served defendant rule" is indicative of the heavy load of cases which are affected under the removal statute. Furthermore, the Court has granted review to other matters directed at the mechanics of the federal removal statute. See for example *Enbridge Energy LP et al. v. Dana Nessel, Attorney General of Michigan*, No. 24-783 which has been docketed for review here. The Court's opinion under *Home Depot USA Inc. v. Jackson*, 587

[3] Importantly, J. Thomas recently clarified that a third party defendant – not being an "original defendant" – cannot remove a matter to federal court under *Home Depot USA Inc. v. Jackson*, 587 U.S. 435 (2019).

U.S. 435 (2019) penned by J. Thomas reveals that the contours of federal removal jurisprudence are still being shaped.

WHY EXTENSION SHOULD BE GRANTED

As alluded above, Applicant has not made a final determination whether to delimit the scope of the Court's review under her forthcoming petition for certiorari to one or more of the prospective questions identified or potentially one or more related questions.

The factual nucleus is subject to other litigation proceeding in state and federal courts. District Judge Rebecca Pallmeyer of the Northern District of Illinois published her memorandum opinion under *Girard v. Village of Glencoe et al.*, Civil Action No. 1:24-cv-06882 on August 12 2025 wherein she greenlighted the civil RICO cause of action against the attorneys for Respondent Jane F. Girard to resume proceedings no later than[4] February 15 2026. **Exhibit C**.

Pursuant to the memorandum opinion of District Judge Pallmeyer, Applicant is also preparing motions for sanctions under Illinois Supreme Court Rule 137 against Respondent Jane F. Girard's attorneys at Beermann LLP who have been harassing her for more than two years with nearly two dozen motions seeking her fining or jailing. Additionally, Applicant is in the middle of preparing an extensive Illinois Bar complaint against various Beermann LLP attorneys (and their legal representation at Wilson Elser) with the Supreme Court of Illinois.

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[4] The minor children at issue in the underlying state court proceeding attain majority age on such date. Under District Judge Pallmeyer's analysis, resumption of the litigation against Respondent's legal counsel does not portend a violation of the *Woodard* doctrine at such point in time.

Additionally, Applicant is completing extensive due diligence regarding whether to participate under the re-filed civil RICO case as a co-plaintiff. To this end, she is completing significant legal research about other civil RICO cases which have been allowed to advance after the motion to dismiss stage.

Under *Girard et al. v. Scannicchio et al.,* Civil Action No. 1:25-cv-04551, Respondent Jane F. Girard and her attorneys are impleaded for causes of action including *inter alia* abuse of process and intentional infliction of emotional distress. As previously mentioned, Applicant's pending civil rights lawsuit *Girard v. Fernandez et al.*, Civil Action No. 1:25-cv-00136 requires further attention and depending on the contents of the forthcoming memorandum opinion of District Judge Andrea Wood on the fully briefed motions to dismiss, Applicant may seek to prosecute those claims in a team effort with the plaintiffs under *Girard et al. v. Scannicchio et al.*

Finally, Applicant needs additional time because her therapeutic regime for interstitial cystitis and PTSD (post-traumatic stress disorder) requires significant attention in the next 60-90 days because of recent flare-ups which are likely owing to the significant stress caused by her forced participation under *IRMO Girard.* Applicant runs a psychotherapy and counseling practice under which she is also significantly occupied with work on composing treatment plans for clients who are predominantly adolescents with seasonally increased needs around the beginning of the school year, as now.

Applicant thus seeks additional time in order to continue further research and analysis of the relevant legal issues, and to prepare a petition that fully addresses the important federal issues raised by the decision below and frames those issues in a manner that will be most helpful for the Court.

Preparation of a certiorari petition in this case will additionally be more difficult during the upcoming holiday season.

Applicant contacted counsels of record and did not obtain consent as to the requested extension of time. Despite this opposition, the Respondents are not prejudiced by an extension of the *certiorari* deadline.

CONCLUSION

Applicant requests that an extension of time to and including December 5, 2025, be granted within which Applicant may file a petition for writ of certiorari.

Dated: August 25, 2025

Respectfully submitted,

/s/ Marissa Girard, in pro se
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Glencoe, IL 60022
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APPENDIX

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

July 21, 2025

Before
DIANE S. SYKES, *Chief Judge*
DAVID F. HAMILTON, *Circuit Judge*
CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 25-1854	JANE F. GIRARD, Plaintiff - Appellee and KENTON GIRARD, Defendant - Appellee v. MARISSA GIRARD, Defendant - Appellant
Originating Case Information:	
District Court No: 1:25-cv-04586 Northern District of Illinois, Eastern Division District Judge Jeremy C. Daniel	

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is **DISMISSED** for lack of jurisdiction.

This court has consistently reminded litigants that an order remanding a case to state court based on a lack of subject matter jurisdiction or a defect in the removal procedure is not reviewable on appeal, regardless of whether the decision is correct, except when the case was removed under 28 U.S.C. §§ 1442 or 1443. *See* 28 U.S.C. § 1447(d); *e.g.*, *The Northern League, Inc. v. Gidney*, 558 F.3d 614, 614 (7th Cir. 2009); *Phoenix Container, L.P. v. Sokoloff*, 235 F.3d 352, 354–55 (7th Cir. 2000).

In the present case, appellant seeks to appeal the district court's order remanding this case to state court for lack of federal jurisdiction. 28 U.S.C. § 1447(c). Although appellant disputes this determination, this case was not removed under § 1442 or § 1443, so there is no basis to seek appellate review. Appellant's belated attempts to argue for removal under § 1443 are frivolous. Although appellant suggests the litigation against her implicates rights of racial equality, this theory cannot satisfy the second part of § 1443, which requires that she has been "denied or cannot enforce" that racial-equality right in state court because of a barrier imposed by some formal expression of state law, such as a statute. *Fenton v. Dudley*, 761 F.3d 770, 774–75 (7th Cir. 2014). Appellant has identified no such law; the mere assertion that general principles have been applied in a discriminatory manner does not satisfy § 1443. *See City of Greenwood v. Peacock*, 384 U.S. 808, 828 (1966).

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 7, 2025

Before

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 25-1854

JANE F. GIRARD,
Plaintiff-Appellee,

and

KENTON GIRARD,
Defendant-Appellee,

v.

MARISSA GIRARD,
Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 25-cv-04586

Jeremy C. Daniel,
Judge.

ORDER

On consideration of the petition for rehearing, all members of the original panel voted to deny rehearing. It is therefore ordered that the petition for panel rehearing is **DENIED**.

Exhibit A

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

CERTIFIED COPY
A True Copy
Teste:
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

ORDER

July 21, 2025

Before
DIANE S. SYKES, *Chief Judge*
DAVID F. HAMILTON, *Circuit Judge*
CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 25-1854	JANE F. GIRARD, Plaintiff - Appellee and KENTON GIRARD, Defendant - Appellee v. MARISSA GIRARD, Defendant - Appellant
Originating Case Information:	
District Court No: 1:25-cv-04586 Northern District of Illinois, Eastern Division District Judge Jeremy C. Daniel	

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is **DISMISSED** for lack of jurisdiction.

This court has consistently reminded litigants that an order remanding a case to state court based on a lack of subject matter jurisdiction or a defect in the removal procedure is not reviewable on appeal, regardless of whether the decision is correct, except when the case was removed under 28 U.S.C. §§ 1442 or 1443. *See* 28 U.S.C. § 1447(d); *e.g.*, *The Northern League, Inc. v. Gidney*, 558 F.3d 614, 614 (7th Cir. 2009); *Phoenix Container, L.P. v. Sokoloff*, 235 F.3d 352, 354–55 (7th Cir. 2000).

In the present case, appellant seeks to appeal the district court's order remanding this case to state court for lack of federal jurisdiction. 28 U.S.C. § 1447(c). Although appellant disputes this determination, this case was not removed under § 1442 or § 1443, so there is no basis to seek appellate review. Appellant's belated attempts to argue for removal under § 1443 are frivolous. Although appellant suggests the litigation against her implicates rights of racial equality, this theory cannot satisfy the second part of § 1443, which requires that she has been "denied or cannot enforce" that racial-equality right in state court because of a barrier imposed by some formal expression of state law, such as a statute. *Fenton v. Dudley*, 761 F.3d 770, 774–75 (7th Cir. 2014). Appellant has identified no such law; the mere assertion that general principles have been applied in a discriminatory manner does not satisfy § 1443. *See City of Greenwood v. Peacock*, 384 U.S. 808, 828 (1966).

Exhibit B

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

CERTIFIED COPY

A True Copy
Teste:
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

August 7, 2025

Before

DIANE S. SYKES, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 25-1854

JANE F. GIRARD,
Plaintiff-Appellee,

and

KENTON GIRARD,
Defendant-Appellee,

v.

MARISSA GIRARD,
Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 25-cv-04586

Jeremy C. Daniel,
Judge.

ORDER

On consideration of the petition for rehearing, all members of the original panel voted to deny rehearing. It is therefore ordered that the petition for panel rehearing is **DENIED**.

Exhibit C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KENTON GIRARD, Minor Child GW., and Minor Child GR.,	)	
Plaintiffs,	)	**No. 24 C 6882**
v.	)	**Judge Rebecca R. Pallmeyer**
VILLAGE OF GLENCOE, ILLINOIS, Detective RYAN MCENERNEY, MARIA PAREDES, GWENN WALDMAN, BREANNA TRAUB, BEERMANN LLP, JOHN M. D'ARCO, JAMES M. QUIGLEY, ENRICO J. MIRABELLI, Judge WILLIAM S. BOYD, and Judge RENEE G. GOLDFARB,	)	
Defendants.	)	

ORDER

The motions to dismiss Plaintiffs' amended complaint filed by Defendants John M. D'Arco, James M. Quigley, Enrico J. Mirabelli, and Beermann LLP (collectively, the "Beermann Defendants") [34]; Judges William S. Boyd and Renee G. Goldfarb [81]; Gwenn Waldman [70]; Breanna Traub [66]; Maria Paredes [104]; and Detective Ryan McEnerney and the Village of Glencoe, Illinois [56] are granted. Defendants Boyd and Goldfarb's previously-filed motion to dismiss [30] addressing Plaintiffs' initial complaint is stricken as moot. All claims brought by Plaintiffs Gw. and Gr. are dismissed without prejudice. Plaintiff Kenton Girard's claims against Defendants Boyd and Goldfarb are dismissed with prejudice to the extent that they arise from orders entered by those Defendants in their capacity as judges of the Circuit Court of Cook County. Kenton Girard's remaining claims are dismissed without prejudice to proceedings in state court or to refiling at the conclusion of state court custody proceedings. The Clerk is directed to enter judgment in favor of Defendants Boyd and Goldfarb and dismiss all other Defendants without prejudice. Civil case terminated.

STATEMENT

I. Background

Kenton Girard ("Kenton") and his ex-wife, Jane Girard ("Jane"), are embroiled in a custody dispute concerning their minor daughters, Gw. and Gr.; that case remains pending in the Domestic Relations Division of the Circuit Court of Cook County. In this federal action, Kenton, Gw., and Gr. have made a sprawling set of explosive allegations about various individuals who have some connection to the state court custody dispute. Plaintiffs' operative pleading is their amended complaint filed on December 9, 2024. (*See generally* Amended Compl. [73].)

The central premise of Plaintiffs' lawsuit is that their custody case is one of many Cook County domestic relations disputes corrupted over the past decade by a scheme of bribery and favor-trading orchestrated by lawyers at Beermann LLP, the law firm representing Jane in the Girard custody battle. (*See, e.g., id.* ¶¶ 9–12, 35–40.) With respect to their case in particular, Plaintiffs allege that the Beermann Defendants bribed or otherwise improperly influenced (either directly or via intermediaries) three sets of Defendants: (1) William S. Boyd and Renee G. Goldfarb, judges of the Circuit Court of Cook County's Domestic Relations Division who were previously assigned to the Girard dispute[1]; (2) Breanna Traub, a court-appointed therapist assigned to provide counseling to Gw.; and (3) Ryan McEnerney, a detective with the Glencoe Police Department. Plaintiffs allege that the Beermann Defendants bribed Boyd and Goldfarb to secure favorable rulings for Jane in the custody dispute; induced Traub to improperly disclose confidential information learned in sessions with Gw. to Jane; and bribed McEnerney (via an intermediary), who had investigated Plaintiffs' allegations that Jane sexually assaulted Gw. and Gr., dissuading McEnerny from filing criminal charges against Jane. (*See id.* ¶¶ 40–44, 121, 138, 144.) Plaintiffs appear to suggest that the payment of the bribe to McEnerney came about when McEnerney, at some point, reached out to Jane "in hopes of receiving an illicit payment in exchange for" his declining to seek charges against her. (*See id.* ¶ 181.)

Plaintiffs further allege that another therapist appointed by the state court, Defendant Gwenn Waldman, improperly disclosed confidential information learned in sessions with Gr. both to other court-appointed personnel and to Jane, and that an employee of the Illinois Department of Children and Family Services (DCFS), Defendant Maria Paredes, committed an impropriety by changing her mind about whether criminal charges of sexual assault against Jane were warranted. (*See id.* ¶¶ 141–42, 182–83, 188.) It is unclear whether Plaintiffs believe Waldman and Paredes undertook these acts because they were bribed or otherwise improperly influenced by the Beermann Defendants, or for other reasons. Finally, Plaintiffs allege, independently of the Beermann conspiracy, that Detective McEnerney's failure to properly investigate the sexual assault allegations made by Plaintiffs against Jane was consistent with an unofficial policy of the Village of Glencoe, established and implemented in part by McEnerney himself, "of responding differently and affording less protection to victims of rape and sexual assault, who were exclusively female in [the] Village of Glencoe, than to victims of other crimes." (*See id.*¶ 257.) Because the impact of the alleged "systematic disregard" for investigations of reported rape and sexual assault exclusively harmed women and girls, Plaintiffs conclude that the conduct "cannot plausibly be explained" by the uneven allocation of police resources, or indeed, by any factor "except for an animus towards women and girls." (*Id.* ¶¶ 259–260.)

In Count I, Plaintiffs jointly claim that Judges Boyd and Goldfarb violated Plaintiffs' "constitutionally protected right to an impartial judge" by issuing "numerous adverse decisions which would not have been rendered by a fair, partial judge." (*Id.* ¶ 202–06.) In Count II, Gr. and Gw. claim that Boyd and Goldfarb violated their First Amendment rights by issuing a gag order against the children in the state court custody dispute (though it is not clear which judge allegedly entered the order). (*Id.* ¶¶ 207–10.) In Count III, Gr. and Gw. claim negligence against Traub and Waldman for violating the duty of confidentiality the therapists owed to the children as their patients. Also in Count III, all three Plaintiffs allege that DCFS employee Paredes violated her duty of care by failing to request the filing of charges against Jane. (*Id.* ¶¶ 211–14.) In Counts IV and V, Plaintiffs level civil RICO charges against all of the Beermann Defendants; Count VI is a claim of unjust enrichment against the Beermann law firm, specifically. (*See id.*¶¶ 215–47.) In Count VII, Plaintiffs bring a state law civil conspiracy claim against the Beermann Defendants,

[1] According to Plaintiffs, Boyd, and then Goldfarb, have both recused themselves from the state court custody proceedings. (*See* Amended Compl. ¶¶ 121, 152.)

McEnerney, Boyd, and Goldfarb. (*Id.* ¶¶ 248–53.) In Count VIII, Gr. and Gw. claim that McEnerney committed a gender-based equal protection violation by failing to properly investigate the children's allegations of sexual assault against Jane; Gr. and Gw. also appear to bring a *Monell* claim against the Village of Glencoe based on its alleged gender-motivated policy of not investigating such reports. (*See id.* ¶¶ 198–201, 254–69.) Finally, in Count XI, Gr. and Gw. seek injunctive relief mandating that the Village of Glencoe "meaningfully investigate rape and sexual assault cases involve female victims." (*Id.* ¶¶ 277–78.)

II. Claims by Minor Children Gr. and Gw.

Kenton properly represents only himself in this case. Minors such as Gr. and Gw., however, may not represent themselves in federal court, *T.W. by Enk v. Brophy*, 124 F.3d 893, 895 (7th Cir. 1997), and a parent may not represent their children pro se, as Kenton initially sought to do in this case. *See Foster v. Bd. of Educ. of City of Chicago*, 611 F. App'x 874, 877 (7th Cir. 2015) (collecting published opinions) (Seventh Circuit has "repeatedly held" that the general rule "prohibiting a nonlawyer from representing another person extends to a parent attempting to represent her minor child pro se"). After various Defendants alerted Plaintiffs to this issue, they sought to remedy the situation by obtaining the services of an attorney, Toma Makedonski, to represent Gr. and Gw. in this litigation. But attorneys may not file an appearance to represent clients in this court unless they are members in good standing of the general bar of the United States District Court for the Northern District of Illinois or admitted to practice *pro hac vice*. *See* N.D. ILL. R. 83.12, 83.14. Makedonski meets neither requirement and therefore may not represent Gr. and Gw. in this dispute. The minor children's claims are dismissed without prejudice.

Makedonski—who it appears is representing Gr. and Gw. in a lawsuit filed in state court against Jane (*see* [117] at 4)—was recruited to this case at some time prior to Plaintiffs' filing their amended complaint on December 9, 2024, as Makedonski signed that document on behalf of Gw. and Gr. (*See* Amended Compl. at 66.) At that time, Makedonski had yet to enter an appearance in this case. In a December 27, 2024 filing opposing the motions to dismiss filed by Defendants Traub and Waldman, Kenton claimed (incorrectly) that Makedonski had filed an appearance on the children's behalf, and that Makedonski would soon complete the process of seeking admission to the bar of this court or filing an application to appear *pro hac vice*. ([80] at 1.) That briefing was submitted on behalf of both Kenton and his minor children but was signed only by Kenton, and not Makedonski. (*See id.* at 5.)

Makedonski finally entered appearances on Gr. and Gw.'s behalf on February 9, 2025. (*See* [93, 94].) Curiously, the appearance forms were filed on the docket not by Makedonski but via pro se email submission—in other words, by Kenton. Nonetheless, the forms bear what appears to be Makedonski's electronic signature. Critically, however, both forms affirm that as of February 2025, Makedonski had yet to become a member of this court's bar or complete a *pro hac vice* application. In the time since, Makedonski has not completed either process—though this did not stop Makedonski from signing on Gr. and Gw.'s behalf Plaintiffs' April 20, 2025 opposition to Defendant Paredes' motion to dismiss. (*See* [107] at 4.)

Gr. and Gw.'s claims are dismissed without prejudice. Attorney Makedonski, a member of the bar of the State of Illinois, is reminded of his professional responsibilities. *See* ILL. R. PRO. CONDUCT 5.5(a) ("A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so"). The court addresses Kenton's remaining claims against Boyd, Goldfarb, the Beermann Defendants, McEnerney, and Paredes below.

III. Claims by Kenton Girard

A. Boyd and Goldfarb

Kenton alleges that Judges Boyd and Goldfarb violated his constitutional right to an impartial judge and participated in a civil conspiracy with the Beermann Defendants and McEnerney. Boyd and Goldfarb moved to dismiss the initial complaint, arguing that this court must or should abstain from ruling on the claims against Boyd and Goldfarb, and that both judges are entitled to judicial immunity on the claims in any case. Plaintiffs responded on November 26, 2024 [68] but then proceeded to file the operative amended complaint on December 9, 2024. Boyd and Goldfarb again moved to dismiss, and the court entered an agreed briefing schedule that called for Plaintiff's response on January 31, 2025 and a reply on February 14, 2025 [83].

January 31 came and went without Plaintiffs filing a response or seeking additional time to do so. Boyd and Goldfarb filed their reply as directed on February 14 [94], reiterating their prior arguments and arguing that the court would also be justified in granting the motion because Plaintiffs' failure to respond constituted waiver. In the time since, Plaintiffs have failed to acknowledge Boyd and Goldfarb's pending motion and reply in support thereof, even as Plaintiffs have continued to actively participate in the case by filing motions of their own and responding both to a motion to dismiss filed by Defendant Paredes and a motion to intervene by a third party [97, 102, 107, 117].

Failing to respond to arguments in support of a motion to dismiss constitutes waiver, and this court could accept Boyd and Goldfarb's contention, supported by pertinent legal authority, that Plaintiffs' amended complaint does not state a valid claim against them. *Bonte v. U.S. Bank, N.A.*, 624 F.3d 461, 466–67 (7th Cir. 2010). Plaintiffs' failure to respond aside, it is clear that judicial immunity bars Kenton's claims as against the two judges.[2] Indeed, even if it were true that they accepted bribes from the Beermann Defendants in exchange for entering orders favorable to their clients—which the judges strenuously deny—the judges could not be held liable for Kenton's alleged injuries flowing from those orders. A judge lacks judicial immunity only for "actions not taken in the judge's judicial capacity" or for actions "taken in the complete absence of all jurisdiction." *Holmes v. Marion Cnty. Sheriff's Off.*, 141 F. 4th 818, 824 (7th Cir. 2025) (quoting *Mireles v. Waco*, 502 U.S. 9, 11–12 (1991)). Even if "done maliciously or corruptly," Boyd and Goldfarb's entering of orders were judicial acts taken pursuant to the jurisdiction of the Circuit Court of Cook County. *See Stump v. Sparkman*, 435 U.S. 349, 356 (1978) (citations omitted). Defendants' alleged acceptance of bribes is, of course, a non-judicial act, but the particularized harm to the Plaintiffs is the judges' entry of orders in Plaintiffs' custody dispute, and, as explained above, the judges are immune from liability for those acts.

Kenton's claims against Defendants Boyd and Goldfarb are dismissed. To the extent those claims are based on injuries that flow directly from orders issued by Boyd and Goldfarb as judges of the Circuit Court of Cook County, the claims are dismissed with prejudice, as Kenton has already amended his complaint once and any additional factual allegations made in a further amended pleading would have no bearing on the application of judicial immunity to such claims. *See Runnion ex rel. Runnion v. Girl Scouts of Greater Chicago & Nw. Indiana*, 786 F.3d 510, 519–20 (7th Cir. 2015) (courts should give plaintiffs at least one opportunity to amend complaint before dismissing claims with prejudice; a court may decline to grant leave to amend claims where

[2] Though the court has no occasion to rule on Gr. and Gw.'s claims against Boyd and Goldfarb in this order, the same result would very likely hold for the minor children's claims against the judges.

it "is *certain* from the face of the complaint that any amendment would be futile or otherwise unwarranted") (citations omitted).

B. Civil RICO Claims (Beermann Defendants)

The court next addresses Kenton's civil RICO claims against the Beermann Defendants. The Beermann Defendants argue the court should decline jurisdiction over Kenton's claims against them because entertaining the claims would improperly intrude on the domain of the Circuit Court of Cook County, where the Girard custody dispute remains pending. The court agrees. Kenton's claims against the Beermann Defendants are dismissed without prejudice to refiling after the custody proceedings in state court have concluded.

Plaintiffs argue that traditional abstention doctrines—the *Rooker-Feldman* doctrine, the domestic-relations exception, and the *Younger*, *Burford*, and *Colorado River* abstention doctrines—are not applicable to the claims against these Defendants. (*See, e.g.* Pl. Resp. to Beermann Defs. Mot. to Dismiss [67] at 2–7.) But as the Seventh Circuit held in *J.B. v. Woodard*—a case Plaintiffs themselves rely on (*see* Pl. Resp. to Beermann Defs. Mot to Dismiss at 7)—the fact "that no abstention doctrine is an exact fit does not resolve the jurisdictional inquiry." 997 F.3d 714, 723 (7th Cir. 2021). Abstention may nonetheless be warranted where the adjudication of a plaintiff's claims would "threaten interference with and disruption of local family law proceedings—a robust area of law traditionally reserved for state and local government," and more generally, where denying a federal forum would "clearly serve an important countervailing interest, including regard for federal-state relations." *Id.* (citations omitted). The *Woodard* court further suggested that abstention on these grounds may be especially appropriate where the plaintiff's complaint and the relief sought reveal a design of receiving a favorable ruling "that can be used affirmatively or offensively to shape—or perhaps change—the direction and course of the state court proceedings." *Id.*

In this case, it is plain that Kenton wishes to affect the state court proceedings in at least one respect: he asks this court to issue an injunction preventing the Beermann Defendants from practicing family law in Cook County at all, which would, of course, require Jane to obtain new representation in the custody dispute underlying this case. (*See* Amended Compl. at 65.) Moreover, even if the court were to consider Kenton's civil RICO claims against the Beermann Defendants while specifically ruling out that particular form of injunctive relief, the court has little doubt that full-blown federal litigation between Kenton and the Beermann Defendants would be disruptive of the state court custody proceedings. At minimum, the parallel litigation is likely to divert both parties' attention and resources from the underlying dispute. More importantly, however, this court's entertaining claims essentially alleging that the ongoing state proceedings are a sham would "reflect a lack of respect for the state's ability to resolve [the issues] properly before its courts." *Woodard*, 997 F. 3d at 724.

Kenton's civil RICO claims against the Beermann Defendants are dismissed without prejudice to refiling after the state court custody dispute has concluded.

C. Remaining State Law Claims

That leaves Kenton's state law claims of civil conspiracy as against the Beermann Defendants and McEnerney, and negligence as against Paredes. There are no longer any federal claims before this court, and the complaint does not establish that the requirements of diversity jurisdiction under 28 U.SC. § 1332 are met as between Kenton and these Defendants. The court therefore declines to exercise supplemental jurisdiction over Kenton's remaining state law claims,

and those claims are dismissed without prejudice. *See Davis v. Cook Cnty.*, 534 F.3d 650, 654 (7th Cir. 2008) ("[T]he general rule is that, when all federal claims are dismissed before trial, the district court should relinquish jurisdiction over pendent state-law claims rather than resolving them on the merits") (citation omitted).

ENTER:

Dated: August 12, 2025

REBECCA R. PALLMEYER
United States District Judge

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JANE F. GIRARD,

Plaintiff-Respondent,

v.

KENTON GIRARD,

Defendant/Crossclaim Plaintiff-Respondent,

MARISSA GIRARD,

Defendant/Crossclaim Defendant-Applicant.

MARISSA GIRARD,

Counterclaim Plaintiff/TP Plaintiff,

v.

JANE F. GIRARD,

Counterclaim Defendant,

VANESSA L. HAMMER, ESQ.,
KAREN V. PAIGE, ESQ.,
CANDACE L. MEYERS, ESQ., and
DETECTIVE RYAN MCENERNEY,

TP Defendants.

CERTIFICATE OF SERVICE

I, Marissa Girard, certify that on this 25th day of August, 2025, I caused one copy of the Application to the Hon. Justice Amy Coney Barrett for an Extension of Time to File a Petition for a Writ of Certiorari to be served:

(a) via US mail to the Clerk of the U.S. Court of Appeals for the Seventh Circuit and to the Clerk of the Supreme Court of the U.S.;

(b) electronically, as required by U.S. Supreme Court Rule 29.5, on the following:

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on August 25, 2025.

/s/ Marissa Girard, in pro se
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