

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

JUDICIAL WATCH, INC.,	)	
	)	
Plaintiff,	)	Case No.: 16 CH 00462
	)	
vs.	)	In Chancery
	)	Injunction/Temporary Restraining Order
THE OFFICE OF THE MAYOR	)	
OF THE CITY OF CHICAGO	)	
	)	Honorable Judge Demacopoulos
and	)	
	)	
RAHM EMANUEL, in his	)	
official capacity as Mayor of the	)	
city of Chicago	)	
Defendant.	)	
<hr style="border: 0.5px solid black;"/>		

**AMENDED COMPLAINT IN CHANCERY FOR DECLARATORY  
JUDGMENT AND INJUNCTIVE RELIEF**

NOW COMES Plaintiff, Judicial Watch, Inc., by and through its attorney, and prays this Court render a declaratory judgment and grant injunctive relief under the Freedom of Information Act (“FOIA”), 5 ILCS § 140/1, *et seq.* For its Complaint, Plaintiff states as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 ILCS § 140/11(d).
2. Venue is proper in Cook County pursuant to 5 ILCS § 140/11(c).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. As part of its educational mission, Plaintiff regularly requests records under federal and state “open records” laws, analyzes the responses and any records it receives, and

disseminates its findings and the records to the American public to inform them about “what their government is up to.” *U.S. Dep’t of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749, 795 (1989).

4. Defendants are the Office of the Mayor of the City of Chicago (“the Mayor’s Office”), a “public body” as that term is defined by 5 ILCS § 140/2(a), and Rahm Emanuel, who is being sued in his official capacity as Mayor, the “head of the public body” as that term is defined by 5 ILCS § 140/2(e).

### **STATEMENT OF FACTS**

5. On December 2, 2015, Plaintiff submitted a FOIA request on the Mayor’s Office, seeking access to all records of communication of officials within the Office of the Mayor – including, but not limited to, Mayor Rahm Emanuel – concerning the police dash camera recordings of the October 20, 2014 shooting of Laquan McDonald. The request also specified that such communication would include discussions about the release of any such video recording to the public and that the time frame of the request is from October 20, 2014 until the date of the request. Plaintiff’s FOIA request is attached as Exhibit A.

6. Plaintiff submitted the FOIA request by certified mail to be delivered by the United States Postal Service.

7. According to records of the United States Postal Service, the FOIA request was received by Defendants on December 9, 2015.

8. Pursuant to 5 ILCS § 140/3(d), Defendants were required to either comply with or deny Plaintiff’s FOIA request within five business days after its receipt of the request.

9. Defendants’ response to Plaintiff’s FOIA request was due by December 16, 2015 at the latest.

10. On January 7, 2016, Amber Achilles Ritter, Chief Assistant Corporation Counsel, sent a letter to Plaintiff stating that she was responding to Plaintiff's FOIA request to the Chicago Police Department for emails related to the fatal shooting of Laquan McDonald. The January 7, 2016 letter is attached as Exhibit B.

11. The January 7, 2016 letter also stated the search terms used to respond to a FOIA request to the Chicago Police Department were "Laquan," "Van Dyke," "Vandyke," or "LM."

12. The search terms "dash," "camera," "recordings," and any variants of such words were not used.

13. The records produced along with the January 7, 2016 letter, which responded to a FOIA request to the Chicago Police Department, contained redactions of information.

14. As of the date of this Complaint, Defendants have failed to comply with Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor, to extend the time for responding to the request, or to deny the request.

15. Defendants' failure to respond is considered a denial of the request. 5 ILCS § 140/3(d). In addition, Plaintiff is deemed to have exhausted its administrative remedies. 5 ILCS § 140/9(c).

**COUNT ONE**  
**(Failure to Respond)**

16. Plaintiff reaffirms paragraphs 1-15 as though fully restated herein.

17. Plaintiff is being irreparably harmed by Defendants' failure to respond to Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor as Plaintiff is being denied its legal right to inspect public records.

18. Plaintiff has no adequate remedy at law.

**COUNT TWO**  
**(Failure to Conduct a Sufficient Search)**

19. Plaintiff reaffirms paragraphs 1-15 as though fully restated herein.

20. To the extent that the Corporation Counsel's January 7, 2016 letter is considered a response to Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor even though it states that it is a response to a FOIA request to the Chicago Police Department, Defendant's search for responsive records was not sufficient to record all responsive records.

21. Plaintiff is being irreparably harmed by Defendants' failure to conduct a sufficient search for records responsive to Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor as Plaintiff is being denied its legal right to inspect public records.

22. Plaintiff has no adequate remedy at law.

**COUNT THREE**  
**(Failure to Produce All Non-Exempt Information)**

23. Plaintiff reaffirms paragraphs 1-15 as though fully restated herein.

24. To the extent that the Corporation Counsel's January 7, 2016 letter is considered a response to Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor even though it states that it is a response to a FOIA request to the Chicago Police Department, Defendant fails to produce all non-exemption information as the production contains redactions.

25. Plaintiff is being irreparably harmed by Defendants' failure to produce all non-exemption information responsive to Plaintiff's December 2, 2015 FOIA request directed to the Office of the Mayor as Plaintiff is being denied its legal right to inspect public records.

26. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays that the Court: (A) Declare Defendants to be in violation of the Illinois Freedom of Information Act, 5 ILCS §140/1, *et seq.*; (B) Enjoin Defendants from continuing to withhold access to any and all non-exempt public records responsive to Plaintiff's December 2, 2015 FOIA request and further enjoin Defendants to produce any and all such records to Plaintiff without further delay; (C) Order Defendants to prepare, forthwith, an affidavit declaring that it has fully and completely complied with Plaintiff's December 2, 2015 FOIA request and further declaring that any and all non-exempt public records responsive to the request have been produced to Plaintiff; (D) Order Defendants to prepare, forthwith, an affidavit identifying with specificity any and all public records responsive to Plaintiff's December 2, 2015 FOIA request that are claimed to be subject to legal exemption from disclosure and further identifying with specificity the reason(s) for any such claim of exemption; (E) Award Plaintiff reasonable attorneys' fees and costs; and (F) Order such other and further relief as the Court finds just and equitable.

Dated: April 14, 2016

Respectfully submitted,

/s/ A. Christine Svenson  
Christine Svenson  
Ill. Bar No. 6230370  
Cook County Attorney ID No. 44565  
SVENSON LAW OFFICES  
505 N. LaSalle Street, Suite 350  
Chicago, IL 60654  
Tel: (312) 467-2900  
Fax: (312) 467-2902

/s/ Paul J. Orfanedes  
Paul J. Orfanedes  
Ill. Bar No. 6205255

Cook County Attorney ID No. 43158  
JUDICIAL WATCH, INC.  
425 Third Street, S.W., Suite 800  
Washington, DC 20024  
Tel: (202) 646-5172  
Fax: (202) 646-5199

*Counsel for Plaintiff*