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SUMMONS

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CCG N001-75M-2/28/05 (43480658)

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

23
2/25

(Name all parties) M12/28

Judicial Watch, Inc.

v.

Chicago Police Department

No. 06CH28084

SUMMONS

To each Defendant: Chicago Police Department, Records Inquiry Division
3510 S. Michigan Ave., Chicago, IL 60653

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602
- District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077
- District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
- District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153
- District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455
- District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426
- Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 43158
Name: Paul J. Orfanedes
Atty. for: Judicial Watch, Inc.
Address: 501 School Street, S.W., Ste 500
City/State/Zip: Washington, DC 20024
Telephone: 202-646-5172

WITNESS, _____

Clerk of Court

Date of service: _____

(To be inserted by officer on copy left with defendant or other person)

DEC 9 2006

Service by Facsimile Transmission will be accepted at: 202 - 646 - 5199
(Area Code) (Facsimile Telephone Number)

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

JUDICIAL WATCH, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 CHICAGO POLICE DEPARTMENT,)
)
 Defendant.)
)
 _____)

06CH28084

Case No. :

In Chancery
Injunction/Temporary Restraining Order

RECEIVED
MAY 22 11:19 AM '19
CLERK OF COURT
JUDICIAL DEPARTMENT
CHICAGO, ILLINOIS

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

NOW COMES the 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, the Plaintiff states as follows:

PARTIES

1. Plaintiff is a non-profit, educational organization incorporated under the laws of the District of Columbia and having its principal place of business at 501 School Street, S.W., Suite 500, Washington, DC 20024. Plaintiff seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law.

2. Defendant Chicago Police Department is a public body within the meaning of 5 ILCS §140/2. Defendant is located in Cook County.

JURISDICTION AND VENUE

3. Jurisdiction and venue are proper in this Court pursuant to 5 ILCS §140/11 as Defendant is located in Cook County.

FACTUAL BACKGROUND

4. On or about October 13, 2006, Plaintiff served a FOIA request on Defendant seeking access to the following six (6) categories of public records:

1. CPD policies, practices, or procedures regarding contact between CPD officers and known or suspected undocumented aliens.
2. CPD policies, practices, or procedures regarding contact between CPD officers and federal immigration officials.
3. Instruction or training provided to CPD officers regarding contact between CPD officers and known or suspected undocumented aliens.
4. Instruction or training provided to CPD officers regarding contact between CPD officers and federal immigration officials.
5. Enforcement of CPD policies, practices, or procedures regarding contact between CPD officers and known or suspected undocumented aliens (including any punishment of or disciplinary action taken against CPD officers for violating such policies, practices, or procedures).
6. Enforcement of CPD policies, practices, or procedures regarding contact between CPD officers and federal immigration officials (including any punishment of or disciplinary action taken against CPD officers for violating such policies, practices, or procedures).

5. Plaintiff's FOIA request asked that the above-referenced public records be produced within seven (7) working days of Defendant's receipt of the request, or, if the records could not be produced within seven (7) working days, that Defendant notify Plaintiff in writing

of the reason(s) for the delay and the date by which the requested records would be available, as required by ILCS §140/3(c). Plaintiff's FOIA request also asked that, if any fee were to be charged for copying the requested public records, Defendant advise Plaintiff in advance if the expected cost of the copying was likely to exceed \$150.00. A true and correct copy of Plaintiff's FOIA request is attached hereto as Exhibit A and is incorporated herein by reference.

6. Plaintiff seeks the public records at issue as part of a broader inquiry it is undertaking into the policies, practices, and procedures of county, city, and local governments across the United States with respect to immigration issues, and, in particular, contacts between law enforcement officers and known or suspected undocumented aliens and federal immigration officials. In furtherance of its educational mission, Plaintiff seeks to gather information and records about such policies, practices, and procedures and to analyze whether such policies, practices, and procedures are consistent with the requirements of federal law. Plaintiff is particularly interested in the public records at issue in light of a proposal currently pending before the Cook County Board of Commissioners to declare Cook County a "Sanctuary County" for undocumented aliens by, among other means, conforming the Cook County Sheriff's Office's policy regarding immigration laws to Defendant's policy regarding immigration laws.

7. Plaintiff served its FOIA request by certified U.S. mail, return receipt requested, and, according to U.S. Postal Service records, the request was received by Defendant on October 19, 2006. Consequently, Defendant was required by 5 ILCS §140/3(c) to respond to Plaintiff's FOIA request by October 30, 2006.

8. As of the date of this Complaint, Defendant has failed to respond to Plaintiff's FOIA request in any fashion or notify Plaintiff of the reason(s) for the delay and the date by which the requested records would be available.

COUNT ONE

(Violation of the Illinois Freedom of Information Act, 5 ILCS § 140/1, *et seq.*)

9. Plaintiff reaffirms paragraphs 1-8 as though fully restated herein.

10. Defendant's failure to respond to Plaintiff's October 13, 2006 FOIA request is considered to be a denial of Plaintiff's request under ILCS §140/3(c).

11. Plaintiff is being harmed irreparably by Defendant's failure to respond to the October 13, 2006 request, as Plaintiff is being denied its legal right to inspect public documents.

12. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays that the Court:

A. Declare Defendant to be in violation of the Illinois Freedom of Information Act, 5 ILSC §140/1, *et seq.*;

B. Enjoin Defendant from continuing to withhold any and all non-exempt public records responsive to Plaintiff's October 13, 2006 FOIA request and further enjoin Defendant to produce any and all such records to Plaintiff without further delay;

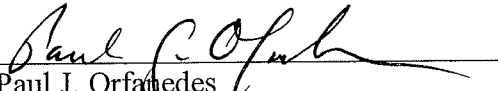
C. Enjoin Defendant to prepare, forthwith, an affidavit declaring that it has fully and completely complied with Plaintiff's October 13, 2006 FOIA request and further declaring that any and all non-exempt public records responsive to Plaintiff's October 13, 2006 FOIA have been produced to Plaintiff;

D. Order Defendant to prepare, forthwith, an affidavit identifying with specificity any and all public records responsive to Plaintiff's October 13, 2006 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 attorney's fees and costs; and
- F. Order such other and further relief as the Court finds just and equitable.

Dated: December 22, 2006

Respectfully submitted,


Paul J. Orfanedes
Ill .Bar No. 6205255
Cook County Attorney ID No. 43158
JUDICIAL WACTH, INC.
501 School Street, S.W., Suite 500
Washington, DC 20024
Tel.: (202) 646-5172
Fax.: (202) 646-5199

Attorneys for Plaintiff

EXHIBIT A



Judicial Watch

Because no one is above the law!

VIA CERTIFIED U.S. MAIL
(No. 7005 1160 0001 5011 3836)

October 13, 2006

Chicago Police Department
Records Inquiry Division
3510 South Michigan Avenue
Chicago, IL 60653

Re: Illinois Freedom of Information Act Request

Dear Sir/Madam:

Judicial Watch, Inc. hereby requests that the Chicago Police Department ("CPD") produce the following public records pursuant to the provisions of the Illinois Freedom of Information Act, 5 Ill. Comp Stat. Ann. 140/1 *et seq.*:

1. CPD policies, practices, or procedures regarding contact between CPD officers and known or suspected undocumented aliens.
2. CPD policies, practices, or procedures regarding contact between CPD officers and federal immigration officials.
3. Instruction or training provided to CPD officers regarding contact between CPD officers and known or suspected undocumented aliens.
4. Instruction or training provided to CPD officers regarding contact between CPD officers and federal immigration officials.
5. Enforcement of CPD policies, practices, or procedures regarding contact between CPD officers and known or suspected undocumented aliens (including any punishment of or disciplinary action taken against CPD officers for violating such policies, practices, or procedures).

Chicago Police Department
October 13, 2006
Page 2

6. Enforcement of CPD policies, practices, or procedures regarding contact between CPD officers and federal immigration officials (including any punishment of or disciplinary action taken against CPD officers for violating such policies, practices, or procedures).

Please produce the requested record(s) to us at our Washington, DC office, located at 501 School Street, S.W., Suite 500, Washington, DC 20024, within seven (7) working days of your receipt of this request. Ill. Comp Stat. Ann. 140/3(c). If the requested record(s) cannot be produced within seven (7) working days, please notify us in writing of the reason(s) for the delay and the date by which the requested record(s) will be available.

If any fee is to be charged for copying the requested records, please advise us in advance if the expected cost of the copying is likely to exceed \$150.00.

If you do not understand this request, or any portion thereof, or if you feel you require clarification of this request, or any portion thereof, please contact us at (202) 646-5172.

Thank you for your attention to this matter.

Sincerely,

JUDICIAL WATCH, INC.



Paul J. Orfanedes



Track & Confirm

Search Results

Label/Receipt Number: 7005 1160 0001 5011 3836

Detailed Results:

- **Delivered, October 19, 2006, 8:37 am, CHICAGO, IL 60653**
- **Acceptance, October 13, 2006, 4:45 pm, WASHINGTON, DC 20026**

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