

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

JUDICIAL WATCH, INC.,	)	
	)	
Plaintiff,	)	Case No.:
	)	
vs.	)	In Chancery
	)	Injunction/Temporary Restraining Order
THE OFFICE OF THE MAYOR	)	
OF THE CITY OF CHICAGO	)	
	)	
and	)	
	)	
RICHARD M. DALEY, in his	)	
official capacity as Mayor of the	)	
city of Chicago	)	
Defendant.	)	
_____	)	

**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:

1. Plaintiff is a non-profit, educational organization that seeks to promote integrity, transparency, and accountability in government by obtaining public records under federal and state “open records” laws, analyzing those records, and disseminating them to the public.
2. 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 Richard M. Daley (“Mayor Daley”), 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).

3. On September 25, 2009, Plaintiff served a FOIA request on the Mayor's Office, seeking access to the following four (4) categories of public records:

1. All correspondence between the Office of the Mayor and President Barack Obama, First Lady Michelle Obama, Chief of Staff Rahm Emmanuel, Senior Advisor Valerie Jarrett, the White House, and/or the Office of Olympic, Paralympic, and Youth Sport regarding the City of Chicago's bid to host the 2016 Summer Olympics.
2. All notes, memoranda, and/or reports related to the June 6, 2008 outdoor rally at the Daley Center Plaza in Chicago, hosted by Mayor Daley, then-Senator Barack Obama, and then-Congressman Rahm Emmanuel.
3. All correspondence between the Office of the Mayor and the Chicago 2016 Committee that references President Barack Obama, First Lady Michelle Obama, Chief of Staff Rahm Emmanuel, Senior Advisor Valerie Jarrett, the White House, and/or the Office of Olympic, Paralympic, and Youth Sport.
4. All memoranda and/or reports prepared by the Chicago 2016 Committee that references President Barack Obama, First Lady Michelle Obama, Chief of Staff Rahm Emmanuel, Senior Advisor Valerie Jarrett, the White House, and/or the Office of Olympic, Paralympic, and Youth Sport.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit A.

4. By letter dated October 1, 2009, the Mayor's Office acknowledged receiving Plaintiff's FOIA request on September 25, 2009 and granted itself an additional seven (7) working days to respond to the request pursuant to 5 ILCS § 140/3(d). The Mayor's Office had until October 16, 2009 to respond to Plaintiff's request. A true and correct copy of the letter is attached hereto and incorporated herein as Exhibit B.

5. As of October 20, 2009, the Mayor's Office had not produced any records to Plaintiff. The Mayor's Office's failure to respond within the seven additional working days is considered a denial of Plaintiff's request. 5 ILCS § 140/3(e).

6. Pursuant to 5 ILCS § 140/10(a), Plaintiff submitted an administrative appeal of the denial to the head of the public body, Mayor Daley, on October 20, 2009. It was served by facsimile and received by Mayor Daley on that same date. The appeal also was served by certified, U.S. mail, return receipt requested, which, according to U.S. Postal Service Records, was received by Mayor Daley on October 23, 2009. True and correct copies of Plaintiff's administrative appeal and documentation demonstrating Mayor Daley's receipt of Plaintiff's administrative appeal are attached hereto and incorporated herein as Exhibit C.

7. Mayor Daley was required to notify Plaintiff of the outcome of the administrative appeal within seven (7) working days, or by November 3, 2009. 5 ILCS § 140/10(a).

8. As of the date of this Complaint, the Mayor's Office has failed to produce any records responsive to Plaintiff's request or demonstrate that responsive records are exempt from production. Nor has the Mayor's Office indicated when or whether any responsive records will be produced. Moreover, Mayor Daley has failed to notify Plaintiff of the outcome of Plaintiff's administrative appeal. Consequently, Plaintiff is deemed to have exhausted its administrative remedies. 5 ILCS § 140/10(b).

**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. Plaintiff is being irreparably harmed by Defendants' failure to respond to Plaintiff's September 25, 2009 request, as Plaintiff is being denied its legal right to inspect public records.

11. 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 September 25, 2009 FOIA request and further enjoin Defendants to produce any and all such records to Plaintiff without further delay;

C. Enjoin Defendants to prepare, forthwith, an affidavit declaring that it has fully and completely complied with Plaintiff's September 25, 2009 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 September 25, 2009 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: November 10, 2009

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Orfanedes", is written above a horizontal line.

Paul J. Orfanedes

Ill. Bar No. 6205255

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