1   STATE OF ILLINOIS)

2   ) SS:

3   COUNTY OF COOK   )

4   IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

5   COUNTY DEPARTMENT - CHANCERY DIVISION

6

7   JUDICIAL WATCH, INC.,   )

8   Plaintiff,   )

9   vs.   ) No. 16 CH 00462

10   THE OFFICE OF THE MAYOR   )

11   OF THE CITY OF CHICAGO   )

12   and   )

13   RAHM EMANUEL, in his   )

14   official capacity as   )

15   Mayor of the City of   )

16   Chicago,   )

17   Defendant.   )

18   REPORT OF PROCEEDINGS at the hearing of

19   the above-entitled cause before the

20   Honorable ANNA HELEN DEMACOPOULOS, Judge of said

21   Court, on November 15, 2017, at the hour of

22   9:30 a.m.

23   Reported by: Patricia L. Wangler, CSR

24   License No.: 084-002417

1   APPEARANCES:

2   SVENSON LAW OFFICES, by

3   MS. CHRISTINE SVENSON

4   505 North LaSalle Street, Suite 350

5   Chicago, Illinois 60654

6   (312) 467-2900

7   christine@svensonlawoffices.com

8   Representing the Plaintiff,

9

10   CITY OF CHICAGO - DEPARTMENT OF LAW, by

11   MS. AMBER ACHILLES RITTER

12   MR. PHILLIP SANTELL

13   30 North LaSalle Street, Suite 1720

14   Chicago, Illinois 60602

15   (312) 744-0741

16   amber.ritter@cityofchicago.org

17   phillip.santell@cityofchicago.org

18   Representing the Defendant.

19

20

21

22

23

24

1   (Whereupon, the following

 2   proceedings were held in open

 3   court.)

 4   THE COURT: Good morning.

 5   MS. SVENSON: Good morning.

 6   MS. RITTER: Good morning, Judge. Amber Ritter

 7   on behalf of the City.

 8   MR. PHILLIP: Phillip Santell, S-A-N-T-E-L-L,

 9   corporation counsel on behalf of the defendants.

10   MS. SVENSON: Christine Svenson on behalf of

11   the plaintiff.

12   THE COURT: All right. So we continued this

13   from last week on a couple of issues.

14   MS. RITTER: Right.

15   THE COURT: So go ahead, Miss Ritter.

16   MS. RITTER: So last time we were here a week

17   ago, your Honor, a few things we had to come back

18   and explain to the court. And so the first one is

19   I am going to give the court and Miss Svenson a

20   packet of materials that you asked us to go

21   through. So we will go through that together.

22   The first page of this packet and the

23   second page is the -- your Honor had asked us to

24   verify with our tech people to show the court when

1   this search for the 21 mayoral custodian was first

2   done, when we, you know, expressed to plaintiff

3   that it was going to be a very voluminous search.

4   So the first entry -- I should say this is

5   the log that the tech department maintains to show

6   searches that they conduct on -- you know, of

7   emails. So this is a printout, a screenshot,

8   printout from their log that they, you know,

9   maintain in the normal course of business.

10   So the first entry, you see it says date

11   received, February 28th of 2017. And that reflects

12   the 21 custodians that we are talking about as you

13   can see in the custodian column.

14   And then where it says number of items, it

15   says 399,000, that is a little bit larger than the

16   number we expressed which was approximately 100,000

17   because that includes -- that's hits as opposed to

18   emails from what I'm told. So, in other words, it

19   is still -- it is a huge number, but it probably

20   translates to about 100,000 emails and 400,000

21   items.

22   THE COURT: So let's back up before we go any

23   further and get into any greater detail. So is

24   this in response to plaintiff's petition for rule

1   to show cause as it relates to when you actually

 2   began making the request of the IT department of

 3   the new search terms?

 4   MS. RITTER: Correct.

 5   THE COURT: But weren't the new search terms --

 6   when were the new search terms agreed upon?

 7   MS. RITTER: Well, I don't know that they have

 8   ever been agreed upon, but it was then, in

 9   February -- let's pull up those emails again that

10   we discussed last week. And I think counsel is

11   pulling them up.

12   It was as I recall from our conversation

13   here last week that exact time. It was February of

14   2017. So this was in result of that request to run

15   this search.

16   I am afraid I may not have those emails

17   with me today, but I think counsel -- it looks like

18   counsel does where we -- and, of course, the search

19   terms that we are talking about here are the ones

20   that are -- that we have discussed last week, the

21   nine search terms that are release with an

22   exclamation point and different words.

23   And as I recall -- I mean certainly as I

24   recall from our conversation last week it was

1   February that those emails were exchanged asking us

 2   to run that search. So this is the result of that.

 3   THE COURT: All right. If you can just give me

 4   one minute.

 5   MS. RITTER: Sure.

 6   THE COURT: All right. Go ahead.

 7   MS. RITTER: So, your Honor, as I was saying,

 8   the -- and I am afraid I don't have a copy of those

 9   emails that we discussed a week ago, but I see that

10   counsel does. So she can clarify --

11   MS. SVENSON: You can look at them.

12   THE COURT: I am looking at them as well. It

13   looks like it is March 21st of 2017.

14   MS. RITTER: Is the day that we -- that is the

15   day that we produced the -- the second -- that is

16   the day that we searched for the second -- so you

17   can see the second line on this log shows that on

18   March 3rd those particular -- I should back up.

19   I have -- I personally have in my own

20   software the emails of all of the custodians over

21   these five individuals. So I asked -- because they

22   were not searched earlier, I asked the IT folks to

23   then search these five custodians for those

24   extra search terms. This would be the LM, Laquan,

1   Van Dyke and then Vandyke spelled without a space.

2   So that is what the IT folks gave to me.

3   And as you can see, it says results file produced.

4   They gave me the emails on March 3rd.

5   THE COURT: Okay. So, Miss Svenson, have you

6   seen this printout?

7   MS. SVENSON: I have not until this morning.

8   THE COURT: So would you like an opportunity to

9   look at that and have Miss Ritter go over it with

10 you to explain what is contained in there before we

11 go forward here?

12   MS. SVENSON: That would be helpful.

13   THE COURT: I think that would be helpful.

14   MS. RITTER: Sure.

15   THE COURT: So I'm just going to take a short

16 recess with you folks. I am going to ask the

17 court reporter to stay. I am going to handle some

18 other cases and then call you folks back up.

19   MS. SVENSON: Sure.

20   And, your Honor, I have a motion to

21 adjudicate a lien in Judge Ehrlich's courtroom.

22 Would you like me to step down there now or --

23   THE COURT: Whatever you want.

24   MS. SVENSON: -- see if I can go early.

1   THE COURT: Whatever you want.

 2   MS. SVENSON: It is uncontested so -- as it

 3 turns out.

 4   THE COURT: I don't have anything, right?

 5   Go down there now.

 6   MS. SVENSON: I will try and do that and get

 7 that done.

 8   THE COURT: Sure.

 9   (Recess taken.)

10   (Whereupon, Mr. Santell left

11   the proceeding.)

12   (Whereupon, the following

13   proceedings were held in open

14   court.)

15   THE COURT: So if you want to identify

16 yourselves for the record.

17   MS. SVENSON: Sure. Christine Svenson on

18 behalf of plaintiff.

19   MS. RITTER: Amber Ritter for defendant.

20   THE COURT: All right. So, Miss Svenson, did

21 you have an opportunity to meet with Miss Ritter to

22 go over the document that she has now provided to

23 the Court?

24   MS. SVENSON: We did.

·1· · · ·THE COURT:· All right.· And I have had a chance

·2· ·to look at it as well.· And I think I understand

·3· ·it.· So I just want to make sure that the record is

·4· ·clear about what we discussed on the last court

·5· ·date and what we are discussing today.· So what is

·6· ·currently pending is Judicial Watch's second rule

·7· ·to show cause as it relates to the court's order

·8· ·from September of 2016.

·9· · · · · · What the court had asked the mayor's

10· ·office to do on the last court date, which was

11· ·November 8th for today's hearing, was to produce

12· ·some documentation to show when it actually was

13· ·that they asked the IT department to run the new

14· ·search terms that were at least discussed between

15· ·the parties in March of 2017.

16· · · · · · And I also asked the parties to confer

17· ·with each other to see if they could still come to

18· ·an agreement about terms that can be searched based

19· ·on what was disclosed on the last court date about

20· ·how voluminous the search would reveal if we went

21· ·with the terms that were tentatively discussed -- I

22· ·shouldn't say tentatively discussed, the terms that

23· ·were discussed in the March emails.

24· · · · · · So let's do the first thing first, as it

1 relates to when the mayor's office actually made

 2 the request of their IT department to run the

 3 searches, which is I think what -- the

 4 documentation that you have produced today,

 5 Miss Ritter?

 6   MS. RITTER: Correct.

 7   THE COURT: All right. Go ahead.

 8   MS. RITTER: And I did speak with counsel in

 9 the hallway. And I won't speak for her, but she

10 did say she wanted to run it by her client also,

11 but I am happy to continue now.

12   MS. SVENSON: With respect to the search

13 results that we got.

14   THE COURT: All right. So let's do one thing

15 at a time.

16   MS. SVENSON: Okay. Sure.

17   THE COURT: I appreciate, Miss Ritter, that you

18 have produced this. And I think it explains a lot

19 of what was going on during March of 2017 and the

20 second rule to show cause that was filed by the

21 petitioner.

22   But, again, my concern is that between

23 March and September of 2017 there was a breakdown

24 of communication. I will put it at that. My court

1   order in September ordered the parties to sit down

2   and come up with and agree to search terms.

3   It's really kind of unclear from the

4   emails whether or not there was an agreement that

5   these were the search terms that were going to be

6   run and then turned over or if the agreement was we

7   will run these search terms to see how many hits it

8   will produce to see if it's possible for us to run

9   these terms and then turn over those documents.

10   That might be my error. I should have

11 been a little more clear in my court order

12 probably. Or we can say that it's the parties'

13 fault in not bringing it to my attention or maybe

14 the plaintiff did bring it to my attention and I

15 may not have been as diligent on it.

16   On the other hand, I don't see any emails

17 from the mayor's office either. And I know,

18 Miss Ritter, you have said to me that it was done

19 in verbal communication with them.

20   And I can't go back and forth on this,

21 right? I'm not going to have a full hearing on

22 he said/she said and the emails that it's going to

23 produce this many. I want to get to the merits

24 here. All right?

1   It's going to produce an extraordinary

2   amount of hits. And so now I want to get to that

3   second portion of today's hearing. If I am reading

4   this correctly, the three last sheets here --

5   MS. RITTER: Yes.

6   THE COURT: -- is what the emails would

7   produce. And this is only on three of the

8   custodians --

9   MS. RITTER: Correct.

10   THE COURT: -- that were selected for the nine

11   search terms and combination, correct?

12   MS. RITTER: That's correct. And if I may,

13   there is one wrinkle that I spoke with counsel

14   about, prior to stepping up, just now that I wanted

15   to make it clear for the record. So the IT person,

16   Melissa Clark, who runs these searches, when we

17   submitted her affidavit in support of our motion --

18   or our response I should say to the petition for

19   rule to show cause in the affidavit and then also

20   attached as Exhibits 1, 2, and 3, she printed out a

21   screenshot that was dated, you know,

22   October 12th, 2017, that in the bottom -- that's --

23   as I said, it is attached as Exhibit 1, 2, and 3,

24   one for each of those custodians. So this was to

1   substantiate that each of these custodians has

2   quite a bit of web traffic or email traffic that

3   was going to be withheld from these terms.

4   She realized this week when I had her run

5   it -- run the same search to provide a hit count

6   per search term as this court ordered, which is

7   what these other attachments reflect, that in her

8   original search, she was quite distressed to

9   realize this, she made a typo.

10   So on the bottom of each of these sheets

11   such as Exhibit 1, which reflects Adam Collins'

12   emails, it say query. And I can hand this up to

13   the Court if you don't have this in front of you.

14   Just to make it clear, this is the

15   attachment of Melissa Clark's affidavit that we

16   previously filed in response to the petitioner for

17   rule to show cause. So as the court can see, and I

18   will describe it for the record, where it says

19   query, that she typed out the search terms that she

20   was asked to search.

21   The first one, the court can see, it says

22   releas, R-E-L-E-A-S. And then the wild card figure

23   which we discussed means --

24   THE COURT: The asterisk.

1   MS. RITTER: The asterisk which means it

2   includes release seen or released, releases, or

3   release. But the first search term should have

4   read release with that wild card character and

5   recording.

6   And then the second one, as the Court can

7   see, is correct. It says release with the wild

8   card character and video. So -- and then so on.

9   But for the first one she failed to type

10 and recording along with that. So what happened is

11 that initial search that she did was actually

12 overbroad, broader than even plaintiff had asked

13 for because she didn't use the qualifier of -- and

14 recording for that first term.

15   She just had release which is going to

16 capture everything that says release whether or not

17 it also says recording.

18   So realizing her error this week when --

19 or late last week when she was running this new

20 request for the same search terms but hit count per

21 term, as I mentioned, she is extraordinarily sorry

22 about it, but what we have provided to the Court

23 now is the actual hit term per count.

24   And you can see that -- so the numbers are

1   somewhat lower than what she said in her affidavit.

2   They are still very high I would submit. And I

3   will explain that.

4   But, for example, the first of the three

5   custodians, Lisa Schrader, who was not even

6   employed with the City during I think some of the

7   period in question, so her numbers are a little

8   lower than the others.

9   But the total hit count for her reflects,

10 with that corrected search term, 2,136 hits whereas

11 in her -- this printout for her affidavit she had

12 said it was 19,557 hits. So it's significantly

13 less.

14   Having said that though -- and we can see

15 here, and I have provided counsel, of course, you

16 know, as the Court ordered, the hit counts per

17 search terms. So counsel can look at that and see

18 if there is anything in that that would be useful

19 for further narrowing it.

20   So although these numbers are

21 significantly lower because of that typo, that the

22 first search she did for this, they are still quite

23 high. Miss Schrader had about 2,000 emails.

24 Miss Rowntree had about 3,700 emails. And

1 Mr. Collins had almost 7,000 emails.

2   So, again, if you take an average say

3 2 or 3,000 emails per custodian as a conservative

4 estimate, times 21 custodians, it's still over

5 60,000 emails if you extrapolate it out to the

6 custodians, to all 21 custodians.

7   So our position would be that it is

8 still -- you know, these terms are still too broad

9 and too -- elicit too many hits to do all of the

10 search. In other words, FOIA requires to us do a

11 reasonable search. And this number of hits would

12 be outside of the context of what would be

13 reasonable.

14   I just want to make it clear to the court

15 that it is a little bit different than what we had

16 originally expressed.

17   THE COURT: So their request for the individual

18 hits per term actually was fruitful?

19   MS. SVENSON: Probably. I think so.

20   MS. RITTER: And I would agree that it is

21 fruitful. You can actually see that some of these

22 terms have significantly less hits than others.

23 And so if those are terms that plaintiff is

24 interested in, those might be places to start.

·1· · · · THE COURT:· So let me ask you some questions,

·2· ·Miss Ritter, so that I understand the manpower

·3· ·that's involved.

·4· · · · MS. RITTER:· Yes.

·5· · · · THE COURT:· So let's go with Miss -- is it Adam

·6· ·Collins?

·7· · · · MS. RITTER:· Yes.

·8· · · · THE COURT:· Which seems to have almost 7,000

·9· ·hits.· Let's assume that the request would only be

10· ·to Mr. Collins' emails, so 7,000 emails.· Would the

11· ·City then, the mayor's office then have to go

12· ·through each individual email and do what they

13· ·would do if they were going to do redactions for

14· ·exemptions then?

15· · · · MS. RITTER:· Yes, with one caveat making it a

16· ·little bit less onerous than what your Honor just

17· ·described because we have expressed, you know, last

18· ·week when we were here, we have already produced

19· ·all of Mr. Collins' emails with the terms Laquan,

20· ·Van Dyke with a space and without a space and LM.

21· ·So --

22· · · · THE COURT:· To this --

23· · · · MS. RITTER:· Correct.

24· · · · THE COURT:· -- requester.

1   MS. RITTER: That's correct. Yes.

 2   THE COURT: Okay.

 3   MS. RITTER: So to the extent that any of

 4 these -- I'm sure quite a few I would just assume

 5 that several of these 7,000 emails also say Laquan.

 6 For example, hypothetically if there was the

 7 statement let's talk about the release of the

 8 Laquan video or Laquan McDonald video, they --

 9   THE COURT: They already have it.

10   MS. RITTER: Already have that. So these 7,000

11 emails, what I would do to get these ready if we

12 are ordered to produce them just hypothetically is

13 take these 7,000 from the IT department. I have

14 software that I can pull out the ones that have

15 those terms that we already produced, Laquan,

16 Van Dyke, with both spellings, and LM. So the

17 number of hits that we haven't already produced of

18 that 7,000 might be significantly lower, maybe

19 half, maybe, you know, two-thirds. I don't know.

20 I don't know because we haven't done that yet.

21   THE COURT: But then you have to have a

22 manpower then to go in and look -- so let's say

23 from the 7,000 you have already produced 5,000.

24   MS. RITTER: Right.

1   THE COURT: The 2,000 that are left, if they do

2 not relate to Laquan McDonald, they would be

3 nonresponsive to the FOIA request.

4   MS. RITTER: That's right.

5   THE COURT: Would you agree with that,

6 Miss Svenson?

7   MS. SVENSON: Yes.

8   THE COURT: Okay. There would be no need to go

9 through for redaction or exception?

10   MS. RITTER: Correct. We would just have to

11 review each one on a much briefer scale to review

12 it for context to see if it deemed -- or pertains

13 to this incident.

14   MS. SVENSON: Actually I should clarify, I

15 believe that our FOIA request, I am going to have

16 to double-check this, requested information with

17 respect to the Laquan McDonald dash cam recording.

18   THE COURT: Shooting on October 20.

19   MS. SVENSON: Right.

20   THE COURT: The specific --

21   MS. SVENSON: Right.

22   THE COURT: -- day.

23   MS. SVENSON: Right.

24   MS. RITTER: To further discuss that, as the

1   other part of your Honor's order from last week,

2   which we have worked through with counsel, is to

3   come up with other search terms that we had

4   suggested last week that we thought might be more

5   fruitful to getting other emails that may be about

6   this incident but don't have the words Laquan,

7   Van Dyke, the other spelling of Vandyke and LM.

8   So to that end we have agreed, and I have

9   already got the IT folks searching, although we

10 don't have the results yet because they were tied

11 up on this, the additional terms of Laquan spelled

12 incorrectly with an E, L-E, Q-U-A-N because that

13 might be a typo that people make. And I think

14 actually some of the court filings had his name

15 spelled that way.

16   McDonald, his last name, which is -- which

17 my experience has showed is going to elicit a lot

18 of unrelated items about McDonald's restaurant or

19 other things, but we will go through those and

20 check.

21   Pulaski, because that's the name of the

22 street that he was shot on, in case people refer to

23 it especially in the -- just days after the

24 incident as that shooting on Pulaski. I haven't

1   seen that, but it is possible.

2   And then the last term is Burger King

3   because -- which is also going to elicit a lot of

4   unrelated hits. But because the video from the

5   Burger King restaurant, the surveillance video was

6   at issue at the time. So we suggest those search

7   terms and plaintiff has agreed that those make

8   sense.

9   THE COURT: You have agreed to those?

10   MS. SVENSON: We did.

11   THE COURT: Do you think that those terms would

12   be more fruitful than the nine terms that you all

13   have agreed to?

14   MS. SVENSON: Well, in speaking with my client,

15   I mean we do note that some of these don't generate

16   a lot of hits. So I'm wondering if I can go back

17   to my client and sort of talk to him about those in

18   more detail.

19   THE COURT: Okay. I don't have any problem. I

20   want to get to the emails.

21   MS. SVENSON: I understand. May I just say

22   and --

23   THE COURT: Yes.

24   MS. SVENSON: -- I completely understand your

1 position with respect to moving along. I would

2 like to state that -- just for the record that we

3 believe that an agreement was made on or about

4 March 2nd of 2017 regarding the search terms. And

5 we do believe that the document we just received,

6 you know, backs up our contention that, you know,

7 there was unnecessary delay because we didn't

8 receive a CD until June. It's all spelled out in

9 my motion. I just wanted to state that for the

10 record.

11   THE COURT: I agree. And here is why I

12 struggled with it, I am not happy with the City and

13 the mayor's office. That's just a personal gut

14 reaction.

15   But for purposes of a rule to show cause,

16 you have to show that it is a violation of my court

17 order. And, as I indicated, maybe my court order

18 could have and should have been a little more

19 clear.

20   My court order is only that the parties

21 would agree to the search terms. And they did.

22 There is no contention. They agreed to the search

23 terms.

24   Now, what you did thereafter with the

1   search terms, there really is no court order that

  2   says anything different. And so for me to hold

  3   them in contempt of a court order, I don't think

  4   that there is a court order that says produce those

  5   now that you have agreed to the terms. Does that

  6   make sense?

  7   MS. SVENSON: It does make sense.

  8   THE COURT: And, as I said, you can tell your

  9   client that I am taking the responsibility on this

 10   and that my court order probably should have been

 11   more clear, that I probably should have said once

 12   you agree on the search term, then the City should

 13   produce.

 14   Now, I think it was a little on the City

 15   as well that it's very clear to me even from the

 16   emails as well as the log that you have now

 17   produced that the City really didn't do much

 18   between March and September.

 19   MS. RITTER: I understand your position. I

 20   disagree, that we did produce several hundred or

 21   some thousand emails in June. But I understand --

 22   THE COURT: But those are the same emails that

 23   were produced from the original production is my

 24   understanding.

1   MS. RITTER: No, they are not, your Honor.

2 Those emails that we produced in June were -- let

3 me back up.

4   In the original production in December of

5 2015 from the mayor's office we identified, and I'm

6 forgetting the number, but it was something like 17

7 or 19 custodians that were employees of the mayor's

8 office that we thought would constitute having done

9 a reasonable search, meaning these are the people

10 that would know something about this incident.

11   So we searched their emails for the same

12 time period for those terms, Laquan, LM, Van Dyke

13 and then Vandyke without a space.

14   So in response to your Honor's order and

15 in response to our conversations with plaintiff, we

16 agreed to expand that search to these other -- to

17 additional custodians. So those additional

18 custodians are the folks that are listed on this

19 log that were part of the -- in other words, these

20 are the -- the members of the 21 custodians that

21 plaintiff has identified that they are interested

22 in, that we did not originally search their emails

23 for anything.

24   THE COURT: For the first five terms?

·1· · · · MS. RITTER:· Correct.

·2· · · · THE COURT:· All right.· So the first production

·3· prior to the lawsuit was for only five custodians

·4· and --

·5· · · · MS. RITTER:· I think it was like 17 custodians.

·6· · · · THE COURT:· Seventeen custodians --

·7· · · · MS. RITTER:· Yes.

·8· · · · THE COURT:· -- and five search terms.

·9· · · · · · What was produced in June was

10· 21 custodians and 5 search terms.

11· · · · MS. RITTER:· Right.· And, of course, we had

12· already produced -- so the 21 custodians minus the

13· 7 -- I'm not so good at math in my head but minus

14· the 17 I believe that we already produced yields

15· 5 new custodians essentially.· So we --

16· · · · THE COURT:· Got it.

17· · · · MS. RITTER:· -- didn't doubly produce what we

18· had already produced in December of 2015.· What we

19· produced in June instead was those 5 new custodians

20· that hadn't been named in our initial search using

21· those same four search terms that we initially ran.

22· · · · THE COURT:· Okay.· So, Miss Svenson, it still

23· doesn't preclude you from eventually saying that

24· they failed to produce at the end of this case --

1   MS. SVENSON: Okay.

 2   THE COURT: -- if that's the situation.

 3   MS. RITTER: And one more piece that we are

 4 doing since we last were here a week ago is -- oh,

 5 well, we did touch on the fact that we have agreed

 6 to those additional search terms that I mentioned,

 7 Laquan with an E, McDonald, Burger King, and

 8 Pulaski. We will produce those.

 9   I mean I am just going based on my

10 experience with these sorts of terms and this

11 subject matter, I don't imagine that it is going to

12 elicit more than a few thousand hits. And so

13 that -- it shouldn't be 100,000 hits based on my --

14   THE COURT: So are we abandoning the 9?

15   MS. RITTER: No. I am saying that's in

16 addition to the 9. Those are what the City would

17 submit when we are trying to work out something

18 that we think is reasonable, would be additional

19 terms that might elicit more emails about this

20 incident as opposed to about other completely

21 unrelated incidents.

22   MS. SVENSON: Right. We'd like to go back to

23 my client and, you know, based on what we received

24 today figure out which of those -- which among

·1· these search terms we'd like to pursue.· Some do

·2· have just a much lesser amount of hits.

·3· · · · · THE COURT:· So for purposes of today's order I

·4· think what it will reflect is that petitioner --

·5· plaintiff's second rule to show cause is going to

·6· be denied and that I feel that the court order was

·7· that the parties were to agree to search terms.

·8· And that's what was done.

·9· · · · · · · What they were to do with those agreed

10· search terms is really unclear, and there is no

11· court order that reflects what was to be done with

12· those search terms.

13· · · · · · · And the court is going to take ownership

14· of that.· I probably should have been a little

15· clearer in my court order.

16· · · · · MS. SVENSON:· Should we put that in the order?

17· · · · · THE COURT:· You don't have to put it in the

18· order, but it is on the record.

19· · · · · MS. SVENSON:· It is on the record.

20· · · · · THE COURT:· But for purposes of telling your

21· client, I think -- I'm taking ownership of it.

22· · · · · · · Secondly, the original terms that -- the

23· nine terms that the parties had agreed on in

24· March of 2017 that plaintiff is now going to go

1 look at what has now been produced today on those

2 search terms and determine if they want to continue

3 to pursue those and which ones they do want to

4 pursue, and, secondly, that the parties have now

5 agreed on additional search terms, those being

6 Laquan spelled in different ways, McDonald spelled

7 in different ways, Burger King spelled different

8 ways, and Pulaski and that the parties believe that

9 those search terms will reveal a much more fruitful

10 yield of the emails that plaintiff is actually

11 looking for in this FOIA request. That means that

12 you are going to produce them.

13   MS. RITTER: Yes, with the caveat that if it's

14 something like 100,000 hits, we can revisit this

15 issue.

16   THE COURT: If it is more than 100,000 hits,

17 then the parties will advise the Court.

18   MS. RITTER: Okay. Fair.

19   THE COURT: Fair enough?

20   MS. SVENSON: Yes.

21   THE COURT: That way my new court order is

22 clear.

23   MS. RITTER: Let me -- on the grounds of being

24 clear, your Honor just mentioned McDonald spelled

1 different ways. Do you have a suggestion as to how

2 we should spell --

3   THE COURT: I have no idea. You are saying

4 that you have done --

5   MS. RITTER: No, we actually never searched for

6 the word "McDonald" because our experience with the

7 emails, and this pertains to many different

8 searches that we did, nobody -- people weren't

9 referring to the issue as the McDonald issue. They

10 were referring to it either as the Laquan McDonald

11 incident or simply the Laquan incident.

12   So I have done for the purposes of other

13 situations with other clients with the police

14 department a search for the word "McDonald" now to

15 add to our initial search. And we have found that

16 while it elicits thousands of hits, literally none

17 of them are related to this incident that didn't

18 already have the word "Laquan" in the email meaning

19 we already produced it.

20   I'm happy to do it again with these

21 custodians with the mayor's office. I just want to

22 make it clear, we never did search for the word

23 "McDonald" based on our educated reason to think

24 that it wouldn't elicit reasonable hits --

1   reasonable results.

 2   THE COURT: Do you have a preference,

 3   Miss Svenson?

 4   MS. SVENSON: Well, I'm thinking out loud. I

 5   think some people spell it M-A-C as opposed to M-C.

 6   I mean that would be --

 7   THE COURT: That's reasonable.

 8   MS. SVENSON: Right.

 9   MS. RITTER: Sure.

10   MS. SVENSON: And just leave it that.

11   THE COURT: Yes.

12   MS. RITTER: And then your Honor also mentioned

13   different spellings of the phrase "Burger King." I

14   suppose we can make it one word if that's what you

15   are --

16   THE COURT: I'm assuming it is Burger and then

17   capital K, Burger King, small K, Burger and then

18   King, two separate words, that type of thing is

19   what I am referring to.

20   MS. RITTER: It is not case sensitive, but we

21   can run it as one word if --

22   THE COURT: Right.

23   MS. SVENSON: Okay.

24   THE COURT: Did I miss anything?

1   MS. SVENSON: I don't think so. I think we are

 2   good.

 3   THE COURT: Okay.

 4   MS. RITTER: Is there a date --

 5   THE COURT: When do you want to come back?

 6   MS. SVENSON: Gosh, definitely after

 7   Thanksgiving.

 8   THE COURT: I am on trial in December.

 9   MS. SVENSON: Okay.

10   THE COURT: So it is going to be a little

11   hectic in here.

12   MS. SVENSON: Sure. The whole month you are on

13   trial?

14   THE COURT: The first two weeks, yes.

15   MS. RITTER: I can make myself or my colleague

16   available any time.

17   MS. SVENSON: I leave to visit my parents on

18   December 19th. I mean I could come on the 18th.

19   THE COURT: 18th is fine.

20   MS. RITTER: That's fine for me.

21   THE COURT: And that's for status on --

22   MS. SVENSON: Status.

23   THE COURT: -- what we have done today.

24   MS. RITTER: At 9:30?

1   THE COURT: Yes.

2   MS. SVENSON: Great.

3   THE COURT: Okay. Thanks all.

4   MS. SVENSON: Thanks, Judge.

5   THE COURT: Actually let's do it at

6 10:00 o'clock. That way we don't have to hold up

7 the 9:30 call because I know that you all are going

8 to want to talk.

9   (Whereupon, further

10   proceedings in said cause

11   were adjourned to

12   December 18, 2017, at the hour

13   of 10:00 a.m.)

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)

2   )   SS:

3 COUNTY OF COOK   )

4   Patricia L. Wangler, as an Officer of the

5 Court, says that she is a shorthand reporter doing

6 business in the State of Illinois, that she

7 reported in shorthand the proceedings of said

8 hearing, and that the foregoing is a true and

9 correct transcript of her shorthand notes so taken

10 as aforesaid, and contains the proceedings given at

11 said hearing.

12   IN TESTIMONY WHEREOF: I have hereunto set

13 my verified digital signature this

14 16th day of November, 2017.

15

16
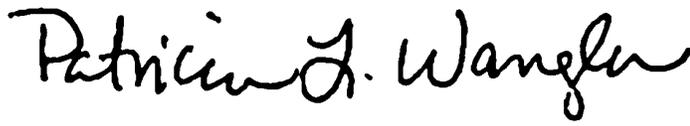
17 _____

18   Patricia L. Wangler, CSR

19   Lic. No. 084-002417

20

21

22

23

24

search
4:1,3 5:3,5,6,15,18,
21 6:2,23,24 9:14,20
10:12 11:2,5,7 12:11
13:5,6,8,19,20 14:3,
11,20 15:10,17,22
16:10,11 20:3 21:6
22:4,21,22 23:1,12
24:9,16,22 25:8,10,
20,21 26:6

searched
6:16,22 9:18 24:11

searches
4:6 10:3 12:16

searching
20:9

selected
12:10

sense
21:8 23:6,7

September
9:8 10:23 11:1 23:18

Seventeen
25:6

sheets
12:4 13:10

shooting
19:18 20:24

short
7:15

shot
20:22

show
3:24 4:5 5:1 9:7,12
10:20 12:19 13:17
22:15,16

showed
20:17

shows
6:17

significantly
15:12,21 16:22
18:18

sit
11:1

situation
26:2

software
6:20 18:14

sort
21:17

sorts
26:10

space
7:1 17:20 24:13

speak
10:8,9

speaking
21:14

specific
19:20

spelled
7:1 20:11,15 22:8

spelling
20:7

spellings
18:16

spoke
12:13

start
16:24

state
22:2,9

statement
18:7

stay
7:17

step
7:22

stepping
12:14

street
20:22

struggled
22:12

subject
26:11

submit
15:2 26:17

submitted
12:17

substantiate
13:1

suggest
21:6

suggested
20:4

support
12:17

surveillance
21:5

Svenson
3:5,10,19 6:11 7:5,7,
12,19,24 8:2,6,17,
20,24 10:12,16
16:19 19:6,7,14,19,
21,23 21:10,14,21,
24 23:7 25:22 26:1,
22

T

taking
23:9

talk
18:7 21:17

talking
4:12 5:19

tech
3:24 4:5

tentatively
9:21,22

term
13:6 14:3,14,21,23
15:10 16:18 21:2
23:12

terms
5:3,5,6,19,21 6:24
9:14,18,21,22 11:2,
5,7,9 12:11 13:3,19
14:20 15:17 16:8,22,
23 17:19 18:15 20:3,
11 21:7,11,12 22:4,
21,23 23:1,5 24:12,
24 25:8,10,21 26:6,
10,19

thing
9:24 10:14

things
3:17 20:19

thought
20:4 24:8

thousand
23:21 26:12

tied
20:10

time
3:16 5:13 10:15 21:6
24:12

times
16:4

today
5:17 9:5 10:4 26:24

today's
9:11 12:3

told
4:18

total
15:9

touch
26:5

traffic
13:2

translates
4:20

turn
11:9

turned
11:6

turns
8:3

two-thirds
18:19

type
14:9

typed
13:19

typo
13:9 15:21 20:13

U

unclear
11:3

uncontested
8:2

understand
9:2 17:2 21:21,24
23:19,21

understanding
23:24

unnecessary
22:7

unrelated
20:18 21:4 26:21

V

Van
7:1 17:20 18:16 20:7
24:12

Vandyke
7:1 20:7 24:13

verbal
11:19

verify
3:24

video
14:8 18:8 21:4,5

violation
22:16

voluminous
4:3 9:20

W

wanted
10:10 12:14 22:9

Watch's
9:6

web
13:2

week
3:13,16 5:10,13,20,
24 6:9 13:4 14:18,19
17:18 20:1,4 26:4

wild
13:22 14:4,7

withheld
13:3

wondering
21:16

words
4:18 5:22 16:10 20:6
24:19

work
26:17

worked
20:2

wrinkle
12:13

Y

yields
25:14