

Rule 30(b)(6) deposition of the Mayor “limited to the issues raised in defendant’s motion to dismiss.” (ECF 35 at 12-13.)

Subsequently, plaintiffs issued a 30(b)(6) deposition notice to the Mayor asking her to designate a deponent to testify on three topics:

1. The policy to exclusively provide one-on-one interviews with journalists of color as outlined in Defendant’s May 19, 2021 letter, including, but not limited to, the development of the policy, the scope of the policy, the duration of the policy, the implementation of the policy, and the communication of the policy to staff, journalists, and the public;
2. The “Press Tour” as identified by the declarations of Kathleen LeFurgy, including, but not limited to, the development of the “Press Tour,” the scope of the “Press Tour,” the duration of the “Press Tour,” the implementation of the “Press Tour,” and the communication of the “Press Tour” to staff, journalists, and the public; and
3. Whether Defendant’s policy to exclusively provide one-on-one interviews with journalists of color as outlined in her May 19, 2021 letter will be used in the future.

(ECF 42-1.) Before the deposition, the Mayor objected to the first two topics “to the extent [they] seek[] testimony regarding ‘the development’” of the alleged policy or press tour. (ECF 42-2.) The deposition proceeded, and these motions followed.

Plaintiffs’ Motion to Compel Answers to Deposition Questions

During the deposition, Rule 30(b)(6) designee, Kathleen LeFurgy, refused to answer the following questions on the grounds that they were related to the development of the contested press tour and its parameters:

- When was the May 19, 2021 letter written?
- Who wrote the letter?
- What was the purpose of the letter?
- When was the meeting during which the Mayor and the Mayor’s communications team agreed to the alleged policy?
- Did the Mayor provide you with any guidance on how to implement the alleged policy?
- During the meeting did the Mayor agree to limit application of the alleged policy to a two-day period?
- Was the May 19, 2021 letter written before or after the meeting?
- When was it decided that the set of one-on-one interviews the Mayor would have on May 19, 2021 and May 20, 2021 would be described as a press tour?
- Was the decision to describe that set of interviews as a press tour made before the May 19, 2021 letter was written?
- When did the Mayor’s Office first start referring to this set of interviews as a press tour?
- When was it decided that this press tour would only be a twenty-four-hour period?

- Did you discuss with the Mayor the scope, duration, implementation, timing, and subject matter of the alleged policy or how it would be communicated to staff, journalists, and the public?

(See ECF 40-3 at 9-11, 21-24, 37, 43, 49, 51, 82-83, 86-87.)

Plaintiffs argue that the answers to these questions would shed light on the Mayor's "intentions with respect to the implementation and duration" of the press tour parameters, which "are essential to Plaintiffs' opposition to the pending motion to dismiss." (ECF 40 at 6.) But the issue here is not what the Mayor intended or how and why the press tour parameters were developed, but whether plaintiffs were harmed by them. The Mayor's answers to the above listed questions would have no bearing on that issue. Thus, the Court denies plaintiffs' motion to compel answers to deposition questions.

Plaintiffs' Motion to Compel Production of a Properly Prepared Rule 30(b)(6) Witness

Plaintiffs argue that Ms. LeFurgy was not prepared to answer questions within the scope of topic one of the 30(b)(6) notice. Specifically, they say Ms. LeFurgy was "ill prepared" to answer questions about "the mayor's understanding and intentions regarding the policy and its implementation" and "how [it] was described and communicated" to the public and press. (ECF 42 at 7.) For the reasons discussed above, these questions are beyond the scope of the 30(b)(6) deposition. So are questions about the rationale for positions taken by the Mayor's lawyers in this litigation and whether the Mayor knew that a June 3, 2021 memo from her communications team incorrectly characterized an interview that day as pertaining to her mayoral anniversary. (*Id.* at 8-10; see ECF 42-3 at 46-48, 69-70.) Because these questions are outside the scope of the deposition, there was no reason for Ms. LeFurgy to have been prepared to testify about them.

The situation is different, however, for the questions about whether every journalist who had been granted a press tour interview had specifically requested to ask questions about the mayoral anniversary, whether any of those journalists asked questions about the coronavirus pandemic or homicide rates during those interviews, and whether the Mayor's scheduling office had been asked to provide times on days other than May 19, 2021 and May 20, 2021 for the anniversary interviews. (See ECF 42-3 at 14, 31-32, 78.) Those questions bear upon the Mayor's claim that plaintiffs' interview request was beyond the scope of the press tour parameters because he wanted to ask questions about the coronavirus pandemic, not her mayoral anniversary, and the interview would occur, if at all, after May 20, 2021. The Mayor's designee should have been, but was not, prepared to answer these questions.

Finally, plaintiffs contend that Ms. LeFurgy should have been prepared to testify as to whether the parameters that were applied to the anniversary press tour will be used in the future. The Court agrees. Though, as the Mayor points out, a 30(b)(6) designee is only required to testify about corporate knowledge, Ms. LeFurgy said she had no knowledge at all about whether the Mayor intended to give interview opportunities solely to journalists of color in the future. (See *id.* at 63 (Ms. LeFurgy saying, "I can't read her mind," in response to counsel's questions about

whether the Mayor intends to provide interview opportunities solely to journalists of color in the future).) Ms. LeFurgy should have been prepared to answer those questions.

Conclusion

For the reasons set forth above, the Court denies plaintiffs' motion to compel deposition answers [39] and grants in part and denies in part plaintiffs' motion to compel production of a properly prepared 30(b)(6) witness [41]. The Court orders the Mayor to tender for deposition a 30(b)(6) designee who is prepared to testify about whether the press tour journalists had specifically asked to interview the Mayor about her mayoral anniversary, whether any of those journalists asked questions about the coronavirus pandemic or homicide rates during the press tour interviews, whether the Mayor's scheduling office had been asked to provide time on days other than May 19, 2021 and May 20, 2021 for anniversary interviews, and whether the Mayor intends to give interview opportunities solely to journalists of color in the future. The deposition shall be no longer than forty-five minutes and must be completed within two weeks of the date of this Order.

SO ORDERED.

ENTERED: January 24, 2022



M. David Weisman
United States Magistrate Judge



Planet Depos®
We Make It *Happen™*

Transcript of Kathleen LeFurgy, Volume 2

Date: March 3, 2022

Case: Catenacci, et al. -v- Lightfoot

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

-----X
THOMAS CATENACCI, et al., :
 :
Plaintiff, :
v. : 1:21-cv-02852
LORI LIGHTFOOT, in Her Official :
Capacity as Mayor of the City of :
Chicago, :
Defendant. :

-----X

Volume 2
Virtual Continued Deposition of
KATHLEEN LEFURGY
Thursday, March 3, 2022
10:41 a.m. EST

Job No.: 435035

Pages: 1 - 31

Reported by: Fazier Walle

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

2

1 Virtual Continued Deposition of
2 KATHLEEN LEFURGY, the witness herein, taken on
3 Thursday, March 3, 2022, at 10:41 a.m. EST.
4
5
6
7
8
9

10 Pursuant to Notice of Deposition
11 before Fazier Walle, a Shorthand Court
12 Stenographer and Notary Public in and for the
13 State of Maryland.
14
15
16
17
18
19
20
21
22
23
24

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

3

A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS:

MICHAEL BEKESHA, ESQUIRE

JUDICIAL WATCH, INC.

425 Third Street, SW

Suite 800

Washington, D.C. 20024

(202) 646-5172

- AND -

CHRISTINE SVENSON, ESQUIRE

SVENSON LAW OFFICES

345 N. Erie Drive

Palatine, Illinois 60067

(312) 467-2900

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

4

1 A P P E A R A N C E S C O N T I N U E D
2 ON BEHALF OF DEFENDANT LORI LIGHTFOOT:
3 ANDREW WORSEK, ESQUIRE
4 JOHN HENDRICKS, ESQUIRE
5 CITY OF CHICAGO, DEPARTMENT OF LAW
6 CONSTITUTIONAL AND COMMERCIAL LITIGATION
7 DIVISION
8 2 North LaSalle Street
9 Suite 520
10 Chicago, Illinois 60602
11 (312) 744-7129

12
13 ALSO PRESENT:

14 BRENDAN CASE, Videographer
15 GREER MCKEE, A/V Technician
16
17
18
19
20
21
22
23
24

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

5

C O N T E N T S

EXAMINATION OF KATHLEEN LEFURGY	PAGE
By Mr. Bekesha	7
By Mr. Worseck	27

E X H I B I T S

LEFURGY	DEPOSITION EXHIBIT	PAGE
(*No exhibits marked.)		

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

6

1 THE VIDEOGRAPHER: Here begins the 10:41:33
2 videotaped deposition of Kate LeFurgy in the matter 10:41:33
3 of Catenacci, et al., versus Lightfoot in the United 10:41:37
4 States District Court for the Northern District of 10:41:39
5 Illinois, Eastern Division. Case No. 1:21-CV-02852. 10:41:44
6 Today's date is Thursday, March 3, 2022. The time 10:41:52
7 on the monitor is 10:41 A.M. Eastern Time. 10:41:56

8 Your videographer today is Brendan Case 10:42:02
9 representing Planet Depos. This video deposition is 10:42:05
10 taking place remotely via Zoom video-teleconference. 10:42:08

11 Would all counsel present please identify 10:42:10
12 themselves and state whom they represent? 10:42:12

13 MR. BEKESHA: Michael Bekesha on behalf of 10:42:16
14 Plaintiffs. 10:42:17

15 MS. SVENSON: Christine Svenson, "S" as in 10:42:19
16 Sam, "V" as in Victor, E-N-S-O-N, on behalf of 10:42:22
17 Plaintiffs. 10:42:26

18 MR. WORSECK: Andrew Worseck, 10:42:28
19 W-O-R-S-E-C-K, on behalf of Defendant. 10:42:29

20 MR. HENDRICKS: John Hendricks also on 10:42:34
21 behalf of Defendant. The name is spelled 10:42:36
22 H-E-N-D-R-I-C-K-S. 10:42:38

23 THE VIDEOGRAPHER: Your court reporter 10:42:49
24 today is Fazier Walle representing Planet Depos. 10:42:51

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

7

1 Would be the reporter please swear in the
2 witness?

3 P R O C E E D I N G S

4 Whereupon,

5 KATHLEEN LEFURGY,
6 being first duly sworn or affirmed to testify to
7 the truth, the whole truth, and nothing but the
8 truth, was further examined and testified as
9 follows:

10 CONTINUED EXAMINATION BY COUNSEL FOR
11 PLAINTIFFS

12 BY MR. BEKESHA:

13 Q Great. Thank you.

14 Good morning, Ms. LeFury.

15 A Good morning.

16 Q Do you recall testifying on October 14,
17 2021, in this matter?

18 A I do.

19 Q Do you recall the subject matter of that
20 deposition was the May 19 and May 20, 2021, press
21 tour of the Mayor in which she exclusively provided
22 one-on-one interviews with journalists of color?

23 MR. WORSECK: Objection to form.
24

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

8

1	BY MR. BEKESHA:	10:43:51
2	Q You may answer the question.	10:43:53
3	A I do.	10:43:54
4	Q I just have a few additional questions	10:43:55
5	about that press tour this morning. Hopefully, this	10:43:57
6	won't take all -- too much time.	10:44:01
7	First, how many interviews were conducted	10:44:04
8	of the Mayor on May 19, 2021, as part of that press	10:44:07
9	tour?	10:44:10
10	MR. WORSECK: Objection to form.	10:44:16
11	BY MR. BEKESHA:	10:44:16
12	Q You may answer the question.	10:44:21
13	A I believe there were five.	10:44:23
14	Q Okay. And do you know how many interviews	10:44:25
15	were conducted on May 20, 2021, as part of that	10:44:27
16	press tour?	10:44:31
17	A I don't recall off the top of my head. I	10:44:31
18	believe two.	10:44:33
19	Q Okay. Of the five that took place on	10:44:34
20	May 19, do you recall who the journalists were that	10:44:38
21	conducted those interviews?	10:44:43
22	A I believe I do. It was Tahman Bradley,	10:44:47
23	Dorothy Loevell and Patrick Forrest. I believe that	10:44:52
24	it was Mariano Gielis, and two reporters from The	10:44:57

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

9

1 Tribe, and Evelyn Holmes from ABC7.

10:45:03

2 Q And do you recall who conducted the
3 interviews on May 20th?

10:45:11

10:45:14

4 A I -- I don't recall off the top of my
5 head.

10:45:16

10:45:19

6 MR. WORSECK: And, Michael, I'm going to
7 object to these questions as outside the scope. The
8 court's order is quite explicit in the particular
9 questions that you are entitled to ask in this
10 deposition. Those questions you've been asking were
11 not in the court's order. They were not even, I
12 believe, in your motion. I'm not instructing the
13 witness not to answer, but I'm noting that objection
14 for the record.

10:45:21

10:45:22

10:45:25

10:45:30

10:45:33

10:45:36

10:45:39

10:45:40

10:45:42

15 MR. BEKESHA: Sure. Thank you.

10:45:44

16 BY MR. BEKESHA:

10:45:45

17 Q Referring to the first interview, I
18 believe you said "Bradley." Did Bradley request an
19 interview of the Mayor in that time period?

10:45:46

10:45:49

10:45:56

20 MR. WORSECK: Objection to form.

10:46:06

21 A No, he did not.

10:46:06

22 Q Okay. Did your office reach out to
23 Bradley about conducting an interview?

10:46:10

10:46:12

24 A We did.

10:46:15

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

10

1	Q	Okay. And did you identify what the	10:46:16
2		parameters were of that interview when you reached	10:46:25
3		out to him?	10:46:27
4	A	I don't believe we did.	10:46:28
5	Q	Okay. Did -- during your conversations	10:46:34
6		with Bradley, did he identify topics or questions	10:46:36
7		that he sought to interview the Mayor about on May	10:46:39
8		19, 2021?	10:46:42
9	A	He was aware that it was about the	10:46:47
10		two-year anniversary. Because when we reached out	10:46:48
11		to him, we said it was about the two-year	10:46:49
12		anniversary when we went to schedule an interview.	10:46:52
13	Q	Okay. During any of those communications,	10:46:55
14		did he indicate that he might -- may ask questions	10:46:57
15		beyond questions simply about the two-year	10:47:00
16		anniversary?	10:47:03
17	A	Again, as far as I can recall, no.	10:47:06
18	Q	Okay. Was the communicating done with him	10:47:08
19		orally, verbally, or written?	10:47:13
20	A	I believe it was written communication	10:47:17
21		over e-mail.	10:47:19
22	Q	Okay. Does -- does your office still have	10:47:20
23		copies of those e-mails?	10:47:24
24	A	I believe we do.	10:47:28

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

11

1	Q	Okay. During -- during Bradley's	10:47:29
2		interview of the Mayor, did he ask questions about	10:47:36
3		COVID?	10:47:40
4	A	I -- I can't recall the exact questions	10:47:45
5		that he asked during his interview, but --	10:47:47
6	Q	Okay.	10:47:51
7	A	-- it's possible.	10:47:51
8	Q	All right. Did he ask questions about the	10:47:51
9		homicide rates in Chicago?	10:47:53
10	A	No.	10:47:57
11	Q	Okay. Do you recall any questions that he	10:48:01
12		asked the Mayor during that interview?	10:48:02
13	A	Again, we did several interviews that day.	10:48:08
14		I don't recall all of the questions that he asked,	10:48:10
15		but what I can tell you is we don't tell reporters	10:48:12
16		what questions they can and cannot ask the Mayor.	10:48:15
17		He understood that the parameters were around the	10:48:20
18		two-year interview, but again, we can't tell a	10:48:20
19		reporter what to ask.	10:48:22
20	Q	Okay. You said --	10:48:24
21		MR. WORSECK: Michael, I'm -- Michael, I'm	10:48:26
22		just going to jump in here again to make an	10:48:27
23		objection for the record. And that is, you know,	10:48:30
24		the -- the court's order on this particular issue	10:48:32

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

12

1	authorized you to ask whether any of the journalists	10:48:35
2	had asked questions about the coronavirus pandemic	10:48:39
3	or homicides rates during the interviews. It did	10:48:40
4	not require the witness to interviewee-by-	10:48:45
5	interviewee, know exactly what each of them asked.	10:48:47
6	The witness is prepared to answer the question that	10:48:47
7	the court ordered to be addressed.	10:48:47
8	MR. BEKESHA: Okay. The -- as I read the	10:49:08
9	order, it did not appear to the court limited to	10:49:08
10	those specific four questions being asked but the	10:49:09
11	topics of those. And that's what these questions	10:49:09
12	are about. So I'm going to continue with --	10:49:12
13	BY MR. BEKESHA:	10:49:14
14	Q Ms. LeFury, the second interview, I	10:49:16
15	believe you said, Levine and Forrest or something	10:49:18
16	along those names -- I think I probably	10:49:21
17	mispronounced that first name.	10:49:23
18	A Patrick Forrest and Dorothy Loevell, yes.	10:49:27
19	Q Okay. Thank you.	10:49:30
20	Did those -- did those individuals request	10:49:31
21	interviews of the Mayor?	10:49:33
22	A No. We reached out to them.	10:49:40
23	Q Okay. During those conversations or	10:49:41
24	communications, was there a discussion about the	10:49:43

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

13

1	topics of the questions to be asked during the	10:49:47
2	interview?	10:49:49
3	A Can you restate the question? I -- I	10:49:50
4	don't understand.	10:49:52
5	Q Sure. During -- during those -- when you	10:49:53
6	reached out to those two individuals, did you	10:49:55
7	specify to them that the questions they were to ask	10:49:59
8	the Mayor would be about her two-year anniversary.	10:50:03
9	A Again, I want to be clear, we don't	10:50:09
10	specify to reporters what questions they can and	10:50:11
11	cannot ask. However, when we communicated with	10:50:13
12	them, we did let them know that it would be -- the	10:50:16
13	subject matter would be about the Mayor's two-year	10:50:18
14	anniversary.	10:50:22
15	Q During their interview of the Mayor on May	10:50:23
16	19, did they ask questions about COVID?	10:50:25
17	A I believe they did.	10:50:31
18	Q Did they ask questions about homicide	10:50:33
19	rates?	10:50:35
20	A A review of the read out of the interview,	10:50:37
21	I don't believe they did.	10:50:40
22	Q And you -- you looked at a read out of	10:50:41
23	that interview prior to today's deposition?	10:50:45
24	A Correct.	10:50:50

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

14

1 Q Okay. Moving to the third interview you 10:50:51
2 indicated, I believe you said the journalist was 10:50:55
3 Gielis? 10:50:58

4 A Mm-hmm. 10:50:59

5 Q Did that individual request an interview 10:51:01
6 with the Mayor? 10:51:03

7 A No, they did not. 10:51:06

8 Q Did you reach out to that journalist? 10:51:08

9 A We did. 10:51:13

10 Q Okay. And during -- during that process 10:51:14
11 of reaching out to that journalist, did you indicate 10:51:18
12 to the journalist that only questions about the 10:51:23
13 Mayor's two-year anniversary could be asked during 10:51:26
14 the interview? 10:51:30

15 A Again, I want to make it very clear that 10:51:32
16 we do not tell reporters what questions they can or 10:51:34
17 cannot ask, but we did let them know it would be 10:51:37
18 about the two-year anniversary. 10:51:40

19 Q Okay. During -- during the interview on 10:51:44
20 May 19th, did Gielis ask questions about COVID? 10:51:45

21 A He likely did. 10:51:50

22 Q Did he ask questions about the homicide 10:51:51
23 rates in Chicago during the interview? 10:51:53

24 A No. I believe he did not. 10:51:57

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

15

1	Q	Okay. And what are you basing that	10:51:59
2		information on?	10:52:01
3	A	A review of the readout of the interview.	10:52:03
4	Q	Okay. Going to the fourth interview, you	10:52:05
5		indicated, I think you -- the journalist was Tribe;	10:52:12
6		is that correct?	10:52:17
7	A	The outlet was The Tribe, yes.	10:52:19
8	Q	Of -- it was The Tribe. Okay. Thank you.	10:52:22
9		Did the journalist from The Tribe reach	10:52:24
10		out to your office about interviewing the Mayor?	10:52:26
11	A	No, they did not.	10:52:31
12	Q	Did you reach out to the -- to The Tribe	10:52:35
13		about scheduling an interview?	10:52:39
14	A	Yes.	10:52:40
15	Q	And during -- during that communication,	10:52:42
16		was there a discussion about the topics of questions	10:52:46
17		that could be asked during the -- during the	10:52:49
18		interview on May 19th?	10:52:51
19	A	Again, I want to be clear that we don't	10:52:58
20		tell reporters what questions to ask, but the	10:53:01
21		discussion would be around the two-year anniversary.	10:53:04
22	Q	Okay. Did -- did The Tribe reporter ask	10:53:07
23		any questions about COVID during the interview?	10:53:09
24	A	Yes, I believe they did.	10:53:12

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

16

1	Q	Did the journalist ask any questions about	10:53:13
2		the homicide rates in Chicago during -- during the	10:53:15
3		interview?	10:53:19
4	A	No, I believe they did not.	10:53:19
5	Q	Moving on to the fifth interview of that	10:53:23
6		day, I believe you indicated it was a journalist	10:53:29
7		Holmes. Did that individual reach out or request an	10:53:33
8		interview with the Mayor?	10:53:36
9	A	No, they did not.	10:53:38
10	Q	Did your office reach out to that	10:53:40
11		journalist about scheduling an interview?	10:53:42
12	A	Yes.	10:53:45
13	Q	During -- during those conversations, did	10:53:47
14		your office indicate or identify specific topics of	10:53:50
15		questions that may be asked of the Mayor during the	10:53:55
16		interview?	10:53:58
17	A	Again, we do not tell reporters what	10:54:00
18		questions they can or cannot ask the Mayor.	10:54:02
19		However, we did specify that this interview would be	10:54:06
20		around the two-year anniversary.	10:54:08
21	Q	Okay. During the interview on May 19th,	10:54:10
22		did Holmes ask questions about COVID of the Mayor?	10:54:14
23	A	I believe she did.	10:54:19
24	Q	Okay. Did she ask questions about	10:54:22

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

17

1	homicide rates during that interview on May 19th?	10:54:24
2	A I don't believe so.	10:54:30
3	Q Okay. And what are you basing your belief	10:54:36
4	on?	10:54:38
5	A Based on a readout of the interview.	10:54:38
6	Q Moving on to -- and that's all of the	10:54:43
7	interviews that took place on May 19th with the	10:54:46
8	Mayor?	10:54:48
9	A I believe so.	10:54:49
10	Q Okay. Do you know that for sure or you	10:54:53
11	just believe it?	10:54:55
12	A Again, I believe so.	10:54:56
13	Q All right.	10:54:57
14	MR. WORSECK: And, Michael, just for the	10:55:01
15	record. This was a line of questioning that was	10:55:02
16	available to you in the first deposition and	10:55:03
17	questions were, in fact, asked about what happened	10:55:05
18	on May 19th and May 20th. There was a document that	10:55:07
19	your office had received with a schedule of who was	10:55:13
20	interviewing the Mayor on which of those dates. So	10:55:17
21	all of that's in the record.	10:55:19
22	It was not, in our view, one of the topics	10:55:24
23	to be retried today during this deposition. So the	10:55:26
24	witness has been answering your questions to the	10:55:29

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

18

1 best of her ability, but we think it's beyond the
2 scope of this particular deposition.

3 MR. BEKESHA: Okay.

4 BY MR. BEKESHA:

5 Q Moving on to May 20th, Ms. LeFurgy, you
6 believe two interviews took place on -- on that day?

7 A I -- one I can recall, yes.

8 Q Okay. Do you recall, of those two
9 interviews, did either of those journalists reach
10 out to the Mayor's office to request an interview?

11 A Yes.

12 Q One or both of those interviews on that
13 day; do you know?

14 A One.

15 Q All right. And what -- what did -- what
16 did that one journalist request?

17 A To interview the Mayor around the two-year
18 anniversary.

19 Q Did -- did that journalist identify topics
20 that the journalist wanted to ask the Mayor about?

21 A Again, we don't tell reporters what they
22 can or cannot ask the Mayor, but they understood
23 that the topic of conversation was going to be
24 around the two-year anniversary.

10:55:32

10:55:35

10:55:39

10:55:40

10:55:40

10:55:43

10:55:46

10:55:49

10:55:55

10:56:01

10:56:07

10:56:07

10:56:09

10:56:10

10:56:10

10:56:19

10:56:22

10:56:27

10:56:27

10:56:29

10:56:38

10:56:40

10:56:43

10:56:45

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

19

1	Q	That wasn't the question I asked. How --	10:56:47
2		how did the journalist reach out to the Mayor's	10:56:49
3		office to request an interview?	10:56:52
4	A	I believe they sent an e-mail.	10:56:57
5	Q	Okay. In that e-mail, did the e-mail	10:56:58
6		identify why the journalist wanted to request an	10:57:01
7		interview with the Mayor?	10:57:08
8	A	I don't recall off the top of my head --	10:57:10
9	Q	Okay.	10:57:12
10	A	-- but I believe he did.	10:57:13
11	Q	I'm sorry. What was the last part of that	10:57:15
12		question (sic)?	10:57:17
13	A	I believe they did.	10:57:18
14	Q	But you -- you don't recall what -- what	10:57:20
15		-- what was in the e-mail and what was requested?	10:57:21
16	A	I do not.	10:57:25
17	Q	Okay. Does your office still have copies	10:57:28
18		of those e-mails?	10:57:30
19	A	I believe we do.	10:57:32
20	Q	Did you review that e-mail prior to	10:57:34
21		today's testimony?	10:57:36
22	A	I did.	10:57:38
23	Q	Okay. And you still don't recall what	10:57:41
24		was -- what was in the e-mail?	10:57:43

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

20

1 A No. I was under the impression, like the
2 judge's order stated, what I need to be here to
3 answer today and that was not the subject and the
4 detail of -- of -- that level of the e-mail was -- I
5 was not required to -- to know.

6 Q Did -- did the e-mail specifically ask to
7 interview the Mayor about her anniversary?

8 A As I stated, I -- I don't recall the
9 contents of the e-mail, but I can tell you they
10 reached out to our office.

11 Q Okay. You just said that you thought the
12 scope of today's deposition was related to the
13 judge's order. Did you read the judge's order prior
14 to today's deposition?

15 A I did.

16 Q Did you read the part where the judge
17 indicated that one of the topics was whether the
18 press or journalists had specifically asked to
19 interview the Mayor about her mayoral anniversary?
20 Did you read that?

21 A I did.

22 Q Okay. But you're still not prepared to
23 answer that question with regard to the one e-mail
24 received from the journalist that requested an

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

21

1	interview on May 20th; is that correct?	10:58:56
2	MR. WORSECK: Objection to form and	10:58:59
3	mischaracterizes the record.	10:59:00
4	BY MR. BEKESHA:	10:59:02
5	Q You may answer the question.	10:59:02
6	A I was prepared to respond who reached out	10:59:04
7	to our office requesting an interview around the	10:59:06
8	two-year anniversary, and they requested an	10:59:09
9	interview during that time.	10:59:12
10	Q Okay. So I'll ask the question again just	10:59:14
11	so the record is clear.	10:59:16
12	This -- this journalist had sent an e-mail	10:59:18
13	requesting an interview. Did this journalist	10:59:22
14	specifically ask to interview the Mayor about her	10:59:25
15	mayoral anniversary?	10:59:28
16	A I don't recall.	10:59:32
17	Q Thank you.	10:59:34
18	Do you recall the -- this journalist's	10:59:37
19	name?	10:59:39
20	A Perri Small.	10:59:41
21	And I believe it was their producer that	10:59:46
22	reached out.	10:59:49
23	Q Okay. During the interview on May 20th,	10:59:53
24	did Small ask questions about COVID of the Mayor?	10:59:54

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

22

1	A	I believe she did.	11:00:00
2	Q	Okay. Did she ask questions about	11:00:01
3		homicide rates?	11:00:02
4	A	I -- I believe not.	11:00:07
5	Q	And why do you believe not?	11:00:08
6	A	Based on a readout -- a review of the	11:00:11
7		readout of the interview.	11:00:12
8	Q	Okay. And you said you believed there was	11:00:19
9		one additional interview on May 20th; is that	11:00:21
10		correct?	11:00:24
11	A	I believe so, but I can't recall.	11:00:26
12	Q	Okay. Do you know if that -- that	11:00:30
13		journalist sought -- requested an interview with the	11:00:31
14		Mayor?	11:00:34
15	A	I believe they did not.	11:00:36
16	Q	Do you believe that your office reached	11:00:40
17		out to that journalist about conducting an	11:00:41
18		interview?	11:00:45
19	A	Yes, I do.	11:00:46
20	Q	Do you -- do you know if when your office	11:00:46
21		reached out to that journalist whether there was any	11:00:48
22		specific requirement that only certain questions be	11:00:53
23		asked during the interview?	11:00:57
24	A	Again, as a matter of course, we never	11:00:59

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

23

1	tell what reporters can ask or cannot ask of the	11:01:02
2	Mayor.	11:01:05
3	Q Okay. And do you know if this journalist	11:01:06
4	asked questions about COVID during the interview?	11:01:09
5	A I believe they did.	11:01:11
6	Q Do you know if questions about homicide	11:01:17
7	rates were asked to the Mayor during the interview?	11:01:18
8	A I believe they were not. I reviewed all	11:01:22
9	the transcripts -- or excuse me -- not transcripts.	11:01:24
10	I've reviewed all the readouts from the interviews	11:01:27
11	and did not see that, no.	11:01:30
12	Q Okay. Did all of the interviews have	11:01:31
13	readouts? All -- all the interviews during the	11:01:34
14	press tour, so I believe it's seven total.	11:01:38
15	A Yes.	11:01:41
16	Q Okay. And you reviewed all seven readouts	11:01:43
17	prior to your deposition today?	11:01:46
18	A Yes.	11:01:48
19	Q Okay. Have you spoken to the Mayor about	11:01:48
20	whether she intends to exclusively provide	11:01:59
21	one-on-one interviews with journalists of color in	11:01:59
22	the future?	11:02:01
23	A Yes.	11:02:02
24	Q Okay. What did the Mayor tell you about	11:02:02

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

24

1	that?	11:02:07
2	A She does not have plans to do so.	11:02:08
3	Q Does she intend to do so?	11:02:13
4	A No.	11:02:16
5	Q Okay. Did you discuss with her the New	11:02:17
6	York Times interview that we discussed during the	11:02:24
7	previous part of your deposition?	11:02:27
8	MR. WORSECK: Objection to form.	11:02:30
9	BY MR. BEKESHA:	11:02:30
10	Q You may answer the question.	11:02:30
11	A Yes, I did.	11:02:32
12	Q Okay. And did you ask her what she meant	11:02:32
13	by she -- when she said she would absolutely do it	11:02:37
14	again?	11:02:41
15	A Yes, I did.	11:02:42
16	Q And what did she respond?	11:02:44
17	A She agreed with my assessment that I gave	11:02:48
18	in my first deposition that if she would have had	11:02:51
19	the opportunity back in 2021 to have done the day	11:02:55
20	over again, she would have.	11:02:59
21	Q Okay. Was the Mayor's scheduling office	11:03:07
22	asked to provide time on days, other than May 19,	11:03:10
23	2021, and May 20, 2021, for -- for inter --	11:03:14
24	anniversary interviews?	11:03:20

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

25

1	A	No.	11:03:25
2		MR. BEKESHA: Andrew, could we take a	11:03:34
3		five-minute break?	11:03:36
4		MR. WORSECK: Yeah. That's fine.	11:03:37
5		MR. BEKESHA: Great. And, Greer, could	11:03:40
6		you at create at least one breakout room for	11:03:42
7		Christine and myself?	11:03:46
8		MR. WORSECK: Yeah. We will --	11:03:48
9		THE VIDEOGRAPHER: The time is --	11:03:49
10		MR. WORSECK: We will go mute here and	11:03:49
11		move to another office.	11:03:50
12		THE VIDEOGRAPHER: The time is 11:03 A.M.	11:03:52
13		We are going off the record.	11:03:54
14		(Record suspended.)	11:03:56
15		(A discussion was held off the record.)	11:03:56
16		THE VIDEOGRAPHER: The time is 11:18 A.M.	11:18:47
17		We're now back on the record.	11:18:49
18		MR. BEKESHA: Great. Thank you. I just	11:18:52
19		have a few additional questions, Ms. LeFury.	11:18:53
20		MR. WORSECK: Michael, could we just have	11:18:57
21		the -- the reporter state the time on the record?	11:18:59
22		MR. BEKESHA: Oh. Sure.	11:19:29
23		THE REPORTER: I apologize. Okay. Just	11:19:29
24		one moment.	11:19:29

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

26

1	The time we went off the record, I	11:19:29
2	believe, is 11:03 and the time back on is 11:18, and	11:19:29
3	it is part of the record because the videographer	11:19:29
4	reads it in.	11:19:29
5	MR. WORSECK: Thank you.	11:19:29
6	BY MR. BEKESHA:	11:19:29
7	Q Ms. LeFurgy, how did you prepare for	11:19:29
8	today's continuation of your deposition?	11:19:31
9	A I reviewed e-mails from our Press	11:19:36
10	Secretary at the time, Jordan Troy, through her FOIA	11:19:41
11	records. I also reviewed the e-mails from our	11:19:47
12	Deputy Communications Director, Ryan Johnson. I	11:19:49
13	reviewed my own correspondence. I also reviewed my	11:19:52
14	previous deposition, and I reviewed readouts of the	11:19:58
15	Mayor's interviews.	11:20:03
16	Q Okay. Besides Counsel, did you speak to	11:20:06
17	anyone in preparation for today's interview -- or	11:20:10
18	today's deposition? I'm sorry.	11:20:14
19	A Yes.	11:20:16
20	Q And who did you speak with?	11:20:17
21	A I spoke with Tom Skelton, our FOIA	11:20:20
22	officer, I spoke with Ryan Johnson, the Deputy	11:20:23
23	Communications Director, and I spoke with the Mayor.	11:20:30
24	MR. BEKESHA: Great. I -- I have no	11:20:34

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

27

1	further questions at this time.	11:20:35
2	MR. WORSECK: If we could just take a	11:20:38
3	quick break?	11:20:40
4	MR. BEKESHA: Sure. How long -- how long	11:20:42
5	do you need?	11:20:42
6	MR. WORSECK: Five at most. Probably	11:20:44
7	fewer.	11:20:45
8	MR. BEKESHA: Okay. Okay. Sounds good.	11:20:47
9	THE VIDEOGRAPHER: The time is 11:20 A.M.	11:20:49
10	We are going off the record.	11:20:51
11	(Record suspended.)	11:23:03
12	THE VIDEOGRAPHER: The time is 11:25 A.M.	11:25:46
13	We're now back on the record.	11:25:48
14	MR. WORSECK: Michael, I think I just have	11:25:54
15	one question for the witness.	11:25:56
16	MR. BEKESHA: Okay.	11:25:57
17	EXAMINATION BY COUNSEL FOR DEFENDANT LORI	11:25:57
18	LIGHTFOOT	11:25:57
19	BY MR. WORSECK:	11:25:58
20	Q Ms. LeFury, you just in answering a	11:25:59
21	question posed by Mr. Bekesha mentioned that you had	11:26:05
22	reviewed e-mails in preparation for this deposition.	11:26:08
23	Do you remember that question and -- and answer?	11:26:11
24	A Yes.	11:26:13

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

28

1	Q	And just could you clarify which e-mails	11:26:14
2		you reviewed?	11:26:19
3	A	I reviewed e-mail correspondence between	11:26:21
4		my team and the reporters.	11:26:25
5	Q	And that was for each of the reporters who	11:26:27
6		conducted the press tour interview?	11:26:31
7	A	Yes, that's correct.	11:26:35
8		MR. WORSECK: Thank you. Nothing further.	11:26:37
9		MR. BEKESHA: Okay. Great. We have -- we	11:26:40
10		have no further other -- no -- we have no further	11:26:41
11		questions so we can probably go off the record.	11:26:41
12		I know the court reporter wanted to get	11:26:47
13		spellings of all those names of the various	11:26:50
14		journalists before we -- before we're done.	11:26:52
15		THE VIDEOGRAPHER: Please stand by. The	11:26:56
16		time is 11:27 A.M. We're going off the record.	11:27:00
17		This completes today's deposition. We are off the	11:27:02
18		record. Thank you, everyone. Please stick around	11:27:05
19		for corrections and orders.	11:27:05
20		THE REPORTER: And just before we go off	11:27:05
21		the record, Counsel, may I take your transcript	11:27:05
22		orders?	11:27:05
23		MR. BEKESHA: Sometime next week is fine.	11:27:12
24		THE REPORTER: Would you like that	11:27:21

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

29

1	electronic, or ...	11:27:21
2	MR. BEKESHA: Yes, please.	11:27:21
3	MR. WORSECK: We at the -- for Defendant,	11:27:31
4	we will take a copy, as well, in the same form as	11:27:33
5	requested by Plaintiff. We would like to reserve	11:27:37
6	signature, as well.	11:27:40
7	THE REPORTER: Just to clarify, you want	11:27:44
8	to read and sign?	11:27:44
9	MR. WORSECK: Yes.	11:27:46
10	THE REPORTER: Okay. Thank you.	11:27:47
11	(Off the record at 11:27 A.M. EST)	11:27:47
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

30

ACKNOWLEDGMENT OF DEPONENT

I, KATHLEEN LEFURGY, do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct and complete transcription of the
testimony given by me and any corrections appear
on the attached Errata sheet signed by me.

(DATE)

(SIGNATURE)

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

31

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 FAZIER WALLE, the officer before whom the
3 foregoing deposition was taken, do hereby certify
4 that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 direction; that reading and signing was requested;
9 and that I am neither counsel for, related to, nor
10 employed by any of the parties to this case and
11 have no interest, financial or otherwise, in its
12 outcome.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my notarial seal this 3rd day of
15 March, 2022

16 My commission expires:

17 March 26, 2022

18
19
20 *Fazier Walle*
21 _____
22
23
24

Transcript of Kathleen LeFurgy, Volume 2

Conducted on March 3, 2022

32

A			
<p>abc7 9:1 ability 18:1 about 8:5, 9:23, 10:7, 10:9, 10:11, 10:15, 11:2, 11:8, 12:2, 12:12, 12:24, 13:8, 13:13, 13:16, 13:18, 14:12, 14:18, 14:20, 14:22, 15:10, 15:13, 15:16, 15:23, 16:1, 16:11, 16:22, 16:24, 17:17, 18:20, 20:7, 20:19, 21:14, 21:24, 22:2, 22:17, 23:4, 23:6, 23:19, 23:24 absolutely 24:13 acknowledge 30:3 acknowledgment 30:1 additional 8:4, 22:9, 25:19 addressed 12:7 affirmed 7:6 affixed 31:14 again 10:17, 11:13, 11:18, 11:22, 13:9, 14:15, 15:19, 16:17, 17:12, 18:21,</p>	<p>21:10, 22:24, 24:14, 24:20 agreed 24:17 al 1:5, 6:3 all 6:11, 8:6, 11:8, 11:14, 17:6, 17:13, 17:21, 18:15, 23:8, 23:10, 23:12, 23:13, 23:16, 28:13 along 12:16 also 4:13, 6:20, 26:11, 26:13 andrew 4:3, 6:18, 25:2 anniversary 10:10, 10:12, 10:16, 13:8, 13:14, 14:13, 14:18, 15:21, 16:20, 18:18, 18:24, 20:7, 20:19, 21:8, 21:15, 24:24</p>	<p>appear 12:9, 30:6 around 11:17, 15:21, 16:20, 18:17, 18:24, 21:7, 28:18 asked 11:5, 11:12, 11:14, 12:2, 12:5, 12:10, 13:1, 14:13, 15:17, 16:15, 17:17, 19:1, 20:18, 22:23, 23:4, 23:7, 24:22 asking 9:10 assessment 24:17 attached 30:7 authorized 12:1 available 17:16 aware 10:9</p>	<p>6:16, 6:19, 6:21 being 7:6, 12:10 bekesha 3:3, 5:3, 6:13, 7:12, 8:1, 8:11, 9:15, 9:16, 12:8, 12:13, 18:3, 18:4, 21:4, 24:9, 25:2, 25:5, 25:18, 25:22, 26:6, 26:24, 27:4, 27:8, 27:16, 27:21, 28:9, 28:23, 29:2 belief 17:3 believe 8:13, 8:18, 8:22, 8:23, 9:12, 9:18, 10:4, 10:20, 10:24, 12:15, 13:17, 13:21, 14:2, 14:24, 15:24, 16:4, 16:6, 16:23, 17:2, 17:9, 17:11, 17:12, 18:6, 19:4, 19:10, 19:13, 19:19, 21:21, 22:1, 22:4, 22:5, 22:11, 22:15, 22:16, 23:5, 23:8, 23:14, 26:2</p>
		B	
	<p>another 25:11 answer 8:2, 8:12, 9:13, 12:6, 20:3, 20:23, 21:5, 24:10, 27:23 answering 17:24, 27:20 any 10:13, 11:11, 12:1, 15:23, 16:1, 22:21, 30:6, 31:10 anyone 26:17 apologize 25:23</p>	<p>back 24:19, 25:17, 26:2, 27:13 based 17:5, 22:6 basing 15:1, 17:3 because 10:10, 26:3 been 9:10, 17:24 before 2:11, 28:14, 28:20, 31:2 begins 6:1 behalf 3:2, 4:2, 6:13,</p>	<p>22:8 believed 22:8 besides 26:16 best 18:1 between 28:3 beyond 10:15, 18:1</p>

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

33

both 18:12 bradley 8:22, 9:18, 9:23, 10:6 bradley's 11:1 break 25:3, 27:3 breakout 25:6 brendan 4:14, 6:8	15:19, 21:11 color 7:22, 23:21 commercial 4:6 commission 31:16 communicated 13:11 communicating 10:18 communication 10:20, 15:15 communications 10:13, 12:24, 26:12, 26:23 complete 30:5 completes 28:17 conducted 8:7, 8:15, 8:21, 9:2, 28:6 conducting 9:23, 22:17 constitutional 4:6 contents 20:9 continuation 26:8 continue 12:12 continued 1:16, 2:1, 7:10 conversation 18:23 conversations 10:5, 12:23, 16:13 copies 10:23, 19:17 copy 29:4 coronavirus 12:2 correct 13:24, 15:6,	21:1, 22:10, 28:7, 30:5, 31:5 corrections 28:19, 30:6 correspondence 26:13, 28:3 could 14:13, 15:17, 25:2, 25:5, 25:20, 27:2, 28:1 counsel 6:11, 7:10, 26:16, 27:17, 28:21, 31:9 course 22:24 court 1:1, 2:11, 6:4, 6:23, 12:7, 12:9, 28:12 court's 9:8, 9:11, 11:24 covid 11:3, 13:16, 14:20, 15:23, 16:22, 21:24, 23:4 create 25:6	deponent 30:1 depos 6:9, 6:24 deposition 1:16, 2:1, 2:10, 5:7, 6:2, 6:9, 7:20, 9:10, 13:23, 17:16, 17:23, 18:2, 20:12, 20:14, 23:17, 24:7, 24:18, 26:8, 26:14, 26:18, 27:22, 28:17, 31:3 deputy 26:12, 26:22 detail 20:4 direction 31:8 director 26:12, 26:23 discuss 24:5 discussed 24:6 discussion 12:24, 15:16, 15:21, 25:15 district 1:1, 1:2, 6:4 division 1:3, 4:7, 6:5 document 17:18 done 10:18, 24:19, 28:14 dorothy 8:23, 12:18 drive 3:14 duly 7:6 during 10:5, 10:13,
C		D	
can't 11:4, 11:18, 22:11 cannot 11:16, 13:11, 14:17, 16:18, 18:22, 23:1 capacity 1:10 case 4:14, 6:5, 6:8, 31:10 catenacci 1:5, 6:3 certain 22:22 certificate 31:1 certify 31:3 chicago 1:11, 4:5, 4:10, 11:9, 14:23, 16:2 christine 3:12, 6:15, 25:7 city 1:10, 4:5 clarify 28:1, 29:7 clear 13:9, 14:15,			

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

34

11:1, 11:5, 11:12, 12:3, 12:23, 13:1, 13:5, 13:15, 14:10, 14:13, 14:19, 14:23, 15:15, 15:17, 15:23, 16:2, 16:13, 16:15, 16:21, 17:1, 17:23, 21:9, 21:23, 22:23, 23:4, 23:7, 23:13, 24:6	est 1:19, 2:3, 29:11 et 1:5, 6:3 evelyn 9:1 even 9:11 everyone 28:18 exact 11:4 exactly 12:5 examination 5:2, 7:10, 27:17 examined 7:8, 30:3 exclusively 7:21, 23:20 excuse 23:9 exhibit 5:7 exhibits 5:8 expires 31:16 explicit 9:8	fine 25:4, 28:23 first 7:6, 8:7, 9:17, 12:17, 17:16, 24:18 five 8:13, 8:19, 27:6 five-minute 25:3 foia 26:10, 26:21 follows 7:9 foregoing 30:4, 31:3, 31:4 form 7:23, 8:10, 9:20, 21:2, 24:8, 29:4 forrest 8:23, 12:15, 12:18 four 12:10 fourth 15:4 further 7:8, 27:1, 28:8, 28:10 future 23:22	12:12, 15:4, 18:23, 25:13, 27:10, 28:16 good 7:14, 7:15, 27:8 great 7:13, 25:5, 25:18, 26:24, 28:9 greer 4:15, 25:5
E			H
e-mail 10:21, 19:4, 19:5, 19:15, 19:20, 19:24, 20:4, 20:6, 20:9, 20:23, 21:12, 28:3 e-mails 10:23, 19:18, 26:9, 26:11, 27:22, 28:1 e-n-s-o-n 6:16 each 12:5, 28:5 eastern 1:3, 6:5, 6:7 either 18:9 electronic 29:1 employed 31:10 entitled 9:9 erie 3:14 errata 30:7 esquire 3:3, 3:12, 4:3, 4:4	F fact 17:17 far 10:17 fazier 1:24, 2:11, 6:24, 31:2 few 8:4, 25:19 fewer 27:7 fifth 16:5 financial 31:11	G gave 24:17 gielis 8:24, 14:3, 14:20 given 30:6, 31:5 go 25:10, 28:11, 28:20 going 9:6, 11:22,	h-e-n-d-r-i-c-k-s 6:22 hand 31:14 happened 17:17 head 8:17, 9:5, 19:8 held 25:15 hendricks 4:4, 6:20 here 6:1, 11:22, 20:2, 25:10 hereby 30:2, 31:3 herein 2:2 hereunto 31:13 holmes 9:1, 16:7, 16:22 homicide 11:9, 13:18, 14:22, 16:2, 17:1, 22:3, 23:6 homicides 12:3 hopefully 8:5 however 13:11, 16:19

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

35

I	15:23, 16:3, 16:5, 16:8, 16:11, 16:16, 16:19, 16:21, 17:1, 17:5, 18:10, 18:17, 19:3, 19:7, 20:7, 20:19, 21:1, 21:7, 21:9, 21:13, 21:14, 21:23, 22:7, 22:9, 22:13, 22:18, 22:23, 23:4, 23:7, 24:6, 26:17, 28:6	16:1, 16:6, 16:11, 18:16, 18:19, 18:20, 19:2, 19:6, 20:24, 21:12, 21:13, 22:13, 22:17, 22:21, 23:3 journalist's 21:18 journalists 7:22, 8:20, 12:1, 18:9, 20:18, 23:21, 28:14 judge 20:16 judge's 20:2, 20:13 judicial 3:4 jump 11:22	lefurgy 1:17, 2:2, 5:2, 5:7, 7:5, 30:2 lefury 6:2, 7:14, 12:14, 18:5, 25:19, 26:7, 27:20 level 20:4 levine 12:15 lightfoot 1:9, 4:2, 6:3, 27:18 likely 14:21 limited 12:9 line 17:15 litigation 4:6 loevell 8:23, 12:18 long 27:4 looked 13:22 lori 1:9, 4:2, 27:17
identify 6:11, 10:1, 10:6, 16:14, 18:19, 19:6 illinois 1:2, 3:15, 4:10, 6:5 impression 20:1 inc 3:4 indicate 10:14, 14:11, 16:14 indicated 14:2, 15:5, 16:6, 20:17 individual 14:5, 16:7 individuals 12:20, 13:6 information 15:2 instructing 9:12 intend 24:3 intends 23:20 inter 24:23 interest 31:11 interview 9:17, 9:19, 9:23, 10:2, 10:7, 10:12, 11:2, 11:5, 11:12, 11:18, 12:14, 13:2, 13:15, 13:20, 13:23, 14:1, 14:5, 14:14, 14:19, 14:23, 15:3, 15:4, 15:13, 15:18,	interviewee 12:5 interviewee-by 12:4 interviewing 15:10, 17:20 interviews 7:22, 8:7, 8:14, 8:21, 9:3, 11:13, 12:3, 12:21, 17:7, 18:6, 18:9, 18:12, 23:10, 23:12, 23:13, 23:21, 24:24, 26:15 issue 11:24	journalist's 21:18 journalists 7:22, 8:20, 12:1, 18:9, 20:18, 23:21, 28:14 judge 20:16 judge's 20:2, 20:13 judicial 3:4 jump 11:22	loevell 8:23, 12:18 long 27:4 looked 13:22 lori 1:9, 4:2, 27:17
J	job 1:22 john 4:4, 6:20 johnson 26:12, 26:22 jordan 26:10 journalist 14:2, 14:8, 14:11, 14:12, 15:5, 15:9,	K	M
		kate 6:2 kathleen 1:17, 2:2, 5:2, 7:5, 30:2 know 8:14, 11:23, 12:5, 13:12, 14:17, 17:10, 18:13, 20:5, 22:12, 22:20, 23:3, 23:6, 28:12	make 11:22, 14:15 many 8:7, 8:14 march 1:18, 2:3, 6:6, 31:15, 31:17 mariano 8:24 marked 5:8 maryland 2:13 matter 6:2, 7:17,
		L	
		lasalle 4:8 last 19:11 law 3:13, 4:5 least 25:6	

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

36

7:19, 13:13, 22:24 mayor 1:10, 7:21, 8:8, 9:19, 10:7, 11:2, 11:12, 11:16, 12:21, 13:8, 13:15, 14:6, 15:10, 16:8, 16:15, 16:18, 16:22, 17:8, 17:20, 18:17, 18:20, 18:22, 19:7, 20:7, 20:19, 21:14, 21:24, 22:14, 23:2, 23:7, 23:19, 23:24, 26:23 mayor's 13:13, 14:13, 18:10, 19:2, 24:21, 26:15 mayoral 20:19, 21:15 mckee 4:15 meant 24:12 mentioned 27:21 michael 3:3, 6:13, 9:6, 11:21, 17:14, 25:20, 27:14 might 10:14 mischaracterizes 21:3 mispronounced 12:17 mm-hmm 14:4 moment 25:24 monitor 6:7 morning 7:14, 7:15, 8:5	most 27:6 motion 9:12 move 25:11 moving 14:1, 16:5, 17:6, 18:5 much 8:6 mute 25:10 myself 25:7 <hr/> N <hr/> name 6:21, 12:17, 21:19 names 12:16, 28:13 need 20:2, 27:5 neither 31:9 never 22:24 new 24:5 next 28:23 north 4:8 northern 1:2, 6:4 notarial 31:14 notary 2:12 nothing 7:7, 28:8 notice 2:10 noting 9:13 <hr/> O <hr/> object 9:7	objection 7:23, 8:10, 9:13, 9:20, 11:23, 21:2, 24:8 october 7:16 office 9:22, 10:22, 15:10, 16:10, 16:14, 17:19, 18:10, 19:3, 19:17, 20:10, 21:7, 22:16, 22:20, 24:21, 25:11 officer 26:22, 31:2 offices 3:13 official 1:9 oh 25:22 okay 8:14, 8:19, 9:22, 10:1, 10:5, 10:13, 10:18, 10:22, 11:1, 11:6, 11:11, 11:20, 12:8, 12:19, 12:23, 14:1, 14:10, 14:19, 15:1, 15:4, 15:8, 15:22, 16:21, 16:24, 17:3, 17:10, 18:3, 18:8, 19:5, 19:9, 19:17, 19:23, 20:11, 20:22, 21:10, 21:23, 22:2, 22:8, 22:12, 23:3, 23:12, 23:16, 23:19, 23:24, 24:5, 24:12,	24:21, 25:23, 26:16, 27:8, 27:16, 28:9, 29:10 one 17:22, 18:7, 18:12, 18:14, 18:16, 20:17, 20:23, 22:9, 25:6, 25:24, 27:15 one-on-one 7:22, 23:21 only 14:12, 22:22 opportunity 24:19 orally 10:19 order 9:8, 9:11, 11:24, 12:9, 20:2, 20:13 ordered 12:7 orders 28:19, 28:22 other 24:22, 28:10 otherwise 31:11 out 9:22, 10:3, 10:10, 12:22, 13:6, 13:20, 13:22, 14:8, 14:11, 15:10, 15:12, 16:7, 16:10, 18:10, 19:2, 20:10, 21:6, 21:22, 22:17, 22:21 outcome 31:12 outlet 15:7 outside 9:7
---	---	--	---

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

37

over 10:21, 24:20 own 26:13 <hr/> P <hr/> page 5:2, 5:7 pages 1:23 palatine 3:15 pandemic 12:2 parameters 10:2, 11:17 part 8:8, 8:15, 19:11, 20:16, 24:7, 26:3 particular 9:8, 11:24, 18:2 parties 31:10 patrick 8:23, 12:18 period 9:19 perri 21:20 place 6:10, 8:19, 17:7, 18:6 plaintiff 1:7, 29:5 plaintiffs 3:2, 6:14, 6:17, 7:11 planet 6:9, 6:24 plans 24:2 please 6:11, 7:1, 28:15, 28:18, 29:2 posed 27:21	possible 11:7 preparation 26:17, 27:22 prepare 26:7 prepared 12:6, 20:22, 21:6 present 4:13, 6:11 press 7:20, 8:5, 8:8, 8:16, 20:18, 23:14, 26:9, 28:6 previous 24:7, 26:14 prior 13:23, 19:20, 20:13, 23:17 probably 12:16, 27:6, 28:11 process 14:10 producer 21:21 provide 23:20, 24:22 provided 7:21 public 2:12, 31:1 pursuant 2:10 <hr/> Q <hr/> question 8:2, 8:12, 12:6, 13:3, 19:1, 19:12, 20:23, 21:5, 21:10, 24:10, 27:15, 27:21, 27:23 questioning 17:15	questions 8:4, 9:7, 9:9, 9:10, 10:6, 10:14, 10:15, 11:2, 11:4, 11:8, 11:11, 11:14, 11:16, 12:2, 12:10, 12:11, 13:1, 13:7, 13:10, 13:16, 13:18, 14:12, 14:16, 14:20, 14:22, 15:16, 15:20, 15:23, 16:1, 16:15, 16:18, 16:22, 16:24, 17:17, 17:24, 21:24, 22:2, 22:22, 23:4, 23:6, 25:19, 27:1, 28:11 quick 27:3 quite 9:8 <hr/> R <hr/> rates 11:9, 12:3, 13:19, 14:23, 16:2, 17:1, 22:3, 23:7 reach 9:22, 14:8, 15:9, 15:12, 16:7, 16:10, 18:9, 19:2 reached 10:2, 10:10, 12:22, 13:6, 20:10, 21:6, 21:22, 22:16, 22:21 reaching 14:11 read 12:8, 13:20, 13:22, 20:13, 20:16, 20:20, 29:8, 30:3 reading 31:8 readout 15:3, 17:5, 22:6, 22:7 readouts 23:10, 23:13, 23:16, 26:14 reads 26:4 recall 7:16, 7:19, 8:17, 8:20, 9:2, 9:4, 10:17, 11:4, 11:11, 11:14, 18:7, 18:8, 19:8, 19:14, 19:23, 20:8, 21:16, 21:18, 22:11 received 17:19, 20:24 record 9:14, 11:23, 17:15, 17:21, 21:3, 21:11, 25:13, 25:14, 25:15, 25:17, 25:21, 26:1, 26:3, 27:10, 27:11, 27:13, 28:11, 28:16, 28:18, 28:21, 29:11, 31:5 records 26:11 reduced 31:7 referring 9:17 regard 20:23 related 20:12, 31:9 remember 27:23
---	--	---

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

38

<p>remotely 6:10 reported 1:24 reporter 6:23, 7:1, 11:19, 15:22, 25:21, 25:23, 28:12, 28:20, 28:24, 29:7, 29:10 reporter-notary 31:1 reporters 8:24, 11:15, 13:10, 14:16, 15:20, 16:17, 18:21, 23:1, 28:4, 28:5 represent 6:12 representing 6:9, 6:24 request 9:18, 12:20, 14:5, 16:7, 18:10, 18:16, 19:3, 19:6 requested 19:15, 20:24, 21:8, 22:13, 29:5, 31:8 requesting 21:7, 21:13 require 12:4 required 20:5 requirement 22:22 reserve 29:5 respond 21:6, 24:16 restate 13:3 retried 17:23</p>	<p>review 13:20, 15:3, 19:20, 22:6 reviewed 23:8, 23:10, 23:16, 26:9, 26:11, 26:13, 26:14, 27:22, 28:2, 28:3 right 11:8, 17:13, 18:15 room 25:6 ryan 26:12, 26:22</p> <hr/> <p>S</p> <hr/> <p>s 6:15 said 9:18, 10:11, 11:20, 12:15, 14:2, 20:11, 22:8, 24:13, 31:5 sam 6:16 same 29:4, 30:4 schedule 10:12, 17:19 scheduling 15:13, 16:11, 24:21 scope 9:7, 18:2, 20:12 seal 31:14 second 12:14 secretary 26:10 see 23:11 sent 19:4, 21:12</p>	<p>set 31:13 seven 23:14, 23:16 several 11:13 sheet 30:7 shorthand 2:11, 31:1 sic 19:12 sign 29:8 signature 29:6, 30:12 signature-bi6ds 31:20 signed 30:7 signing 31:8 simply 10:15 skelton 26:21 small 21:20, 21:24 something 12:15 sometime 28:23 sorry 19:11, 26:18 sought 10:7, 22:13 sounds 27:8 speak 26:16, 26:20 specific 12:10, 16:14, 22:22 specifically 20:6, 20:18, 21:14 specify 13:7, 13:10,</p>	<p>16:19 spelled 6:21 spellings 28:13 spoke 26:21, 26:22, 26:23 spoken 23:19 stand 28:15 state 2:13, 6:12, 25:21 stated 20:2, 20:8 states 1:1, 6:4 stenographer 2:12 stenographically 31:6 stick 28:18 still 10:22, 19:17, 19:23, 20:22 street 3:5, 4:8 subject 7:19, 13:13, 20:3 suite 3:6, 4:9 sure 9:15, 13:5, 17:10, 25:22, 27:4 suspended 25:14, 27:11 svenson 3:12, 3:13, 6:15 sw 3:5 swear 7:1</p>
--	---	---	---

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

39

sworn 7:6	thereafter 31:7	16:14, 17:22, 18:19, 20:17	V
T	think 12:16, 15:5, 18:1, 27:14	total 23:14	v 6:16
tahman 8:22	third 3:5, 14:1	tour 7:21, 8:5, 8:9, 8:16, 23:14, 28:6	various 28:13
take 8:6, 25:2, 27:2, 28:21, 29:4	thomas 1:5	transcript 28:21, 31:4	verbally 10:19
taken 2:2, 31:3, 31:6	thought 20:11	transcription 30:5	versus 6:3
taking 6:10	through 26:10	transcripts 23:9	via 6:10
team 28:4	thursday 1:18, 2:3, 6:6	tribe 9:1, 15:5, 15:7, 15:8, 15:9, 15:12, 15:22	victor 6:16
technician 4:15	time 6:6, 6:7, 8:6, 9:19, 21:9, 24:22, 25:9, 25:12, 25:16, 25:21, 26:1, 26:2, 26:10, 27:1, 27:9, 27:12, 28:16	troy 26:10	video 6:9
tell 11:15, 11:18, 14:16, 15:20, 16:17, 18:21, 20:9, 23:1, 23:24	times 24:6	true 30:4, 31:4	video-teleconfer- ence 6:10
testified 7:8	today 6:8, 6:24, 17:23, 20:3, 23:17	truth 7:7, 7:8	videographer 4:14, 6:1, 6:8, 6:23, 25:9, 25:12, 25:16, 26:3, 27:9, 27:12, 28:15
testify 7:6	today's 6:6, 13:23, 19:21, 20:12, 20:14, 26:8, 26:17, 26:18, 28:17	two 8:18, 8:24, 13:6, 18:6, 18:8	videotaped 6:2
testifying 7:16	tom 26:21	two-year 10:10, 10:11, 10:15, 11:18, 13:8, 13:13, 14:13, 14:18, 15:21, 16:20, 18:17, 18:24, 21:8	view 17:22
testimony 19:21, 30:4, 30:6, 31:5, 31:6	took 8:19, 17:7, 18:6	typewriting 31:7	virtual 1:16, 2:1
th 9:3, 14:20, 15:18, 16:21, 17:1, 17:7, 17:18, 18:5, 21:1, 21:23, 22:9	top 8:17, 9:4, 19:8	U	volume 1:15
thank 7:13, 9:15, 12:19, 15:8, 21:17, 25:18, 26:5, 28:8, 28:18, 29:10	topic 18:23	under 20:1, 31:7	W
themselves 6:12	topics 10:6, 12:11, 13:1, 15:16,	understand 13:4	w-o-r-s-e-c-k 6:19
		understood 11:17, 18:22	walle 1:24, 2:11, 6:24, 31:2
		united 1:1, 6:3	want 13:9, 14:15, 15:19, 29:7
			wanted 18:20, 19:6, 28:12
			washington 3:7

Transcript of Kathleen LeFurgy, Volume 2
Conducted on March 3, 2022

40

watch 3:4	0	8:15	744
we're 25:17, 27:13, 28:14, 28:16	02852 1:8, 6:5	25 27:12	4:11
week 28:23	03 25:12, 26:2	26 31:17	8
went 10:12, 26:1	1	27 5:4, 28:16, 29:11	800 3:6
whereof 31:13	10 1:19, 2:3, 6:7	2900 3:16	
whereupon 7:4	11 25:12, 25:16, 26:2, 27:9, 27:12, 28:16, 29:11	3	
whether 12:1, 20:17, 22:21, 23:20	14 7:16	31 1:23	
whole 7:7	18 25:16, 26:2	312 3:16, 4:11	
witness 2:2, 7:2, 9:13, 12:4, 12:6, 17:24, 27:15, 31:13	19 7:20, 8:8, 8:20, 10:8, 13:16, 14:20, 15:18, 16:21, 17:1, 17:7, 17:18, 24:22	345 3:14	
worseck 5:4, 6:18, 7:23, 8:10, 9:6, 9:20, 11:21, 17:14, 21:2, 24:8, 25:4, 25:8, 25:10, 25:20, 26:5, 27:2, 27:6, 27:14, 27:19, 28:8, 29:3, 29:9	1:-cv 1:8, 6:5	3rd 31:14	
worsek 4:3	2	4	
written 10:19, 10:20	20 7:20, 8:15, 9:3, 17:18, 18:5, 21:1, 21:23, 22:9, 24:23, 27:9	41 1:19, 2:3, 6:7	
Y	20024 3:7	425 3:5	
yeah 25:4, 25:8	202 3:8	435035 1:22	
york 24:6	2021 7:17, 7:20, 8:8, 8:15, 10:8, 24:19, 24:23	467 3:16	
Z	2022 1:18, 2:3, 6:6, 31:15, 31:17	5	
zoom 6:10	21 1:8, 6:5, 7:20,	5172 3:8	
		520 4:9	
		6	
		60067 3:15	
		60602 4:10	
		646 3:8	
		7	
		7129 4:11	

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Plaintiffs,

V.

LORI LIGHTFOOT, in Her Official Capacity
As Mayor of the City of Chicago,

**DEFENDANT MAYOR LORI LIGHTFOOT'S
RENEWED MOTION TO DISMISS THE AMENDED COMPLAINT**

1. Plaintiffs' two count Amended Complaint challenges an alleged decision of Mayor Lightfoot to conduct one-on-one interviews only with journalists of color on the occasion of the second anniversary of her inauguration as Mayor of Chicago. Plaintiffs claim that this violated their First Amendment (Count I) and equal protection (Count II) rights.

3. In addition, Plaintiffs' claims for injunctive and declaratory relief are moot, for the challenged parameters are no longer in effect.

WHEREFORE, for the foregoing reasons, as well as those discussed in the Memorandum in Support of this motion, which is being filed concurrently herewith, Defendant respectfully requests that the Court dismiss the Amended Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(1) and grant her such further relief as the Court deems just and appropriate.

Dated: April 29, 2022

Respectfully submitted,

CELIA MEZA,
Corporation Counsel for the City of Chicago

By: /s/ Peter H. Cavanaugh

John Hendricks
Andrew Worseck
Peter Cavanaugh
City of Chicago, Department of Law
Constitutional and Commercial Litigation Division
2 North LaSalle Street, Suite 520
Chicago, Illinois 60602
(312) 744-6975, -7129, -0897
Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Plaintiffs,

V.

LORI LIGHTFOOT, in Her Official Capacity
As Mayor of the City of Chicago,

**DEFENDANT MAYOR LORI LIGHTFOOT’S MEMORANDUM IN SUPPORT OF HER
RENEWED MOTION TO DISMISS THE AMENDED COMPLAINT**

Plaintiffs Thomas Catenacci and the Daily Caller News Foundation (“DCNF”) challenge an alleged decision of Mayor Lightfoot to conduct one-on-one interviews only with journalists of color on the occasion of the second anniversary of her inauguration as Mayor of Chicago. Catenacci claims that he requested an interview with the Mayor, and that his request was denied based on his race due to these interview parameters, thereby violating his First Amendment and equal protection rights.

¹ That declaration – the Second Declaration of Kathleen LeFurgy – was Exhibit A to Defendant’s prior motion and is resubmitted here as Exhibit A to this memorandum.

even if the request had come in while the parameters were in use, it did not fall within their scope, because it did not seek an interview on the occasion of the Mayor's two-year anniversary. For each of these reasons, Plaintiffs have no injury attributable to the parameters, and therefore lack standing to challenge them.

Plaintiffs then sought, and were granted, leave to conduct discovery to test Defendant's submissions. That discovery occurred, and none of it contradicts Defendant's earlier showing that the parameters were never applied to Catenacci's request. In fact, Plaintiffs did not ask *any* questions of the City about how Catenacci's request was processed or reviewed by the City, much less elicit answers suggesting that his request was denied due to the parameters. And Catenacci, for his part, admitted that he doesn't have any facts showing that the parameters were applied to his request. He testified that he does not know how his request was processed by the Mayor's Office, Ex. B hereto (Catenacci Dep), at 33:10-34:1; whether anyone at the City knew his race, id. at 34:2-17; whether the interview parameters were applied to his request, id. at 34:18-35:3; or whether the parameters were used as a basis for denying his request, id. at 35:4-7. The uncontroverted evidence shows that Catenacci's request was never subjected to the parameters.

This point is buttressed by two additional facts from Defendant's earlier motion that likewise stand unrebutted after discovery. First, Catenacci's request could not have been subjected to the parameters because their use had ended before he submitted his request. The parameters were used in the days leading up to May 20, 2021 – the date of the Mayor's two-year anniversary – to select the interviewers for that occasion, and all of those interviews ended by approximately 9:25 a.m. on that date. Yet Catenacci admits that he did not send his request until 4:23 p.m. on May 20, after all of this was over. Nothing in the discovery record contradicts these

points. Second, Catenacci's request would not have been subject to the parameters even if it had been submitted back when selection decisions were being made for the anniversary interviews, because his request never asked to interview the Mayor on her anniversary – a point that, again, Catenacci admitted in his deposition.

The discovery record also confirms that the parameters have not been used since arranging the interviews for the Mayor's two-year anniversary, and there are no plans or intentions to use them again. This means that Plaintiffs cannot establish standing to seek any forward-looking injunctive or declaratory relief, and that any injunctive or declaratory relief would be moot in any event. For all these reasons, this lawsuit should be dismissed.

BACKGROUND

On the morning of May 19, 2021, Mayor Lightfoot sent a letter, via the Mayor's Press Office, to the Chicago Press Corps stating that “on the occasion of the two-year anniversary of [her] inauguration as Mayor of this great City, [she would] be exclusively providing one-on-one interviews with journalists of color.” Am. Compl. ¶ 6; Ex. A hereto (Second LeFurgy Declaration), ¶ 4. This statement was in reference to a set of interviews – a “Press Tour” – that the Mayor conducted on May 19 and the morning of May 20, 2021, with members of the Chicago Press Corps to commemorate the second anniversary of her inauguration as Mayor of Chicago. Ex. A, ¶¶ 3, 5. The phrase “on the occasion of the two-year anniversary of my inauguration” referred to the interviews both being on the date of the Mayor's two-year anniversary, and having the two-year anniversary as their subject matter. Ex. C (First LeFurgy Dep.) at 39:22-40:21; Ex. A, ¶ 7.

The Press Tour consisted of eight one-on-one interviews, six on May 19, and two on May 20. Id. ¶ 3. The entirety of the Press Tour was completed in the twenty-four-hour period

beginning at 9:30 a.m. on May 19, with the last interview concluding at approximately 9:25 a.m. on May 20. Id. ¶ 8. The parameters described in the Mayor’s May 19 letter were used only for this specific set of interviews, Ex. A, ¶ 8; Ex. C, at 18:17-19:14, which had been requested in advance of May 20, 2021, and were scheduled a day or two in advance of that date, id. 19:18-20:2; 51:22-52:3; Ex. A, ¶ 9.

Late in the afternoon on May 20, 2021 – at 4:23 p.m. central time, and nearly 7 hours after conclusion of the Press Tour – Catenacci sent an email requesting an interview with Mayor Lightfoot about various topics concerning the coronavirus pandemic. Am. Compl. ¶ 9; Ex. A, Ex. 2 thereto; Ex. B, at 31:17-32:2. Catenacci’s request made no mention of the Mayor’s second anniversary. Ex. A, Ex. 2 thereto; Ex. B, at 24:14-23. Nor did he ask that the interview take place on May 20, express urgency about when the interview occur, or indicate a deadline that he was operating under. Ex. A, Ex. 2 thereto; Ex. B, at 24:24-25:2. Instead, the email wrote: “Let me know if we can set up a time to speak.” Ex. A, Ex. 2 thereto. Catenacci sent follow up emails on May 21, and May 24, 2021. Am. Compl. ¶ 10; Ex. A, Exs. 3 & 4 thereto.

The two-year anniversary interview parameters were never applied to Catenacci’s interview request. Ex. A, ¶ 14. The parameters have not been used since the last interview on the morning of May 20, 2021. Ex. A, ¶ 10; Ex. C, at 19:18-20:11, 26:11-21; 53:11-20, 56:8-11. And there are no plans or intentions to use them in the future. Ex. A, ¶ 16; Ex. C, at 56:12-22; Ex. D hereto (Second LeFurgy Dep.), at 23:19-24:4.

LEGAL STANDARD

In considering motions under Rule 12(b)(1), the Court first strips away any conclusory statements in the complaint and considers only “well-pleaded factual allegations.” See Silha v. ACT, Inc., 807 F.3d 169, 174 (7th Cir. 2015). Then the Court considers whether the well-

pleaded factual allegations “plausibly suggest a claim of subject matter jurisdiction.” Id. And when it comes to standing to sue, Plaintiffs have the burden to “clearly” allege facts demonstrating each element of standing. Spokeo, Inc. v. Robins, 136 S. Ct. 1540, 1547 (2016). If a defendant presents a factual challenge to standing, “[t]he district court may properly look beyond the jurisdictional allegations of the complaint and view whatever evidence has been submitted on the issue to determine whether in fact subject matter jurisdiction exists.” Apex Digital, Inc. v. Sears, Roebuck & Co., 572 F.3d 440, 444 (7th Cir. 2009) (citations omitted) (internal quotations marks omitted). And once a defendant proffers evidence that calls into question standing as presented in the complaint, “[t]he presumption of correctness that we accord to a complaint’s allegations falls away, and the plaintiff bears the burden of coming forward with competent proof that standing exists.” Id. (citations omitted) (internal quotation marks omitted).

ARGUMENT

I. Plaintiffs Lack Standing To Bring This Lawsuit.

To have standing, a plaintiff must show “(1) an injury in-fact; (2) fairly traceable to the defendant’s action; and (3) capable of being redressed by a favorable decision from the court.” Parvati Corp. v. City of Oak Forest, 630 F.3d 512, 516 (7th Cir. 2010) (citing Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)). “If the plaintiff lacks standing, the federal court lacks subject matter jurisdiction and the suit must be dismissed under Federal Rule of Civil Procedure 12(b)(1).” International Union of Operating Engineers, Local 139, AFL-CIO v. Daley, 983 F.3d 287, 294 (7th Cir. 2020).

Plaintiffs lack standing because the parameters did not cause them any injury. The uncontroverted evidence shows that the parameters were never applied to Catenacci’s request. Ex. A, ¶ 14. See also supra at 4. In addition, use of the parameters had ended before Catenacci even made his request. Catenacci sent his email at 4:23 p.m. central time on May 20. Ex. A, ¶

11 & Ex. 2 thereto; Ex. B, at 31:17-32:2. By that time, however, the Press Tour was over – the last of the interviews had ended nearly 7 hours earlier, at approximately 9:25 a.m. See supra, at 4. And use of the parameters to select the interviewers had ended even earlier than that. As explained above, the parameters were used to select interviewers in the days leading up to the Mayor’s second anniversary on May 20, and the interviews were scheduled a day or two in advance. See supra at 4. Catenacci therefore suffered no injury attributable to the parameters, and Plaintiffs lack standing to challenge them. See Lujan, 504 U.S. at 560, n.1 (explaining that, to have standing, an injury “must affect the plaintiff in a personal and individual way”); Allen v. Wright, 468 U.S. 737, 755 (1984) (no standing where plaintiffs “were not personally subject to the challenged discrimination”), abrogated on other grounds by Lexmark Int’l, Inc. v. Static Control Components, Inc., 572 U.S. 118 (2014); J.B. v. Woodard, 997 F.3d 714, 720 (7th Cir. 2021) (explaining that standing is lacking where plaintiff fails to allege “facts showing a causal connection between the injury and the conduct complained of”); Keep Chicago Livable v. City of Chicago, 913 F.3d 618, 625 (7th Cir. 2019) (plaintiffs lacked standing where challenged ordinance was not “tether[ed]” to “a specific harm to the organization”); Freedom from Religion Found., Inc. v. Lew, 773 F.3d 815, 821 (7th Cir. 2014) (“Without a request, there can be no denial. And absent any personal denial of a benefit, the plaintiffs’ claim amounts to nothing more than a generalized grievance . . . which does not support standing.”).²

² DCNF does not allege any injury that it suffered apart from the alleged denial of Catenacci’s interview request. Indeed, DCNF’s only link to the events challenged in the lawsuit appears to be that it employs Catenacci as a reporter. Assuming for purposes of this motion only that DCNF could assert derivative injury based on alleged actions taken against Catenacci, it lacks standing for the same reasons that Catenacci lacks standing.

A separate and independent reason why Plaintiffs lack an injury fairly traceable to the parameters is that, even if Catenacci's request had come in while the parameters were still being used, it would not have fallen within the scope of the parameters. By Plaintiffs' own allegations, the parameters applied to interviews "on the occasion of [the Mayor's] two-year anniversary of [her] inauguration" as Mayor of Chicago. Am. Compl. ¶ 6. Catenacci, however, did not ask to interview the Mayor on that occasion. Ex. A, Ex. 2 thereto. The two-year anniversary of the Mayor's inauguration was May 20, 2021, but nothing in Catenacci's May 20, 2021 email, which was sent at 4:23 p.m. in the afternoon, mentions the two-year anniversary or indicates that Catenacci was requesting an interview to occur that same day. See supra at 4. Indeed, the fact that Catenacci sent two follow-up emails on subsequent days, see id., makes clear that he did not expect to have the interview take place the day he requested it. What's more, rather than ask to interview the Mayor about her two-year anniversary, Catenacci's email said that he wanted to interview the Mayor about a list of issues concerning the coronavirus pandemic "as part of" DCNF's "regular[] coverage" of that topic. Amend. Compl. ¶¶ 8-9; Ex. A, Ex. 2 thereto. Catenacci's interview request therefore would not have fallen within the bounds of the parameters even if they had – contrary to all evidence – still been in use when he submitted his request.

Finally, Plaintiffs cannot establish standing on the theory that the parameters may be applied to them in the future even if they were not applied in the past. To have standing for prospective injunctive relief, Plaintiffs must demonstrate "a 'real and immediate' threat of future injury as opposed to a threat that is merely 'conjectural or hypothetical.'" Simic v. City of Chicago, 851 F.3d 734, 738 (7th Cir. 2017). Similarly, to seek declaratory relief, "the injury must, at the very least, be impending." Tobin v. City of Peoria, Ill., 939 F. Supp. 628, 635 (C.D.

Ill. 1996) (citing Babbitt v. United Farm Workers Nat. Union, 442 U.S. 289, 296- 98 (1979)).

But Plaintiffs make no allegations that the Press Tour parameters are likely to be used again, much less that there is a “real and immediate” risk that they will be applied to Catenacci in the future. And any such allegations would be refuted by the record. As Ms. LeFurgy testified in her deposition, the parameters were used when scheduling interviews that took place on the May 19-20, 2021 Press Tour, Ex. C, at 18:17-19:14; they have not been used since, id., at 19:18-20:11, 26:11-21; 53:11-20, 56:8-11; and there are no plans or intention to use them in the future. Ex. C, at 56:12-22; Ex. D hereto (Second LeFurgy Dep.), at 23:19-24:4. See also Ex. A, ¶¶ 10, 16.³

For all of these reasons, Plaintiffs lack standing to challenge the parameters, and the Amended Complaint should be dismissed for lack of jurisdiction. Plaintiffs have no greater claim to judicial relief than any other member of the public who may theoretically take issue with the parameters, but who has not been injured by them. That sort of generalized grievance is not a basis for standing under Article III. Larkin v. Fin. Sys. of Green Bay, Inc., 982 F.3d 1060, 1064 (7th Cir. 2020). Plaintiffs seek nothing more than an impermissible advisory opinion as to the parameters’ constitutionality. Sweeney v. Raoul, 990 F.3d 555, 561 (7th Cir. 2021).⁴

³ Plaintiffs’ own evidence also shows that the parameters are no longer in use, as they cited a video of Mayor Lightfoot in a one-on-one interview with a white journalist taking place after the Press Tour concluded. See Dkt. 18 at 2, n.1 (citing <https://twitter.com/NewDay/status/1403340392175706115>).

⁴ As noted above, Plaintiffs allege that Catenacci’s request was denied based on his race due to the Press Tour parameters. See Am. Compl. ¶¶ 12-13. Plaintiffs do not seek relief on the theory that the mere denial of a one-on-one interview request, without more, violates their rights. Indeed, there is no right to a one-on-one interview with a public official. See Velie v. Hill, No. CV 16-07839 DSF (EX), 2017 WL 679648, at *3 (C.D. Cal. Jan. 23, 2017), aff’d, 736 F. App’x 165 (9th Cir. 2018) (journalists cannot “use the [First] amendment to force government officials to grant an interview or assist her in collecting information.”); Raycom Nat., Inc. v. Campbell, 361 F. Supp. 2d 679, 686, 688 (N.D. Ohio 2004) (“Public officials are under no constitutional obligation to speak to the press at all. . . .”) (citations and internal quotation marks omitted); Snyder v. Ringgold, 40 F. Supp. 2d 714, 718 (D. Md. 1999) (“No reporter has a right to access to a particular interview, exclusive story, or off the record statement.”).

II. Plaintiffs' Claims For Injunctive And Declaratory Relief Are Also Moot.

Even if Plaintiffs had standing to bring their claims – and they do not – their requests for injunctive and declaratory relief would still fail on mootness grounds because the challenged parameters ended nearly a year ago. “Federal courts do not, as a rule, enjoin conduct which has been discontinued with no real prospect that it will be repeated.” Wisconsin Right to Life, Inc. v. Schober, 366 F.3d 485, 491 (7th Cir. 2004) (quoting Ragsdale v. Turnock, 841 F.2d 1358, 1366 (7th Cir. 1988)). The discovery record confirms the Court’s prior holding, made when denying Plaintiffs’ motion for a preliminary injunction, that there is no “ongoing or future conduct to be enjoined” and therefore any claim for injunctive relief is moot. Dkt. 19 at 4. As the Court explained, “the undisputed showing that Lightfoot’s practice or policy of granting interview requests only to journalists of color ceased after May 20, 2021, moots [Plaintiffs’] motion for preliminary injunctive relief.” Id. at 3. The Court further observed that Plaintiffs, for their part, “appear to concede that Lightfoot’s policy or practice of granting interviews exclusively to journalists of color is a thing of the past.” Id. at 2. Plaintiffs’ request for declaratory relief likewise fails for the same reasons. See UWM Student Ass’n v. Lovell, 888 F.3d 854, 860-62 (7th Cir. 2018) (affirming dismissal of claim for declaratory relief as moot where the challenged conduct was over, as declaratory relief “could do the plaintiffs no practical good”).

Accordingly, in addition to lacking standing, Plaintiffs’ claims for injunctive and declaratory relief based on the parameters are moot.

CONCLUSION

For the foregoing reasons, Defendant asks the Court to dismiss the Amended Complaint in its entirety for lack of standing and to also dismiss Plaintiffs' claims for injunctive and declaratory relief as moot.

Dated: April 29, 2022

Respectfully submitted,

CELIA MEZA,
Corporation Counsel for the City of Chicago

By: /s/ Peter H. Cavanaugh

John Hendricks
Andrew Worseck
Peter Cavanaugh
City of Chicago, Department of Law
Constitutional and Commercial Litigation Division
2 North LaSalle Street, Suite 520
Chicago, Illinois 60602
(312) 744-6975, -7129, -0897
Attorneys for Defendant

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Plaintiffs,

V.

As Mayor of the City of Chicago,

SECOND DECLARATION OF KATHLEEN LEFURGY

1. My name is Katheen LeFurgy. I am over 18 years of age. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify to those facts I could and would competently do so.

3. On May 19, 2021, and the morning of May 20, 2021, to commemorate the Second Anniversary of Mayor Lightfoot's inauguration as Mayor of Chicago, Mayor Lightfoot participated in a Press Tour (the "Press Tour") which consisted of eight one-on-one interviews, six on May 19, 2021, and two on May 20, 2021, with Mayor Lightfoot and members of the Chicago

Press Corp. All of the interviews that took place on May 19, 2021, were subject to a “press embargo,” which means they were not to be publicly released until May 20, 2021.

4. On the morning of May 19, 2021, prior to the Press Tour, the Mayor sent a letter, via the Mayor's Press Office, to members of the Chicago Press Corp stating, among other things, that “on the occasion of the two-year anniversary of my inauguration as Mayor of this great City, I will be exclusively providing one-on-one interviews with journalists of color.” A true and correct copy of the letter is attached hereto at Exhibit 1.

5. This statement was in reference to the Press Tour described above.

6. Each of the interviews was scheduled for approximately 15 to 20 minutes, although some of them lasted longer.

7. The subject of each interview was Mayor Lightfoot’s two-year anniversary as Mayor of Chicago.

8. The entirety of the Press Tour was conducted in the twenty-four-hour period beginning at 9:30 a.m. on May 19. The last interview on the Press Tour concluded at approximately 9:25 a.m. on May 20.

9. All of the interviews that were part of the Press Tour were requested before May 20, 2021.

10. The Press Tour was of limited duration, as described above, and ended at the conclusion of the eighth interview. The parameters used for the Press Tour, as set forth in the Mayor’s May 19 letter, have not been used in any decision by the Mayor’s Press Office regarding the granting of one-on-one interviews or other interviews or events with the press since the Press Tour.

11. On May 20, 2021, at approximately 4:23 p.m. and more than six hours after the conclusion of the Press Tour, the Mayor’s Press Office general inquiries email inbox received an

email from Plaintiff Catenacci's email account requesting an interview with Mayor Lightfoot "regarding a number of topics pertaining to Chicago's handling of the coronavirus," and listing specific issues relating to the pandemic. Catenacci also wrote: "Let me know if we can set up a time to speak." A true and correct copy of this email is attached hereto at Exhibit 2.

12. The staff member for the Mayor's Press Office responsible for monitoring the general inquiries email inbox forwarded this email to me at 4:51 p.m. on May 20, 2021.

13. The general inquiries email box received follow up emails from Catenacci's email address on May 21, and May 24, 2021. True and correct copies of these emails are attached hereto at Exhibits 3 and 4 respectively.

14. The Mayor's Press Office did not apply the parameters outlined in the Mayor's May 19th letter to Catenacci's request, as the Press Tour had ended by the time of Catenacci's request.

15. I have reviewed the Complaint in the above captioned matter that was filed on May 27, 2021. I have also reviewed the Amended Complaint in the above captioned matter that was filed on July 2, 2021.

16. At the time the Complaint was filed, the parameters used for the Press Tour were not in use, they have not been used at any time since the filing of the Complaint, and there are no plans to use them in the future.

17. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that the foregoing is true and correct.

Executed this 2 day of August, 2021.

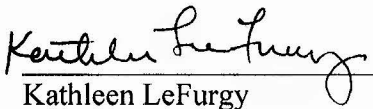

Kathleen LeFurgy

Exhibit 1



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

May 19, 2021

Good morning,

By now, you may have heard the news that on the occasion of the two-year anniversary of my inauguration as Mayor of this great City, I will be exclusively providing one-on-one interviews with journalists of color. As a person of color, I have throughout my adult life done everything that I can to fight for diversity and inclusion in every institution that I have been a part of and being Mayor makes me uniquely situated to shine a spotlight on this most important issue. I wanted to reach out to you directly to ensure you understand my thinking behind that decision.

As the first Black woman mayor of Chicago, and the first openly gay mayor, my election in 2019 was hailed for breaking barriers to the halls of power that had existed in our city for generations. I ran to break up the status quo that has failed so many residents across our city. And that failing status quo did not apply simply to City Hall and City government. It pertains and exists in all public and private institutions.

In the time since I was elected, our country has faced an historic reckoning around systemic racism. Organizations, corporations, educational institutions and more all across our city, our state and our country have declared new efforts to address the deep-seated legacies of institutionalized racism. In looking at the absence of diversity across the City Hall press corps and other newsrooms, sadly it does not appear that many of the media institutions in Chicago have caught on and truly have not embraced this moment.

I have been struck since my first day on the campaign trail back in 2018 by the overwhelming whiteness and maleness of Chicago media outlets, editorial boards, the political press corps, and yes, the City Hall press corps specifically. In the year 2021, with a Black, lesbian Mayor, a Black woman City Treasurer, a Latinx woman City Clerk and a majority Black and Latinx City Council, the group of reporters assigned to cover City Hall is practically all white. Many of them are smart and hard-working, savvy and skilled. But mostly white, nonetheless. Indeed, there are only a handful of beat reporters of color in the City Hall press corps. While there are women of color who sometimes cover my administration, there are zero women of color assigned to the City Hall beat. Zero. I find this unacceptable and I hope you do too.

The press corps is the filter through which much of what we do in government is dissected and explained to the public. It is essential for a healthy democratic society and an accountable government. And yet, despite the many talents and skills of our reporting corps, I fear this arm of our democratic system is on life support. The Chicago media leadership must evolve with the times, in order to be a true reflection of the vibrant, vast diversity of our city. Diversity matters and without it, how can you as the media truly speak to the needs and interests of the diverse and nuanced constituency you claim to serve until you do the work necessary to reflect that constituency.

There is almost no one in the editorial board rooms or in the City Hall press corps who has themselves lived the experience of a woman of color in the City of Chicago. The Crain's Chicago Business editorial board is entirely white. There are zero women of color on the Chicago Tribune editorial board. Almost all the major television networks in Chicago covering City Hall are led by white News Directors.

It is impossible for this glaring lack of diversity not to be reflected in the daily coverage of government, politics and city life every single day.

We are working hard to do our part. We host ethnic media roundtables, and work hard to prioritize outlets led by people of color. I or others from my administration regularly appear on Black and Latinx TV and radio stations, and we've also focused paid public service media ad dollars in that direction. We have worked to build diversity into our own communications team--our Digital Director is a Latinx woman and our lead Digital Strategist is an African American woman; our Deputy Communications Director is African American; our lead speechwriter is an African American woman; and two of our Deputy Press Secretaries are African American.

We have more to do, but as I always have said, equity and inclusion are the north stars of this administration, and that includes our own communications efforts.

Still, Black or Brown community leaders often reach out to me or my team to call our attention to implicit--or explicit--bias in one piece of coverage or another from your outlets. For the past two years, more often than not, we have debated internally, then chosen to say nothing, to let it go, lest we be accused of whining about negative coverage or of "playing the race card." And the truth is, it is too heavy a burden to bear, on top of all the other massive challenges our city faces in this moment, to also have to take on the labor of educating white, mostly male members of the news media about the perils and complexities of implicit bias. This isn't my job. It shouldn't be. I don't have time for it. But as with so many festering problems, it has only gotten worse with time. So here I am, like so many other Black women before me, having to call your attention to this problem. I have no power to make you change, but I hope that you will not just cover and express your opinion about the great and historic racial awakening that is rippling across all parts of our society. I hope that you too will see it for the opportunity that it is and embrace it by reflecting the change across your organizations.

We'll start here. At the two-year anniversary of my inauguration, I am issuing a challenge to you. Hire reporters of color--and especially women of color--to cover Chicago politics, and City Hall in particular. If you only have a white reporter covering City Hall, make sure there's a person of color working with them as well.

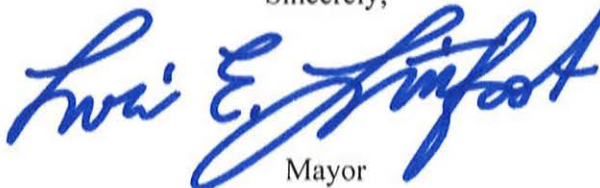
There are plenty of talented women reporters of color in Chicago for you to hire from, and that pool of talent is growing all the time.

Does your institution have an initiative set up to intentionally cultivate, recruit, support and retain young reporters of color in your ranks? Are there any people of color in your leadership teams or on your editorial boards? Are there qualified people of color on your team that could cover City Hall, but simply haven't been given the chance? Have you analyzed your own coverage to identify and root out implicit bias?

My team will always be responsive to your inquiries. We will always be transparent. But if the answer to these questions is no, be advised that I will continue to press for that to change.

I look forward to hearing your response as to what you plan to do to address this concern.

Sincerely,



Mayor

Exhibit 2

Press Inquiry

Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org>

Thu 5/20/2021 4:23 PM

To: Mayor's Press Office <Mayor's.PressOffice@cityofchicago.org>

[Warning: External email]

Hello,

I'm a reporter with the Daily Caller News Foundation. I'm requesting a one-on-one interview with Mayor Lightfoot regarding a number of topics pertaining to Chicago's handling of the coronavirus. Specifically, I'd like to discuss how her administration plans to encourage more residents to receive the coronavirus vaccine considering that [less than 50%](#) of the city's residents have been administered a single dose. I'd also like to discuss why she believes Chicago is behind other large cities, such as [New York](#) and [Los Angeles](#).

I'd also like to ask Mayor Lightfoot about how her administration handled the coronavirus pandemic compared to other major U.S. cities and how she plans to encourage residents to eat and shop locally as Chicago's vaccinated population grows.

Let me know if we can set up a time to speak.

Thank you very much.

Best,

Thomas Catenacci

Reporter | Daily Caller News Foundation

e: tcatenacci@dailycallernewsfoundation.org

c: 203-517-5730

twitter: [@ThomasCatenacci](#)

Exhibit 3

Re: Press Inquiry

Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org>

Fri 5/21/2021 11:35 AM

To: Mayor's Press Office <Mayor's.PressOffice@cityofchicago.org>

[Warning: External email]

Hello,

Wanted to follow up on this request.

Thank you!

Best,
Thomas

On Thu, May 20, 2021 at 5:23 PM Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org> wrote:

Hello,

I'm a reporter with the Daily Caller News Foundation. I'm requesting a one-on-one interview with Mayor Lightfoot regarding a number of topics pertaining to Chicago's handling of the coronavirus. Specifically, I'd like to discuss how her administration plans to encourage more residents to receive the coronavirus vaccine considering that [less than 50%](#) of the city's residents have been administered a single dose. I'd also like to discuss why she believes Chicago is behind other large cities, such as [New York](#) and [Los Angeles](#).

I'd also like to ask Mayor Lightfoot about how her administration handled the coronavirus pandemic compared to other major U.S. cities and how she plans to encourage residents to eat and shop locally as Chicago's vaccinated population grows.

Let me know if we can set up a time to speak.

Thank you very much.

Best,

Thomas Catenacci

Reporter | Daily Caller News Foundation

e: tcatenacci@dailycallernewsfoundation.org

c: 203-517-5730

twitter: [@ThomasCatenacci](https://twitter.com/ThomasCatenacci)

Exhibit 4

Re: Press Inquiry

Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org>

Mon 5/24/2021 12:58 PM

To: Mayor's Press Office <Mayor's.PressOffice@cityofchicago.org>

[Warning: External email]

Hi,

Following up again on this. Thank you.

Best,
Thomas

On Fri, May 21, 2021 at 12:35 PM Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org> wrote:

Hello,

Wanted to follow up on this request.

Thank you!

Best,
Thomas

On Thu, May 20, 2021 at 5:23 PM Thomas Catenacci <tcatenacci@dailycallernewsfoundation.org> wrote:

Hello,

I'm a reporter with the Daily Caller News Foundation. I'm requesting a one-on-one interview with Mayor Lightfoot regarding a number of topics pertaining to Chicago's handling of the coronavirus. Specifically, I'd like to discuss how her administration plans to encourage more residents to receive the coronavirus vaccine considering that [less than 50%](#) of the city's residents have been administered a single dose. I'd also like to discuss why she believes Chicago is behind other large cities, such as [New York](#) and [Los Angeles](#).

I'd also like to ask Mayor Lightfoot about how her administration handled the coronavirus pandemic compared to other major U.S. cities and how she plans to encourage residents to eat and shop locally as Chicago's vaccinated population grows.

Let me know if we can set up a time to speak.

Thank you very much.

Best,

Thomas Catenacci

Reporter | Daily Caller News Foundation

Obtained via FOIA by Judicial Watch Inc.

e: tcatenacci@dailycallernewsfoundation.org

c: 203-517-5730

twitter: [@ThomasCatenacci](https://twitter.com/ThomasCatenacci)

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS CATENACCI, et al.,)
Plaintiff,)
vs) Case Number:
LORI LIGHTFOOT, in Her) 21-cv-02852
Official Capacity As Mayor of)
the City of Chicago,)
Defendant.)

The Zoom Video Conferenced Video
Discovery Deposition of Thomas Catenacci, in the
above-entitled cause, taken before Izetta
White-McGee, a Notary Public and Certified
Shorthand Reporter in and for the State of
Illinois, located at 7807 Wintercress Lane,
Springfield, Virginia, held on the 20th day of
October, 2021 A.D. at the hour of 9:30 a.m.

APPEARANCES

REPRESENTING THE PLAINTIFF:

Michael Bekesha
Judicial Watch, Inc.
425 Third Street, S.W., Suite 800
Washington, DC 20024
Mbekesha@judicialwatch.org

Christine Svenson
Svenson Law Offices
345 N. Eric Drive
Palatine, IL 60067
Christine@svensonlawoffices.com

REPRESENTING THE DEFENDANT:

Peter Cavanaugh
Andrew Worseck
City of Chicago, Department of Law
Constitutional and Commercial
Litigation Division
2 North LaSalle Street, Suite 520
Chicago, Illinois 60602
(312) 744-6975

ALSO PRESENT:

Ashley Doody, Zoom Host

INDEX

WITNESS

PAGE

Thomas Catenacci:

Examination by Mr. Cavanaugh: 6

Examination by Mr. Bekesha: 44

Further Examination by Mr. Cavanaugh: 47

EXHIBITS:

Defendant's Exhibit No. 1 15

Defendant's Exhibit No. 2 25

Court Reporter's/Videographer's Certificate 51

1 THE COURT REPORTER/VIDEOGRAPHER: Today's
2 date is October 20, 2021. We are going on the
3 Video record at 9:30 a.m. we're located at 7807
4 Wintercress Lane in Springfield, Virginia.

5 We're here for the purpose of taking
6 the videotaped deposition of Thomas Catenacci.
7 The party on whose behalf the deposition is being
8 taken is the defendant; and the party at whose
9 instance the deposition is being recorded on an
10 audio visual device is the defendant.

11 This case is instituted in the United
12 States District Court for the Northern District of
13 Illinois, Eastern Division. The case number is
14 21-cv-02852. The is entitled Thomas Catenacci, et
15 al. vs. Lori Lightfoot, et al.

16 My name is Izetta White-McGee. I am
17 a certified Legal Video Specialist, Certified
18 Shorthand Reporter and Notary Public from 3-2-1
19 Legal Video, Inc., located at 77 West Washington
20 Street, Chicago, Illinois.

21 The court reporting service provider
22 is DCM Court Reporting, Inc. located at 221 North
23 LaSalle, Chicago, Illinois.

24 Before we proceed, pursuant to

1 Illinois Supreme Court Rule 206(h) regarding
2 remote electronic means depositions pursuant to
3 Section 319 of the Public Health Service Act and
4 in conjunction with Governor Pritzker's Executive
5 Order 2020.14, I will ask counsel to agree on the
6 record that there is no objection to this
7 certified shorthand reporter administering a
8 binding oath to the witness remotely.

9 I will ask each of you to state your
10 name, who you represent and that you are in
11 agreement on the record, starting with plaintiff's
12 counsel.

13 MR. BEKESHA: Michael Bekesha on behalf
14 of plaintiffs. No objection.

15 COURT REPORTER/VIDEOGRAPHER: Thank you.

16 MS. SVENSON: Christine Svenson,
17 S-v-e-n-s-o-n, on behalf plaintiffs also and no
18 objection.

19 COURT REPORTER/VIDEOGRAPHER: Thank you.

20 MR. CAVANAUGH: Peter Cavanaugh on behalf
21 of the defendant. No objection.

22 MR. WORSECK: Andrew Worseck on behalf of
23 defendant. No objection.

24 COURT REPORTER/VIDEOGRAPHER: Thank you.

(Witness sworn.)

Please proceed, Counsel.

MR. CAVANAUGH: Thank you.

THOMAS CATENACCI,

called as a witness herein, having been duly sworn
on oath, was examined and testified as follows:

EXAMINATION

BY MR. CAVANAUGH:

Q Good morning, Mr. Catenacci, my name is
Peter Cavanaugh. I'm representing Mayor
Lightfoot, the defendant in this case.

Have you ever been deposed before?

A I have not.

Q Okay. Have you ever testified in court?

A No.

Q Okay. So you may still be somewhat
familiar with how a deposition goes or your
attorney may have given you some instruction, but
I'm just going to go over a couple of ground rules
here, which I think will make things run a little
bit smoother.

First, as you can see, there's a
court reporter transcribing everything that's
being said here today. So please make sure that

1 all of your answers to my questions are stated out
2 loud so that the court reporter can take them
3 down. So that means no shrugs of the shoulders or
4 nods of the head.

5 Please also no answers like "uhn-uhn"
6 or "uh-huh" so that the record of the deposition
7 is clear. Answers like that don't come out
8 clearly in the transcript. By contrast, answers
9 like "yes" and "no" can be transcribed clearly.

10 Second, there is a videographer
11 present here today, who will be making an audio
12 visual recording of the deposition.

13 Third, please make sure that only one
14 person talks at a time so the record is clear.

15 Fourth, please don't answer any of my
16 questions until I've finished asking them. And
17 finally, if need to take a break at any time, you
18 can do so. I just ask that you allow me to finish
19 my question and for you to finish your answer
20 before the break is taken.

21 Are you agreeable with all of these
22 rules?

23 A Yes.

24 Q Great. Is there anything that would

1 stop you from testifying truthfully today?

2 A No.

3 Q Okay. Are you sick or under the
4 influence of any medications?

5 A No.

6 Q Okay. You understand that we are here
7 today for a lawsuit entitled Catenacci, et al
8 versus Mayor Lightfoot, correct?

9 A Yes.

10 Q What is that lawsuit about?

11 A The lawsuit primarily focuses on a
12 policy that the Mayor instituted.

13 Q Okay. And do you agree that you are
14 purporting to challenge the Mayor's alleged
15 decision to exclusively provide one-on-one
16 interviews to journalists of color on the occasion
17 of her second anniversary as Mayor of Chicago?

18 A Yes.

19 Q Okay. And for clarity going forward for
20 purposes of this deposition, can we agree to refer
21 to those parameters as the interview parameters?

22 A Yes.

23 Q Okay. What did you do to prepare for
24 today's deposition?

1 A I reviewed the initial complaint that I
2 filed mainly for dates just for clarity on, you
3 know, when the emails were sent, my requests to
4 the Mayor's office; and I also reviewed the
5 response or the motion to dismiss on the Mayor's
6 side, including the exhibits in there.

7 Q Okay. And did you meet with anyone in
8 preparation for today?

9 A Yes, I met with my lawyers.

10 Q Who was present in those meetings?

11 A Michael Bekesha and Christine.

12 Q Okay. And how many times did you meet
13 with your lawyers?

14 A Twice.

15 Q And what documents did you review?

16 MR. BEKESHA: Objection; asks for
17 attorney-client and potentially attorney work
18 product.

19 Are you asking for what he reviewed
20 during our meetings or what documents generally he
21 reviewed?

22 MR. CAVANAUGH: I'll restate the
23 question.

24 BY MR. CAVANAUGH:

1 Q Are the 2 documents you referenced, the
2 complaint and the motion to dismiss and their
3 relevant exhibits, are those the only documents
4 you reviewed in preparation for today's
5 deposition?

6 A Yes.

7 Q Did you speak with anyone other than
8 your lawyers in preparation for this deposition?

9 A All I spoke to is my editor, telling him
10 that I would be off.

11 Q Okay. Did you tell anyone else that you
12 would be doing this deposition today?

13 A Yes, I told my fiance.

14 Q Okay. Other than your lawyers, have you
15 spoken to anyone else about this lawsuit?

16 A Yes.

17 Q Who have you spoken to about it?

18 A Family members, colleagues. Honestly, I
19 can't give you an entire exhaustive list; but,
20 yeah, those 2 categories is safe to say.

21 Q Okay. Have you done any media
22 interviews regarding this lawsuit?

23 MR. BEKESHA: Objection; outside the
24 scope.

1 THE WITNESS: I have.

2 BY MR. CAVANAUGH:

3 Q And with what outlets?

4 MR. BEKESHA: Objection; outside the
5 scope.

6 THE WITNESS: I spoke to FOX News.

7 BY MR. CAVANAUGH:

8 Q Is that the only interview you have done
9 with regard to this lawsuit?

10 MR. BEKESHA: Objection; outside the
11 scope.

12 THE WITNESS: As best as I can recall.

13 BY MR. CAVANAUGH:

14 Q Okay. And other than communications
15 with your lawyers, have you written anything about
16 this case?

17 MR. BEKESHA: Objection; outside the
18 scope.

19 THE WITNESS: As best as I recall, I
20 don't think I have written anything.

21 BY MR. CAVANAUGH:

22 Q Okay. Have you written any social media
23 posts about this lawsuit?

24 MR. BEKESHA: Objection; outside the

1 scope.

2 THE WITNESS: Yes, I have.

3 BY MR. CAVANAUGH:

4 Q On what social media platforms?

5 A Twitter.

6 Q Okay. Have you written any emails about
7 this lawsuit?

8 MR. BEKESHA: Objection; outside the
9 scope, vague.

10 THE WITNESS: Can you repeat the
11 question?

12 BY MR. CAVANAUGH:

13 Q Have you written any emails about this
14 lawsuit?

15 MR. BEKESHA: Objection; also potentially
16 calls for attorney- client and attorney work
17 product.

18 MR. CAVANAUGH: I will rephrase.

19 BY MR. CAVANAUGH:

20 Q Have you written --

21 Other than communications with your
22 lawyers, have you written any emails about this
23 lawsuit?

24 A So the initial request for an interview

1 was over email. So that would count. And there
2 were various news outlets around the world that I
3 reached out; and I either accepted them in the
4 case of -- in a few cases, the interviews, or
5 responded via email denying the interview
6 requests.

7 Q Okay. And what do you do for work?

8 A I am a journalist.

9 Q Where do you work?

10 A At the Daily Caller News Foundation.

11 Q And what is your title?

12 A My title recently changed actually. At
13 the time of the filing of the lawsuit, I was the
14 labor and economics reporter, but recently I am
15 now the energy and environment reporter.

16 Q Okay. We can briefly go through the
17 history here. So you are currently the energy and
18 environment reporter, correct?

19 A Correct.

20 Q And when did you --

21 How long have you had that position?

22 A Just about 2 weeks.

23 Q Okay. And the immediate preceding
24 position you had was what?

1 A Labor and economics.

2 Q **And how long did you have that position?**

3 A I was assigned it around, I want to say
4 June or July 2020.

5 Q **Okay. And what was your position before**
6 **that.**

7 A I was hired as a fellow, so just general
8 assignment reporting.

9 Q **And that was hired at the Daily Caller**
10 **News Foundation?**

11 A Yes. All the positions that I've
12 mentioned so far have been at the same company.

13 Q **Do you work for any other outlets**
14 **currently --**

15 A No.

16 Q **-- or companies?**

17 **Do you do any freelance work?**

18 A No.

19 Q **And prior to working for the Daily**
20 **Caller News Foundation, what did you do for work?**

21 MR. BEKESHA: -- objection; outside the
22 scope.

23 THE WITNESS: Before I came to the Daily
24 Caller News Foundation, I worked as freelancer at

1 CNBC in New Jersey, and that was as a content
2 creator.

3 BY MR. CAVANAUGH:

4 Q And what is your highest level of
5 education?

6 A I received a bachelor's degree.

7 MR. CAVANAUGH: Can we get Exhibit 1, the
8 LeFurgy Second Declaration of Exhibits, please?

9 (Whereupon Zoom host

10 complies)

11 BY MR. CAVANAUGH:

12 Q Mr. Catenacci, I'm showing you what has
13 been marked Defendant's Exhibit 1, which is the
14 Second Declaration of Kathleen LeFurgy.

15 (Whereupon Defendant's
16 Exhibit No. 1 was marked
17 for identification; said
18 exhibit was tendered to
19 the witness.)

20 Have you seen this document before?

21 A I have.

22 MR. CAVANAUGH: And could we go to Page 8
23 of this document? Do I have control of it? I'm
24 sorry.

1 (Whereupon the Zoom Host
2 gives counsel control of
3 screen sharing

4 THE WITNESS: Well, they figured that
5 out. Can I just make a quick point about past
6 work history. You asked if -- or what I had done
7 before Daily Caller News Foundation. I answered
8 with the job that I held immediately prior, but
9 I'm not sure if you wanted my entire work history.

10 MR. CAVANAUGH: That's fine. Your
11 immediate prior job is sufficient.

12 Thanks for the clarification.

13 THE ZOOM HOST: Okay. You should have
14 control.

15 MR. CAVANAUGH: Okay. Thank you, Ashley.

16 BY MR. CAVANAUGH:

17 Q Okay, Mr. Catenacci, you said you are
18 familiar with this document. I'm going to go to
19 the exhibits. There were several exhibits
20 attached to this document. I'm going to first
21 take you first to Exhibit 2, which begins on Page
22 7, and then this is Page 8. Do you recognize this
23 document?

24 A I do.

1 **Q Okay. And what is this document?**

2 A This was my initial request to the
3 Mayor's office for an interview.

4 **Q Okay. And this is a true and correct**
5 **copy of the first email interview request you sent**
6 **to the Mayor's press office?**

7 MR. BEKESHA: Pete, can you scroll down
8 so we can see the entire page.

9 MR. CAVANAUGH: For sure.

10 THE WITNESS: Yes.

11 (Whereupon counsel
12 complies with request.)

13 MR. BEKESHA: Thank you.

14 BY MR. CAVANAUGH:

15 **Q And I'm going to take you next to**
16 **Exhibit 3 of the LeFurgy Declaration. Do you**
17 **recognize this document?**

18 A Yes.

19 **Q And what is this document?**

20 A This was my initial follow-up when I
21 didn't hear back from the Mayor.

22 **Q Okay. So this is a true and correct**
23 **copy of the second email you sent to the Mayor's**
24 **press office in relation to this interview**

1 request?

2 A Yes.

3 Q And next is Exhibit 4 of the LeFurgy
4 Declaration. Do you recognize this document?

5 A I do.

6 Q And what is this document?

7 A It's my final and second follow-up.

8 Q So this is true and correct copy of the
9 third email you sent to the Mayor's press office
10 in relation to this interview request.

11 A It is.

12 Q When did you first make a request to
13 interview Mayor Lightfoot one-on-one?

14 A The first request was on May 20th.

15 Q How did you make that request?

16 A Via email.

17 Q And was the email the only method you
18 used to seek an interview?

19 A Yes.

20 Q Was this the first time you had sought
21 an interview with Mayor Lightfoot?

22 A By first time, do you mean like first
23 time asking for this interview on this topic?

24 Q By first time, I mean first time you

1 **ever sought an interview from Mayor Lightfoot?**

2 A Yes.

3 **Q Why did you send this request?**

4 A For an interview request; to have an
5 interview.

6 **Q Was the interview request your idea?**

7 A It was part of an assignment given to me
8 by the editor and chief at the time.

9 **Q Okay. And who was the editor and chief?**

10 A The editor and chief at the time was
11 Ethan Barton.

12 **Q And what was the -- what was the**
13 **assignment?**

14 A We had discussed a variety of different
15 reasons for the interview requests, but the main
16 assignment for the article was to pursue a story
17 on vaccination rates, and specifically keeping in
18 mind that Chicago had, in particularly among the
19 large cities, fallen behind in terms of adults
20 being vaccinated; and we wanted to write about why
21 that was and what sort of effect that might have
22 on the City's reopening effort?

23 **Q Okay. And you stated that there were a**
24 **variety of reasons for the request. What were the**

1 **other reasons for the request?**

2 A We did discuss the interview policy.

3 **Q And what did you discuss about the**
4 **interview policy?**

5 A I don't recall everything that we
6 discussed about the policy itself, but we did
7 discuss how potentially the interview might be
8 denied.

9 **Q Did you discuss this request with anyone**
10 **else before you sent it?**

11 A I don't recall. I think there might
12 have been an email chain. So other people could
13 have been copied on that email, but the main
14 person I was talking to was the editor and chief.

15 **Q And when you say talking to, do you mean**
16 **talking via email or do you mean talking as in**
17 **person or on the phone?**

18 A Not on the phone. It was on-line.

19 **Q I'm sorry. It was -- excuse me?**

20 A It was on-line; not on the phone.

21 **Q Okay. So via email or some other text**
22 **conversation?**

23 A Yes.

24 **Q Did you consult with an attorney before**

1 **emailing the request?**

2 A I did not personally consult with an
3 attorney.

4 Q **Okay. Are you aware of anyone else**
5 **consulting with an attorney before sending the**
6 **request?**

7 A I don't want to speculate on that.

8 Q **But you are not aware specifically?**

9 A Again, I don't want to speculate.

10 Q **I'm not asking you to speculate. I'm**
11 **just asking if you are aware or not?**

12 A I think that there's a possibility, but
13 again, I don't want to speculate on what I think.

14 Q **Did anyone tell you they consulted with**
15 **an attorney?**

16 A I don't recall.

17 Q **Okay. Why did you send the request on**
18 **May 20th?**

19 A I don't really have a reason for that.
20 You can ask me why I send any request for any
21 reason. I'm not sure why that date.

22 Q **When did you learn about the interview**
23 **parameters we discussed earlier?**

24 A The interview parameters, again tough to

1 say; probably the day before.

2 Q Okay. How did you learn about the
3 interview parameters?

4 A On social media.

5 Q Do you recall which social media post
6 you viewed?

7 A I don't -- no, I don't recall the exact
8 one.

9 Q After you sent your first email on May
10 20th, what happened with your request?

11 A On May 20th, as I think we briefly
12 discussed, it wasn't -- there was never a
13 response.

14 Q Okay. What did the City do with your
15 request?

16 MR. BEKESHA: Objection; calls for
17 speculation.

18 THE WITNESS: Yeah, I can't speculate on
19 that.

20 BY MR. CAVANAUGH:

21 Q Do you have any knowledge of what the
22 City did with your request?

23 A Again, I don't work in the City's
24 office. So I wouldn't be able to tell you that

1 information.

2 Q So your answer is you don't know what
3 the City did with your request?

4 A I just can't speculate.

5 Q Okay. What decision did the City make
6 regarding the first request you sent?

7 A Again, I can't speculate because I
8 wasn't privy to those conversations.

9 Q Did the City deny that request?

10 A I believe so. I believe that the City
11 did deny the request.

12 Q And what is your basis for that believe?

13 A Based upon either no -- a decline for
14 the interview or no response.

15 Q Is there any other basis for that
16 belief?

17 A No.

18 Q Do you know what the City's process is
19 for reviewing email requests?

20 A I do not.

21 Q Do you know if all email requests are
22 reviewed?

23 A I do not.

24 Q Do you know how long it takes for an

1 email request to be reviewed?

2 A I do not.

3 Q Is it possible that not every email
4 request is reviewed?

5 A It is possible, yes.

6 Q What race do you identify as?

7 A White.

8 Q And did you state your race in your
9 request to the Mayor's office?

10 A I did not.

11 Q Did the people receiving your request
12 know your race?

13 A I did not -- I don't think so.

14 Q Does your request mention the Mayor's
15 2-year anniversary?

16 A Let me just backtrack on that last
17 question. It was never mentioned in my email my
18 race; and again, I can't speculate on if they knew
19 my race. I wouldn't be able to know that
20 information.

21 Q Okay. Does your request mention the
22 Mayor's 2-year anniversary?

23 A It does not.

24 Q Does your request mention any particular

1 **date on which you wanted to interview the Mayor?**

2 A It does not.

3 **Q Were the interview parameters your suit**
4 **challenges applied to your request?**

5 A I can't speculate on that.

6 **Q So you don't know whether they were**
7 **applied or not?**

8 A I don't work for the Mayor. So I
9 wouldn't -- I wouldn't be able to speculate.

10 **Q Were the interview parameters used as**
11 **the basis for denying your request?**

12 A I can't speculate on why the request was
13 denied.

14 MR. CAVANAUGH: Can we bring up Exhibit
15 2.

16 (Whereupon Deposition
17 Exhibit No. 2 was marked
18 for identification; said
19 exhibit was screen shared
20 with the witness.)

21 BY MR. CAVANAUGH:

22 **Q Are you familiar with this document?**

23 A Yes.

24 **Q I'm showing you what has been marked**

1 Defendant's Exhibit 2, which is the Amended
2 Complaint. Did you review this document in
3 preparation for today's deposition?

4 A I reviewed the initial complaint.

5 Q Okay. Have you previously reviewed this
6 document?

7 A I think briefly.

8 Q Going to turn to page -- Paragraph 13 on
9 Page 3. I'll read this paragraph into the record.

10 On information and belief, defendant
11 is aware that Plaintiff Catenacci is not a
12 journalist of color; and defendant has denied
13 Plaintiff Catenacci's interview request pursuant
14 to her announcement that she will only grant
15 interview requests from journalists of color.

16 Looking at the first part of that
17 sentence, it states: Defendant is aware that
18 Plaintiff Catenacci is not a journalist of color,
19 correct?

20 A Correct.

21 Q What is the basis for the assertion that
22 the Mayor's office was aware you were not a
23 journalist of color?

24 A It's very easy to look up my name.

1 Q Did anyone look up your name?

2 A Again, I can't speculate on that.

3 Q Do you know if anybody looked up your
4 name?

5 A I can't speculate on that.

6 Q So you don't have information one way or
7 the other if someone looked up your name?

8 A I do not.

9 Q Okay. And is there any other basis for
10 that assertion?

11 A The assertion that defendant was aware?

12 Q Correct.

13 A The -- in my email, my Twitter account
14 was linked, which has a picture of me?

15 Q And did anyone view your Twitter
16 account?

17 A I'm not aware.

18 Q Is there any other basis for your
19 statement -- the statement in the complaint that:
20 Defendant is aware that Plaintiff Catenacci is not
21 a journalist of color?

22 A No.

23 Q And the next -- turning to the next
24 clause, you state that: Defendant has denied

1 Plaintiff Catenacci's interview request pursuant
2 to her announcement.

3 So on the first part, it states --
4 sorry. To restate it: Plaintiff Catenacci --

5 Defendant has denied Plaintiff
6 Catenacci's interview request. What is the basis
7 for your assertion that the interview request was
8 denied?

9 A Because I never heard back.

10 Q Okay. Is there any other basis for that
11 statement?

12 A No.

13 Q At what point was the interview denied?

14 A After the third, or the -- yeah, the
15 third email and the second follow-up.

16 Q Is there a specific point in time at
17 which it was denied?

18 A Again, I can't speculate to private
19 conversations in the Mayor's office, but after 2
20 follow-up emails, it was safe to assume that there
21 was not going to be an interview.

22 Q Okay. Was it your belief that it was
23 denied the moment you sent that second follow-up
24 email?

1 A Again, I can't speculate on the timing.

2 **Q I'm asking about your personal belief?**

3 A What my personal belief on when it was?

4 **Q Correct.**

5 A My personal belief on when it was was
6 probably soon after the initial request, but it
7 just confirmed to me that it was certainly denied
8 after 2 follow-ups.

9 **Q Okay. And other than the fact that you**
10 **got no response, is there any other basis for the**
11 **assertion that the interview request was denied?**

12 A Well, the simple fact that the Mayor had
13 announced publicly that she would only interview
14 journalists of color during this time period was
15 also evidence to me that it was denied.

16 **Q And other than those 2 facts, is there**
17 **anything else that supports your assertion that**
18 **the interview request was denied?**

19 A No.

20 **Q Okay. And the last part of Paragraph 13**
21 **states that: The denial was pursuant to her**
22 **announcement that she will only grant interview**
23 **requests from journalists of color.**

24 **What is your basis for stating that**

1 **the alleged denial was for this reason?**

2 A Well, the simple fact that on that date,
3 the Mayor only interviewed journalists of color.

4 Q Do you have any facts that show that
5 this policy or this -- sorry -- the interview
6 parameters were applied to you?

7 A I don't have, you know, any knowledge of
8 private conversations that the Mayor might have
9 had with her staff or her staff amongst
10 themselves.

11 Q So other than the Mayor's announcement,
12 do you have any other basis to support your
13 assertion that this was the reason for the alleged
14 denial?

15 A Not that I can think of.

16 Q Okay.

17 MR. CAVANAUGH: Michael, can we take a
18 brief break?

19 MR. BEKESHA: Sure. How long do you
20 want?

21 MR. CAVANAUGH: I think -- what time is
22 it?

23 COURT REPORTER/VIDEOGRAPHER: 9:59.

24 It's 9:59. We're going off the

1 record.

2 (Whereupon a recess was
3 taken after which the
4 proceedings resumed as
5 follows:)

6 THE VIDEOGRAPHER: The time 10:10. We're
7 going back on the record.

8 Please proceed, Counsel.

9 MR. CAVANAUGH: All right. Thank you.

10 Can we bring back up Exhibit 1? And,
11 Ashley, if you could give me control again.

12 (Whereupon Zoom host
13 complies)

14 ZOOM HOST: You have it.

15 MR. CAVANAUGH: Okay, great. Thank you.

16 BY MR. CAVANAUGH:

17 Q So, Mr. Catenacci, turning back to the
18 first email, the May 20th email, can you confirm
19 this was the first email you sent to Mayor's
20 office requesting an interview.

21 A Yes.

22 Q Okay. And you sent this email at 4:23
23 p.m. Central time; is that correct?

24 A I'm not sure of the time zone, but if it

1 says 4:23 there, then I have no reason to believe
2 that wasn't the time.

3 Q Okay. So it was around that time at a
4 minimum?

5 A Sure.

6 Q Okay. And then the second email request
7 was sent at -- on 5/21 at 11:35 a.m. Central time?

8 A Yes, on May 21st, 11:35 a.m. based on
9 that.

10 Q And you have no reason to doubt that?

11 A No. Again, the time zone, I'm not sure.
12 It doesn't, like CT there, and I was sending it
13 from the East Coast, so -- yeah.

14 Q Okay. So it may have been 12:35 p.m.?

15 A Yes.

16 Q Okay.

17 A And even when you scrolled past the
18 first, you see how the first email right there, it
19 says 5:23; not 4:23.

20 Q Yes. Okay. But your recollection is
21 that you sent it some time after 4:00 p.m. Central
22 or Eastern time on the 20th for the first email?

23 A Yes.

24 Q Okay. And for the second email, it was

1 **some time after 11:00 a.m. on Friday, the 21st?**

2 A Yes.

3 Q Okay. And the third one, again, was
4 **sent on Monday, 5/24 at or around 12:58 p.m.?**

5 A Yes.

6 Q And other than these 3 emails, you did
7 **not send any other emails requesting an interview**
8 **with the Mayor; is that correct?**

9 A That is correct.

10 Q And you stated earlier that you couldn't
11 **speculate on what the Mayor's office did with your**
12 **request, correct?**

13 A Correct.

14 Q So your testimony then is that you don't
15 **know what they did with your request?**

16 A I just can't speculate. I mean, I have
17 worked in a press office before, and based on that
18 experience, which I know every press office is
19 different in their operations. I think it's safe
20 to assume that the email was seen, but yeah, I
21 can't speculate to answer your question.

22 Q So you don't know for a fact what they
23 **did with your email?**

24 A I don't know for a fact how the email

1 was processed.

2 Q Okay. And you don't know whether anyone
3 knew what your race was at that time?

4 MR. BEKESHA: Objection; asked and
5 answered.

6 THE WITNESS: Again, there were many ways
7 to find out, especially like the policy. If the
8 Mayor was only interviewing journalists of color,
9 as she stated in her memo to the press, then I
10 think it's safe to assume -- again, this is on my
11 belief that the race of journalists who requested
12 interviews was first investigated.

13 BY MR. CAVANAUGH:

14 Q Okay. I understand that's based --
15 that's your belief, but my question is: Do you
16 have knowledge that it was -- your race was known?

17 A I do not have knowledge, no.

18 Q Okay. And you also don't have knowledge
19 of whether the interview parameters that you
20 challenge here were applied to your request,
21 correct?

22 A I don't have knowledge; but, again, if
23 we are going to take the Mayor for her word in her
24 memo, then I think it's safe to assume that --

1 assuming that what the memo was saying was
2 truthful, then I think those parameters were
3 applied to all interviews, as she said.

4 Q Okay. And you also don't have knowledge
5 of whether the parameters were used as a basis for
6 denying your request, correct?

7 A Correct.

8 Q And you have no evidence to support the
9 contention that the parameters were used as a
10 basis for denying your request, correct?

11 A Repeat the question.

12 Q You don't have any evidence that the
13 parameters were used as a basis for denying your
14 request, correct?

15 MR. BEKESHA: Objection; asked and
16 answered.

17 THE WITNESS: Well, the interview
18 requests was never answered or accepted, so yes.

19 BY MR. CAVANAUGH:

20 Q So yes, you do not have evidence that
21 the parameters were used as a basis for denying
22 your request?

23 A Yeah, I can't --

24 MR. BEKESHA: Objection; asked and

1 answered.

2 THE WITNESS: I can't speculate on all
3 the internal workings of the press office, but I
4 don't have, you know, specific evidence of private
5 conversations.

6 BY MR. CAVANAUGH:

7 Q Do you have specific evidence of any
8 other -- other than private conversations, any
9 other evidence?

10 A No.

11 Q Okay. And you don't know whether the
12 Mayor's office ever actually made a decision to
13 deny your request, correct?

14 MR. BEKESHA: Objection; asked and
15 answered.

16 THE WITNESS: The entry request was never
17 responded to, so -- and it was never accepted.
18 So, therefore, it was denied.

19 BY MR. CAVANAUGH:

20 Q And beyond that, do you have any other
21 evidence that it was denied?

22 A No.

23 Q You noted that you received numerous
24 media requests in relation to this lawsuit,

1 **correct?**

2 A Yes.

3 **Q And how many media requests did you**
4 **receive?**

5 MR. BEKESHA: Objection; outside the
6 scope.

7 THE WITNESS: It was a lot. I don't have
8 the exact number?

9 BY MR. CAVANAUGH:

10 **Q And how many were for interviews?**

11 MR. BEKESHA: Objection; outside the
12 scope.

13 THE WITNESS: I would say the majority of
14 them were for interviews?

15 BY MR. CAVANAUGH:

16 **Q And how many of those interview requests**
17 **did you grant?**

18 MR. BEKESHA: Objection; outside the
19 scope.

20 THE WITNESS: There were 2 that I
21 granted, and I provided a statement for, I think,
22 2 other ones.

23 BY MR. CAVANAUGH:

24 **Q Okay. And for the ones that you did not**

1 **grant, why did you not grant them?**

2 MR. BEKESHA: Objection; outside the
3 scope.

4 THE WITNESS: There were a variety of
5 reasons. Generally, I denied the requests because
6 I had already answered a lot of the questions, and
7 I referred everyone when I denied the interview
8 request to either my previous statements or to
9 other articles that were written about it.

10 BY MR. CAVANAUGH:

11 **Q And were there any other reasons that**
12 **you denied the requests?**

13 MR. BEKESHA: Objection; outside the
14 scope.

15 THE WITNESS: I think there were other
16 reasons, but nothing that comes to mind.

17 BY MR. CAVANAUGH:

18 **Q And did respond to every request?**

19 MR. BEKESHA: Objection; outside the
20 scope.

21 THE WITNESS: To -- to my best knowledge
22 or my best recollection, I did.

23 BY MR. CAVANAUGH:

24 **Q Have you made any further requests for**

1 an interview with Mayor Lightfoot other than the 3
2 we've already discussed?

3 A No.

4 Q Do you have any plans to make future
5 requests to Mayor Lightfoot?

6 A It's possible.

7 Q But you don't have current plans to do
8 so?

9 A I don't think that was the question.
10 You said future plans. But no, I do not have
11 current plans.

12 Q Have you ever made a request for a
13 one-on-one interview with any other public
14 official?

15 MR. BEKESHA: Objection; outside the
16 scope.

17 THE WITNESS: I have.

18 BY MR. CAVANAUGH:

19 Q And have all of those requests been
20 granted?

21 A Not all of them, no.

22 Q Of those that have not been granted,
23 have you received a response specifically denying
24 your request in all cases?

1 MR. BEKESHA: Objection; outside the
2 scope.

3 THE WITNESS: I wouldn't be able to go
4 through every single request, because there's
5 quite a few, as you can imagine; but, yes I have
6 received responses saying that they would not
7 grant the one-on-one interview.

8 BY MR. CAVANAUGH:

9 Q And have there been times where you did
10 not receive any response?

11 MR. BEKESHA: Objection; outside the
12 scope.

13 THE WITNESS: To my recollection, yes.

14 BY MR. CAVANAUGH:

15 Q And in those cases where you did not
16 receive a response, were those requests denied?

17 A I believe so.

18 Q And what is your basis for that belief?

19 A The fact that I never received a
20 response.

21 Q And why were those requests denied?

22 MR. BEKESHA: Objection; outside the
23 scope; calls for speculation.

24 THE WITNESS: Right. I can't speculate.

1 What I can say is that none of those public
2 officials had memos that were released on a policy
3 on interviewing only journalists of color.

4 BY MR. CAVANAUGH:

5 **Q So you don't know why any of those**
6 **requests were not granted?**

7 MR. BEKESHA: Objection; asked and
8 answered.

9 THE WITNESS: Yeah, I can't speculate.

10 Which requests?

11 BY MR. CAVANAUGH:

12 **Q The requests that were not -- that you**
13 **did not receive responses to.**

14 A Yeah, I can't speculate on that.

15 **Q Was the existence of the interview**
16 **parameters the reason you sent your requests here?**

17 A Like I said before, it was definitely
18 one of the reasons for the interview requests,
19 yes.

20 MR. CAVANAUGH: Michael, I think we'll
21 take just a short break just to review our notes.

22 MR. BEKESHA: Okay.

23 MR. CAVANAUGH: And then after that, I
24 think we will be able to wrap up pretty quickly.

1 So I think 5 minutes should be enough.

2 THE VIDEOGRAPHER: The time is 10:23.

3 We're going off the record.

4 (Whereupon a recess was
5 taken after which the
6 proceedings resumed as
7 follows:)

8 COURT REPORTER/VIDEOGRAPHER: The time is
9 10:28. We're going back on the record.

10 Please proceed, Counsel.

11 MR. CAVANAUGH: Ashley, could you pull up
12 Exhibit 1 one more time; and we'll actually be
13 looking at this page.

14 (Whereupon Zoom host
15 complies)

16 BY MR. CAVANAUGH:

17 Q So Mr. Catenacci, you had noted here
18 that it said 5:23 on this email and the one prior
19 to it, but 4:23 on the other. Would you agree
20 that as it's forwarded from your account in your
21 Eastern Time Zone, that it's indicating that you
22 sent it at 5:23 p.m. Eastern, and it was received
23 at 4:23 Central?

24 A I believe that is what that suggests.

1 Q Okay. And that's true on this email as
2 well -- I'll scroll up to it.

3 A Yeah, you could see right here that
4 there's 12:35 and 5:23. I think in the original 2
5 emails, it was 4:23 and 11:35. I think that's
6 what you are saying, but yeah.

7 Q Yeah, exactly. So just to go make sure
8 this is clear, this is the first email which says
9 4:23, correct?

10 A Correct.

11 Q And then if we go to your second email
12 that you forwarded again from your account, it
13 says 5:23, which would indicate that from your
14 perspective, it was sent at 5:23 Eastern, correct?

15 A Correct.

16 Q And then we received -- the Mayor's
17 office received it at 11:35 Central; and as
18 indicated in this third email from your
19 perspective, that was sent at 10:35 Eastern,
20 correct?

21 A Correct.

22 MR. BEKESHA: Sorry, Pete, I think it
23 says 12:35.

24 MR. CAVANAUGH: I'm sorry. Thank you for

1 that.

2 THE WITNESS: Yeah, 12:35.

3 BY MR. CAVANAUGH:

4 Q 12:35 p.m. Eastern, correct?

5 A Yes, correct.

6 Q And you agree that those are the times
7 that you recall sending these emails?

8 A Yeah, it looks right, yeah.

9 MR. CAVANAUGH: Okay. Great. We have
10 nothing further.

11 MR. BEKESHA: Great. I just have a few
12 questions.

13 Can we scroll up to Exhibit 1 of
14 Exhibit 1?

15 MR. CAVANAUGH: I can scroll up, I
16 believe here.

17 MR. BEKESHA: Yeah, that's fine. Just
18 scroll down to the top.

19 EXAMINATION

20 BY MR. BEKESHA:

21 Q Mr. Catenacci, do you recognize this
22 document?

23 A Yes.

24 Q Is this the -- what has been, I guess,

1 as Exhibit 1 of Exhibit 1 here. Is this -- when
2 you referred earlier to a memo that Mayor
3 Lightfoot sent out, is this the memo you were
4 referring to?

5 A It is.

6 Q And within the memo, Mayor Lightfoot
7 stated that she will be exclusively providing
8 one-on-one interviews with journalist of color; is
9 that correct?

10 A That is correct.

11 Q And earlier I believe you testified that
12 this memo was one of the reasons why you sent your
13 interview request. Was it the only reason?

14 A No.

15 Q If we could scroll down to Exhibit 2 of
16 this, we are now looking at -- you testified
17 previously, it's an email from you to the Mayor's
18 press office dated May 20th, 2021 and received by
19 the Mayor's press office at 4:23 p.m., right?

20 A Correct.

21 Q If we can scroll down to the signature
22 block, you mentioned earlier something about
23 Twitter. Is that your Twitter handle in the
24 signature block of the email?

1 A It is.

2 Q And if you go to -- if you click on the
3 link and go to your Twitter account, is there a
4 picture of you --

5 A There is.

6 Q -- on the account?

7 A Yes.

8 Q And that's a picture of you -- of your
9 face. Somebody can identify who you are?

10 A Yes.

11 Q Do you know if someone were to Google
12 you, if pictures of you would appear on the
13 Internet?

14 A Yes.

15 Q Is there a picture of you on the Daily
16 Caller's website?

17 A It is.

18 Q And that is a part of a bio or something
19 related to your employment at the Daily Caller?

20 A Yes.

21 Q Mr. Catenacci, I think I just have one
22 last question. Have you heard -- have you run
23 into or experienced any other Mayor's offices that
24 announced that it would be exclusively providing

1 **one-on-one interviews to journalists of color?**

2 A Not just Mayor's offices, but any public
3 officials' office, I have never heard of any sort
4 of policy even close to this.

5 MR. BEKESHA: Okay. I have no further
6 questions.

7 MR. CAVANAUGH: Okay. Just a few
8 follow-ups from me.

9 FURTHER EXAMINATION

10 BY MR. CAVANAUGH:

11 Q **Do you know if anybody in the Mayor's**
12 **press office Googled you after receiving this**
13 **email?**

14 A I do not.

15 Q **Do you know if anybody in the Mayor's**
16 **press office viewed your Twitter profile after**
17 **receiving this email?**

18 MR. BEKESHA: Objection; asked and
19 answered.

20 THE WITNESS: I am not aware.

21 BY MR. CAVANAUGH:

22 Q **Do you know if anybody in the Mayor's**
23 **press office viewed your profile in the Daily**
24 **Caller website after receiving this email?**

1 A I'm not aware.

2 MR. CAVANAUGH: Nothing further for me.

3 MR. BEKESHA: I think we're all set.

4 COURT REPORTER/VIDEOGRAPHER: Okay. The
5 time is 10:34. We have reached the conclusion of
6 the deposition of Mr. Thomas Catenacci. The
7 deposition took place on 1 media file. Custody of
8 the original video record will remain with 3-2-1
9 Legal Video. We're going off the record.

10 AND FURTHER DEPONENT SAYETH NAUGHT

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF ILLINOIS)

2)

3 COUNTY OF COOK)

4 I, Izetta White-McGee, a Notary
5 Public and Certified Shorthand Reporter within and
6 for the County of Cook and State of Illinois, do
7 hereby certify that heretofore, to wit: on
8 October 20, 2021, appeared before me via Zoom
9 Video Conference, Thomas Catenacci, the plaintiff
10 in the above-captioned matter, which cause is now
11 pending and undetermined in the above-captioned
12 court.

13 I further certify that the said
14 witness was by me first duly sworn to testify to
15 the truth, the whole truth and nothing but the
16 truth in the cause aforesaid; that the testimony
17 then given by the witness was reported
18 stenographically by me in the presence of the
19 witness and afterwards reduced to writing and the
20 foregoing deposition is a true and correct
21 transcription of my shorthand notes so taken as
22 aforesaid.

23 I further certify that this
24 deposition was taken pursuant to notice and that

1 there were present at the taking of the deposition
2 the appearance as heretofore noted.

3 Signature of the deposition was
4 waived.

5 I further certify that I am not
6 counsel for nor in any way related to any of the
7 parties to this lawsuit, nor am I in any way
8 interested in the outcome thereof.

9 IN WITNESS WHEREOF, I have hereunto
10 set my hand this date, October 26, 2021.

11
12 *****

13 I, Izetta White-McGee, certified
14 legal videographer and Notary Public, do hereby
15 certify that the above-captioned deposition was
16 videotaped by me. That said video deposition took
17 place on October 20, 2021, said video deposition
18 began at 9:30 a.m.; and concluded at 10:34 a.m.;
19 total run time was 1 hour, 4 minutes.

20 Said videotape is a true and accurate
21 record of the deposition so taken, and the same
22 has not been edited or otherwise altered.

23 I further certify that I am not
24 counsel for nor in any way related to any of the

1 parties to this lawsuit, nor am I in any way
2 interested in the outcome thereof.

3 The original audio-visual record will
4 remain with 3-2-1 Legal Video, Inc.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand this date, October 20, 2021.

7
8 -----

9 Izetta White-McGee, CSR, CCVS
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A	36:1,15 38:6 41:8 47:19	47:20 48:1	bio 46:18	30:21 31:9,15,16
A.D 1:20	answers 7:1,5,7,8	B	bit 6:21	34:13 35:19
a.m 1:20 4:3 32:7	anybody 27:3	bachelor's 15:6	block 45:22,24	36:6,19 37:9,15
32:8 33:1 50:18	47:11,15,22	back 17:21 28:9	break 7:17,20	37:23 38:10,17
50:18	appear 46:12	31:7,10,17 42:9	30:18 41:21	38:23 39:18
able 22:24 24:19	appearance 50:2	backtrack 24:16	brief 30:18	40:8,14 41:4,11
25:9 40:3 41:24	APPEARANCES	Barton 19:11	briefly 13:16	41:20,23 42:11
above-captioned	2:1	based 23:13 32:8	22:11 26:7	42:16 43:24
49:10,11 50:15	appeared 49:8	33:17 34:14	bring 25:14 31:10	44:3,9,15 47:7
above-entitled	applied 25:4,7	basis 23:12,15	C	47:10,21 48:2
1:15	30:6 34:20 35:3	25:11 26:21	called 6:5	CCVS 51:9
accepted 13:3	article 19:16	27:9,18 28:6,10	Caller 13:10 14:9	Central 31:23
35:18 36:17	articles 38:9	29:10,24 30:12	14:20,24 16:7	32:7,21 42:23
account 27:13,16	Ashley 2:15 16:15	35:5,10,13,21	46:19 47:24	43:17
42:20 43:12	31:11 42:11	40:18	Caller's 46:16	certainly 29:7
46:3,6	asked 16:6 34:4	began 50:18	calls 12:16 22:16	Certificate 3:11
accurate 50:20	35:15,24 36:14	begins 16:21	40:23	certified 1:16 4:17
Act 5:3	41:7 47:18	behalf 4:7 5:13,17	Capacity 1:10	4:17 5:7 49:5
administering 5:7	asking 7:16 9:19	5:20,22	case 1:8 4:11,13	50:13
adults 19:19	18:23 21:10,11	Bekesha 2:3 3:6	6:11 11:16 13:4	certify 49:7,13,23
aforsaid 49:16	29:2	5:13,13 9:11,16	cases 13:4 39:24	50:5,15,23
49:22	asks 9:16	10:23 11:4,10,17	40:15	chain 20:12
agree 5:5 8:13,20	assertion 26:21	11:24 12:8,15	categories 10:20	challenge 8:14
42:19 44:6	27:10,11 28:7	14:21 17:7,13	Catenacci 1:6,14	34:20
agreeable 7:21	29:11,17 30:13	22:16 30:19	3:4 4:6,14 6:4,9	challenges 25:4
agreement 5:11	assigned 14:3	34:4 35:15,24	8:7 15:12 16:17	changed 13:12
al 1:6 4:15,15 8:7	assignment 14:8	36:14 37:5,11,18	26:11,18 27:20	Chicago 1:11 2:11
alleged 8:14 30:1	19:7,13,16	38:2,13,19 39:15	28:4 31:17	2:13 4:20,23
30:13	assume 28:20	40:1,11,22 41:7	42:17 44:21	8:17 19:18
allow 7:18	33:20 34:10,24	41:22 43:22	46:21 48:6 49:9	chief 19:8,9,10
altered 50:22	assuming 35:1	44:11,17,20 47:5	Catenacci's 26:13	20:14
Amended 26:1	attached 16:20	47:18 48:3	28:1,6	Christine 2:6 5:16
Andrew 2:10 5:22	attorney 6:18	belief 23:16 26:10	cause 1:15 49:10	9:11
anniversary 8:17	9:17 12:16	28:22 29:2,3,5	49:16	Christine@sven...
24:15,22	20:24 21:3,5,15	34:11,15 40:18	Cavanaugh 2:10	2:8
announced 29:13	attorney- 12:16	believe 23:10,10	3:5,7 5:20,20	cities 19:19
46:24	attorney-client	23:12 32:1	6:3,8,10 9:22,24	City 1:11 2:11
announcement	9:17	40:17 42:24	11:2,7,13,21	22:14,22 23:3,5
26:14 28:2	audio 4:10 7:11	44:16 45:11	12:3,12,18,19	23:9,10
29:22 30:11	audio-visual 51:3	best 11:12,19	15:3,7,11,22	City's 19:22 22:23
answer 7:15,19	aware 21:4,8,11	38:21,22	16:10,15,16 17:9	23:18
23:2 33:21	26:11,17,22	beyond 36:20	17:14 22:20	clarification 16:12
answered 16:7	27:11,17,20	binding 5:8	25:14,21 30:17	clarity 8:19 9:2
34:5 35:16,18				clause 27:24

clear 7:7,14 43:8 clearly 7:8,9 click 46:2 client 12:16 close 47:4 CNBC 15:1 Coast 32:13 colleagues 10:18 color 8:16 26:12 26:15,18,23 27:21 29:14,23 30:3 34:8 41:3 45:8 47:1 come 7:7 comes 38:16 Commercial 2:11 communications 11:14 12:21 companies 14:16 company 14:12 complaint 9:1 10:2 26:2,4 27:19 complies 15:10 17:12 31:13 42:15 concluded 50:18 conclusion 48:5 Conference 49:9 Conferenced 1:13 confirm 31:18 confirmed 29:7 conjunction 5:4 Constitutional 2:11 consult 20:24 21:2 consulted 21:14 consulting 21:5 content 15:1 contention 35:9 contrast 7:8 control 15:23 16:2 16:14 31:11 conversation	20:22 conversations 23:8 28:19 30:8 36:5,8 Cook 49:3,6 copied 20:13 copy 17:5,23 18:8 correct 8:8 13:18 13:19 17:4,22 18:8 26:19,20 27:12 29:4 31:23 33:8,9,12 33:13 34:21 35:6,7,10,14 36:13 37:1 43:9 43:10,14,15,20 43:21 44:4,5 45:9,10,20 49:20 counsel 5:5,12 6:2 16:2 17:11 31:8 42:10 50:6,24 count 13:1 County 49:3,6 couple 6:19 court 1:2 3:11 4:1 4:12,21,22 5:1 5:15,19,24 6:14 6:23 7:2 30:23 42:8 48:4 49:12 creator 15:2 CSR 51:9 CT 32:12 current 39:7,11 currently 13:17 14:14 Custody 48:7	dated 45:18 dates 9:2 day 1:19 22:1 DC 2:4 DCM 4:22 decision 8:15 23:5 36:12 Declaration 15:8 15:14 17:16 18:4 decline 23:13 defendant 1:12 2:9 4:8,10 5:21 5:23 6:11 26:10 26:12,17 27:11 27:20,24 28:5 Defendant's 3:9 3:10 15:13,15 26:1 definitely 41:17 degree 15:6 denial 29:21 30:1 30:14 denied 20:8 25:13 26:12 27:24 28:5,8,13,17,23 29:7,11,15,18 36:18,21 38:5,7 38:12 40:16,21 deny 23:9,11 36:13 denying 13:5 25:11 35:6,10,13 35:21 39:23 Department 2:11 DEPONENT 48:10 deposed 6:12 deposition 1:14 4:6,7,9 6:17 7:6 7:12 8:20,24 10:5,8,12 25:16 26:3 48:6,7 49:20,24 50:1,3	50:15,16,17,21 depositions 5:2 device 4:10 different 19:14 33:19 Discovery 1:14 discuss 20:2,3,7,9 discussed 19:14 20:6 21:23 22:12 39:2 dismiss 9:5 10:2 District 1:2,3 4:12 4:12 Division 1:4 2:12 4:13 document 15:20 15:23 16:18,20 16:23 17:1,17,19 18:4,6 25:22 26:2,6 44:22 documents 9:15 9:20 10:1,3 doing 10:12 Doody 2:15 doubt 32:10 Drive 2:7 duly 6:5 49:14	either 13:3 23:13 38:8 electronic 5:2 email 13:1,5 17:5 17:23 18:9,16,17 20:12,13,16,21 22:9 23:19,21 24:1,3,17 27:13 28:15,24 31:18 31:18,19,22 32:6 32:18,22,24 33:20,23,24 42:18 43:1,8,11 43:18 45:17,24 47:13,17,24 emailing 21:1 emails 9:3 12:6,13 12:22 28:20 33:6,7 43:5 44:7 employment 46:19 energy 13:15,17 entire 10:19 16:9 17:8 entitled 4:14 8:7 entry 36:16 environment 13:15,18 Eric 2:7 especially 34:7 et 1:6 4:14,15 8:7 Ethan 19:11 evidence 29:15 35:8,12,20 36:4 36:7,9,21 exact 22:7 37:8 exactly 43:7 Examination 3:5 3:6,7 6:7 44:19 47:9 examined 6:6 exclusively 8:15 45:7 46:24 excuse 20:19
--	--	---	---	---

Executive 5:4 exhaustive 10:19 exhibit 3:9,10 15:7,13,16,18 16:21 17:16 18:3 25:14,17,19 26:1 31:10 42:12 44:13,14 45:1,1,15 exhibits 3:8 9:6 10:3 15:8 16:19 16:19 existence 41:15 experience 33:18 experienced 46:23	34:12 43:8 49:14 focuses 8:11 follow-up 17:20 18:7 28:15,20,23 follow-ups 29:8 47:8 follows 6:6 31:5 42:7 foregoing 49:20 forward 8:19 forwarded 42:20 43:12 Foundation 13:10 14:10,20,24 16:7 Fourth 7:15 FOX 11:6 freelance 14:17 freelancer 14:24 Friday 33:1 further 3:7 38:24 44:10 47:5,9 48:2,10 49:13,23 50:5,23 future 39:4,10	42:9 48:9 Good 6:9 Google 46:11 Googled 47:12 Governor 5:4 grant 26:14 29:22 37:17 38:1,1 40:7 granted 37:21 39:20,22 41:6 great 7:24 31:15 44:9,11 ground 6:19 guess 44:24	Illinois 1:3,18 2:13 4:13,20,23 5:1 49:1,6 imagine 40:5 immediate 13:23 16:11 immediately 16:8 including 9:6 INDEX 3:1 indicate 43:13 indicated 43:18 indicating 42:21 influence 8:4 information 23:1 24:20 26:10 27:6 initial 9:1 12:24 17:2,20 26:4 29:6 instance 4:9 instituted 4:11 8:12 instruction 6:18 interested 50:8 51:2 internal 36:3 Internet 46:13 interview 8:21 11:8 12:24 13:5 17:3,5,24 18:10 18:13,18,21,23 19:1,4,5,6,15 20:2,4,7 21:22 21:24 22:3 23:14 25:1,3,10 26:13,15 28:1,6 28:7,13,21 29:11 29:13,18,22 30:5 31:20 33:7 34:19 35:17 37:16 38:7 39:1 39:13 40:7 41:15,18 45:13 interviewed 30:3	interviewing 34:8 41:3 interviews 8:16 10:22 13:4 34:12 35:3 37:10,14 45:8 47:1 investigated 34:12 Izetta 1:15 4:16 49:4 50:13 51:9
<hr/> F	<hr/> G	<hr/> H	<hr/> J	<hr/> K
face 46:9 fact 29:9,12 30:2 33:22,24 40:19 facts 29:16 30:4 fallen 19:19 familiar 6:17 16:18 25:22 Family 10:18 far 14:12 fellow 14:7 fiance 10:13 figured 16:4 file 48:7 filed 9:2 filing 13:13 final 18:7 finally 7:17 find 34:7 fine 16:10 44:17 finish 7:18,19 finished 7:16 first 6:22 16:20,21 17:5 18:12,14,20 18:22,22,24,24 22:9 23:6 26:16 28:3 31:18,19 32:18,18,22	general 14:7 generally 9:20 38:5 give 10:19 31:11 given 6:18 19:7 49:17 gives 16:2 go 6:19 13:16 15:22 16:18 40:3 43:7,11 46:2,3 goes 6:17 going 4:2 6:19 8:19 16:18,20 17:15 26:8 28:21 30:24 31:7 34:23 42:3	hand 50:10 51:6 handle 45:23 happened 22:10 head 7:4 Health 5:3 hear 17:21 heard 28:9 46:22 47:3 held 1:19 16:8 heretofore 49:7 50:2 hereunto 50:9 51:5 highest 15:4 hired 14:7,9 history 13:17 16:6 16:9 Honestly 10:18 host 2:15 15:9 16:1,13 31:12,14 42:14 hour 1:20 50:19	Jersey 15:1 job 16:8,11 journalist 13:8 26:12,18,23 27:21 45:8 journalists 8:16 26:15 29:14,23 30:3 34:8,11 41:3 47:1 Judicial 2:3 July 14:4 June 14:4	Kathleen 15:14 keeping 19:17 knew 24:18 34:3 know 9:3 23:2,18 23:21,24 24:12 24:19 25:6 27:3 30:7 33:15,18,22 33:24 34:2 36:4 36:11 41:5 46:11 47:11,15 47:22 knowledge 22:21 30:7 34:16,17,18 34:22 35:4 38:21 known 34:16
<hr/> L		<hr/> I	<hr/> L	<hr/> L
		idea 19:6 identification 15:17 25:18 identify 24:6 46:9 IL 2:7	labor 13:14 14:1	

Lane 1:18 4:4 large 19:19 LaSalle 2:12 4:23 Law 2:6,11 lawsuit 8:7,10,11 10:15,22 11:9,23 12:7,14,23 13:13 36:24 50:7 51:1 lawyers 9:9,13 10:8,14 11:15 12:22 learn 21:22 22:2 LeFurgy 15:8,14 17:16 18:3 legal 4:17,19 48:9 50:14 51:4 level 15:4 Lightfoot 1:9 4:15 6:11 8:8 18:13 18:21 19:1 39:1 39:5 45:3,6 link 46:3 linked 27:14 list 10:19 Litigation 2:12 little 6:20 located 1:18 4:3 4:19,22 long 13:21 14:2 23:24 30:19 look 26:24 27:1 looked 27:3,7 looking 26:16 42:13 45:16 looks 44:8 Lori 1:9 4:15 lot 37:7 38:6 loud 7:2	25:17,24 matter 49:10 Mayor 1:10 6:10 8:8,12,17 17:21 18:13,21 19:1 25:1,8 29:12 30:3,8 33:8 34:8 34:23 39:1,5 45:2,6 Mayor's 8:14 9:4 9:5 17:3,6,23 18:9 24:9,14,22 26:22 28:19 30:11 31:19 33:11 36:12 43:16 45:17,19 46:23 47:2,11,15 47:22 Mbekesha@jud... 2:5 mean 18:22,24 20:15,16 33:16 means 5:2 7:3 media 10:21 11:22 12:4 22:4 22:5 36:24 37:3 48:7 medications 8:4 meet 9:7,12 meetings 9:10,20 members 10:18 memo 34:9,24 35:1 45:2,3,6,12 memos 41:2 mention 24:14,21 24:24 mentioned 14:12 24:17 45:22 met 9:9 method 18:17 Michael 2:3 5:13 9:11 30:17 41:20 mind 19:18 38:16	minimum 32:4 minutes 42:1 50:19 moment 28:23 Monday 33:4 morning 6:9 motion 9:5 10:2	40:1,11,22 41:7 47:18 occasion 8:16 October 1:20 4:2 49:8 50:10,17 51:6 office 9:4 17:3,6 17:24 18:9 22:24 24:9 26:22 28:19 31:20 33:11,17 33:18 36:3,12 43:17 45:18,19 47:3,12,16,23 offices 2:6 46:23 47:2 official 1:10 39:14 officials 41:2 officials' 47:3 Okay 6:14,16 8:3 8:6,13,19,23 9:7 9:12 10:11,14,21 11:14,22 12:6 13:7,16,23 14:5 16:13,15,17 17:1 17:4,22 19:9,23 20:21 21:4,17 22:2,14 23:5 24:21 26:5 27:9 28:10,22 29:9,20 30:16 31:15,22 32:3,6,14,16,20 32:24 33:3 34:2 34:14,18 35:4 36:11 37:24 41:22 43:1 44:9 47:5,7 48:4 on-line 20:18,20 one-on-one 8:15 18:13 39:13 40:7 45:8 47:1 ones 37:22,24 operations 33:19 Order 5:5	original 43:4 48:8 51:3 outcome 50:8 51:2 outlets 11:3 13:2 14:13 outside 10:23 11:4 11:10,17,24 12:8 14:21 37:5,11,18 38:2,13,19 39:15 40:1,11,22
<hr/> M		<hr/> N		<hr/> P
main 19:15 20:13 majority 37:13 making 7:11 marked 15:13,16		N 2:7 name 4:16 5:10 6:9 26:24 27:1,4 27:7 NAUGHT 48:10 need 7:17 never 22:12 24:17 28:9 35:18 36:16,17 40:19 47:3 New 15:1 news 11:6 13:2,10 14:10,20,24 16:7 nods 7:4 North 2:12 4:22 Northern 1:3 4:12 Notary 1:16 4:18 49:4 50:14 noted 36:23 42:17 50:2 notes 41:21 49:21 notice 49:24 number 1:8 4:13 37:8 numerous 36:23		p.m 31:23 32:14 32:21 33:4 42:22 44:4 45:19 page 3:3 15:22 16:21,22 17:8 26:8,9 42:13 Palatine 2:7 paragraph 26:8,9 29:20 parameters 8:21 8:21 21:23,24 22:3 25:3,10 30:6 34:19 35:2 35:5,9,13,21 41:16 part 19:7 26:16 28:3 29:20 46:18 particular 24:24 particularly 19:18 parties 50:7 51:1 party 4:7,8 pending 49:11 people 20:12 24:11 period 29:14 person 7:14 20:14 20:17 personal 29:2,3,5 personally 21:2

perspective 43:14 43:19 Pete 17:7 43:22 Peter 2:10 5:20 6:10 phone 20:17,18 20:20 picture 27:14 46:4 46:8,15 pictures 46:12 place 48:7 50:17 plaintiff 1:7 2:2 26:11,13,18 27:20 28:1,4,5 49:9 plaintiff's 5:11 plaintiffs 5:14,17 plans 39:4,7,10,11 platforms 12:4 please 6:2,24 7:5 7:13,15 15:8 31:8 42:10 point 16:5 28:13 28:16 policy 8:12 20:2,4 20:6 30:5 34:7 41:2 47:4 position 13:21,24 14:2,5 positions 14:11 possibility 21:12 possible 24:3,5 39:6 post 22:5 posts 11:23 potentially 9:17 12:15 20:7 preceding 13:23 preparation 9:8 10:4,8 26:3 prepare 8:23 presence 49:18 present 2:14 7:11 9:10 50:1	press 17:6,24 18:9 33:17,18 34:9 36:3 45:18,19 47:12,16,23 pretty 41:24 previous 38:8 previously 26:5 45:17 primarily 8:11 prior 14:19 16:8 16:11 42:18 Pritzker's 5:4 private 28:18 30:8 36:4,8 privy 23:8 probably 22:1 29:6 proceed 4:24 6:2 31:8 42:10 proceedings 31:4 42:6 process 23:18 processed 34:1 product 9:18 12:17 profile 47:16,23 provide 8:15 provided 37:21 provider 4:21 providing 45:7 46:24 public 1:16 4:18 5:3 39:13 41:1 47:2 49:5 50:14 publicly 29:13 pull 42:11 purporting 8:14 purpose 4:5 purposes 8:20 pursuant 4:24 5:2 26:13 28:1 29:21 49:24 pursue 19:16	Q question 7:19 9:23 12:11 24:17 33:21 34:15 35:11 39:9 46:22 questions 7:1,16 38:6 44:12 47:6 quick 16:5 quickly 41:24 quite 40:5	31:7 42:3,9 48:8 48:9 50:21 51:3 recorded 4:9 recording 7:12 reduced 49:19 refer 8:20 referenced 10:1 referred 38:7 45:2 referring 45:4 regard 11:9 regarding 5:1 10:22 23:6 related 46:19 50:6 50:24 relation 17:24 18:10 36:24 released 41:2 relevant 10:3 remain 48:8 51:4 remote 5:2 remotely 5:8 reopening 19:22 repeat 12:10 35:11 rephrase 12:18 reported 49:17 reporter 1:17 4:18 5:7 6:23 7:2 13:14,15,18 49:5 Reporter's/Vide... 3:11 REPORTER/V... 4:1 5:15,19,24 30:23 42:8 48:4 reporting 4:21,22 14:8 represent 5:10 representing 2:2,9 6:10 request 12:24 17:2,5,12 18:1 18:10,12,14,15 19:3,4,6,24 20:1 20:9 21:1,6,17	21:20 22:10,15 22:22 23:3,6,9 23:11 24:1,4,9 24:11,14,21,24 25:4,11,12 26:13 28:1,6,7 29:6,11 29:18 32:6 33:12,15 34:20 35:6,10,14,22 36:13,16 38:8,18 39:12,24 40:4 45:13 requested 34:11 requesting 31:20 33:7 requests 9:3 13:6 19:15 23:19,21 26:15 29:23 35:18 36:24 37:3,16 38:5,12 38:24 39:5,19 40:16,21 41:6,10 41:12,16,18 respond 38:18 responded 13:5 36:17 response 9:5 22:13 23:14 29:10 39:23 40:10,16,20 responses 40:6 41:13 restate 9:22 28:4 resumed 31:4 42:6 review 9:15 26:2 41:21 reviewed 9:1,4,19 9:21 10:4 23:22 24:1,4 26:4,5 reviewing 23:19 right 31:9 32:18 40:24 43:3 44:8 45:19
---	--	--	--	---

Rule 5:1	45:3,12	40:24 41:9,14	17:15 30:17	13:13 18:20,22
rules 6:19 7:22	sentence 26:17	speculation 22:17	34:23 41:21	18:23,24,24 19:8
run 6:20 46:22	service 4:21 5:3	40:23	taken 1:15 4:8	19:10 28:16
50:19	set 48:3 50:10	spoke 10:9 11:6	7:20 31:3 42:5	29:14 30:21
<hr/> S <hr/>	51:6	spoken 10:15,17	49:21,24 50:21	31:6,23,24 32:2
S-v-e-n-s-o-n 5:17	shared 25:19	Springfield 1:19	takes 23:24	32:3,7,11,21,22
S.W 2:4	sharing 16:3	4:4	talking 20:14,15	33:1 34:3 42:2,8
safe 10:20 28:20	short 41:21	staff 30:9,9	20:16,16	42:12,21 48:5
33:19 34:10,24	shorthand 1:17	starting 5:11	talks 7:14	50:19
SAYETH 48:10	4:18 5:7 49:5,21	state 1:17 5:9 24:8	tell 10:11 21:14	times 9:12 40:9
saying 35:1 40:6	shoulders 7:3	27:24 49:1,6	22:24	44:6
43:6	show 30:4	stated 7:1 19:23	telling 10:9	timing 29:1
says 32:1,19 43:8	showing 15:12	33:10 34:9 45:7	tendered 15:18	title 13:11,12
43:13,23	25:24	statement 27:19	terms 19:19	today 6:24 7:11
scope 10:24 11:5	shrugs 7:3	27:19 28:11	testified 6:6,14	8:1,7 9:8 10:12
11:11,18 12:1,9	sick 8:3	37:21	45:11,16	today's 4:1 8:24
14:22 37:6,12,19	side 9:6	statements 38:8	testify 49:14	10:4 26:3
38:3,14,20 39:16	signature 45:21	states 1:2 4:12	testifying 8:1	told 10:13
40:2,12,23	45:24 50:3	26:17 28:3	testimony 33:14	top 44:18
screen 16:3 25:19	simple 29:12 30:2	29:21	49:16	topic 18:23
scroll 17:7 43:2	single 40:4	stating 29:24	text 20:21	total 50:19
44:13,15,18	smoother 6:21	stenographically	Thank 5:15,19,24	tough 21:24
45:15,21	social 11:22 12:4	49:18	6:3 16:15 17:13	transcribed 7:9
scrolled 32:17	22:4,5	stop 8:1	31:9,15 43:24	transcribing 6:23
second 7:10 8:17	Somebody 46:9	story 19:16	Thanks 16:12	transcript 7:8
15:8,14 17:23	somewhat 6:16	Street 2:4,12 4:20	thereof 50:8 51:2	transcription
18:7 28:15,23	soon 29:6	sufficient 16:11	things 6:20	49:21
32:6,24 43:11	sorry 15:24 20:19	suggests 42:24	think 6:20 11:20	true 17:4,22 18:8
Section 5:3	28:4 30:5 43:22	suit 25:3	20:11 21:12,13	43:1 49:20
see 6:22 17:8	43:24	Suite 2:4,12	22:11 24:13	50:20
32:18 43:3	sort 19:21 47:3	support 30:12	26:7 30:15,21	truth 49:15,15,16
seek 18:18	sought 18:20 19:1	35:8	33:19 34:10,24	truthful 35:2
seen 15:20 33:20	speak 10:7	supports 29:17	35:2 37:21	truthfully 8:1
send 19:3 21:17	Specialist 4:17	Supreme 5:1	38:15 39:9	turn 26:8
21:20 33:7	specific 28:16	sure 6:24 7:13	41:20,24 42:1	turning 27:23
sending 21:5	36:4,7	16:9 17:9 21:21	43:4,5,22 46:21	31:17
sent 9:3 17:5,23	specifically 19:17	30:19 31:24	48:3	Twice 9:14
18:9 20:10 22:9	21:8 39:23	32:5,11 43:7	third 2:4 7:13	Twitter 12:5
23:6 28:23	speculate 21:7,9	Svenson 2:6,6	18:9 28:14,15	27:13,15 45:23
31:19,22 32:7,21	21:10,13 22:18	5:16,16	33:3 43:18	45:23 46:3
33:4 41:16	23:4,7 24:18	sworn 6:1,5 49:14	Thomas 1:6,14	47:16
42:22 43:14,19	25:5,9,12 27:2,5	<hr/> T <hr/>	3:4 4:6,14 6:4	<hr/> U <hr/>
	28:18 29:1	take 7:2,17 16:21	48:6 49:9	uh-huh 7:6
	33:11,16,21 36:2		time 7:14,17	

<p>uhn-uhn 7:5 understand 8:6 34:14 undetermined 49:11 United 1:2 4:11</p> <hr/> <p>V</p> <p>vaccinated 19:20 vaccination 19:17 vague 12:9 variety 19:14,24 38:4 various 13:2 versus 8:8 video 1:13,13 4:3 4:17,19 48:8,9 49:9 50:16,17 51:4 videographer 7:10 31:6 42:2 50:14 videotape 50:20 videotaped 4:6 50:16 view 27:15 viewed 22:6 47:16 47:23 Virginia 1:19 4:4 visual 4:10 7:12 vs 1:8 4:15</p> <hr/> <p>W</p> <p>waived 50:4 want 14:3 21:7,9 21:13 30:20 wanted 16:9 19:20 25:1 Washington 2:4 4:19 wasn't 22:12 23:8 32:2 Watch 2:3 way 27:6 50:6,7 50:24 51:1</p>	<p>ways 34:6 we'll 41:20 42:12 we're 4:3,5 30:24 31:6 42:3,9 48:3 48:9 we've 39:2 website 46:16 47:24 weeks 13:22 West 4:19 WHEREOF 50:9 51:5 White 24:7 White-McGee 1:16 4:16 49:4 50:13 51:9 Wintercress 1:18 4:4 wit 49:7 witness 3:3 5:8 6:1,5 11:1,6,12 11:19 12:2,10 14:23 15:19 16:4 17:10 22:18 25:20 34:6 35:17 36:2 36:16 37:7,13,20 38:4,15,21 39:17 40:3,13,24 41:9 44:2 47:20 49:14,17,19 50:9 51:5 word 34:23 work 9:17 12:16 13:7,9 14:13,17 14:20 16:6,9 22:23 25:8 worked 14:24 33:17 working 14:19 workings 36:3 world 13:2 Worseck 2:10 5:22,22</p>	<p>wouldn't 22:24 24:19 25:9,9 40:3 wrap 41:24 write 19:20 writing 49:19 written 11:15,20 11:22 12:6,13,20 12:22 38:9</p> <hr/> <p>X</p> <hr/> <p>Y</p> <p>yeah 10:20 22:18 28:14 32:13 33:20 35:23 41:9,14 43:3,6,7 44:2,8,8,17</p> <hr/> <p>Z</p> <p>zone 31:24 32:11 42:21 Zoom 1:13 2:15 15:9 16:1,13 31:12,14 42:14 49:8</p> <hr/> <p>0</p> <hr/> <p>1</p> <p>1 3:9 15:7,13,16 31:10 42:12 44:13,14 45:1,1 48:7 50:19 10:10 31:6 10:23 42:2 10:28 42:9 10:34 48:5 50:18 10:35 43:19 11:00 33:1 11:35 32:7,8 43:5 43:17 12:35 32:14 43:4 43:23 44:2,4 12:58 33:4</p>	<p>13 26:8 29:20 15 3:9</p> <hr/> <p>2</p> <p>2 2:12 3:10 10:1 10:20 13:22 16:21 25:15,17 26:1 28:19 29:8 29:16 37:20,22 43:4 45:15 2-year 24:15,22 20 4:2 49:8 50:17 51:6 20024 2:4 2020 14:4 2020.14 5:5 2021 1:20 4:2 45:18 49:8 50:10,17 51:6 206(h) 5:1 20th 1:19 18:14 21:18 22:10,11 31:18 32:22 45:18 21-cv-02852 1:9 4:14 21st 32:8 33:1 221 4:22 25 3:10 26 50:10</p> <hr/> <p>3</p> <p>3 17:16 26:9 33:6 39:1 3-2-1 4:18 48:8 51:4 312 2:13 319 5:3 345 2:7</p> <hr/> <p>4</p> <p>4 18:3 50:19 4:00 32:21 4:23 31:22 32:1 32:19 42:19,23</p>	<p>43:5,9 45:19 425 2:4 44 3:6 47 3:7</p> <hr/> <p>5</p> <p>5 42:1 5/21 32:7 5/24 33:4 5:23 32:19 42:18 42:22 43:4,13,14 51 3:11 520 2:12</p> <hr/> <p>6</p> <p>6 3:5 60067 2:7 60602 2:13</p> <hr/> <p>7</p> <p>7 16:22 744-6975 2:13 77 4:19 7807 1:18 4:3</p> <hr/> <p>8</p> <p>8 15:22 16:22 800 2:4</p> <hr/> <p>9</p> <p>9:30 1:20 4:3 50:18 9:59 30:23,24</p>
---	---	--	---	--