

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

THOMAS CATENACCI, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Case Number: 21-cv-02852
v.	)	
	)	Judge John Z. Lee
LORI LIGHTFOOT, in Her Official Capacity	)	
As Mayor of the City of Chicago,	)	
	)	
Defendant.	)	
	)	

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

Defendant Mayor Lori Lightfoot, by her counsel, Celia Meza, Corporation Counsel of the City of Chicago, hereby moves pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss Plaintiffs' Amended Complaint. In support of this motion, the Mayor states as follows:

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.
2. The Amended Complaint should be dismissed in its entirety because Plaintiffs lack standing, for they suffered no injury fairly traceable to the alleged interview parameters or redressable by a favorable decision from this Court and because Plaintiffs do not face a real and immediate threat of being injured by the alleged interview parameters in the future.
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 In addition, Plaintiffs' claims for injunctive and declaratory relief are moot, for the challenged parameters are no longer in effect.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

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

**INTRODUCTION**

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.

Defendant previously moved to dismiss for lack of jurisdiction because Plaintiffs lack standing. Dkt. 26. As stated in a declaration submitted with that motion,<sup>1</sup> the interview parameters were never applied to Catenacci’s request, much less used as a basis for denying it. As Defendant further explained, the parameters were in effect only for a very limited period of time, and Catenacci did not send his request until after use of the parameters had ended. And

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<sup>1</sup> 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.”).<sup>2</sup>

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<sup>2</sup> 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.<sup>3</sup>

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).<sup>4</sup>

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<sup>3</sup> 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>).

<sup>4</sup> 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

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# Exhibit A

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	)	
Plaintiffs,	)	
	)	Case Number: 21-cv-02852
v.	)	
	)	
LORI LIGHTFOOT, in Her Official Capacity	)	
As Mayor of the City of Chicago,	)	
	)	
Defendant.	)	
	)	

**SECOND DECLARATION OF KATHLEEN LEFURGY**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

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.

2. I am the Communications Director for the Office of the Mayor of Chicago, a position I have held since February 1, 2021. In my current role, I lead the Mayors Press Office, which is responsible for all communications of the Mayor and Mayor’s Office, including but not limited to, press communications; social media; and speechwriting. My duties include, but are not limited to, reviewing and approving press inquiries, including requests for interviews, and press statements; reviewing and approving remarks; and reviewing and approving social media content.

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.

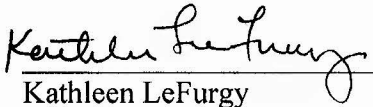
14. The Mayor's Press Office did not apply the parameters outlined in the Mayor's May 19th letter to Catenacci's request, as the Press Tour had ended by the time of Catenacci's request.

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.

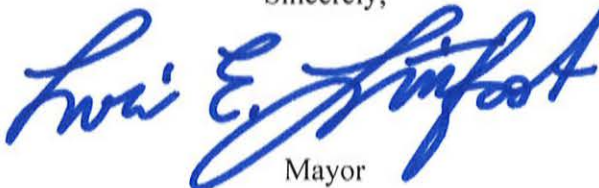
There are plenty of talented women reporters of color in Chicago for you to hire from, and that pool of talent is growing all the time.

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](mailto:tcatenacci@dailycallernewsfoundation.org)

c: 203-517-5730

twitter: [@ThomasCatenacci](https://twitter.com/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](mailto: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](mailto:tcatenacci@dailycallernewsfoundation.org)

c: 203-517-5730

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

# **Exhibit 4**



**Re: Press Inquiry**

Thomas Catenacci <[tcatenacci@dailycallernewsfoundation.org](mailto:tcatenacci@dailycallernewsfoundation.org)>

Mon 5/24/2021 12:58 PM

To: Mayor's Press Office <[Mayor's.PressOffice@cityofchicago.org](mailto: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](mailto: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](mailto: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](mailto: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.

Obtained via FOIA by Judicial Watch Inc.  
Thomas Catenacci  
October 20, 2021

1 APPEARANCES

2 REPRESENTING THE PLAINTIFF:

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

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

9 REPRESENTING THE DEFENDANT:

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

14 ALSO PRESENT:

15 Ashley Doody, Zoom Host  
16  
17  
18  
19  
20  
21  
22  
23  
24

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Thomas Catenacci  
October 20, 2021

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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.



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1 (Witness sworn.)

2 Please proceed, Counsel.

3 MR. CAVANAUGH: Thank you.

4 THOMAS CATENACCI,  
5 called as a witness herein, having been duly sworn  
6 on oath, was examined and testified as follows:

7 EXAMINATION

8 BY MR. CAVANAUGH:

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

12 Have you ever been deposed before?

13 A I have not.

14 Q Okay. Have you ever testified in court?

15 A No.

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

22 First, as you can see, there's a  
23 court reporter transcribing everything that's  
24 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.

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Thomas Catenacci  
October 20, 2021

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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.

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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.

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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?

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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

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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

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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

Obtained via FOIA by Judicial Watch Inc.  
Thomas Catenacci  
October 20, 2021

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.

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Izetta White-McGee, CSR, CCVS

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