

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

HUMAN RIGHTS DEFENSE CENTER,)	
)	
Plaintiff,)	
)	
v.)	
)	2021CH05850
COOK COUNTY STATE’S)	
ATTORNEY’S OFFICE,)	
)	
Defendant.)	

15657196

COMPLAINT

NOW COMES Plaintiff, HUMAN RIGHTS DEFENSE CENTER (“HRDC”), by the undersigned attorneys, Loevy & Loevy, and brings this suit to overturn Defendant COOK COUNTY STATE’S ATTORNEY’S OFFICE’s (“CCSAO”) willful violation of the Illinois Freedom of Information Act. CCSAO failed to respond to HRDC’s FOIA request for records about payments of legal claims against the Cook County Sheriff’s Office. In support of the Complaint, HRDC states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act (“FOIA”). 5 ILCS 140/1.
2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of

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government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

PARTIES

4. Plaintiff HUMAN RIGHTS DEFENSE CENTER (“HRDC”) is a non-profit organization and made the FOIA request at issue in this case.

5. Defendant COOK COUNTY STATE’S ATTORNEY’S OFFICE (“CCSAO”) is a public body located in Cook County, Illinois.

OCTOBER 7, 2021 FOIA REQUEST

6. On October 7, 2021, HRDC submitted a FOIA request to CCSAO for records sufficient to show the names of all parties involved, the case or claim number, the jurisdiction in which the case or claim was brought, the date of resolution, payments (including legal fees) in the resolution, and the recipient of the payments in “all claims or lawsuit brought against the Cook County Sheriff’s Office, the Cook County Jail, and/or any of their employees or agents in which payments totaling \$1,000 or more were disbursed from either the Sheriff’s Office or its insurers to resolve claims against it between January 1, 2016 to present.” HRDC specified that the payments include, but are not limited to, “settlements, damages, attorney fee awards, and sanctions, irrespective of the identity of the plaintiff or claimant.” HRDC also sought the “complaint or claim form and any amended versions” along with the “verdict form, final judgment, settlement agreement, consent decree, or other paper that resolved the case” for each case or claim that is responsive to the first portion of the request. Ex. 1.

7. Having received no further correspondence from CCSAO, HRDC sought a status update of the request on October 19, 2021, but CCSAO never responded. Ex. 2.

8. On October 25, 2021, HRDC sought another status update of the request. Ex. 3.

9. On November 2, 2021, CCSAO stated that it is “still waiting to see if the records” are available and has “submitted the request to the appropriate bureau.” CCSAO did not seek a formal extension, and HRDC never agreed in writing to any extensions. Ex. 4.

10. CCSAO’s deadline to comply with the request was October 15, 2021.

11. As of the date of this filing, CCSAO has not complied with FOIA and has produced no records responsive to the request.

**COUNT I – OCTOBER 7, 2021 FOIA REQUEST,
FAILURE TO PRODUCE RECORDS**

12. The above paragraphs are incorporated by reference.

13. CCSAO is a public body under FOIA.

14. The records sought in the FOIA request are non-exempt public records of CCSAO.

15. CCSAO violated FOIA by failing to produce the requested records.

**COUNT II – OCTOBER 7, 2021 FOIA REQUEST,
FAILURE TO PERFORM AN ADEQUATE SEARCH**

16. The above paragraphs are incorporated by reference.

17. CCSAO is a public body under FOIA.

18. CCSAO bears the burden of proving beyond material doubt that it performed an adequate search for records responsive to the request.

19. CCSAO has failed to come forward with sufficient evidence to carry this burden.

20. CCSAO has violated FOIA by failing to adequately search for records responsive to the request.

**COUNT III – OCTOBER 7, 2021 FOIA REQUEST,
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

21. The above paragraphs are incorporated by reference.

22. CCSAO is a public body under FOIA.

23. The records sought in the FOIA request are non-exempt public records of CCSAO.

24. During the time period of October 7, 2021, to present, CCSAO's FOIA Officer was aware of the FOIA request at issue in this case.

25. During the time period of October 7, 2021, to present, CCSAO's FOIA Officer was aware of the statutory deadline to respond to FOIA requests.

26. CCSAO willfully and intentionally, or otherwise in bad faith, failed to comply with FOIA.

WHEREFORE, HRDC asks that the Court:

- i. declare that CCSAO has violated FOIA;
- ii. order CCSAO to conduct an adequate search for the requested records;
- iii. order CCSAO to produce the requested records;
- iv. enjoin CCSAO from withholding non-exempt public records under FOIA;
- v. order CCSAO to pay civil penalties;
- vi. award HRDC reasonable attorneys' fees and costs; and
- vii. award such other relief the Court considers appropriate.

Dated: November 18, 2021

RESPECTFULLY SUBMITTED,
/s/ Merrick J. Wayne

Attorneys for Plaintiff,
HUMAN RIGHTS DEFENSE CENTER

Matthew Topic
Joshua Burday
Merrick Wayne
Shelley Geiszler
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295

Samantha Beauvais

From: FOIA General Mailbox <FOIA@humanrightsdefensecenter.org>
Sent: Thursday, October 7, 2021 9:22 AM
To: sao.foia@cookcountyil.gov
Subject: Public Records Request from the Human Rights Defense Center
Attachments: Cook County State Attorney - 2016 thru 2021 V&SI - HRDC Records Request 10-7-21.pdf

To the Freedom of Information Officer:

Attached, please find a public records request from the Human Rights Defense Center; the text of this request is duplicated in the body of this message.

The Human Rights Defense Center (HRDC) makes this request pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1.

HRDC seeks the below specified records in all claims or lawsuits brought against the Cook County Sheriff's Office, the Cook County Jail, and/or any of their employees or agents in which payments totaling \$1,000 or more were disbursed from either the Sheriff's Office or its insurers to resolve claims against it between January 1, 2016 to present. These payments include but are not limited to settlements, damages, attorney fee awards, and sanctions, irrespective of the identity of the plaintiff or claimant. Specifically, HRDC requests the following records, provided in electronic native format where possible, and otherwise in electronic format:

1. Records sufficient to show:
 - The name of all parties involved;
 - The case or claim number;
 - The jurisdiction in which the case or claim was brought (e.g., US District Court for the Southern District of Illinois, Illinois Superior Court, etc.);
 - The date of resolution;
 - Payments, including legal fees, in the resolution and to whom it was paid;
2. For each case or claim detailed above:
 - The complaint or claim form and any amended versions;
 - The verdict form, final judgment, settlement agreement, consent decree, or other paper that resolved the case.

If this request is denied in whole or part, please justify all denials by reference to specific exemptions. If any records responsive to this request are denied in part, release all segregable portions of those records. Additionally, please outline any administrative appeals process available.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the operation of the Cook County Sheriff's Office and how local government manages taxpayer money. HRDC is a member of the news media and publishes two monthly

magazines, *Prison Legal News* and *Criminal Legal News*. This request is being made for news gathering purposes. This information is not being sought for commercial purposes.

Please contact me via email at FOIA@humanrightsdefensecenter.org should you require any additional information. Thank you for your time and attention in this matter.

Sincerely,

Samantha Beauvais
*Public Records Manager &
Development Coordinator*
[Human Rights Defense Center](#)
[Prison Legal News](#)
M: 561-305-4643



FILED DATE: 11/18/2021 12:48 PM 2021CH05850

Samantha Beauvais

From: FOIA General Mailbox <FOIA@humanrightsdefensecenter.org>
Sent: Tuesday, October 19, 2021 3:15 PM
To: sao.foia@cookcountyil.gov
Subject: RE: Public Records Request from the Human Rights Defense Center
Attachments: Cook County State Attorney - 2016 thru 2021 V&SI - HRDC Records Request 10-7-21.pdf

Hello,

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Best regards,

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[Human Rights Defense Center](#)
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Samantha Beauvais

From: FOIA General Mailbox <FOIA@humanrightsdefensecenter.org>
Sent: Monday, October 25, 2021 11:21 AM
To: FOIA General Mailbox; sao.foia@cookcountyil.gov
Subject: RE: Public Records Request from the Human Rights Defense Center
Attachments: Cook County State Attorney - 2016 thru 2021 V&SI - HRDC Records Request 10-7-21.pdf

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Samantha Beauvais

From: SAO FOIA (States Attorney) <Sao.Foia@cookcountyil.gov>
Sent: Tuesday, November 2, 2021 2:46 PM
To: FOIA General Mailbox; SAO FOIA (States Attorney)
Subject: RE: Public Records Request from the Human Rights Defense Center

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon:

We are still waiting to see if the records you have requested are available and have submitted the request to the appropriate bureau as none of the information you requested is housed or can be accessed through the FOIA Unit.



Glori C. Bond
Supervisor-FOIA
Assistant State's Attorney
Cook County State's Attorney's Office
500 Richard J. Daley Center
Chicago, IL 60602
P: 312.603.7378 E: glori.bond@cookcountyil.gov

From: FOIA General Mailbox <FOIA@humanrightsdefensecenter.org>
Sent: Monday, October 25, 2021 10:21 AM
To: FOIA General Mailbox <FOIA@humanrightsdefensecenter.org>; SAO FOIA (States Attorney) <Sao.Foia@cookcountyil.gov>
Subject: RE: Public Records Request from the Human Rights Defense Center

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This message originated from an external source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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