

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

LUCY PARSONS LABS, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CHICAGO POLICE DEPARTMENT, )  
 )  
Defendant. )

**COMPLAINT**

NOW COMES Plaintiff, LUCY PARSONS LABS by its undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendants CHICAGO POLICE DEPARTMENT's refusal, in willful violation of the Illinois Freedom of Information Act, to respond to LPL's request for basic records related to its use of public funds. In support of its Complaint, LPL 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

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

3. All public records 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 140/3.

4. Under FOIA Section 2.5 “[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.”

5. It is a public body’s duty to respond to FOIA requests and to “make available to any person for inspection or copying all public records.” 5 ILCS 140/3(a).

6. Under FOIA Section 11(h), “except as to causes the court considers to be of greater importance, proceedings arising under [FOIA] shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.”

### **PARTIES**

7. Plaintiff LUCY PARSONS LABS is the FOIA requester in this case.

8. Defendant CPD is a public body located in Cook County, Illinois.

### **MAY 17 REQUEST AND CPD’S VIOLATION OF FOIA**

9. Under the 1505 program when CPD seizes suspected drug money it uses that money to fund various policing projects including electronic surveillance. The program is similar to the federal asset forfeiture program.

10. This is not the first time LPL and its members have had to file suit against CPD on 1505 related records. Notably, LPL and its members had to file suit against CPD in both *Martinez v. CPD*, 15 CH 16119 and *Martinez v. CPD*, 16 CH 6203.

11. On May 17, 2017, LPL requested from CPD information regarding 1505 or 1505ML expenses. The request sought documents sufficient to show what a list of seven checks were used to purchase, any solicitation or bidding that went into each check, emails about the funding, and any receipt for the funding. A true and correct copy of the request is attached as part of Group Exhibit A.

12. Having received no response from CPD, on May 24, 2017, LPL followed up with CPD asking when it could expect to receive a response. A true and correct copy of the communication is attached as part of Group Exhibit A.

13. Having still received no response from CPD, on May 29, 2017, LPL followed up with CPD asking when it could expect to receive a response. A true and correct copy of the communication is attached as part of Group Exhibit A.

14. On May 30, 2017, after its statutory deadline to respond had passed, CPD requested an extension. A true and correct copy of the request is communication as Exhibit B.

15. Having received no further communication from CPD, on June 14, 2017, LPL followed up with CPD asking when it could expect to receive a response. A true and correct copy of the communication is attached as Exhibit C.

16. On June 14, 2017, CPD responded that it was working on the request. A true and correct copy of the communication is attached as Exhibit D.

17. As of the date of filing, LPL has received no further communication from CPD and CPD has produced no records responsive to the request.

### **COUNT I – WILLFUL VIOLATION OF FOIA**

18. The above paragraphs are incorporated by reference.
19. CPD is a public body under FOIA.
20. The records sought in LPL's FOIA request are non-exempt public records of CPD.
21. CPD has willfully and intentionally violated FOIA by refusing to produce the requested records.

**WHEREFORE**, LPL asks that the Court:

- i. in accordance with FOIA Section 11(f), afford this case precedence on the Court's docket except as to causes the Court considers to be of greater importance, assign this case for hearing and trial at the earliest practicable date, and expedite this case in every way;
- ii. declare that CPD has violated FOIA;
- iii. order CPD to produce the requested records;
- iv. enjoin CPD from withholding non-exempt public records under FOIA;
- v. order CPD to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

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PAGE 4 of 5

RESPECTFULLY SUBMITTED,

*/s/ Joshua Hart Burday*

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PAGE 5 of 5