

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

IN RE APPOINTMENT OF SPECIAL PROSECUTOR

No. 19 MR 00014

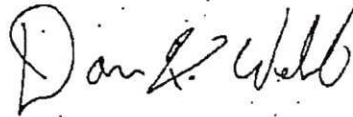
The Honorable
Michael P. Toomin

MOTION FOR A STATUS HEARING

Dan K. Webb, as Special Prosecutor in the above-captioned matter, respectfully requests that this Court hold a status hearing on Friday October 4, 2019 at 1:30 p.m. in Room 400 at the Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois 60608 to discuss the declaration attached hereto as Exhibit A which outlines certain facts that were called to my attention last week. 9:30

Dated: September 30, 2019

Respectfully submitted,



Dan K. Webb
Office of the Special Prosecutor
35 W. Wacker Drive
Chicago, IL 60601
Tel: (312) 558-5600
Fax: (312) 558-5700
dwebb@winston.com

DOROTHY CROWN
CLERK

CLERK OF THE
CIRCUIT COURT
CRIMINAL DIVISION

2019 SEP 30 PM 2:23

FILED

DECLARATION OF DAN K. WEBB

I, Dan K. Webb, declare and state as follows:

1. I am the Co-Executive Chairman of Winston & Strawn LLP and, on August 23, 2019, Judge Michael Toomin appointed me as Special Prosecutor in the *Matter of the People of the State of Illinois v. Jussie Smollett*. As Special Prosecutor, I am charged with investigating: (1) whether reasonable grounds exist to further prosecute Jussie Smollett, and (2) whether any person or office involved in the Smollett Case, including Kim Foxx and members of the Cook County State's Attorney's Office, engaged in improper conduct or committed any criminal offenses.

2. Before my appointment as Special Prosecutor, Judge Toomin interviewed me in his chambers. During that interview, I informed Judge Toomin that I did not know Kim Foxx, and to the best of my recollection, I had never met Kim Foxx and never had any communications with her. I did not disclose to Judge Toomin that I had ever made a political contribution to Ms. Foxx because, at the time I was talking to Judge Toomin, I had no recollection of ever making a political contribution to Kim Foxx.

3. During the early evening of September 24, 2019, I received a phone call from Michael Bromwich, Kim Foxx's attorney. Mr. Bromwich informed me that Kim Foxx's staff had recently discovered that in October, 2016 I made a political contribution of \$1000.00 to Kim Foxx. I informed Mr. Bromwich that I did not recall making a political contribution to Kim Foxx, and I asked Mr. Bromwich about any details he could provide on how this contribution came about to see if these details would refresh my recollection. Mr. Bromwich advised me that he did not know the details, and that he would contact Kim Foxx and then get back to me with any details that she could provide about this political contribution.

4. Mr. Bromwich later called me back that evening to explain that, based on Kim Foxx's recollection, the \$1000.00 contribution related to a fundraiser for Ms. Foxx hosted at Winston & Strawn, and sponsored by Kimball Anderson of Winston & Strawn. Mr. Bromwich also emailed me a campaign record reflecting my \$1000.00 political contribution, and emailed me a flyer for this fundraiser. (See Attached Exhibit 1 and Exhibit 2).

5. After receiving these details, I told Mr. Bromwich that I have no recollection of ever attending a Winston fundraiser for Kim Foxx. Mr. Bromwich made it clear that he and Kim Foxx do not consider this political contribution an issue, and stated that Kim Foxx will not claim any conflict of interest, or have any other objection related to this contribution.

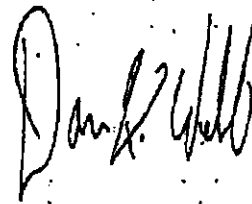
6. After speaking with Mr. Bromwich, I called Kimball Anderson. Mr. Anderson stated that in the Fall of 2016, Ms. Foxx asked to have a meeting with him at Winston. At that meeting, Ms. Foxx asked Mr. Anderson if he would host a fundraiser at Winston & Strawn for her. Mr. Anderson advised that, at the time, he was a political supporter of Kim Foxx, and he agreed to host the requested fundraiser. Mr. Anderson stated that the Winston fundraiser occurred on October 13, 2016. Mr. Anderson advised that the fundraiser was sparsely attended, and that Ms. Foxx and her staff showed up very late to the fundraiser. Ms. Foxx then made a few comments to the remaining attendees, and apologized for her lateness and left.

7. Mr. Anderson further advised that he undoubtedly requested that I contribute to the Foxx fundraiser—hence my \$1000.00 check payable to Friends for Foxx dated October 12, 2016, (Exhibit 3). Mr. Anderson advised that he does not recall me attending the fundraiser. I also have no recollection of attending that fundraiser.

8. I should point out that it is common for Winston partners to host fundraisers for political candidates at our Firm. It is also common that my Winston partners often request that I contribute to these fundraisers. To show support for my partners, I almost always contribute to the political fundraisers they are sponsoring at the Firm, unless I have some specific reason why I do not want to support the candidate.

I declare under penalty of perjury under the laws of the State of Illinois that the above is true and correct.

Dated: September 27, 2019

A handwritten signature in black ink, appearing to read "Dan K. Webb", is written over a horizontal line.

Dan K. Webb