

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

MATTHEW CHAPMAN,)
)
Plaintiff,)
)
v.)
)
CITY OF CHICAGO DEPARTMENT OF)
INNOVATION AND TECHNOLOGY,)
)
Defendant.)

COMPLAINT

NOW COMES Plaintiff, MATTHEW CHAPMAN, by his undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant CITY OF CHICAGO DEPARTMENT OF INNOVATION AND TECHNOLOGY’s refusal, in willful violation of the Illinois Freedom of Information Act, to produce the requested records. In support of his Complaint, CHAPMAN 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. If the court determines that a public body willfully and intentionally failed to comply with FOIA, or otherwise acted in bad faith, the court shall impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence. 5 ILCS 140/11.

5. 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.”

6. Defendant CDIT has willfully and intentionally violated FOIA by refusing to produce the records requested by CHAPMAN.

PARTIES

7. Plaintiff MATTHEW CHAPMAN is an Illinois resident.

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

CHAPMAN’S REQUEST AND CDIT’S REFUSAL TO COMPLY

9. On August 11, 2015, CHAPMAN submitted a FOIA request to CDIT for the phone records of the mayor’s office within the dates of November 24, 2014, and December 14, 2014. A true and correct copy of the request is attached as Exhibit A.

10. After seeking an extension, on August 24, 2015, CDIT denied CHAPMAN’s August 11, 2015 FOIA request under FOIA Sections 7(1)(b) and 7(1)(C), claiming that it “would be extremely burdensome” to review the calls to determine if it involved a personal, home, or

other non-public number. A true and correct copy of the August 11 denial letter is attached as Exhibit B.

11. Records produced to CHAPMAN appear to show that there are only forty-four discrete phone numbers that are identified on the phone log. CHAPMAN denies that it would be unduly burdensome for CDIT to review each phone number to determine whether it belongs to a City employee.

12. There is considerable public benefit in determining how public employees spend their time and who has access to the mayor of a major city in the United States.

COUNT I – WILLFUL VIOLATION OF FOIA

13. The above paragraphs are incorporated by reference.

14. CDIT is a public body under FOIA.

15. The records sought in CHAPMAN’S FOIA request are non-exempt public records of CDIT.

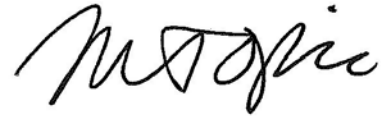
16. CDIT has willfully violated FOIA by refusing to produce the requested records for those requests.

WHEREFORE, CHAPMAN 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 CDIT has violated FOIA;
- iii. order CDIT to produce the requested records under FOIA;
- iv. enjoin CDIT from withholding non-exempt public records under FOIA;
- v. award CHAPMAN reasonable attorneys’ fees and costs;

- vi. order CDIT to pay a civil penalty of between \$2500 and \$5000 for each violation;
- vii. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,



Attorneys for Plaintiff
MATTHEW CHAPMAN

Matthew Topic
LOEVY & LOEVY
312 North May Street, Suite 100
Chicago, IL 60607
(312) 243-5900
matt@loevy.com
Attorney No. 41295

December 2, 2015