

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

JUDICIAL WATCH, INC.,	)	
	)	
Plaintiff,	)	Case No.: 2024CH05468
	)	
vs.	)	In Chancery
	)	Injunction/Temporary Restraining Order
COOK COUNTY STATE’S	)	
ATTORNEY’S OFFICE,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT IN CHANCERY FOR  
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

NOW COMES Plaintiff, Judicial Watch, Inc., by and through its attorneys, CHALMERS, ADAMS, BACKER & KAUFMAN, LLC, and prays that this Court render a declaratory judgment and grant injunctive relief under the Freedom of Information Act (“FOIA”), 5 ILCS § 140/1, *et seq.* For its Complaint, Plaintiff states as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 ILCS § 140/11(d).
2. Venue is proper in Cook County pursuant to 5 ILCS § 140/11(c).

**PARTIES**

3. Plaintiff Judicial Watch, Inc. (“Plaintiff”) is a not-for-profit, educational organization incorporated under the laws of the District of Columbia. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from public bodies, analyzes the responses it receives, and disseminates its findings to the American public to inform them about “what their government is up to.”

FILED DATE: 6/10/2024 8:47 PM 2024CH05468

4. Defendant Cook County State’s Attorney’s Office (“Defendant” or “CCSAO”) is a “public body” as defined by 5 ILCS § 140/2(a). Defendant has possession, custody, and control of the public records to which Plaintiff seeks access. *See* 5 ILCS 140/2(c).

**STATEMENT OF FACTS**

5. On March 5, 2024, Plaintiff submitted a FOIA request to Defendant seeking access to the following public records:

1. All CCSAO and/or [Conviction Review Unit (“CRU”)] documents/communications, to include but not limited to memos, letters, and/or emails, to/from Michelle Mbekeani and/or the CRU staff, such documents/communication related to exonerating, mitigating, altering, overturning and/or reviewing convictions of offenders and/or investigations of offenders’ cases.
2. All CCSAO and/or CRU policies, training, employee goals, and/or procedures regarding exonerating, mitigating, altering, overturning and/or reviewing convictions of offenders and/or investigations of offenders’ cases.
3. All CCSAO and/or CRU documents, to include but not limited to schedules, calendars, and/or logs, of Michelle Mbekeani regarding meetings (ex. interviews, depositions, and/or discussions) with incarcerated inmates at the Illinois Department of Corrections.

6. By email dated March 12, 2024, Defendant acknowledged receiving the request on March 11, 2024 and informed Plaintiff that the request had been given reference number R002305-031224 for tracking purposes.

7. The email did not assert that Defendant conducted a search for the requested records, that its search was reasonably calculated to discover the requested records, or that the requested records are exempt from production under FOIA.

8. Plaintiff has received no further communication or information from Defendant about the request, nor has Defendant produced the requested records or demonstrated that the requested records were exempt from production under FOIA.

**COUNT ONE**  
**(Failure to Conduct a Sufficient Search)**

9. Plaintiff reaffirms paragraphs 1-8 as though fully restated herein.

10. Defendant is in violation of FOIA. Defendant's search was not reasonably calculated to discover all records responsive to Plaintiff's FOIA request.

11. Defendant's failure to conduct a reasonable search prevented Defendant from producing all non-exempt, responsive records to Plaintiff. Plaintiff therefore is being irreparably harmed by Defendant's failure to conduct a reasonable search for records responsive to Plaintiff's FOIA request as Plaintiff is being denied its legal right to inspect public records.

12. Plaintiff has no adequate remedy at law.

**COUNT TWO**  
**(Failure to Produce All Non-Exempt Responsive, Records)**

13. Plaintiff reaffirms paragraphs 1-12 as though fully restated herein.

14. Defendant failed to produce all non-exempt records responsive to Plaintiff's FOIA request.

15. Plaintiff is being irreparably harmed by Defendant's failure to produce all non-exempt, responsive records as Plaintiff is being denied its legal right to inspect public records.

16. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays that the Court: (A) declare Defendant to be in violation of the Illinois Freedom of Information Act, 5 ILCS §140/1, *et seq.*; (B) enjoin Defendant from continuing to withhold access to non-exempt public records responsive to Plaintiff's FOIA; (C)

order Defendant to conduct a search reasonably calculated to discover the requested records and produce an affidavit describing its search efforts and demonstrating that its search was conducted in good faith; (D) order Defendant to produce any and all non-exempt, public records responsive to Plaintiff's FOIA request; (E) order Defendant to prepare an affidavit identifying with specificity any and all public records responsive to Plaintiff's FOIA request that are claimed to be subject to legal exemption from disclosure and further identifying with specificity the reason(s) for any such claim of exemption; (F) award Plaintiff reasonable attorneys' fees and costs; and (F) order such other and further relief as the Court finds just and equitable.

Dated: June 10, 2024

Respectfully submitted,

/s/ Christine Svenson

---

Christine Svenson  
Cook County Attorney ID No. 44565  
CHALMERS, ADAMS, BACKER  
& KAUFMAN, LLC  
345 N. Eric Drive  
Palatine, IL 60067  
Tel: 312.437.8629  
[csvenson@chalmersadams.com](mailto:csvenson@chalmersadams.com)

*Counsel for Plaintiff*