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

JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	Case No.:
)	2025CH00347
vs.)	In Chancery
)	Injunction/Temporary Restraining Order
OFFICE OF THE MAYOR,)	
)	
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.”

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4. Defendant Office of the Mayor, City of Chicago (“Defendant” or “Office of the Mayor”) 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. Chicago Mayor Brandon Johnson held a press conference on November 11, 2024 at which, according to a WTTW News report, the mayor stated that city officials “will continue to shield all immigrants in Chicago from federal agents, regardless of whether they are citizens, permanent residents or asylum seekers, despite the election of President-elect Donald Trump.” According to the WTTW News report, Mayor Johnson said he “was prepared to fight any effort to stop federal funds from flowing to Chicago because it will not cooperate with mass deportation efforts, and would work to stop the arrival of immigration agents.” “‘We will not bend or break,’ Johnson said. ‘Our values will remain strong and firm. We will face likely hurdles in our work over the next four years but we will not be stopped and we will not go back,’” WTTW News reported. Heather Cherone, “Chicago Will Remain a Sanctuary City, Despite Donald Trump’s Threats, Mayor Brandon Johnson Says,” *WTTW News* (Nov. 12, 2024) (available at <https://news.wttw.com/2024/11/12/chicago-will-remain-sanctuary-city-despite-trump-s-threats-mayor-brandon-johnson-says>).

6. On November 27, 2024, Plaintiff submitted a FOIA request to Defendant seeking access to the following public records:

Records or communications of Mayor Brandon Johnson or his designated representative about plans or preparations to resist federal efforts to enforce immigration laws or not-cooperate with ICE deportations.

The timeframe of the request was identified as “October 1, 2024, to present.”

6. Defendant acknowledged receipt of the request by email sent the same day the request was served, November 27, 2024. Defendant's email advised Plaintiff that the request had been assigned tracking number F090241-112724.

7. By emails dated December 5, 2024 and December 12, 2024, Defendant granted itself two, five-day extensions of time to respond to the request. Defendant's December 5, 2024 email represented that Defendant could not comply with the request within the time limits prescribed by law without unduly burdening or interfering with Defendant's operations.

8. By letter dated December 18, 2024, Defendant denied Plaintiff's request. Defendant's letter asserted that Defendant had reviewed the request and that "the Mayor's Office has no responsive records for your request." The letter did not claim a search had been conducted, much more describe a search reasonably calculated to discover the requested records. Nor did the letter assert that responsive records exist but were exempt from production. The letter concluded by advising Plaintiff that Plaintiff has "the right to a review" by the Illinois Attorney General's Public Access Counselor and may also seek judicial review "by filing a lawsuit in the State Circuit Court."

9. Based on Mayor Johnson's November 11, 2024 comments as reported by WTTW News, on information and belief, Defendant possesses records responsive to Plaintiff's request that Defendant would have located had it performed a thorough search. *See, e.g., BlueStar Energy Services, Inc. v. Illinois Commerce Comm'n*, 374 Ill. App. 3d 990, 996-97 (2007).

COUNT ONE
(Failure to Conduct a Sufficient Search)

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

11. Defendant is in violation of FOIA. Defendant failed to demonstrate that it conducted a search reasonably calculated to discover all records responsive to Plaintiff's FOIA request.

12. 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.

13. Plaintiff has no adequate remedy at law.

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

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

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

16. 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.

17. 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) 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; (C) order Defendant to produce any and all non-exempt, public records responsive to Plaintiff's FOIA request; (D) enjoin Defendant from withholding access to non-exempt public records responsive to Plaintiff's FOIA; (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: January 14, 2025

Respectfully submitted,

/s/ Christine Svenson

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