



E-Notice

2016-CH-03254

CALENDAR: 02

To: Matthew Vincent Topic
matt@loevy.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**BRANDON SMITH vs. CHICAGO POLICE DEPARTMENT
2016-CH-03254**

The transmission was received on 03/08/2016 at 9:45 AM and was ACCEPTED with the Clerk of the Circuit Court of Cook County on 03/08/2016 at 12:39 PM.

CHANCERY_ACTION_COVER_SHEET (CHANCERY DIVISION)

COMPLAINT

Filer's Email: matt@loevy.com
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Notice Date: 3/8/2016 12:39:36 PM
Total Pages: 5

**DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
COOK COUNTY
RICHARD J. DALEY CENTER, ROOM 1001
CHICAGO, IL 60602**

(312) 603-5031
courtclerk@cookcountycourt.com

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

BRANDON SMITH
v.
CHICAGO POLICE DEPARTMENT
Plaintiff
Defendant



No.

ELECTRONICALLY FILED
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CALENDAR: 02
CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
CHANCERY DIVISION
CLERK DOROTHY BROWN

CHANCERY DIVISION CIVIL COVER SHEET
GENERAL CHANCERY SECTION

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the line in front of the appropriate category which best characterizes your action being filed.

- 0005 [] Administrative Review
0001 [] Class Action
0002 [] Declaratory Judgment
0004 [] Injunction

- 0007 [x] General Chancery
0010 [] Accounting
0011 [] Arbitration
0012 [] Certiorari
0013 [] Dissolution of Corporation
0014 [] Dissolution of Partnership
0015 [] Equitable Lien
0016 [] Interpleader
0017 [] Mandamus
0018 [] Ne Exeat

- 0019 [] Partition
0020 [] Quiet Title
0021 [] Quo Warranto
0022 [] Redemption Rights
0023 [] Reformation of a Contract
0024 [] Rescission of a Contract
0025 [] Specific Performance
0026 [] Trust Construction
0027 [] Foreign Transcript
0085 [] Petition to Register Foreign Judgment
[] Other (specify) _____

By: /s MATTHEW VINCENT TOPIC

Attorney

Pro Se

Atty. No.: 41295
Name: LOEVY & LOEVY
Atty. for: BRANDON SMITH
Address: 312N MAY 100
City/State/Zip: CHICAGO, IL 60607
Telephone: (312) 243-5900

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

BRANDON SMITH,)
)
 Plaintiff,)
)
 v.)
)
 CHICAGO POLICE DEPARTMENT,)
 INDEPENDENT POLICE REVIEW)
 AUTHORITY,)
)
 Defendants.)

COMPLAINT

NOW COMES Plaintiff, BRANDON SMITH, by his undersigned attorneys, LOEVY & LOEVY, and brings this Freedom of Information Act suit to require Defendants CHICAGO POLICE DEPARTMENT and INDEPENDENT POLICE REVIEW AUTHORITY to stop withholding public records regarding the Laquan McDonald shooting.

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. 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 140/1.2.

PARTIES

3. Plaintiff SMITH is an Illinois resident.

4. Defendant CHICAGO POLICE DEPARTMENT is a public body located in Cook County, Illinois.

5. Defendant INDEPENDENT POLICE REVIEW AUTHORITY is a public body located in Cook County, Illinois.

SMITH'S FOIA REQUESTS AND DEFENDANTS' IMPROPER DENIALS

6. On November 23, 2015, SMITH made a FOIA request to CPD, IPRA, and other city departments for all records related to the various aspects of the Laquan McDonald shooting and aftermath.

7. CPD failed to respond to the November 23 request by the required deadline.

8. CPD eventually produced records in response to the November 23 request, many of which were heavily redacted on the basis of the deliberative process exemption.

9. CPD's search for records in response to the November 23 request was inadequate at least because it did not include searches of the emails of CPD legal affairs or news affairs staff and relied on use of search terms that were inadequate.

10. CPD's redactions of various records on the basis of the deliberative process exemption was improper.

11. In response to the November 23 request, IPRA denied the request as to its investigative files on the basis that the records became exempt as a result of the transfer of the matter to the Inspector General.

12. Over the past three months, SMITH engaged in multiple efforts to resolve these issues short of litigation, but SMITH received no substantive response to those repeated efforts.

**COUNT I – VIOLATIONS OF FOIA BY CHICAGO POLICE DEPARTMENT –
NOVEMBER 23 REQUEST**

13. The above paragraphs are incorporated by reference.
14. CHICAGO POLICE DEPARTMENT is a public body under FOIA.
15. The requested records are public records of CPD.
16. CPD violated FOIA by failing to produce non-exempt responsive records.
17. CPD's violations were willful and intentional or otherwise in bad faith.

COUNT II – VIOLATIONS OF FOIA BY IPRA – NOVEMBER 23 REQUEST

18. The above paragraphs are incorporated by reference.
19. IPRA is a public body under FOIA.
20. The requested records are public records of IPRA.
21. IPRA violated FOIA by failing to produce non-exempt public records.
22. IPRA's violations were willful and intentional or otherwise in bad faith.

WHEREFORE, SMITH 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 CHICAGO POLICE DEPARTMENT and IPRA violated FOIA;
- iii. order CHICAGO POLICE DEPARTMENT and IPRA to produce the requested records redacting only the material that is exempt;
- iv. enjoin CHICAGO POLICE DEPARTMENT and IPRA from withholding non-exempt public records under FOIA;
- v. order CHICAGO POLICE DEPARTMENT and IPRA to pay civil penalties;

- vi. award SMITH reasonable attorneys' fees and costs;
- vii. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorneys for Plaintiff
BRANDON SMITH

Matthew Topic
Joshua Burday
LOEVY & LOEVY
312 North May St., Suite 100
Chicago, IL 60607
312-243-5900
matt@loevy.com
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SUMMONS

ALIAS - SUMMONS

(2/18/11) CCG N001

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

BRANDON SMITH;

(Name all parties)
v.
CHICAGO POLICE DEPARTMENT

No. 2016-CH-03254

Defendant Address:
CHICAGO POLICE DEPARTMENT
121 N. LASALLE STREET
SUITE 107
CHICAGO, IL 60602

Summons

To each Defendant: SUMMONS

ALIAS - SUMMONS

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

Richard J. Daley Center, 50 W. Washington, Room 802, Chicago, Illinois 60602

District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077

District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008

District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153

District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455

District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426

Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602

You must file within 30 days after service of this Summons, not counting the day of service.

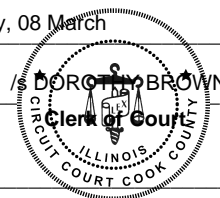
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 41295
Name: LOEVY & LOEVY
Atty. for: BRANDON SMITH
Address: 312N MAY 100
City/State/Zip: CHICAGO, IL 60607
Telephone: (312) 243-5900

WITNESS, Tuesday, 08 March, 2016



Date of service: _____

(To be inserted by officer on copy left with defendant or other person)

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SUMMONS

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

BRANDON SMITH;
v.
INDEPENDENT POLICE REVIEW AUTH

(Name all parties)

No. 2016-CH-03254

Defendant Address:

INDEPENDENT POLICE REVIEW AUTH
1615 W. CHICAGO AVENUE
4TH FLOOR
CHICAGO, IL 60622

Summons

To each Defendant: SUMMONS

ALIAS - SUMMONS

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

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Chancery DIVISION

Litigant List

Printed on 03/08/2016

Case Number: 2016-CH-03254

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Plaintiffs

Plaintiffs Name	Plaintiffs Address	State	Zip	Unit #
BRANDON SMITH				

Total Plaintiffs: 1

Defendants

Defendant Name	Defendant Address	State	Zip	Unit #	Service By
CHICAGO POLICE DEPARTMENT	121 N. LASALLE STREET CHICAGO,	IL	60602	SUITE 107	Sheriff-Clerk
INDEPENDENT POLICE REVIEW AUTH	1615 W. CHICAGO AVENUE CHICAGO,	IL	60622	4TH FLOOR	Sheriff-Clerk

Total Defendants: 2