

EXHIBIT 4

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

CHICAGO JUSTICE PROJECT,)	
)	
Plaintiff,)	
)	
v.)	No. 2020-CH-06403
)	
COOK COUNTY STATE’S ATTORNEY’S OFFICE,)	Judge Anna M. Loftus
)	
Defendant.)	

CHICAGO JUSTICE PROJECT’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT COOK COUNTY STATE’S ATTORNEY’S OFFICE

Pursuant to Illinois Supreme Court Rule 214, Plaintiff, Chicago Justice Project (“Chicago Justice” or “Plaintiff”), by its counsel, DLA Piper LLP (US), hereby propounds Chicago Justice’s First Set of Requests for Production of Documents to Defendant Cook County State’s Attorney’s Office (the “State’s Attorney’s Office,” “SAO,” “the Office,” or “Defendant” as context requires). The Defendant must produce the requested documents to DLA Piper LLP (US), 444 W. Lake Street, Suite 900, Chicago, Illinois, within twenty-eight (28) days after service.

DEFINITIONS

For purposes of these Requests, the following definitions shall apply.

- A. “You,” “Your,” “Defendant,” “State’s Attorney’s Office,” “SAO,” “CCSAO,” or “Your Office” means Defendant Cook County State’s Attorney’s Office.
- B. “Plaintiff” or “Chicago Justice” means Chicago Justice Project.
- C. “Litigation” shall mean this lawsuit, *Chicago Justice Project v. Cook County State’s Attorney’s Office*, No. 2020-CH-06403, currently pending in the Circuit Court of Cook County, Illinois.
- D. “FOIA” means the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

E. "FOIA Requests" means FOIA requests identified in Counts 9-13 of the Complaint, namely, Count 9: July 12, 2019 FOIA request; and Counts 10, 11, 12, and 13: April 20, 2020 FOIA request.

F. "Public Statements made by Cook County State's Attorney Kimberly M. Foxx" means the public statements Ms. Foxx made in the following publicly available sources:

- i. Kim Foxx, *A COMMITMENT TO TRANSPARENCY*, Cook County State's Attorney, downloadable at: <https://www.cookcountystatesattorney.org/about/commitment-transparency> (last visited Jan. 21, 2020).
- ii. Steve Schmadeke, *Kim Foxx Promises 'New Path' of Transparency as Cook County State's Attorney*, Chicago Tribune (Dec. 01, 2016), <https://www.chicagotribune.com/news/breaking/ct-kim-foxx-states-attorney-met-20161201-story.html> (last visited Jan. 21, 2020).
- iii. *STATE'S ATTORNEY FOXX ANNOUNCES UNPRECEDENTED OPEN DATA RELEASE*, Cook County State's Attorney (Mar. 2, 2018), <https://www.cookcountystatesattorney.org/news/states-attorney-foxx-announces-unprecedented-open-data-release> (last visited Jan. 21, 2020).
- iv. Alexandra Silets, *2 Years In, Cook County State's Attorney Kim Foxx Looks Back, Ahead*, WTTW News: Politics (Dec. 20 2018), <https://news.wttw.com/2018/12/20/2-years-cook-county-state-s-attorney-kim-foxx-looks-back-ahead> (last visited Jan. 23, 2020).
- v. Kim Foxx (@SAKimFoxx), Twitter (Apr. 19, 2019, 2:43 PM), <https://twitter.com/SAKimFoxx/status/1119325622717886464> (last visited Jan. 24, 2020).

G. "Person" means any individual, partnership, corporation, trust, estate, cooperative, association, government, governmental subdivision or agency, or other entity.

H. "Relating to" or "relates to" or "related to" or "concerning" means directly or indirectly evidencing, supporting, consisting of, reporting on or with respect to, showing or indicating knowledge of, pertaining to, being connected with, mentioning, describing, containing, disclosing, summarizing, reflecting, or constituting a stated subject matter or thing. The use of

“relating to,” “relates to,” or “related to” or “concerning” also means “relating to, relates to, and concerning.”

I. “Including” and “includes” shall be construed to mean “without limitation” and shall not be interpreted to exclude any information otherwise within the scope of any request.

J. “Every” and “each” means “each and every” and shall not be interpreted to exclude any information otherwise within the scope of any request.

K. “Complaint” means the October 22, 2020 Complaint that Plaintiff filed in the Litigation, including all documents referenced in and attached thereto, and any subsequently filed amended Complaints.

L. “Settlement Agreement” means the settlement between Chicago Justice and Your Office in the Prior Litigation *Chicago Justice Project v. Cook County State's Attorney's Office*, Case No. 15 CH 18147 (2018), culminating in the January 2018 dismissal of same.

M. The words “and” and “or” shall be read and applied as though interchangeable, and shall be construed either disjunctively or conjunctively so as to require the fullest and most complete disclosure of all requested information and documents.

N. The words “concerning,” “relating to,” “related to,” and/or “relate to” shall also mean any reference or relationship which either directly or indirectly: (i) provides information with respect to the subject of inquiry; or (2) might lead to Persons who, or Documents which, might possess or contain information with respect to the subject of inquiry.

O. “Communications” or “communicated” means the transmission of information between two or more Persons orally, in writing, in person, by telephone, or by other electronic means (such as facsimile, electronic mail message, or text message), including, without limitation,

such transmissions of information which occurred in meetings, depositions, business offices, private residences, or public places.

P. “Documents” include, without limitation, all of the following, wherever located, in either tangible, electronic, and/or digital form: agreements, appointment records, attorneys’ time records and bills, balance sheets, bills, books, books of account, books of original entry and other books of record, calendars, charts, checklists, checks, communications, compilations, contracts, correspondence, court papers, diaries, documents, drafts, drafts of Documents, drawings, E-Mails, entries, estimates, expense reports, filings, financial statements, forms, graphs, handbooks, income statements, indices, instruments, intraoffice and interoffice communications, invoices, journals, ledgers, letters, lists, meeting reports, memoranda, minute books, minutes of meetings, notes, notes or memoranda of conversations, opinions, papers, photocopies, plans, policies, presentations, proposals, receipts, records, records of account, reports, SMS messages, specifications, spreadsheets, statements, summaries, telephone records and bills, text messages, transcripts, travel documents, writings, or work papers; and “Documents” also include all non-identical copies of Documents, which are in the possession, custody, or control of the Defendant and its attorneys, accountants or any of their agents. Documents in the possession, custody, or control of the Defendant include Documents in the possession, custody, or control of the Defendant and any of his agents or affiliates.

Q. “Include,” “including,” and “includes” shall be construed so as not to limit, in any way, the meaning of the antecedent words to which they refer.

R. “Crimes Database” means the State’s Attorney’s Office’s Crimes Database or CRIMES database created in 2010 and described in Exhibit P of the Complaint, *Crimes Grand Jury Administrative Informations*.

S. “Harvard” means Harvard University, including but not limited to the Department of Economics at Harvard University, anyone working at or for Harvard University including any graduate students working at or for Harvard University.

T. “Edlebi” means A.R. Edlebi or Alley Edlebi, believed to be or have been a graduate student or faculty member at Harvard University.

U. “NDA” or “Non-Disclosure Agreement” means any agreement between a party and CCSAO relating to the confidentiality of data compiled by (or belonging to) CCSAO.

V. “Other Universities or Authorized Researchers” means universities, researchers, academics, computer scientists, and the like, other than Harvard or Edlebi, to whom CCSAO has produced data from its databases including the CRIMES database.

INSTRUCTIONS

1. Each Request must be separately answered.
2. Unless stated otherwise in a specific Request, these Requests seek documents from January 1, 2010 to the present.
3. Any drafts of Documents or non-identical copies of Documents must be produced separately from the Documents they are directly related to.
4. All Documents in digital format shall be produced in digital format with metadata.
5. All words and phrases herein shall be construed as in the singular or plural, and as masculine, feminine, or gender neutral according to the context.
6. If a privilege is asserted as a ground for withholding production of any Documents which are responsive to one or more of the requests for production made herein, state in writing as to each such Document:
 - a. the location of the Document;
 - b. the date of the Document;

- c. a description of each such document sufficient to identify it and disclose the nature of its contents;
- d. the identity of every Person who prepared, produced or reproduced, sent or received copies of the Document;
- e. the identity of every Person to whom the contents of the Document were Communicated; and
- f. the factual and legal basis for the claim of the objection.

7. If the Defendant withholds any Document based on an objection to any Definition, Instruction, and/or Request herein, state in writing as to each such document:

- a. the location of the Document;
- b. the date of the Document;
- c. a description of each such Document sufficient to identify it and disclose the nature of its contents;
- d. the identity of every Person who prepared, produced or reproduced, sent or received copies of the Document;
- e. the identity of every Person to whom the contents of the Document were Communicated; and
- f. the factual and legal basis for the claim of the objection.

8. If any Documents requested herein have been destroyed, state in writing as to each such Document:

- a. the date of the Document;
- b. a description of each such Document sufficient to identify it and disclose the nature of its contents;
- c. the identity of every Person who prepared, produced or reproduced, sent or received copies of the Document;
- d. the identity of every Person to whom contents of the Document were Communicated;
- e. the date the Document was destroyed;
- f. the Person who destroyed the Document; and

g. the reason the Document was destroyed.

9. If the Defendant is unable to produce any Document(s) which would otherwise be responsive to any request contained herein, the Defendant shall state in writing as to each such Document:

- a. the date of the Document;
- b. a description of each such Document sufficient to identify it and disclose the nature of its contents;
- c. the identity of every Person who prepared, produced or reproduced, sent or received copies of the Document;
- d. the identity of every Person to whom the contents of the Document were Communicated; and
- e. the reason the Document cannot be produced.

10. These Requests are continuing in nature and require that the Defendant file supplementary responses and/or produce additional Documents if, at any time, further or different Documents are obtained after the initial response. Supplementary responses should include the date upon, and the manner in which, the Documents were discovered or obtained.

11. The Defendant must furnish an affidavit stating whether the production is complete, as required by Illinois Supreme Court Rule 214. The Defendant is reminded that Supreme Court Rule 214 imposes upon him a duty to seasonably supplement his responses to these Requests with documents, objects or tangible things which subsequently come into the Defendant's possession or control or become known to the Defendant or his counsel.

REQUESTS FOR PRODUCTION

1. All Documents or Communications that You identified in, or relied upon when responding to, Chicago Justice's First Set of Interrogatories to the Defendant.

2. All Documents in Your possession, custody, or control that You believe to be

relevant to the facts, allegations, and/or issues in this case.

3. All Documents in Your possession, custody, or control upon which You rely to defend against or deny the allegations in the Complaint and/or to prove Your affirmative defenses in this case.

4. The State's Attorney's Office's Crimes Database Data Dictionary(ies), including without limitation any Data Dictionary(ies) for any Case Management System currently being used by or under the control of Your Office for felony prosecutions.

5. For any Case Management System for which no Data Dictionary(ies) exist, a printout of the header or label for every table, field, row, and column showing the defined contents of such table, field, row or column, respectively.

6. All Documents relating to training or instructional materials for the State's Attorney's Office's Crimes Database system. This includes both official and unofficial training or instructional materials, materials that have been used upon occasion, or otherwise: PowerPoint slides, instruction manuals, notes, books, printouts, etc.

7. All Documents relating to training or instructional materials for the State's Attorney's Office's Case Management System.

8. All Documents related to the process or procedures Your Office follows in responding to FOIA requests.

9. All Documents relating to the FOIA Requests, including, without limitation, documents relating to your review of, basis for denying, and analysis and determination of the burden associated with complying with such requests.

10. Documents sufficient to determine the types, percentage, content, and portion of data in your Crimes Management System omitted from Your Office's case-level data made

publicly available on the Cook County Government Website.

11. All Documents relating to the selection, collation, and display of Your Office's case-level data made publicly available on the Cook County Government Website.

12. All Documents relating to any of Your Office's communications regarding Your Office's case-level data made publicly available on the Cook County Government Website.

13. All Documents and communications relating to the Settlement Agreement, including, without limitation, all Documents and communications relating to the terms of the Settlement Agreement.

14. Documents sufficient to show the identities of all persons at Your Office that approved, directed and/or participated in negotiations for the Settlement Agreement.

15. To the extent not produced in response to the foregoing requests, all Documents You may use to support Your defense of this litigation.

16. Documents related to Your consideration, calculation, or determination (before or after the fact) of the burden to answer each of the FOIA Requests.

17. Reports, statistics, or other analysis of Your historical or present responses to FOIA requests, specifically including the rate of FOIA requests for which responses were provided and/or objections were made, and specifically including reviews of employees responsible for responding to such requests to the extent that they reveal how many such requests have been handled, denied, or responded to.

18. The employee evaluations or annual reviews and the like for all of your appointed FOIA officers for the last 10 years.

19. Maintenance reports for Your Crimes Management System since 2000.

20. Update reports for Your Crimes Management System since 2000.

21. Budget reports or other documents showing expenditures on the Crimes Management System since 2000.
22. Documents sufficient to show the available types of reports that can be generated by the Crimes Management System, and how to generate each one.
23. Documents sufficient to show how data can be exported from the Crimes Management System.
24. The non-disclosure agreement between CCSAO (on the one hand) and Harvard or Edlebi (on the other hand) relating to the production of data from CCSAO to Edlebi.
25. Any agreements (including but not limited to non-disclosure agreements) between You and Edlebi.
26. Any agreements (including but not limited to non-disclosure agreements) between You and Harvard.
27. Any non-disclosure agreements entered into between You and Other Universities or Authorized Researchers.
28. Any agreements between CCSAO and Other Universities or Authorized Researchers relating to the production of data or data sets from the CRIMES database.
29. A complete copy of the data or data set(s) produced by CCSAO to Harvard or Edlebi, in the format in which they were produced to Harvard or Edlebi.
30. For each data set produced to Harvard or Edlebi, for any fields that contain identifying data, documents sufficient to identify what data is found in each field including but not limited to the field label.
31. All data dictionaries or any documents containing definitions of the tables and fields found within the data produced by You to Harvard or Edlebi.

32. All documents created or received relating to the non-disclosure agreement(s) between You and Harvard or Edlebi.

33. All electronic communications, including emails, relating to the non-disclosure agreement(s) between CCSAO and Harvard or Edlebi.

34. Work orders, instructions, instruction sets, macros, time-card entries, or any other documents or electronic documents revealing, relating to, or detailing the work done by You or your agents or employees in order to create the data sets produced to Harvard or Edlebi.

35. Correspondence, including electronic correspondence, and all attachments thereto between You, your agents or employees and Edlebi.

36. Correspondence, including electronic correspondence, and all attachments thereto between You, your agents or employees and Harvard from 2010 until today.

37. Email from or to the email address: aedlebi@g.harvard.edu.

38. A complete copy of the data set(s) produced by You to Other Universities or Authorized Researchers.

39. All data dictionaries or any documents containing definitions of the tables and fields found within the data produced by You to Other Universities or Authorized Researchers.

40. All non-disclosure agreements entered into by the Cook County State's Attorney's Office between the years 2000-2021 that relate in any way to an agreement for a third party to access data from the Cook County State's Attorney's Office, including but not limited to data in the CRIMES database.

41. A complete copy of the data set(s) produced by CCSAO pursuant to the Agreements requested in Request for Production No. 38.

42. All data dictionaries or any documents containing definitions of the tables and fields found within the data produced by You pursuant to the Agreements requested in Request for Production No. 38.

43. Documents sufficient to identify the person at CCSAO (or working on CCSAO's behalf) most knowledgeable about the production of data or data sets to Edlebi.

44. Documents sufficient to identify the person at CCSAO (or working on CCSAO's behalf) most knowledgeable about the NDA between CCSAO and Edlebi or Harvard.

45. Documents sufficient to determine the burden to CCSAO to collect and produce the data or data set(s) that CCSAO produced to Edlebi and/or Harvard.

46. Documents sufficient to determine the last known contact information or address of Edlebi and anyone else involved in the transaction of data between CCSAO and Harvard.

47. The curriculum vitae for any expert witness retained by You or Your attorneys, as well as copies of all reports, articles, publications or documents authored, edited, or reviewed, in whole or in part by any such experts or relied upon by them in forming their opinions.

48. All reports prepared by all of Your controlled expert witnesses.

49. If You are withholding any information responsive to any Request for Production on the basis of any privilege, documents sufficient to identify all claimed bases for such privilege(s).

50. If You are withholding any information responsive to any Request for Production on the basis of undue burden or any other burden, documents sufficient to identify all claimed bases for such burden(s).

51. If You are withholding any information responsive to any Interrogatory on the basis of any privilege, documents sufficient to identify all claimed bases for such privilege(s).

Respectfully submitted,

Dated: February 25, 2021
Chicago, Illinois

DLA PIPER LLP (US)
Firm No. 43034

By: /s/ Paul R. Steadman
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Counsel to Plaintiff Chicago Justice Project

CERTIFICATE OF SERVICE

I, Paul R. Steadman, an attorney, hereby certify that I caused Chicago Justice Project's *First Set of Requests for Production of Documents to Defendant Cook County State's Attorney's Office* to be electronically served on all attorneys of record, as set forth below, this 25th day of February, 2021.

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