

Return Date: No return date scheduled
Hearing Date: 2/19/2021 10:00 AM - 10:00 AM
Courtroom Number: 2410
Location: District 1 Court
Cook County, IL

2020CH06403

FILED
10/22/2020 9:44 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020CH06403

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EXHIBIT

J

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Mueller, Benjamin

From: Geller, Michael
Sent: Monday, January 7, 2019 1:55 PM
To: 'marny.zimmer@cookcountyil.gov'
Cc: 'chloe.rasmas@cookcountyil.gov'; Steadman, Paul
Subject: RE: Chicago Justice Project Request for Information
Attachments: CJP - Letter Regarding Updated Data Set from CCSAO.PDF

Dear Ms. Zimmer:

It has been a month since we sent the attached correspondence to you, and we have not yet received a response. Please confirm receipt of our message, and please advise when we can expect a substantive response.

Regards,

Michael Geller
Associate

T +1 312.368.2152
F +1 312.251.2187
M +1 716.560.3161
E michael.geller@dlapiper.com



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Chicago, Illinois 60606-0089
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From: Geller, Michael
Sent: Wednesday, December 05, 2018 3:59 PM
To: 'marny.zimmer@cookcountyil.gov' <marny.zimmer@cookcountyil.gov>
Cc: 'chloe.rasmas@cookcountyil.gov' <chloe.rasmas@cookcountyil.gov>; 'jayman.avery@cookcountyil.gov' <jayman.avery@cookcountyil.gov>; Steadman, Paul <Paul.Steadman@dlapiper.com>
Subject: Chicago Justice Project Request for Information

Dear Ms. Zimmer:

On behalf of my colleague, Paul Steadman, please see the attached correspondence. We look forward to receiving your response.

Kind regards,

Michael Geller
Associate

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Paul Steadman
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T 312.368.2135
F 312.251.2850

December 5, 2018

VIA E-MAIL

Ms. Marny Zimmer
Cook County State's Attorney's Office
500 Richard J. Daley Center
Chicago, Illinois 60602
MARNY.ZIMMER@cookcountyil.gov

Re: Chicago Justice Project Request for Information

Dear Ms. Zimmer:

We represent Chicago Justice Project ("CJP"). In 2015, we filed a complaint against the Cook County State's Attorney's Office ("CCSAO") for its failure to properly respond to a Freedom of Information Act request. The case was captioned *Chicago Justice Project v. Cook County State's Attorney's Office*, Case No. 15 CH 18147 (the "Litigation").

With the assistance of Jayman Avery and Katherine Hill of CCSAO, we amicably settled the Litigation and dismissed it without prejudice. In the settlement, CCSAO provided CJP with felony crimes data from the creation of the current CCSAO database in 2010 through the dismissal of the litigation in January, 2018 (the "Data Set"). At the Court's continued urging and in order to avoid future litigation, CCSAO agreed to work collaboratively with CJP in the future to update the Data Set with updated information. Specifically, Ms. Katherine Hill and Chloe Rasmus agreed to be responsive to such requests received from CJP. We understand that Ms. Katherine Hill has left the CCSAO and that you have replaced her.

Further to the CCSAO's agreement, in September, 2018, CJP contacted Ms. Rasmus to request an update of the Data Set, namely, for felony crimes data from January, 2018 – August 31, 2018. After an email exchange between the parties, Ms. Rasmus claimed that the request constituted an undue burden because the data pull would "take at least an entire week," and the structuring of the updated data set would take "a minimum two and a half days." Additionally, the CCSAO claimed that it must review "at least 100 columns" which contain potentially exempt material.

This refusal to provide an update of the Data Set is surprising and confusing. Indeed, in resolving the Litigation, the CCSAO offered to do exactly what it now refuses to do. As a factual matter, the CCSAO's refusal does not add up. First, the pull, compilation and structuring of the first Data Set (containing ten years of data) took at most 21 days. CJP's new request for

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Ms. Marny Zimmer
December 5, 2018
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updated data seeks only eight months of data. Thus, we are skeptical that CJP's request for updated data will truly take more than a week. Second, further review by the CCSAO should be unnecessary. In the resolution of the Litigation, the parties worked diligently and collaboratively to exclude any fields in the Data Set which may incorporate privileged, confidential or excluded information. Indeed, CJP permitted the CCSAO to be overly exclusive in its determination of what fields may contain such information. The CCSAO can simply exclude the same data fields in the updated data pull.

Judge Flynn (the assigned judge in the Litigation) strongly urged both parties to work collaboratively to avoid similar Litigation in the future. Therefore, the CCSAO's agreement to provide reasonable updates to the Data Set was a critical element of the amicable resolution of the Litigation.

CJP is willing to discuss reasonable accommodations to reduce any interruption to the CCSAO. The CCSAO's blanket refusal to provide information it previously agreed to provide, however, is not consistent with the prior settlement negotiation and agreement.

Therefore, we kindly request that the CCSAO provided the requested updated data set. If it would be helpful to discuss this matter further, please let us know. If we cannot reach such a resolution, CJP reserves all rights.

Best regards,

A handwritten signature in blue ink, appearing to read 'Paul Steadman', written over the typed name.

Paul Steadman

cc:

chloe.rasmas@cookcountyil.gov
jayman.avery@cookcountyil.gov

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