



E-Notice

2016-CH-11477

CALENDAR: 06

To: Matthew Vincent Topic
matt@loevy.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**CHICAGO JUSTICE PROJECT vs. CHICAGO OFF. OF EMER. MAN. COM
2016-CH-11477**

The transmission was received on 08/30/2016 at 4:17 PM and was ACCEPTED with the Clerk of the Circuit Court of Cook County on 08/30/2016 at 4:43 PM.

CHANCERY_ACTION_COVER_SHEET (CHANCERY DIVISION)

COMPLAINT

EXHIBITS (Exhibit A)

Filer's Email: matt@loevy.com
Filer's Fax: (312) 243-5902
Notice Date: 8/30/2016 4:43:04 PM
Total Pages: 8

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

CHICAGO JUSTICE PROJECT
v.
CHICAGO OFF. OF EMER. MAN. COM
Plaintiff
Defendant



No.

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2016-CH-11477
CALENDAR: 06
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: CHICAGO JUSTICE PROJECT
Address: 311 N ABERDEEN 3FL
City/State/Zip: CHICAGO, IL 60607
Telephone: (312) 243-5900

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

CHICAGO JUSTICE PROJECT,)
)
Plaintiff,)
)
v.)
)
CITY OF CHICAGO OFFICE OF)
EMERGENCY MANAGEMENT &)
COMMUNICATIONS,)
)
Defendant.)

COMPLAINT

Plaintiff CHICAGO JUSTICE PROJECT files this Freedom of Information Act lawsuit to force CITY OF CHICAGO OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS to provide basic information that would explain the types of fields of data that OEMC maintains regarding calls for police services and responses from Chicago Police. Especially in light of the rigorous ongoing debate over police reform, this information is vitally important to the public's right and ability to make informed and efficient FOIA requests to hold public bodies accountable, and there is no basis in the law for OEMC to withhold it.

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 CHICAGO JUSTICE PROJECT is the FOIA requester in this case. CJP is an independent, non-profit research organization that strives to access and analyze data from criminal justice agencies to promote evidence-based reforms that will better serve the justice needs of local communities.

4. Defendant CITY OF CHICAGO OFFICE OF EMERGENCY MANAGEMENT & COMMUNICATION is a public body charged with, among other things, operating communications systems and providing technology to other city departments.

CJP'S REQUEST AND OEMC'S VIOLATIONS

5. On June 2, 2016, CJP requested from OEMC under FOIA: "Data dictionaries that in detail explain the contents of each field in any data base maintained by [OEMC] that stores data related to calls for police service and the response to those calls from the Chicago Police Department."

6. After taking multiple extensions of time to respond, on June 22, 2016, OEMC denied the request on the basis that information is a trade secrets or confidential or proprietary information of OEMC's vendor, Northrop Grumman. A true and correct copy of the response letter is attached as Exhibit A.

7. The full text of the trade secret exemption asserted by OEMC states as follows: "Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or

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commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.” 5 ILCS 140/7(1)(g).

8. The only record in OEMC’s possession that was created by or furnished by Northrop Grumman that has anything to do with whether the requested records are proprietary and confidential is dated after CJP’s FOIA request.

9. Northrup Grumman will not suffer any competitive harm from the release of the requested data dictionaries.

10. There is a significant public interest in understanding the kinds of data stored by OEMC regarding police services, and release of the data dictionaries will assist the public in understanding OEMCs operations and making informed and efficient FOIA requests.

11. The requested records are not exempt under Section 7(1)(g) or any other exemption.

COUNT I – VIOLATION OF FOIA

12. The above paragraphs are incorporated by reference.

13. OEMC is a public body under FOIA in possession of public records responsive to the request.

14. OEMC has not produced records responsive to the request.

15. OEMC has willfully and intentionally violated FOIA.

WHEREFORE, Plaintiff 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;

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- ii. order OEMC to produce the requested records redacting only the material that is exempt;
- iii. enjoin OEMC from withholding non-exempt public records under FOIA;
- iv. order OEMC to pay civil penalties;
- v. award Plaintiff reasonable attorneys' fees and costs; and
- vi. award such other relief the Court considers appropriate.

RESPECTFULLY SUBMITTED,



Attorneys for Plaintiff
CHICAGO JUSTICE PROJECT

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Matthew Topic
Joshua Burday
LOEVY & LOEVY
311 N. Aberdeen, Third Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295



OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS
CITY OF CHICAGO

June 22, 2016

Tracy Siska - **FA-16-0740**
0048215-060215
Chicago Justice Project
220 N. Green St., Suite #3059
Chicago IL 60607

RE: FOIA Request

Dear Tracy Siska,

On behalf of the Office of Emergency Management and Communications (OEMC), I am responding to your Freedom of Information (FOIA) request that our office received on June 2, 2016, wherein you requested the following information:

"Data dictionaries that in detail explain the contents of each field in any data base maintained by the Office of emergency Management & Communications that stores date related to calls for police service & the response to those calls from the Chicago Police Department."

The OEMC sought an extension on June 9, 2016, and again on June 16, 2016, and is now responding to your request.

Your request for "data dictionaries" explaining, in detail, the contents of each field in any data base maintained by the OEMC has been denied pursuant to 5 ILCS 140/7(1)(g) of FOIA. 7(1)(g) of FOIA states:

Trade secrets and commercial or financial information obtained from a person or business where the trade secrets of commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets of commercial for financial information would cause competitive harm to the



OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS
CITY OF CHICAGO

person or business, and only insofar as the claim directly applies to the records requested.

Please be advised that "data dictionaries" are exempt from disclosure because they are Northrop Grumman Proprietary Trade Secret and Commercial or Financial information and are not for public dissemination. Additionally, non-disclosure agreements have been put in place requiring that the information, inclusive of "data dictionaries", remain exempt from disclosure.

The market for state and local government public safety products is very competitive with few competitors (to include SunGard, Motorola, Intergraph, TriTech/Tiburon, Spillman Technologies, Interact Public Safety, New World and Versaterm). A company's technological advances are amongst the key differentiating factors in this industry. Northrop Grumman's technical solution reflects the results of these factors and strategy and remains valuable company trade secrets. Disclosing Northrop Grumman's technical approach would damage the company's ability to compete for similar future state and local government programs for public safety products. Release of the information would also provide insight into Northrop Grumman's technical approach, enabling competitors to reverse engineer their technology to better compete with Northrop Grumman's entire public safety line of products.

For the reasons stated above, your FOIA request has been denied. To the extent your FOIA request has been denied, you have a right of review by the Illinois Attorney General's Public Access Counselor who can be contacted at 500 S. Second St., Springfield, IL 62706 or by telephone at (877)-299-FOIA. You may also seek judicial review of a denial under 5 ILCS 140/11 of FOIA.


A. Martin
Freedom of Information Officer
Office of Emergency Management and Communications
312-746-9403

#160740

#048215-060215

Archive Junk | Sweep Move to Categories

DUE 6/9

Chicago Justice Project FOIA

TS Tracy Siska Thu 6/2/2016 3:31 PM Reply all |
To: OEMCFOIA

Under the Illinois Freedom of Information Act please provide the following records:

Data dictionaries that in detail explain the contents of each field in any data base maintained by the Office of Emergency Management & Communications that stores data related to calls for police service & the response to those calls from the Chicago Police Department.

Please contact me with any questions you might have regarding our FOIA request. Please fulfill this request in the 5 working days allotted by Illinois law.

Tracy Siska

Tracy Siska | Executive Director
Chicago Justice Project | 220 N. Green St., Suite # 3059 |
Chicago, IL 60607
Ph. (312) 971-6745

[tsiska@chicagojustice.org]tsiska@chicagojustice.org |
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AM

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CHICAGO JUSTICE PROJECT

v.

CHICAGO OFF. OF EMER. MAN. COM

No. 2016-CH-11477

Defendant Address:
CHICAGO OFF. OF EMER. MAN. COM
121 N. LASALLE STREET
STE. 107
CHICAGO, IL 60602

[X] SUMMONS [] ALIAS - SUMMONS

To each defendant:

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:

- [X] 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 1500 Rolling Meadows, IL 60008
[] District 4 - Maywood Maybrook Ave. Maywood, IL 60153
[] District 5 - Bridgeview 10220 S. 76th Ave. Bridgeview, IL 60455
[] District 6 - Markham 16501 S. Kedzie Pkwy. Markham, IL 60428
[] Richard J. Daley Center 50 W. Washington, LL-01 Chicago, IL 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 thirty (30) days after its date.

[] Atty. No.: 41295
Name: LOEVY & LOEVY
Atty. for: CHICAGO JUSTICE PROJECT
Address: 311 N ABERDEEN 3FL
City/State/Zip Code: CHICAGO, IL 60607
Telephone: (312) 243-5900
Primary Email Address: matt@loevy.com
Secondary Email Address(es):
joshb@loevy.com

Witness: Tuesday, 30 August 2016
DOROTHY BROWN, Clerk of Court
Date of Service:
(To be inserted by officer on copy left with Defendant or other person)



**Service by Facsimile Transmission will be accepted at:

(Area Code) (Facsimile Telephone Number)

Chancery DIVISION

Litigant List

Printed on 08/30/2016

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Plaintiffs

Plaintiffs Name	Plaintiffs Address	State	Zip	Unit #
CHICAGO JUSTICE PROJECT				

Total Plaintiffs: 1

Defendants

Defendant Name	Defendant Address	State	Unit #	Service By
CHICAGO OFF. OF EMER. MAN. COM	121 N. LASALLE STREET CHICAGO,	IL	60602 STE. 107	Sheriff-Clerk

Total Defendants: 1