

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

MCLANE MIDWEST, INC. and
SIMPSON DATTILO, LLC

Plaintiffs,

v.

THE COUNTY OF COOK,
COOK COUNTY OFFICE OF THE
PRESIDENT, and COOK COUNTY
DEPARTMENT OF REVENUE,

Defendants.

2019CH11870

Hearing Date: 2/13/2020 10:00 AM - 10:00 AM
Courtroom Number: 2410
Location: District 1 Court
Cook County, IL

**COMPLAINT FOR DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, PENALTIES, AND ATTORNEYS' FEES**

Plaintiffs McLane Midwest, Inc. ("McLane") and Simpson Dattilo, LLC ("Simpson Dattilo") (collectively, "Plaintiffs") hereby seek a declaratory judgment, injunctive relief, statutory penalties, and attorneys' fees against Defendants the County of Cook (the "County"), the Cook County Office of the President ("CCOP"), and the Cook County Department of Revenue (the "Department") (collectively, the "Defendants") as follows:

NATURE OF ACTION

1. Plaintiffs bring this action against the Defendants for failure to disclose public records, in violation of Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA"). The Defendants have willfully, intentionally, and in bad faith frustrated McLane's right to protest an unfounded and egregious tax assessment imposed on McLane by the Department by: (1) delaying their initial production to Plaintiffs' April 10, 2019 request for public records (the "April 10 Request") by eighty-four (84) days after the submission of the April 10 Request; (2) not propounding a supplemental production that only partially corrected some of the

deficiencies in the initial production until one hundred and twenty eight (128) days after the submission of the April 10 Request; (3) continually shifting their position as to why they would not produce documents responsive to Request No. 1 (defined below) of the April 10 Request; and (4) improperly and broadly redacting the contents of email correspondence responsive to the April 10 Request.

2. By this action, Plaintiffs seek: (1) a declaratory judgment that the Defendants violated FOIA by (a) delaying their production in response to the April 10 Request, (b) continually shifting their position in response to Request No. 1, and (c) heavily redacting documents contained in the April 10 Request without a specific factual and legal basis for the redactions; (2) injunctive relief to (a) enjoin the Defendants from withholding any records that are responsive to the April 10 Request and not exempt from disclosure pursuant to FOIA, and (b) order the production of any such records improperly withheld; (3) the imposition of penalties on the Defendants pursuant to Section 11(j) of FOIA for willfully, intentionally, and in bad faith violating FOIA; and (4) the award of reasonable attorneys' fees to Plaintiffs pursuant to Section 11(i) of FOIA.

THE PARTIES

3. Plaintiff McLane is a Texas corporation registered with the Illinois Secretary of State as a foreign company. McLane is a wholesale distributor that sells cigarettes to retailers and secondary distributors within Cook County, and is therefore subject to the County's Tobacco Tax Ordinance (the "Tax Ordinance"), codified at Sections 74-430 through 74-469 of County's Municipal Code.

4. Plaintiff Simpson Dattilo is an Illinois limited liability company. As a law firm, Simpson Dattilo acted as McLane's representative in submitting the April 10 Request under FOIA and communicating with Defendants on that request.

5. Defendant County is a home rule unit under Article VII, Section 6 of the Illinois Constitution of 1970, created by the Illinois General Assembly on January 15, 1831 and with its primary offices located in Cook County, Illinois. Defendant County is a “public body” as defined by Section 2(a) of FOIA and possesses the public records at issue in this case.

6. Defendant CCOP is a subsidiary of Defendant County and maintains its primary offices in Cook County, Illinois.

7. Defendant Department is a subsidiary of Defendant County and maintains its primary offices in Cook County, Illinois. Defendant Department is an office under the jurisdiction of Defendant CCOP and thus all FOIA requests directed at the Department (and any other offices under Defendant CCOP) are transmitted to the same FOIA officer.¹

JURISDICTION AND VENUE

8. The Court has jurisdiction over this matter pursuant to 5 ILCS 140/11 and 735 ILCS 5/2-701.

9. Venue is proper in Cook County because Defendants have their principal offices in Cook County. 735 ILCS 5/2-103(a).

FOIA

10. Section 1 of FOIA states 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 this Act.” 5 ILCS 140/1.

11. Section 1 of FOIA further states it is “the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public

¹ Freedom of Information Act for Offices Under the President, *available at* <https://www.cookcountyil.gov/service/freedom-information-act-offices-under-president> (last visited October 7, 2019).

bodies at all levels of government” and that “[i]t is a fundamental obligation of government to operate openly and provide public records *as expeditiously and efficiently as possible* in compliance with this Act.” 5 ILCS 140/1 (emphasis added).

12. Section 2 of FOIA provides that “all records in the custody or possession 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 140/2.

13. Section 3(a) of FOIA requires all public bodies to “make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act,” which set forth certain exemptions to disclosure of public records. 5 ILCS 140/3(a); 5 ILCS 140/7; 5 ILCS 140/8.5.

14. Such exemptions “are limited exceptions to the principle that the people of this State have a *right to full disclosure of information relating to* the decisions, policies, *procedures*, rules, standards, and other aspects *of government activity* that affect the conduct of government.” 5 ILCS 140/1 (emphasis added).

15. FOIA must be “construed in accordance with this principle” and “to require disclosure of requested information as *expeditiously and efficiently as possible and adherence to the deadlines established in this Act.*” 5 ILCS 140/1 (emphasis added).

16. Under FOIA, a public body must “either comply with or deny a request for public records within 5 business days after its receipt of the request” unless the public body extends the time for request pursuant to Section 3(e) of the statute. 5 ILCS 140/3(d).

17. A public body may, within 5 business days after receipt of a request for public records, extend the time for response by “*not more than 5 business days* from the original due

date” for certain enumerated reasons set forth in Section 3(e) of the Act. 5 ILCS 140/3(e) and (f) (emphasis added).

18. FOIA also provides: “[w]hen a request for public records is denied on the grounds that the records are exempt under Section 7 of this Act, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority.” 5 ILCS 140/9(b).

19. Section 11 of FOIA authorizes this Court to: (a) enter a declaratory judgment declaring that the Defendants violated the Act; (b) enter injunctive relief enjoining the Defendants from withholding all records responsive to the April 10 Request that are not exempt from disclosure and to order the production of any such records improperly withheld; (c) impose civil penalties on the Defendants for willfully, intentionally, and in bad faith violating FOIA; and (4) award reasonable attorneys’ fees to Plaintiffs.

THE APRIL 10 REQUEST

20. The Department recently completed an audit of McLane’s compliance with the Tax Ordinance and assessed McLane, jointly and severally with another entity, in the incredible and unprecedented amount of \$171,307,318.39 for allegedly unpaid taxes, interest, and penalties (the “Assessment”). Under the Assessment, McLane had until May 20, 2019 to file a protest to contest the Assessment (the “Protest”).

21. To aid McLane in preparing the Protest, McLane, through its representative, Simpson Dattilo, submitted the April 10, 2019 Request to Defendants through the “FOIA@cookcounty.gov” email address for all offices under Defendant CCOP, pursuant to FOIA. A true and accurate copy of the April 10 Request is attached hereto as **Exhibit A**. The April 10 Request sought the following documents:

1. Any and all records, including but not limited to e-mails, notes, memoranda, photographs and reports from 2009, 2010, 2011, and 2012 related to any in-store cigarette inspections conducted by any official, employee, contractor, or agent of the Cook County Department of Revenue at the following locations:

- (a) Sam's Club #6349, 9400 South Western Avenue, Evergreen Park, IL;
- (b) Sam's Club #6444, 2450 Main Street, Evanston, IL;
- (c) Sam's Club #6485, 161 Harlem Avenue, Tinley Park, IL;
- (d) Sam's Club #6328, 2601 South Cicero Avenue, Cicero, IL;
- (e) Sam's Club #6489, 601 River Oaks W, Calumet City, IL;
- (f) Sam's Club #6464, 101 West Oakton Street, Des Plaines, IL;
- (g) Sam's Club #6384, 9500 Joliet Road, Hodgkins, IL;
- (h) Sam's Club #8148, 900 South Barrington Road, Streamwood, IL;
- (i) Sam's Club #6358, 141 West North Avenue, Northlake, IL;
- (j) Sam's Club #8198, 1055 McHenry Road, Wheeling, IL; and
- (k) Sam's Club #8154, 21430 South Cicero Avenue, Matteson, IL.

[("Request No. 1")]

2. Any and all records, including but not limited to e-mails, notes, memoranda, and reports relating to the amendment to Cook County Ordinance Section 74-432 enacted Feb. 16, 2011 including any correspondence or information exchanged between the Department of Revenue and the Cook County Board of Commissioners (the "Board"), any member, employee, agent, representative, etc. of the Board or any committee of the Board. [("Request No. 2")]

3. Any and all records, including but not limited to e-mails, notes, memoranda, and reports, relating to any notice sent out in February, 2012 about a change to the Cook County tobacco tax ordinance, including any documents and correspondence relating to the decision to send it out, any list of addressees to send the notice to and how that list was compiled, and any questions received from taxpayers and representatives about the notice. [("Request No. 3")]

4. Any and all records, including Cook County policies and training, relating to the determination to make a tax assessment on a joint and several basis. [("Request No. 4")].

See Exh. A.

THE DEFENDANTS' RESPONSES TO THE APRIL 10 REQUEST

22. The Defendants' response to the April 10 Request was due on April 17, 2019, five business days after April 10, 2019 per Section 3(d) of FOIA. 5 ILCS 140/3(d). On April 12, 2019, the Defendants sent an email extending the deadline to respond by five business days, until

April 24, 2019. A true and accurate copy of the Defendants' April 12, 2019 email extending the time to respond is attached hereto as **Exhibit B.**

23. The Defendants, however, did not respond to the April 10 Request by April 24, 2019. Instead, on April 24, 2019, the Defendants sent an email indicating that it was gathering the records responsive to Request Nos. 2, 3, and 4, and requested another five-business-day extension to May 1, 2019 to respond. The Defendants also objected to any production to Request No. 1, claiming that production was unduly burdensome because the Defendants had "received over 700 FOIA requests since January 1, 2019" and had only "two employees in the Office of the President that address and respond to FOIA requests." A true and accurate copy of the Defendants' April 24, 2019 email is attached hereto as **Exhibit C.** As such, the Defendants asserted that they did "not have the capacity to search for and review these communications and potential attachments for possible redactions without disrupting [their] daily operations and delaying other important work."

24. Plaintiffs agreed to extend the time for the County to respond to Request Nos. 2, 3, and 4, until May 1, 2019. A true and accurate copy of Plaintiffs' April 25, 2019 email is attached hereto as **Exhibit D.** Plaintiffs also asked to discuss Request No. 1 with the County in an effort to narrow the scope of the request. *See* Exh. D.

25. Subsequently, on April 26, 2019, Plaintiffs, following discussions with Defendants, agreed to modify the scope of Request No. 1 to the "investigative files for years 2009 and 2012 for each of the stores listed in [Request No. 1]." A true and accurate copy of Plaintiffs' April 26, 2019 email is attached hereto as **Exhibit E.**

26. The Defendants, however, produced no documents by the extended deadline of May 1, 2019, which was already twenty-one (21) days after the submission of the April 10

Request. On May 7, 2019, Plaintiffs sent an email to the Defendants seeking an update. A true and accurate copy of Plaintiffs' May 7, 2019 email is attached hereto as **Exhibit F**. After the Defendants failed to respond, Plaintiffs talked to Ms. Rachel Dailey, the County's FOIA officer, by telephone on May 9, 2019 seeking an update. Ms. Dailey stated that the Department was not responding to her repeated requests for the documents. Thereafter, Plaintiffs sent Defendants emails on May 17, 2019, May 31, 2019, and June 28, 2019. True and accurate copies of the May 17, 2019, May 31, 2019, and June 28, 2019 emails are collectively attached hereto as **Exhibit G**. The Defendants never responded.

27. In the interim, on May 20, 2019, without the benefit of the Defendants' response to the April 10 Request, McLane was forced to submit the Protest to timely contest the Assessment.

The Defendants' July 3, 2019 Response

28. Following the telephone conversation with Plaintiffs on May 9, 2019, the Defendants stopped communicating with Plaintiffs, despite repeated attempts by Plaintiffs to communicate with the Defendants, until July 3, 2019 when the Defendants finally transmitted forty-seven (47) pages, most of which were heavily redacted (the "July 3, 2019 Response"). A true and accurate copy of the Defendants' July 3, 2019 Response is attached hereto as **Exhibit H** (bates numbered July 3, 2019 Response 001-051 for purposes of this complaint).

29. The Defendants' limited production came eighty-four (84) days after the submission of the April 10 Request and sixty-three (63) days after the agreed extended deadline, in violation of FOIA.

30. Despite the Defendants' significant delay in responding to the April 10 Request, the Defendants did not provide all the documents requested, in further violation of FOIA. In

addition, the majority of the documents that Defendants provided were heavily and inappropriately redacted, in further violation of FOIA.

31. Although the Defendants initially indicated that responding to Request No. 1 would be “unduly burdensome,” and Plaintiffs previously agreed to narrow Request No. 1 to “investigative files for years 2009 and 2012 [rather than 2009, 2010, 2011, and 2012] for each of the stores listed” the Defendants stated in their July 3, 2019 Response that they were “unable to locate records from 2009 in relation to [Request No. 1].” The Defendants merely provided seven (7) pages in response to Request No. 1, consisting of field investigation reports and a notice of ordinance violation from 2012. *See* Exh. H at July 3, 2019 Response 003, 005-11. The limited materials produced by Defendants in response to Request No. 1 belie the Defendants’ characterization of Request No. 1 as “unduly burdensome.”

32. In response to Request No. 2, the Defendants produced email correspondence related to proposed amendments to the Tax Ordinance but did not provide any of the attachments to the emails even though Request No. 2 sought “[a]ny and all records, including but not limited to e-mails, notes, memoranda, and reports relating to the amendment to Cook County Ordinance.” *See* Exh. H at July 3, 2019 Response 0012-47.

33. In response to Request No. 3 (“Any and all records, including but not limited to e-mails, notes, memoranda, and reports, relating to any notice sent out in February, 2012 about a change to the Cook County tobacco tax ordinance”), the Defendants produced the notice itself and a single email stating “we have to start an aggressive plan for implementation and setting things up, website, more information, etc....” *See* Exh. H at July 3, 2019 Response 0048-51.

34. The Defendants further stated that they did not possess any records responsive to Request No. 4 (“Any and all records, including Cook County policies and training, relating to the

determination to make a tax assessment on a joint and several basis.”). *See* Exh. H at July 3, 2019 Response 003.

35. Finally, in the July 3, 2019 Response, the Defendants provided a list of reasons for redactions. *See* Exh. H at July 3, 2019 Response 003. Among the listed reasons were Section 7(1)(f) of FOIA, which exempts from disclosure “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated” and Section 7(1)(m) of FOIA, which exempts “[c]ommunications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body.” *See* Exh. H at July 3, 2019 Response 003. Yet, although the Defendants did designate certain pages as redacted due to Sections 7(1)(f) and 7(1)(m), the Defendants’ redactions are clearly improper. For example, the Defendants redacted the names of the attachments in numerous of the emails responsive to Request No. 2 under both sections, yet the names of the attached files clearly do not in and of itself constitute preliminary drafts, notes, recommendations, memoranda, or other records in which opinions are expressed or communications between a public body and an attorney or auditor.

The Defendants’ August 16, 2019 Response

36. On August 6, 2019, McLane’s counsel conferred with the Defendants’ FOIA office, where the Defendants agreed to: (1) produce the 2010 and 2011 investigative files that were responsive to Request No. 1 of the April 10 Request; (2) revise its production of emails to include the titles of all e-mail attachments responsive to the April 10 Request; (3) revise its redaction of the contents of the e-mails pursuant to Section 7(1)(f) of FOIA to ensure that the redactions were narrowly tailored to withhold only the specific portions of the documents that

contain deliberative or pre-decisional opinions; and (4) revise its production to identify which of the subparts of the Section 7(1)(m) exemption they were asserting. A true and accurate copy of Plaintiffs' August 7, 2019 email memorializing the August 6, 2019 conference is attached hereto as **Exhibit I**. Defendants also alleged that they did not have any documents from 2009 responsive to Request No. 1. *See* Exh. I.

37. On August 8, 2019, Plaintiffs sent a follow-up email to Defendants, asking them to clarify whether documents responsive to Request No. 1 from 2009 ever existed and if so, whether the documents had been lost or destroyed. A true and accurate copy of Plaintiffs' August 8, 2019 email is attached hereto as **Exhibit J**. Defendants never responded to this inquiry.

38. On August 16, 2019, Defendants emailed Plaintiffs (the "August 16, 2019 Response"), stating that they did not have records responsive to Request No. 1 with respect to the years 2010 and 2011, further calling into question Defendants' assertion on April 24, 2019, that any response to Request No. 1 would be "unduly burdensome." Defendants also provided 34 pages of documents that contained the titles of all email attachments responsive to the April 10 Request. A true and accurate copy of Defendants' August 16, 2019 Response is attached hereto as **Exhibit K**. The Defendants sent the August 16, 2019 Response one hundred and twenty-eight (128) days after the submission of the April 10 Request. Nevertheless, the August 16, 2019 Response was as deficient as the July 3, 2019 Response and did not address the items agreed to by Defendants during the August 6, 2019 conference between Defendants and Plaintiffs. Defendants failed to address Plaintiffs' inquiry regarding whether documents responsive to Request No. 1 with respect to the year 2009 ever existed. Defendants also did not revise their redactions of the contents of the emails to narrowly tailor application of

Section 7(1)(f) of FOIA or identify which of the subparts of the Section 7(1)(m) purportedly applies to each page.

39. Taking into account the August 16, 2019 Response, Defendants' position regarding Request No. 1 has changed three times over the course of the one hundred and twenty-eight (128) days since the submission of the April 10 Request: (1) on April 24, 2019, Defendants objected to Request No. 1 claiming that production would be "unduly burdensome" (*see* Exh. C); (2) in the July 3, 2019 Response, Defendants provided the investigative files for 2012, but alleged they were "unable to locate records from 2009 in relation to [Request No. 1]" (*see* Exh. H); (3) in an August 6, 2019 conference with McLane's representative Simpson Dattilo, Defendants agreed to produce the 2010 and 2011 investigative files responsive to Request No. 1 (*see* Exh. I); and (4) in the August 16, 2019 Response, Defendants stated that they did not have the 2010 and 2011 investigative files (*See* Exh. K). Defendants' ever-changing and conflicting positions reinforce the fact that Defendants never conducted a proper search of the documents responsive to Request No. 1 in the first place. Rather, Defendants' initial assertion that any response to Request No. 1 would be "unduly burdensome" was merely pre-textual and part of Defendants' willful, intentional, and bad faith efforts to delay, obstruct, and deny Plaintiffs' access to records that could support McLane's Protest of the Assessment.

40. Further, although Defendants did eventually provide the titles of the email attachments responsive to the April 10 Request, Defendants never revised their redactions of the bodies of the emails pursuant to Section 7(1)(f) of FOIA or their production to identify the applicable subparts of Section 7(1)(m) of FOIA.

41. The Defendants have thus willfully, intentionally, and in bad faith frustrated McLane's Protest of the unfounded and egregious Assessment by: (a) delaying their initial

production to Plaintiffs' April 10, 2019 Request for public records (the "April 10 Request") by eighty-four (84) days after the submission of the request; (b) not propounding a supplemental production that only partially corrected some of the deficiencies in the initial production until one hundred and twenty eight (128) days after the submission of the April 10 Request; (c) continually shifting their position as to why they would not produce documents responsive to subpart one of the April 10 Request; and (d) improperly and broadly redacting the contents of email correspondence responsive to the April 10 Request.

42. Section 11 of FOIA authorizes this Court to award Plaintiffs injunctive relief, requiring the Defendants to make the requested information available immediately. 5 ILCS 140/11(d).

43. Plaintiffs are entitled to recover its attorneys' fees incurred in pursuing this action. 5 ILCS 140/11(i).

COUNT I

(Declaratory Judgment and Injunctive Relief Pursuant to 5 ILCS 140/11)

44. Plaintiffs re-allege and incorporate by reference all allegations contained in Paragraphs 1 to 43 above.

45. Defendant County is a public body within the meaning of 5 ILCS 140/2(a) and Defendants CCOP and Department are subsidiaries of Defendant County.

46. The requested records, held or otherwise maintained by the Defendants, are public records within the meaning of 5 ILCS 140/2(c) and are subject to disclosure pursuant to 5 ILCS 140/3.

47. Foremost, Defendants willfully, intentionally, and in bad faith violated FOIA by failing to provide documents responsive to the April 10 Request in a timely fashion, providing: (1) the July 3, 2019 Response eighty-four (84) days after the submission of the April 10 Request

and sixty-three (63) days after the agreed extended deadline, in violation of FOIA; and (2) providing the August 16, 2019 Response one hundred and twenty-eight (128) days after the submission of the April 10 Request. Defendants' delay forced McLane to file its Protest to timely contest the Assessment without the benefit of any documents responsive to the April 10 Request.

48. Moreover, Defendants' position with respect to Request No. 1 has changed multiple times over the one hundred and twenty-eight (128) days since the April 10 Request was submitted: (1) on April 24, 2019, Defendants objected to Request No. 1 claiming that production would be "unduly burdensome" (*see* Exh. C); (2) in the July 3, 2019 Response, Defendants provided the investigative files for 2012, but alleged they were "unable to locate records from 2009 in relation to [Request No. 1]" (*see* Exh. H); (3) in an August 6, 2019 conference with McLane's representative, Defendants agreed to produce the 2010 and 2011 investigative files responsive to Request No. 1 (*see* Exh. I); and (4) in the August 16, 2019 Response, Defendants stated that they did not have the 2010 and 2011 investigative files (*See* Exh. K). Defendants' ever-changing and conflicting positions reinforce the fact that Defendants never conducted a proper search of the documents responsive to Request No. 1.

49. The Defendants have improperly redacted and withheld email communications and other documents responsive to Request Nos. 1-4 by alleging that they are "preliminary drafts" under the Section 7(1)(f) exemption without providing a detailed factual and legal basis for each redaction or undisclosed document. *See* Exh. H at Response 003.

50. The Defendants have also improperly redacted and withheld email communications and other documents responsive to Request Nos. 1-4 by alleging that they are "communications between a public body and an attorney or an auditor" under Section 7(1)(m) of

FOIA, but again without providing any factual and legal basis for each redaction or undisclosed document. *See* Exh. H at Response 003. Despite agreeing to on August 6, 2019, Defendants later refused to identify the subparts of Section 7(1)(m) of FOIA that they asserted as to each page.

51. The Defendants' blanket invocation of the exemptions under Sections 7(1)(f) and 7(1)(m) of FOIA does not comply with FOIA's requirement that, as to each document redacted or withheld, the Defendants must provide "the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority." *See* 5 ILCS 140/9(b). The Defendants' "one-size-fits-all," generic and conclusory claims of exemption are inadequate as a matter of law.

52. By failing to disclose the requested records and unjustifiably redacting the disclosed documents, the Defendants improperly withheld non-exempt public records in violation of 5 ILCS 140/3(d). This court thus has jurisdiction to enjoin the Defendants from withholding the records and to order their production pursuant to 5 ILCS 140/11(d).

WHEREFORE, Plaintiffs request that this Court enter:

- A. A declaratory judgment declaring that the Defendants violated FOIA by:
 - (1) failing to timely produce documents responsive to the April 10 Request;
 - (2) failing to produce all documents responsive to Request Nos. 1 through 4 of the April 10 Request; and (3) improperly and inadequately redacting the documents produced;
- B. A permanent injunction enjoining the Defendants from withholding all documents responsive to Request Nos. 1 through 4 and any and all other records responsive to the April 10 Request;

- C. An order ordering the Defendants to provide the Court with copies of all the redacted documents to review so that the Court can conduct an in-camera inspection of the documents and then determine whether, if any, redactions are necessary;
- D. An order ordering the Defendants to immediately produce to Plaintiffs all the records responsive to the April 10 Request;
- E. An order imposing penalties on the Defendants pursuant to Section 11(j) of FOIA for willfully, intentionally, and in bad faith violating FOIA;
- F. An order imposing civil penalties upon the Defendants;
- G. An order awarding reasonable attorneys' fees to Plaintiffs pursuant to 5 ILCS 140/11(i); and
- H. Such other, further, and different relief as the Court deems just and proper.

Dated: October 14, 2019

Respectfully submitted,

**MCLANE MIDWEST, INC. and SIMPSON
DATTILLO, LLC**

By: /s/ Richard Y. Hu
One of Their Attorneys

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