

IN THE TWENTY-THIRD JUDICIAL CIRCUIT COURT
KENDALL COUNTY, ILLINOIS

Coalition Opposing Governmental Secrecy)
and Metric Media, LLC *d/b/a* Kendall County)
Times,)
)
Plaintiffs,)
)
v.)
)
City of Plano,)
)
Defendant.)

Case No.: 2025CH000020

Judge:

Pursuant to Supreme Court Rule 21.B, this case is hereby set for
a Case Management Conference on 11/14/2025
at 9 a.m. in courtroom 112. Failure to appear may result in the
case being dismissed or an order of default being entered.

Clerk of the Circuit Court

Matthew G. Prochaska

Complaint

Plaintiffs Coalition Opposing Governmental Secrecy and Metric Media, LLC, doing business as the Kendall County Times (“together ~~Plaintiffs~~”), bring this lawsuit against Defendant City of Plano to force its compliance with Illinois’ Freedom of Information Act (“FOIA”), as codified at 5 ILCS § 140/1, at seq., and produce the demanded records. Plaintiffs allege the following based on personal knowledge stemming from their acts and experiences, an investigation conducted by their attorneys, and upon information and belief:

The Parties, Jurisdiction, and Venue

1. Plaintiff Coalition Against Governmental Secrecy (“COGS”) COGS is a Missouri non-profit corporation with 501(c)(3) status whose mission is to aid and encourage citizen participation in government and the political process, and to empower the public by helping them access publicly available information via Freedom of Information, Sunshine and similar requests for government records. Some of COGS’ member organizations include: Catholic Vote; Edgar County Watchdogs; Judiciocracy LLC (and its publications); Metric Media LLC (and its publications; and The Record Inc (and its publications). A current list can be found at: <https://stopsecrecy.org/about/>.

2. Plaintiff Metric Media, LLC, doing business as the Kendall County Times, is a news media organization committed to providing comprehensive and accurate news coverage on matters of public import and is a news media organization, as defined by FOIA's Section 2(f), in the business of, *inter alia*, reporting on local news and events.

3. The Defendant, City of Plano ("Defendant"), is a public body, as defined by FOIA's Section 2(a), subject to the jurisdiction of the Circuit Court of Cook County, Illinois.

4. Jurisdiction is proper in this Court because Defendant is a Public Body under FOIA subject to the jurisdiction of the Circuit Court of Cook County.

5. Venue is proper based on 735 ILCS §§ 5/2-101, 103, which, *inter alia*, requires suit be brought in the county in which the transaction or some part of the transaction occurred, or the cause of action arose; and 5 ILCS § 140/11, which provides, *inter alia*, that a lawsuit to enforce a demand for documents under FOIA may be brought in Cook County.

Illinois' Freedom of Information Act

6. Illinois' FOIA statute declares that 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.

7. The Illinois Legislature continues to recognize that "such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest." Id., at § 140/1.

8. Restraints on access to information, to the extent permitted by this Act, 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 and the lives of any or all of the people. ... This Act shall be construed to require disclosure of requested information as expeditiously and efficiently as possible and adherence to the deadlines established in this Act. Id., at § 140/1.

9. “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.” Id., at § 140/1.2.

10. In furtherance of the Illinois’ Legislatures above goals unless otherwise exempt, public bodies must comply with requests for public documents and information. Id., at §§ 140/1.2, 140/3.

11. Once a request is received, “[e]ach public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request[.]” Id., at § 140/3(d). Such time to respond may be extended for an additional five (5) business days based on good causes. Id., at § 140/3(e).

12. “[A] [d]enial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after [a requests] receipt shall be considered a denial of the request.” Id., at § 140/3(d).

13. Moreover, FOIA outlines a number of requirements for a public body and its FOIA Officer to adhere to once it receives a request for a public record. Such requirements include: (1) noting date the request was received; (2) computing the response deadline; (3) creating and maintaining an electronic or paper record of the request until the request is complied

with or denied; and (4) creating a file for the retention of the request, response, and all communications concerning the same. 5 ILCS § 140/3.5(a).

14. FOIA also states that if a request is denied, the public body must, *inter alia*, “notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial.” Id., at § 140/9(a).

15. To enforce the public’s right to access public information, FOIA provides a private right of action whereby: “[a]ny person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.” Id., at § 140/11(a).

16. “If a person seeking the right to inspect or receive a copy of a public record prevails in a proceeding under this Section, the court shall award such person reasonable attorney’s fees and costs.” Id., at § 140/11(i).

17. Moreover, “[i]f the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence.” Id., at § 140/11(j).

Plaintiffs-Specific Allegations

18. Here, Plaintiffs originally submitted their request (“Request”) on January 31, 2025, attached hereto as Group Exhibit A.

19. The Request sought, *inter alia*:

Names, addresses, and emails of members of all volunteer boards and commissions from last 3 month. Include the start date and end date of the term, if applicable.

The request also advised that the Plaintiffs are members of the media and eligible for a fee waiver. January 31, 2025 E-Mail, attached hereto as Group Exhibit A.

20. Under Illinois' FOIA statute, the Defendant was required to respond or request additional time by or before February 7, 2025.

21. Defendant failed to respond to Plaintiffs' Request by or before February 7, 2025.

22. On April 15, 2025, Plaintiffs sent an e-mail following up on the Request. April 15, 2025 E-Mail, attached hereto as Group Exhibit A.

23. Defendant failed to respond to Plaintiffs' Request by or before April 22, 2025 or at any time since.

24. Defendant failed to respond to either Plaintiffs' original FOIA Request or Plaintiffs' subsequent follow-up.

25. On July 15, 2025, one of Plaintiffs' Counsel's assistant called Defendant at (630) 552-8275 at approximately 11:40 a.m. Carin Martin answered and identified herself as the FOIA officer. During the call, Carin stated she would forward the email and obtain a reply.

26. Additionally, Plaintiffs' Request was indeed sent to the listed FOIA contact based on then-publicly available information.

27. Plaintiffs' work is to report matters about which the public should be aware. Here, Plaintiffs are being prevented from access to data to which the public has a right, even after reminding Defendant of its obligation under the law.

28. Under Section 3(d) of FOIA, Defendant was obligated to respond to Plaintiffs' Request, but failed to either produce the demanded documents, actually seek an extension, or issue a written denial as required by FOIA's Section 9(a).

29. Moreover, upon information and belief, Defendant has failed to satisfy its other obligations under FOIA, as articulated in Section 3.5(a).

30. Defendant's intentional refusal to satisfy its obligations under FOIA are so egregious that Plaintiffs had to suffer the time and financial burden of hiring a law firm and filing a lawsuit to vindicate their rights under the law.

Count I
Failure to Produce Demanded Records

31. Plaintiffs incorporate the above paragraphs by reference as if fully set forth herein.

32. Defendant City of Plano is a public body under Section 2(a) of FOIA.

33. The records requested by Plaintiffs are non-exempt public records and are subject to FOIA's inspection requirements.

34. FOIA required Defendant to respond to a records request within five (5) days of receipt or request an additional five (5) days to respond.

35. Defendant failed to either respond to Plaintiffs' Request or request additional time to respond to the same within the statutorily prescribed time period, in violation of FOIA's Section 3(d).

36. Defendant violated FOIA when it failed to produce the requested records within the statutory time period or any time thereafter; and otherwise failed to response to Plaintiffs' Request.

Count II
Willful and Intentional Violation of FOIA

37. Plaintiffs incorporate the above paragraphs by reference as if fully set forth herein.

38. Defendant City of Plano is a public body under Section 2(a) of FOIA.

39. The records requested by Plaintiffs are non-exempt public records and are subject to FOIA's inspection requirements.

40. Upon information and belief, Defendant failed to satisfy any of FOIA's attendant requirements, including: (1) noting date the request was received; (2) computing the response deadline; (3) creating and maintaining an electronic or paper record of the request until the request is complied with or denied; or (4) creating a file for the retention of the request, response, and all communications concerning the same, in violation of FOIA's Section 3.5(a).

41. Defendant City of Plano willfully, intentionally, and in bad faith failed to comply with five (5) separate requirements of FOIA.

Prayer for Relief

Wherefore, Plaintiffs COGS and Metric Media, LLC, doing business as the Kendall County Times, respectfully requests that the Court find:

- a. According to 5 ILCS § 140/11(h), this case be afforded precedence on the Court's docket, except for cases which the Court considers to be of greater import, and assign this matter for hearings and trial at the earliest convenience and otherwise expedited these proceedings;
- b. Find that Defendant City of Plano has violated FOIA's Section 3(d) by failing to timely respond to Plaintiffs' Request;
- c. Find that Defendant City of Plano has violated FOIA's Section 3.5(a) by failing to:
 - i. note the date the Request was received;
 - ii. compute its response deadline;
 - iii. create or maintain an electronic or paper record of the Request until the request is complied with or denied; and
 - iv. create a file for the retention of the request, response, and all communications concerning the same;
- d. Order Defendant City of Plano to produce all requested records, documents, and information;

e. Enjoin Defendant City of Plano from withholding non-exempt public records under FOIA;

f. Order Defendant City of Plano to pay civil penalties of not less than \$2,500 nor more than \$5,000 for each of the above violations of FOIA, pursuant to 5 ILCS § 140/1(j);

g. Award Plaintiffs reasonable attorney's fees and costs, pursuant to 5 ILCS § 140/1(i); and

h. Grant any and all further relief that this Court deems just and proper.

Dated: August 25, 2025

Respectfully Submitted:

By: /s/ Edward "Coach" Weinhaus

Edward "Coach" Weinhaus, Esq.
Cook County #64450 / ARDC #6333901
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EXHIBIT A

Categorization

Search an existing Email Outreach Category ...

Email Outreach

Below is the original email that was sent as part of the Illinois Cities Volunteer Boards & Commissions series using the list Illinois Cities.

Subject: FOIA Request-Volunteer Boards & Commissions cmartin@cityofplanoil.org Ronald J Vanderband City of Plano

From: foia@kendallcountytimes.com

To: cmartin@cityofplanoil.org

State: Illinois

Date Sent: 25/01/31 - 02:38 PM

Response Received? Y

First Response Date: 25/04/15 - 04:40 PM

Govt Delay: 74 day(s) after response

To whom it may concern,

I am a news reporter from Kendall County Times, a media organization committed to providing comprehensive and accurate news coverage on local governmental affairs. I am requesting the following records under the Illinois Freedom of Information Act, 5 ILCS 140, preferably in electronic format:

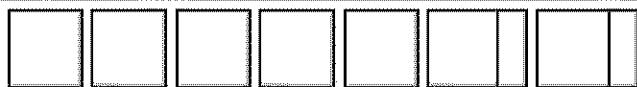
Names, addresses, and emails of members of all volunteer boards and commissions from last 3 month. Include the start date and end date of the term, if applicable.

As a member of the media, I am involved in gathering and reporting news to the public. Access to public records is essential for me to fulfill my professional responsibilities, which include holding public institutions accountable and providing transparency to the public. Given my role in disseminating information, I believe I am eligible for a fee waiver as a media professional.

Please let me know if you have any questions,

Owen Wang,

Kendall County Times



Enter Email Subject

Attachments



RE: FOIA Request-Volunteer Boards & Commissions

Apr 15, 2025
04:40 PM

from: Carin Martin <cmartin@cityofplanoil.org>
to: foia@kendallcountytimes.com, mshanahan@cityofplanoil.org

Good afternoon.

Below is the response we sent to you on February 3, 2025, regarding your January 31, 2025 FOIA request. We did not hear from you until this afternoon. Please follow the instructions in our email message below.

Carin Martin
Deputy City Clerk
City of Plano
17 E. Main Street
Plano, IL 60545
630-552-8275



February 3, 2025

To whom it may concern:

A purported request under the Illinois Freedom of Information Act ("FOIA"), 5 ILCS 140/1 et seq., was received by the City of Plano IL via email on : Friday, January 31, 2025 2:39 PM. The request was sent from "Owen Wang, a news reporter from Kendall County Times" foia@kendallcountytimes.com and we have received a report that the email address from which it originated is fake which raises security issues. Thus, the City does not wish to reply to this email address. Please verify whether Owen Wang works with your company, whether this request originated from your company and, if so, provide a more secure email address for the City's response. Upon receiving your response to this inquiry, we will provide a further FOIA response within the required timeline, starting from the receipt of your response. If we do not hear from you within 30 days, we will consider your request abandoned.

Sincerely,

-Martin J Shanahan Jr.

FOIA Officer

Martin J Shanahan Jr.
Plano City Administrator
Office 630-552-8275 X9004
Mobile 630-465-1998
Email mshanahan@cityofplanoil.org.
Address 17 E. Main, Plano IL 60545

From: foia@kendallcountytimes.com <foia@kendallcountytimes.com>

Sent: Tuesday, April 15, 2025 4:24 PM

To: Carin Martin <cmartin@cityofplanoil.org>
Subject: RE: FOIA Request-Volunteer Boards & Commissions

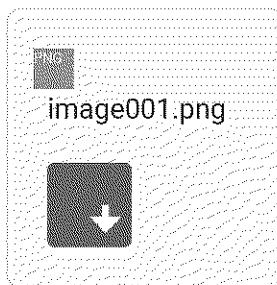
To whom it may concern;

we sent our FOIA request on 01/31/2025, it is now 04/15/2025 and we still have not received a response to our FOIA request. Please respond with the status of our request or the data requested by 04/22/2025.

Thank you for helping us fulfill this request

Regards

Owen Wang



RE: FOIA Request-Volunteer Boards & Commissions

from: foia@kendallcountytimes.com
to: cmartin@cityofplanoil.org

Apr 15, 2025
04:23 PM

To whom it may concern;

we sent our FOIA request on 01/31/2025, it is now 04/15/2025 and we still have not received a response to our FOIA request. Please respond with the status of our request or the data requested by 04/22/2025.

Thank you for helping us fulfill this request

Regards

Owen Wang

Search Response Tool

Orphaned Threads

Unprocessed Replies

- Show all possible responses
- Show rejected responses

Subject	Sender	Recipient(s)	Date	Actions
FOIA request	cmartin@cityofplanoil.org	"foia@kendallcountytimes.com" <foia@kendallcountytimes.com>	07/09	Accept Reject
FOIA request	cmartin@cityofplanoil.org	"foia@kendallcountytimes.com" <foia@kendallcountytimes.com>	07/08	Accept Reject
FOIA request	cmartin@cityofplanoil.org	"foia@kendallcountytimes.com" <foia@kendallcountytimes.com>	05/13	Accept Reject

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