

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
EDGAR COUNTY, ILLINOIS**

EDGAR COUNTY WATCHDOGS, )  
 )  
Plaintiff, ) **2023MR18**  
 )  
v. )  
 )  
PARIS UNION SCHOOL DISTRICT NO. 95 )  
 )  
Defendant. )

**COMPLAINT**

NOW COMES Plaintiff, EDGAR COUNTY WATCHDOGS, by the undersigned attorneys, LOEVY & LOEVY, and brings this suit to overturn Defendant PARIS UNION SCHOOL DISTRICT NO. 95's failure, in willful violation of the Illinois Freedom of Information Act, to comply with EDGAR COUNTY WATCHDOG's Freedom of Information Act request for subpoenas and search warrants received by Defendant. In support of its Complaint, EDGAR COUNTY WATCHDOGS states as follows:

**INTRODUCTION**

1. 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. Restraints on access to information, to the extent permitted by FOIA, 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 the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll 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 140/1.2.

### **PARTIES**

4. Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”) is the FOIA requester in this case. ECW is a non-profit organization comprised of investigative reporters whose purpose is to foster accountability, truth, and transparency in our local governing bodies.

5. Defendant PARIS UNION SCHOOL DISTRICT NO. 95 (“DISTRICT 95”) is a public body located in Edgar County, Illinois.

### **JUNE 14, 2023 FOIA REQUEST**

6. On June 14, 2023, ECW submitted a FOIA request to DISTRICT 95 for “cop[ies] of all Subpoenas/Search Warrants received in the past 60 days.”

7. A true and correct copy of the FOIA request is attached as Exhibit 1.

8. On June 22, 2023, DISTRICT 95 identified one document responsive to the request, and produced the document with extensive redactions. DISTRICT 95 stated certain information within the response was redacted pursuant to 5 ILCS 140 (“FOIA”) Section 7(a), which prohibits disclosure of “matters occurring before the Grand Jury.”

9. A true and correct copy of DISTRICT 95’s response letter is attached as Exhibit 2.

10. On June 22, 2023, ECW appealed to DISTRICT 95, asking it to reconsider asserting exemptions under FOIA Section 7(a), stating that the courts found federal grand jury subpoenas

were subject to release under FOIA according to the Appellate Court's holding in *Better Government Association vs. Blagojevich*, 386 Ill. App. 3d 808 (2008).

11. A true and correct copy of the correspondence is attached as Exhibit 3.

12. On June 23, 2023, DISTRICT 95 stated that it is maintaining its position on the redactions applied to the responsive documents.

13. In *Better Government Association v. Blagojevich*, the Illinois Appellate Court held that the grand jury secrecy rules did not specifically prohibit a public body that is the recipient of the request from disclosing the contents of the subpoena in response to a FOIA request. 386 Ill. App. 3d at 817-18.

14. As of the date of this filing, DISTRICT 95 has maintained its assertion of FOIA Exemption 7(1)(a) and continues to withhold non-exempt information responsive to ECW's FOIA request.

15. As of the date of this filing, DISTRICT 95 has failed to comply with FOIA and has not produced all responsive records.

**COUNT I – JUNE 14, 2023 FOIA REQUEST,  
DISTRICT 95'S FOIA VIOLATION**

16. The above paragraphs are incorporated by reference.

17. DISTRICT 95 is a public body under FOIA.

18. The records sought in the FOIA request include non-exempt public records of DISTRICT 95.

19. DISTRICT 95 violated FOIA by failing to produce all non-exempt information contained in records responsive to the request.

20. DISTRICT 95 willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

**WHEREFORE**, ECW asks that the Court:

- i. declare that DISTRICT 95 has violated FOIA;
- ii. order DISTRICT 95 to conduct adequate searches for the requested records;
- iii. order DISTRICT 95 to produce all non-exempt portions of the requested records;
- iv. enjoin DISTRICT 95 from withholding non-exempt public records under FOIA;
- v. order DISTRICT 95 to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs; and
- vii. award such other relief the Court considers appropriate.

Dated: July 14, 2023

RESPECTFULLY SUBMITTED,  
/s/ Matthew V. Topic

Attorneys for Plaintiff,  
EDGAR COUNTY WATCHDOGS

Matthew Topic  
Josh Loevy  
Merrick Wayne  
Shelley Geiszler  
LOEVY & LOEVY  
311 North Aberdeen, 3rd Floor  
Chicago, IL 60607  
312-243-5900  
foia@loevy.com  
Atty. No. 41295

**From:** [John Kraft](#)  
**To:** [jlaron@paris95.k12.il.us](mailto:jlaron@paris95.k12.il.us); [kellers@paris95.k12.il.us](mailto:kellers@paris95.k12.il.us); [suttonc@paris95.k12.il.us](mailto:suttonc@paris95.k12.il.us)  
**Cc:** [Kirk Allen](#)  
**Subject:** FOIA Request: D95 including High School - 6-14-2023  
**Date:** Wednesday, June 14, 2023 11:18:00 AM

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On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act, I am requesting the following.

**If you are not the FOIA officer, please forward to the FOIA officer as required by statute.**

Electronic copies requested.

- **Copy of all Subpoenas/Search Warrants received in the past 60 days.**

**Electronic copies are requested.**

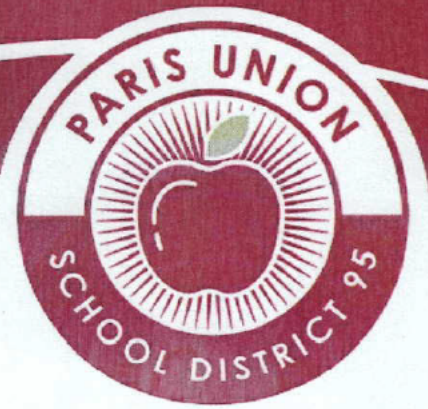
**This is not a commercial request.**

This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of the local and state governments in Illinois and will be used to inform citizens of the actions of their public officials, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit

*I, and the organizations I represent, qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). Additionally, I, and the organizations I represent, qualify as "news media" under the Illinois Vehicle Code, Section 1-148.5.*

Thanks,  
John Kraft  
Edgar County Watchdogs, Inc.





June 22, 2023

SENT VIA EMAIL

John Kraft  
Edgar County Watchdogs, Inc.

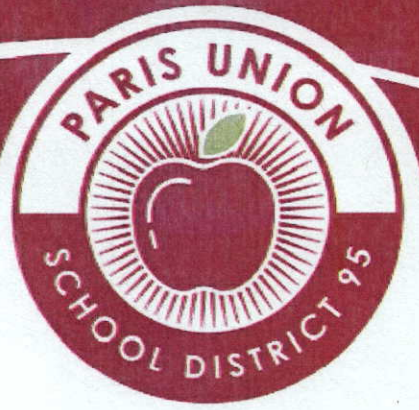
RE: Freedom of Information Act Request received June 14, 2023

Dear Mr. John Kraft:

On June 14, 2023, you emailed a request for information pursuant to the Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA"), to Paris Union School District No. 95 (the "District"). You requested a "[c]opy of all Subpoenas/Search Warrants received in the past 60 days." Because June 19, 2023 was a holiday, the due date for the District's response is June 22, 2023.

One document responsive to your request has been located and is attached with redactions.

Certain information within the response has been redacted pursuant to Section 7(1)(a) of FOIA ("[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law"), relying upon 725 ILCS 5/112-1 *et seq.*, prohibiting disclosure of "matters occurring before the Grand Jury." In the State of Illinois, it is well established that this language encompasses any material that tends to "reveal some secret aspect of the grand jury's investigation, [including] the identities of witnesses or jurors, the substance of testimony, the strategy or direction of the investigation, the deliberations or questions of jurors, and the like." *In re Appointment of Special Prosecutor*, 2017 IL App (1st) 161376, 91 N.E.3d 424, *aff'd*, 2019 IL 122949, 129 N.E.3d 1181, 1190 (citing *Board of Education, Community School District No. 200 v. Verisario*, 143 Ill. App. 3d 1000, 1008, 97 Ill.Dec. 692, 493 N.E.2d 355 (1986); see also *Lopez v. Department of Justice*, 393 F.3d 1345, 1349 (D.C. Cir. 2005); see also *United States v. Phillips*, 843 F.2d 438, 441 (11th Cir. 1988)). Further, redactions are permitted pursuant to Section 7(1)(c), prohibiting the disclosure of personal information contained within public records, where the disclosure would constitute "a clearly unwarranted invasion of personal privacy." This has been interpreted to include the redaction of phone numbers and e-mail addresses, in order to protect the privacy of public employees and allow them to carry out their public duties of employment.



Mr. John Kraft  
June 22, 2023  
Page 2

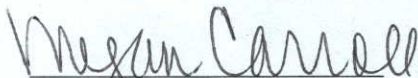
Megan Carroll, who is currently acting as the District FOIA Officer, is responsible for the response to your request. You may ask the Illinois Attorney General's Public Access Counselor ("PAC") to review this decision concerning your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within sixty (60) days after this denial or partial denial of your request. A request for Review by the PAC should be directed to:

Public Access Bureau  
Office of the Attorney General  
500 S. 2nd Street  
Springfield, Illinois 62706  
[publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

The PAC's telephone number is (877) 299-FOIA.  
You also have the right to administrative review by a court of law pursuant to Section 11 of the Illinois Freedom of Information Act.

If you have any questions, please feel free to contact me.

Respectfully,

  
Megan Carroll

**UNITED STATES DISTRICT COURT**  
for the  
Central District of Illinois  
SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Paris Union School District #95  
[REDACTED]

300 South Eads Avenue  
Paris, IL 61944

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Peoria Grand Jury  
100 NE Monroe St.  
Peoria, IL 61602

Date and Time: June 21, 2023  
9:00 a.m.

**YOU MUST** also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

See Attachment

Date: June 12, 2023



*Shig Yasunaga*

Shig Yasunaga  
*Signature of Clerk or Deputy Clerk*

The name, address, e-mail, and telephone number of the United States Attorney, or Assistant United States Attorney, who requests this subpoena, are:

AUSA William Lynch  
201 South Vine Street Suite 226 Urbana, IL 61802  
[REDACTED]

William.Lynch@usdoj.gov



**PROOF OF SERVICE**

This subpoena for *(name of individual or organization)* Paris Union School District #95  
was received by me on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

\_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Grand Jury Subpoena Addendum**

**Items or information to be produced are listed in paragraphs numbered 1 through 20.**

**Specifics regarding production can be found at the end of the Addendum.**

**Abbreviation Glossary:**

- CD – Compact Disc
- C/O – Care of
- Dist – District
- Dis – District
- EFT – Electronic Funds Transfer
- MMS – Multimedia Messaging Service
- PDF – Portable Document Format
- PUSD – Paris Union School District
- RCS – Rich Communication Services
- SMS – Short Message Service
- USB – Universal Serial Bus

1. 
2. 
3. 
4. 
5. 
6. 

7.

8. PUSD Employee Handbook – provide a copy of the PUSD employee handbook in effect during school years 2019-2020, 2020-2021, 2021-2022, and 2022-2023.
9. PUSD Policies and/or Procedures – for employees, contractors, subcontractors, and/or grant program partners. All PUSD policies and/or procedures for PUSD employees, contractors, subcontractors, grant program partners and/or grant program co-applicants. Note: If the same policies and procedures govern all five categories, please state so in your response. If different policies and/or procedures apply to each group, please provide all of them and indicate which policies and/or procedures apply to which group.

10.

11.

12.

13.

[REDACTED]

14. [REDACTED]

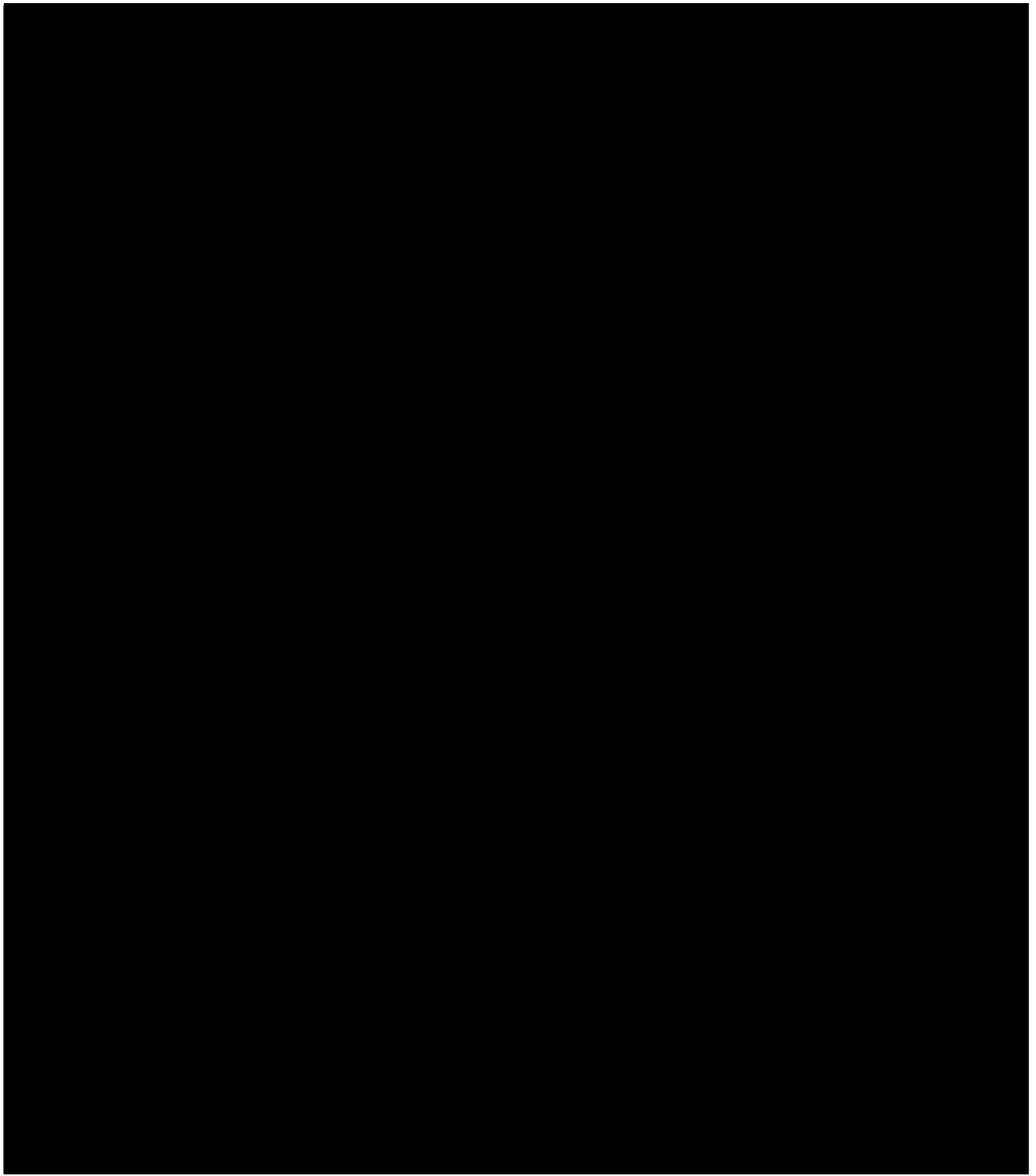
15. [REDACTED]

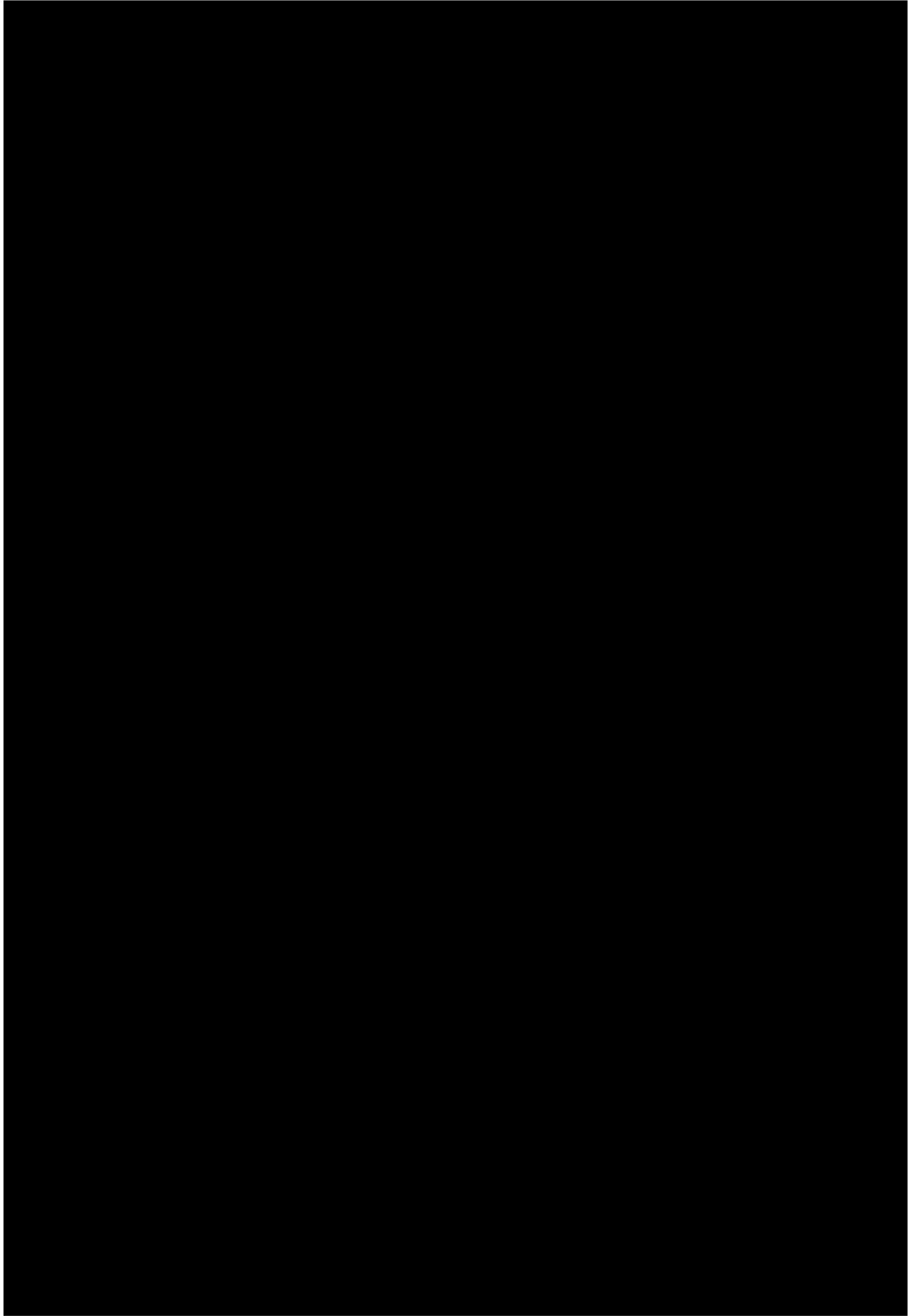
16. [REDACTED]

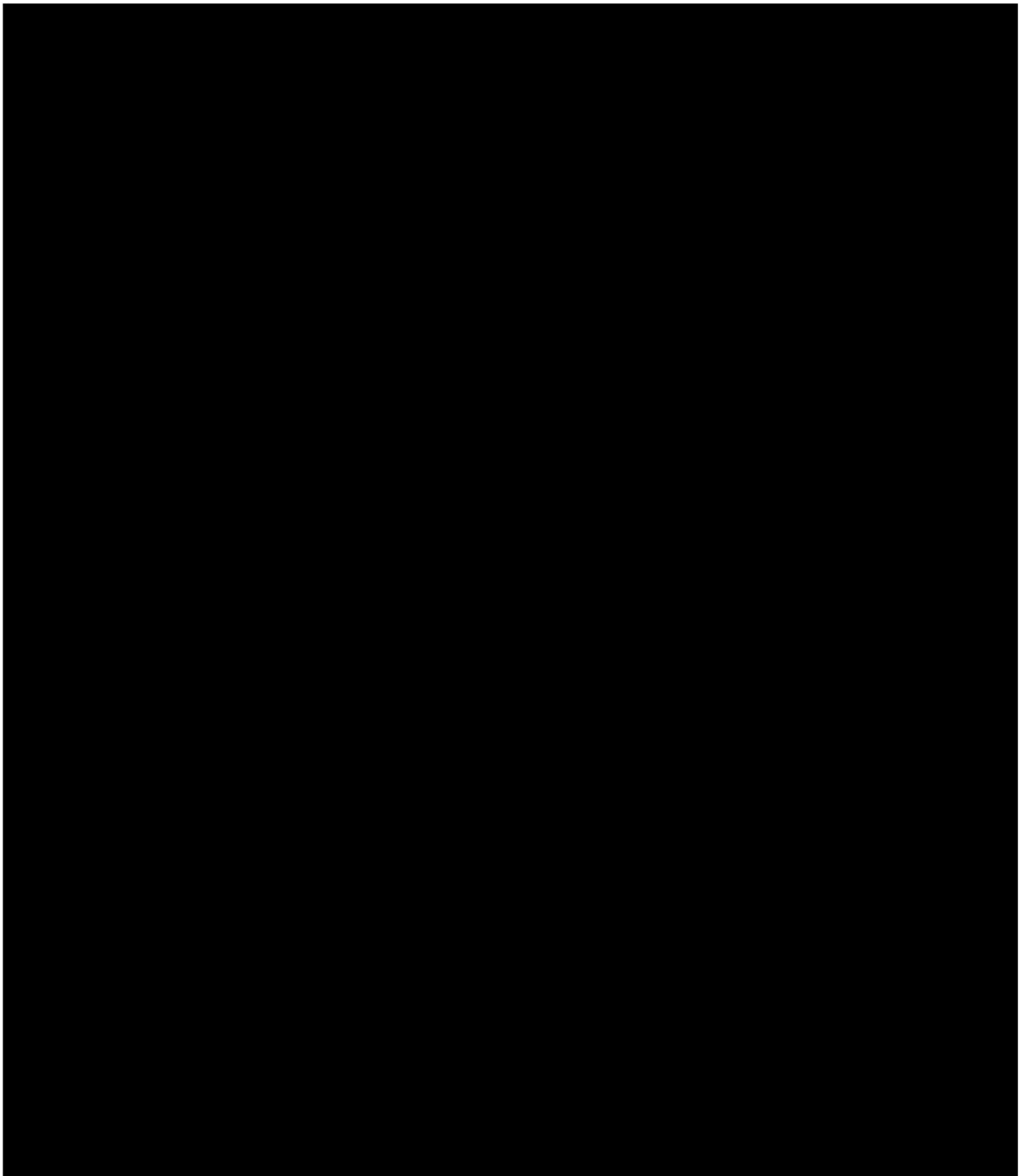
17. [REDACTED]

18. [REDACTED]

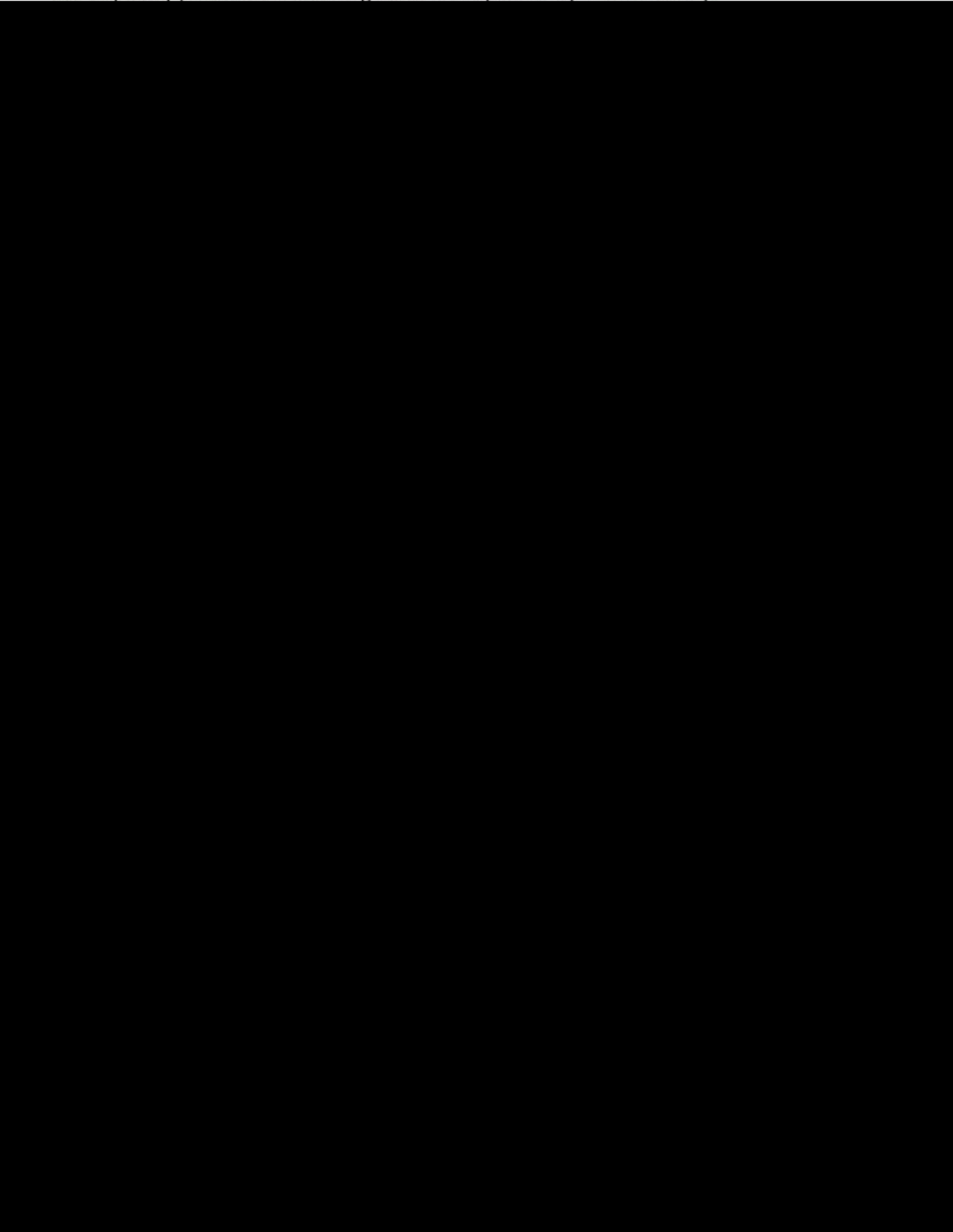
19. [REDACTED]



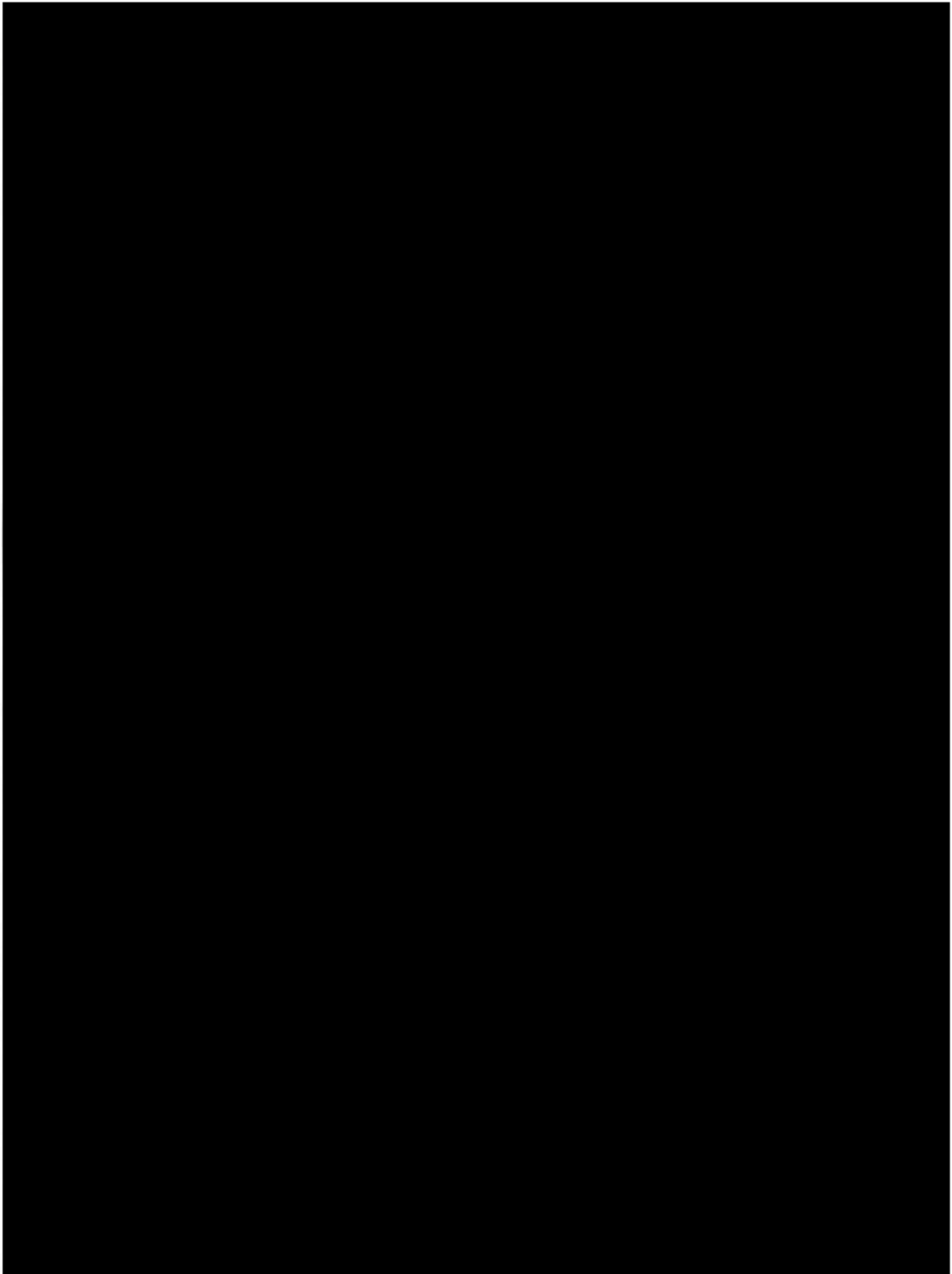


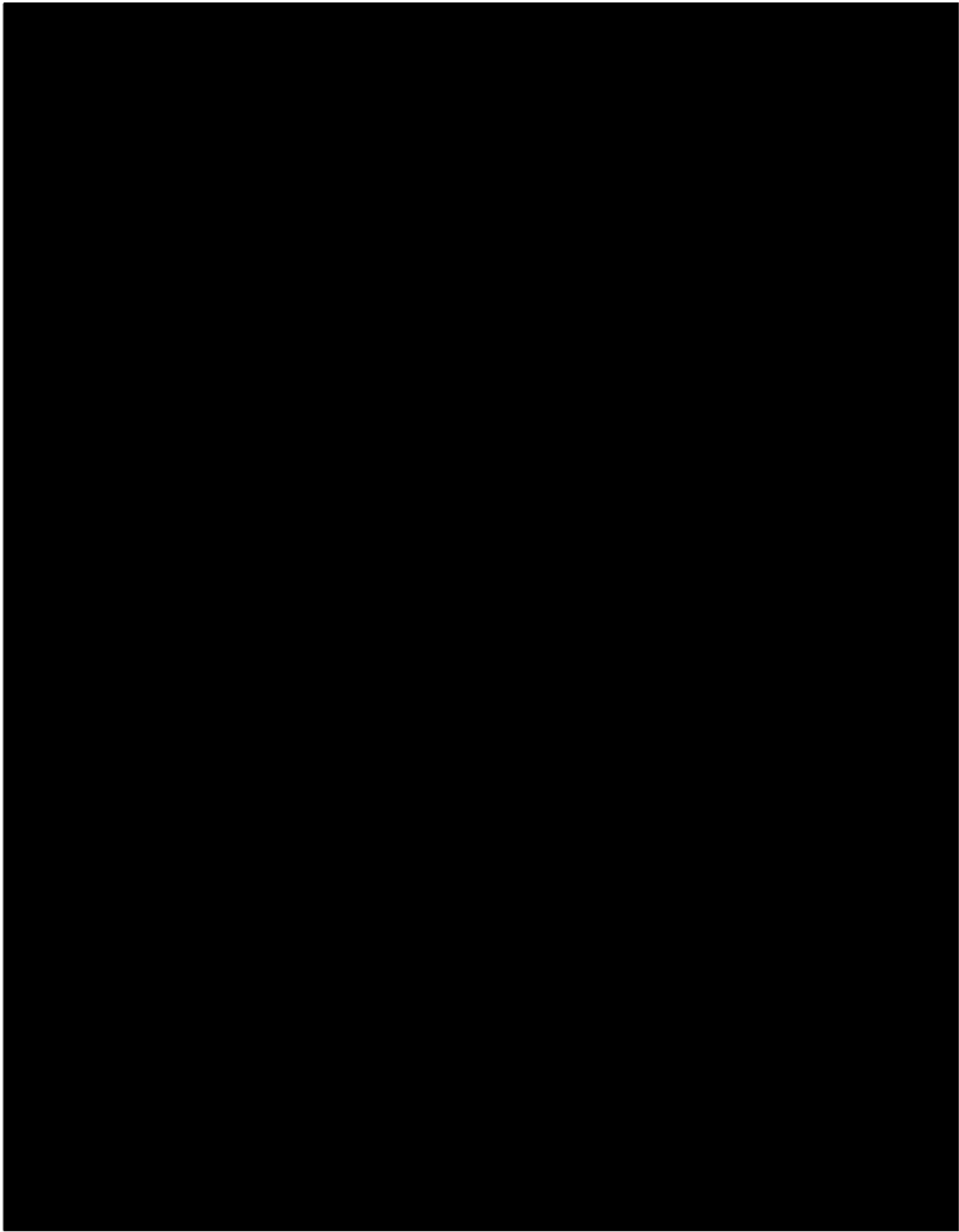


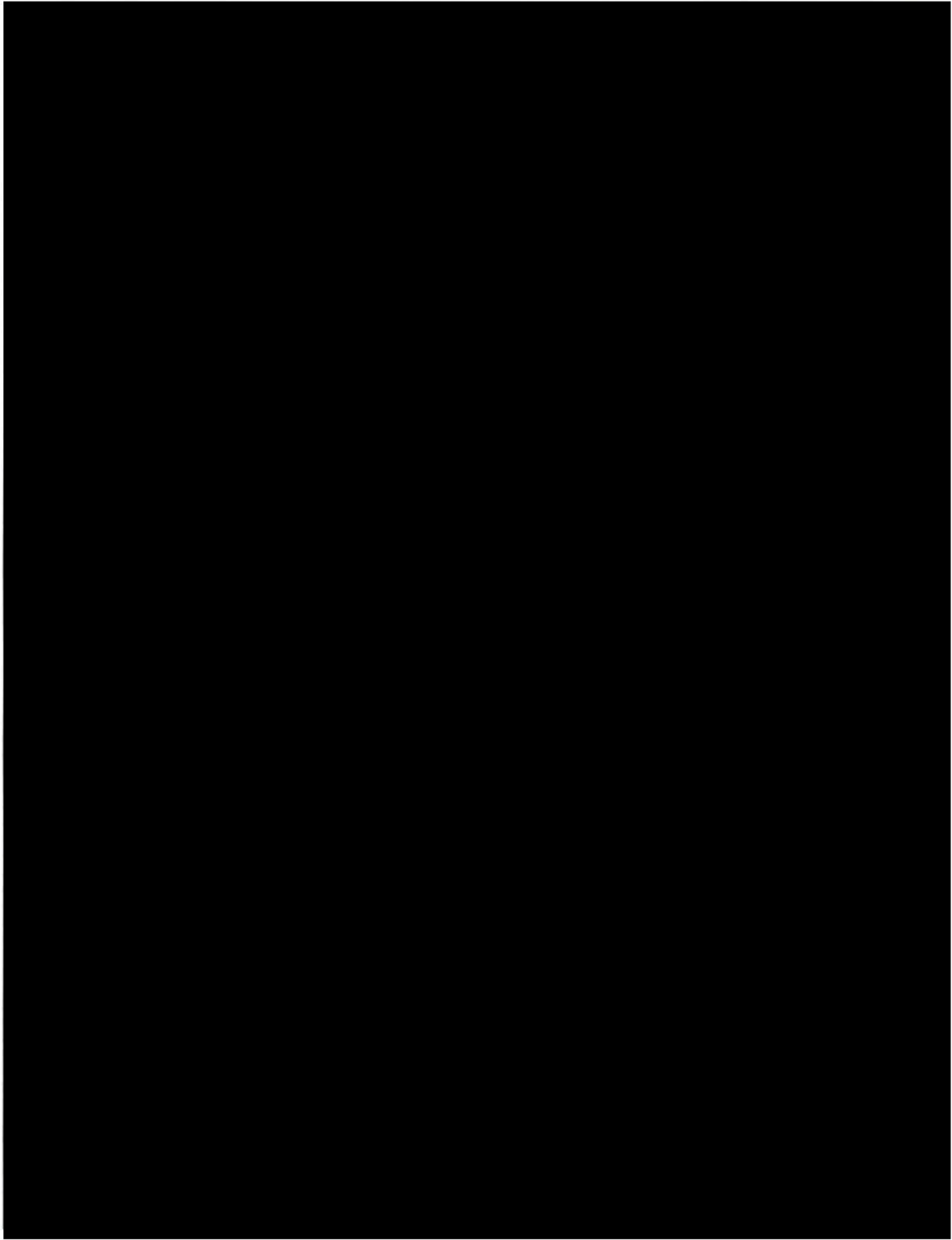
20. Physically produce the following items for inspection by the Grand Jury:

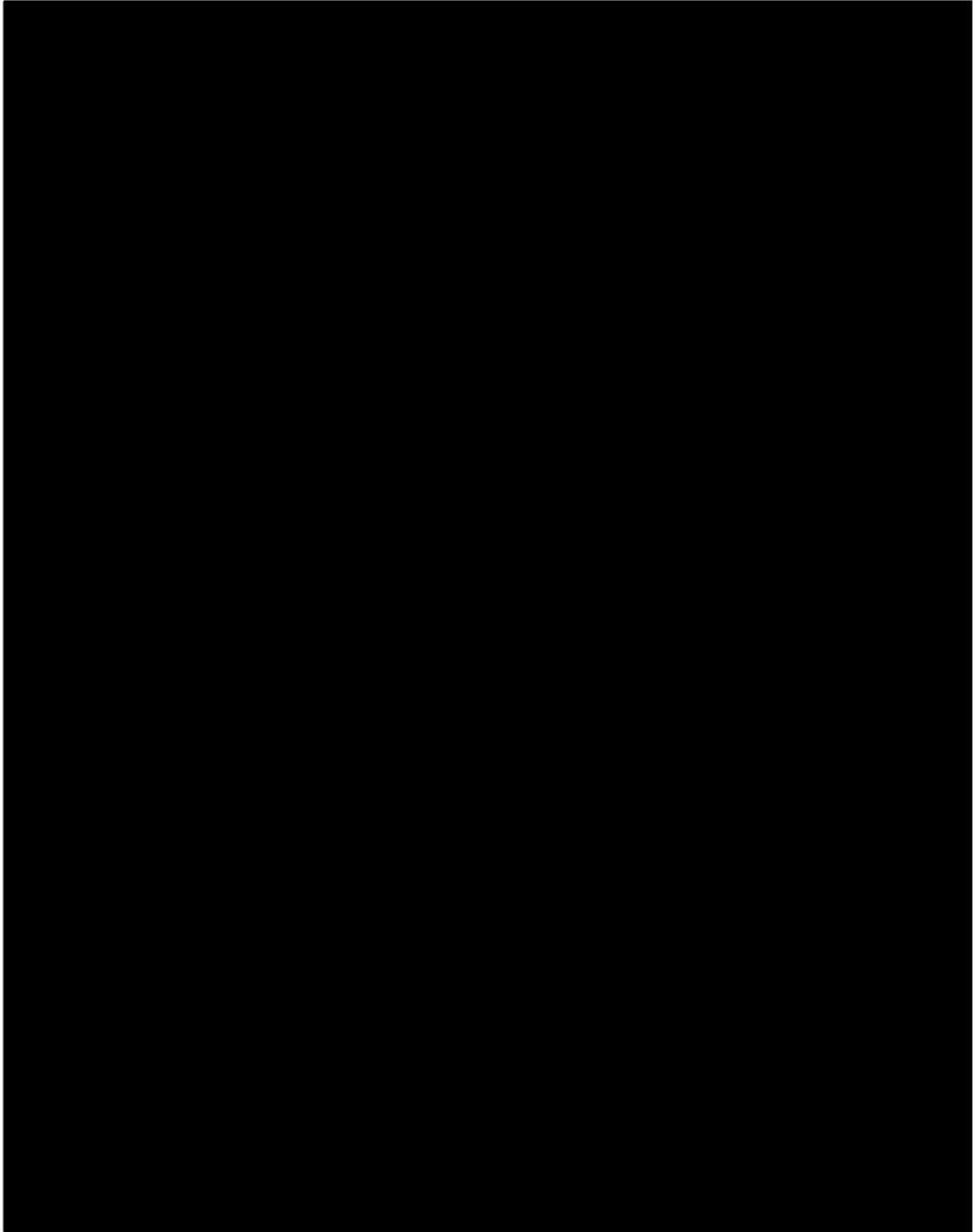


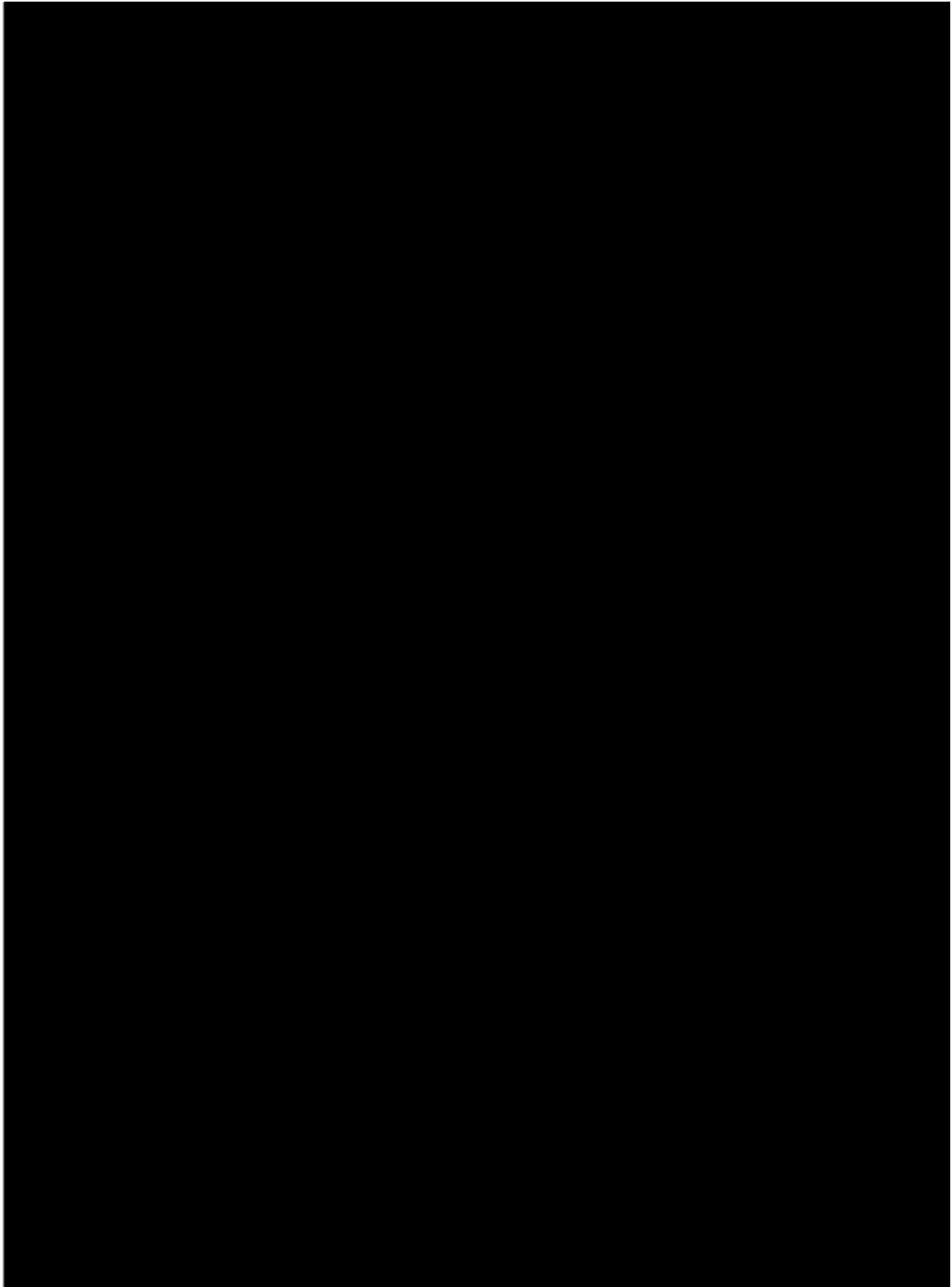


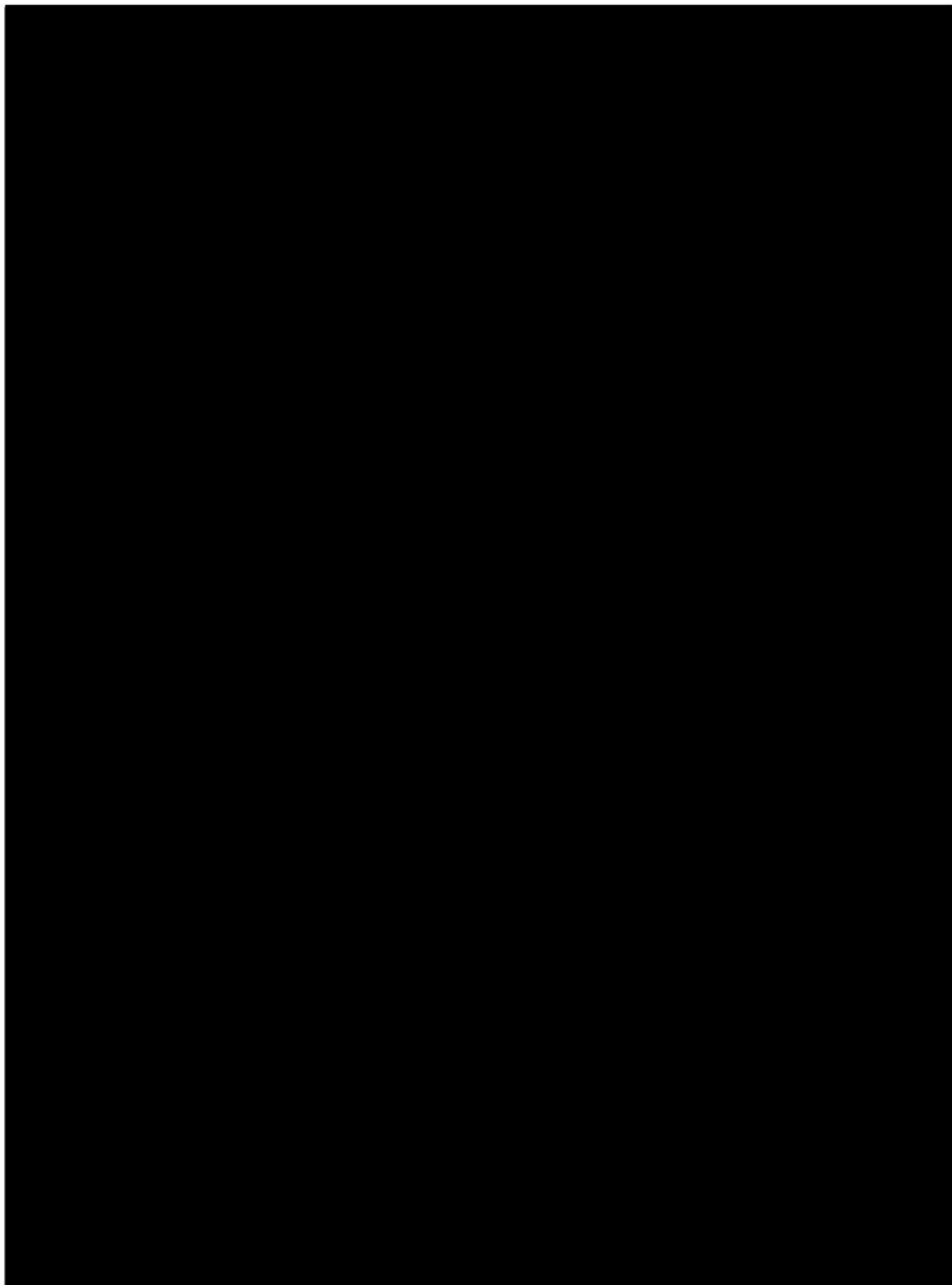


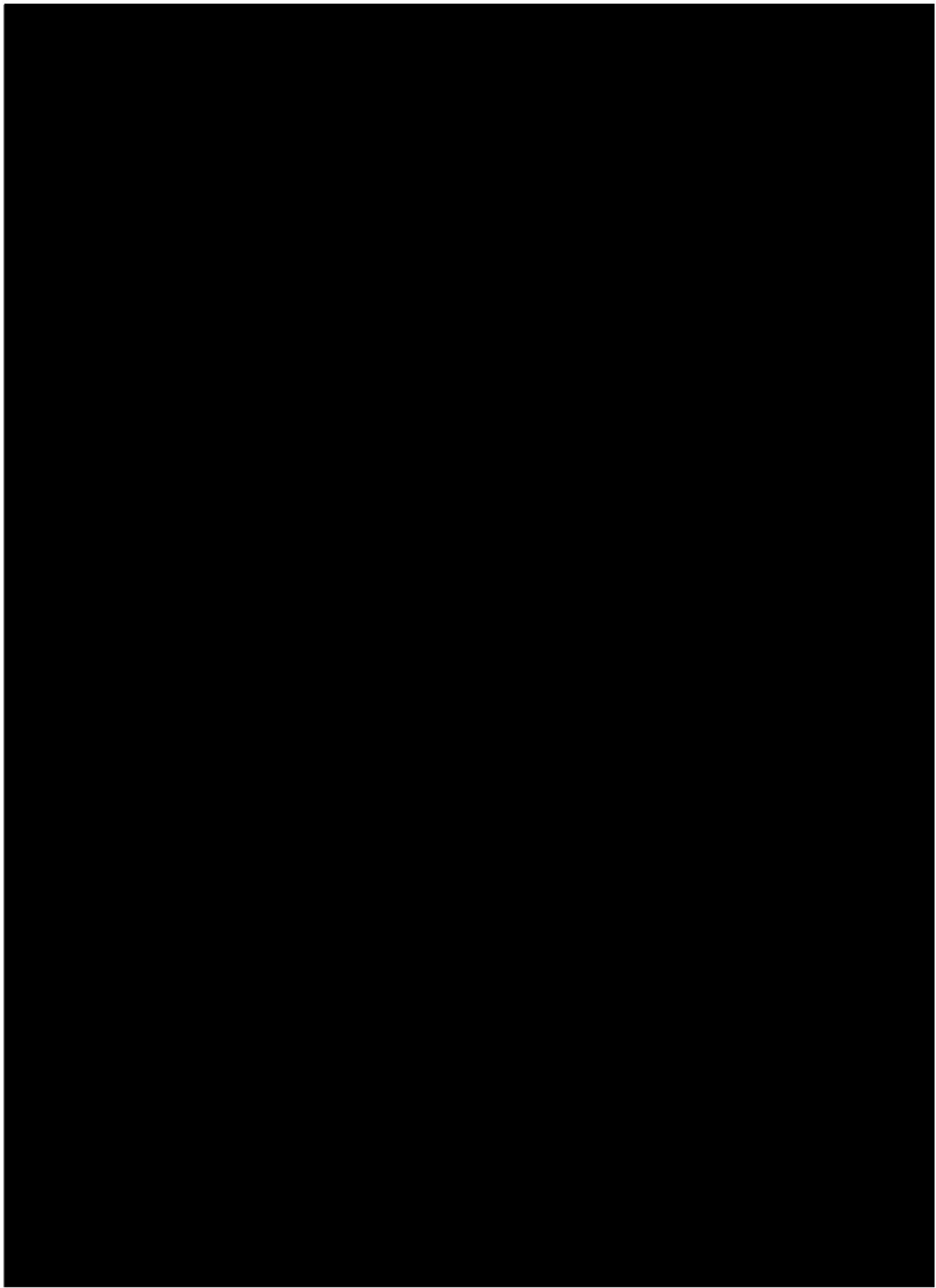


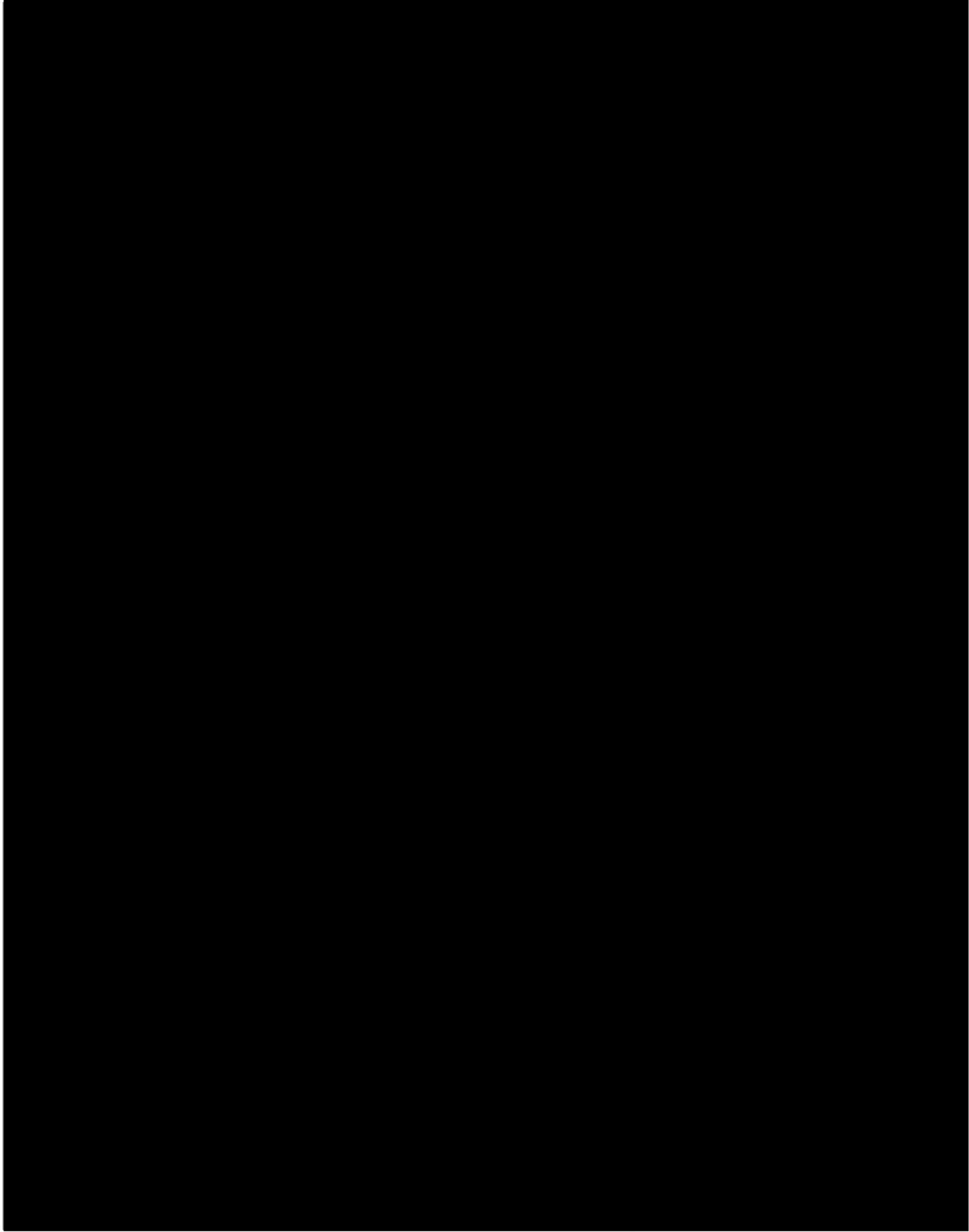




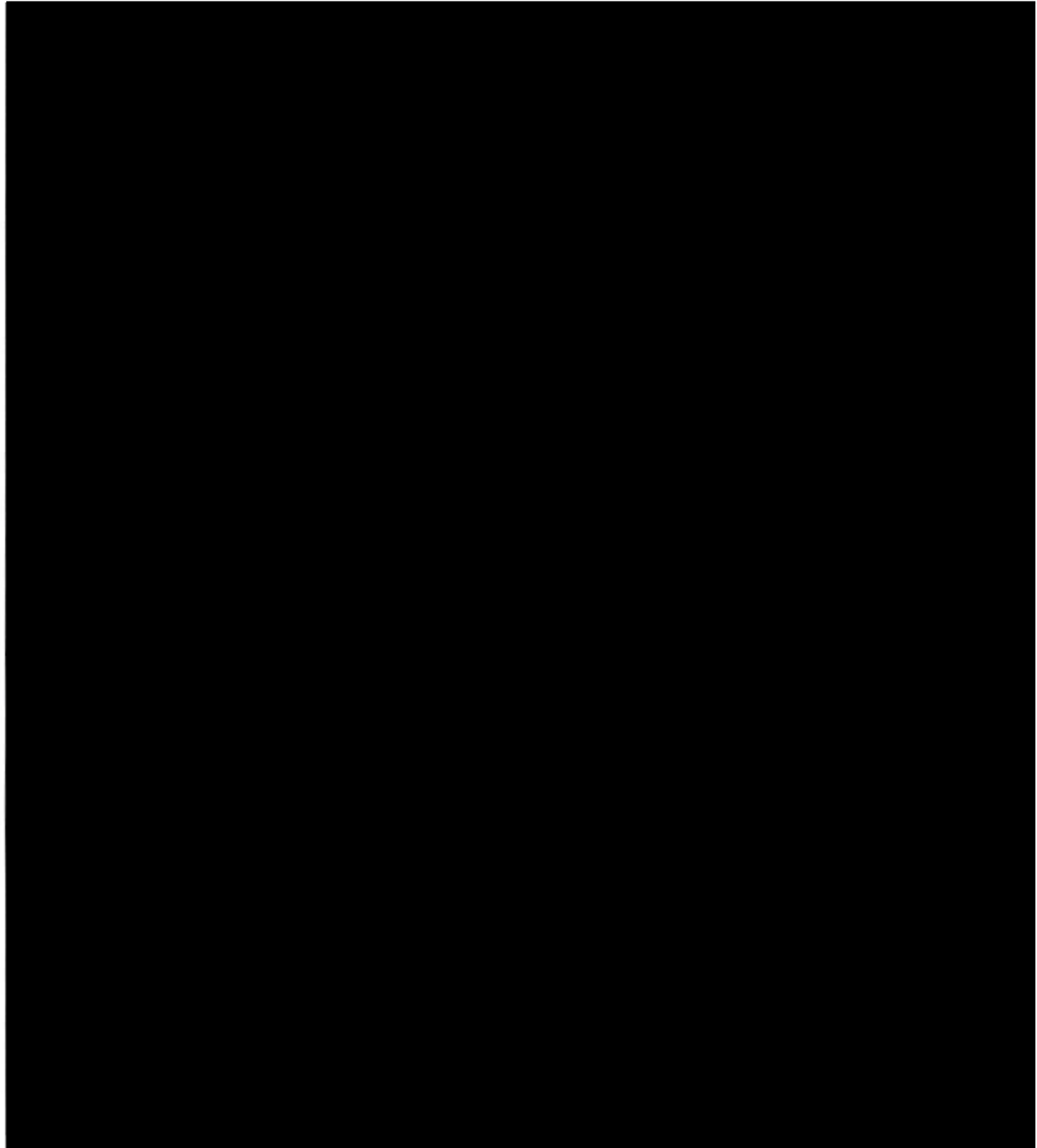












**For paragraphs 1 -19: Physically produce all records for inspection by the Grand Jury. In lieu of physical production and appearance before the Grand Jury, records may be provided in an electronic format organized by paragraph number via CD, USB drive, or other physical data storage device. Preferred format is PDF AND Excel files when available.**

For paragraph 20 only: Physically produce the items for inspection by the Grand Jury. In lieu of physical production and appearance before the Grand Jury, production may be completed by allowing an agent of the FBI (or other law enforcement officer at the FBI's direction), to photograph, inspect, and document said item. If the item cannot be located, please provide a statement to that effect.

Compliance with this subpoena in lieu of physical production and appearance before the Grand Jury may be made by furnishing the requested information to AUSA William J. Lynch, 201 S. Vine Street, Suite 226, Urbana, Illinois 61802, [William.Lynch@usdoj.gov](mailto:William.Lynch@usdoj.gov), as described above.

Please direct questions concerning this subpoena to Federal Bureau of Investigation Special Agent William Henry, [REDACTED], [wshenry@fbi.gov](mailto:wshenry@fbi.gov).

**From:** [Megan Carroll](#)  
**To:** [John Kraft](#)  
**Cc:** [Micayla Groover](#); [Kirk Allen](#)  
**Subject:** Re: Edgar County Watchdogs -FOIA Request Response  
**Date:** Friday, June 23, 2023 10:17:11 AM

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Good morning, John.

The School District maintains its position on the redactions applied to the responsive documents in reliance of the law cited in the partial denial letter.

Thank you,  
Megan Carroll

On Fri, Jun 23, 2023 at 9:56 AM John Kraft <[john@illinoisleaks.com](mailto:john@illinoisleaks.com)> wrote:

Please respond to this appeal on redactions today with either an unredacted copy of the subpoena or confirmation the school district will not provide an unredacted copy.

Thanks,

John Kraft

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**From:** John Kraft  
**Sent:** Thursday, June 22, 2023 11:00 AM  
**To:** Micayla Groover <[mgroover@paris95schools.org](mailto:mgroover@paris95schools.org)>  
**Cc:** Megan Carroll <[carrollm@paris95schools.org](mailto:carrollm@paris95schools.org)>; Kirk Allen <[Kirk@illinoisleaks.com](mailto:Kirk@illinoisleaks.com)>  
**Subject:** RE: Edgar County Watchdogs -FOIA Request Response

This article from the State Bar Association explains the Blago case...

<https://www.isba.org/committees/governmentlawyers/newsletter/2009/04/sunshineonmysouldersmakesmehappysu>

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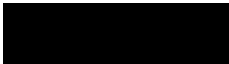
**From:** John Kraft  
**Sent:** Thursday, June 22, 2023 10:56 AM  
**To:** Micayla Groover <[mgroover@paris95schools.org](mailto:mgroover@paris95schools.org)>  
**Cc:** Megan Carroll <[carrollm@paris95schools.org](mailto:carrollm@paris95schools.org)>; Kirk Allen <[Kirk@illinoisleaks.com](mailto:Kirk@illinoisleaks.com)>  
**Subject:** RE: Edgar County Watchdogs -FOIA Request Response

Please ask the school district's attorney to consider the *Better Government Association vs Blagojevich* case, where the courts found that federal grand jury subpoenas were subject to release under FOIA.

Please provide unredacted responses to these requested records.

Thanks for a prompt reply,

John Kraft



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**From:** Micayla Groover <[mgroover@paris95schools.org](mailto:mgroover@paris95schools.org)>  
**Sent:** Thursday, June 22, 2023 8:43 AM  
**To:** John Kraft <[john@illinoisleaks.com](mailto:john@illinoisleaks.com)>  
**Cc:** Megan Carroll <[carrollm@paris95schools.org](mailto:carrollm@paris95schools.org)>  
**Subject:** Edgar County Watchdogs -FOIA Request Response

Hello,

Please see the attached documents in response to your FOIA request on June 14th, 2023.

Thanks,

Micayla

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**Kind Regards,**

**Micayla Groover**

Human Resource Coordinator

Paris Union School District 95

300 S. Eads Ave, Paris, IL 61944

(217)465-8448 X1406