

**IN THE CIRCUIT COURT OF KENDALL COUNTY, ILLINOIS
CIVIL DIVISION**

EDGAR COUNTY WATCHDOGS,

)

2025CH000030

)

Plaintiff,

)

)

v.

)

)

VILLAGE OF OSWEGO,

)

)

Defendant.

)

NOTICE

Pursuant to Supreme Court Rule 218, this case is hereby set for a Case Management Conference on February 6, 2026 at 9 am 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

COMPLAINT

Matthew G. Prochaska

1. NOW COMES Plaintiff EDGAR COUNTY WATCHDOGS, by the undersigned attorneys Loevy & Loevy, and brings this suit to overturn VILLAGE OF OSWEGO's willful violation of the Illinois Freedom of Information Act in its refusal to produce records regarding a road rage incident in which an off-duty law enforcement officer allegedly brandished a firearm at another driver. In support of the Complaint, EDGAR COUNTY WATCHDOGS states as follows:

INTRODUCTION

2. At the time of the FOIA request at issue in this case has been pending, Defendant OSWEGO was aware that 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").

3. At the time of the FOIA request at issue in this case has been pending, Defendant OSWEGO was aware that 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.

4. At the time of the FOIA request at issue in this case has been pending, Defendant OSWEGO was aware that under FOIA Section 1.2, all records in the custody or possession of a public body are presumed to be open to inspection or copying, and that 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.

PARTIES

5. Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”) is a non-profit news media organization located in Paris, Illinois. ECW made the FOIA request at issue in this case.

6. Defendant VILLAGE OF OSWEGO (“OSWEGO”) is a public body located in Kendall County, Illinois.

AUGUST 25, 2025 FOIA REQUEST

7. On August 25, 2025, ECW submitted a FOIA request to OSWEGO seeking the following records:

I respectfully request the following records related to an incident that occurred on or about February 27, 2025, around 4:00 p.m. in Oswego, Illinois, involving a road-rage confrontation and the alleged display of a firearm—it involved an off-duty Bolingbrook Police Officer believed to be Sal Davi:

1. All incident reports, supplemental reports, officer narratives, and investigative summaries.
2. Any Computer-Aided Dispatch (CAD) logs, 911 call logs, and associated radio transmissions.
3. Any photographs, evidence inventories, or internal memos related to this incident.

4. Separately and explicitly, I request all available body-worn camera footage, dashboard camera recordings, and in-car video recordings related to this incident.
5. Any disciplinary findings, determinations, or administrative actions arising from this incident, if applicable.
8. A true and correct copy of the FOIA request, along with subsequent correspondence, is attached as Exhibit 1.
9. On October 6, 2025, Plaintiff sent a follow-up message inquiring about the status of the request. *Id.*
10. On October 6, 2025, OSWEGO withheld all responsive records pursuant to Exemption 7(1)(c), stating that “an entire police report may be withheld where no arrests were made and the matter is closed at the time of the request” in “certain limited circumstances.”
11. A true and correct copy of the correspondence is attached as Exhibit 2.
12. OSWEGO did not send any further correspondence to Plaintiff regarding this request.
13. At the time of the FOIA request at issue in this case has been pending, OSWEGO was aware that Section 7(1)(c) of FOIA exempts:

Personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. “Unwarranted invasion of personal privacy” means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject’s right to privacy outweighs any legitimate public interest in obtaining the information. ***The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.***

5 ILCS 140/7(1)(c) (emphasis added).

14. Engaging in a road-rage incident and brandishing a weapon, even if off duty at the time, bears on the public duties of a police officer.

15. As of the date of this filing OSWEGO has failed to demonstrate how any of the information contained in the responsive records is exempt from disclosure and has furnished no evidence supporting its exemption claims.

16. OSWEGO's responses to the request were intentional and not issued inadvertently or by mistake.

17. OSWEGO's responses were consistent with and made pursuant to OSWEGO policies.

18. As of the date of this filing OSWEGO has failed to comply with FOIA and has not produced records responsive to the request.

**COUNT I – AUGUST 25, 2025 FOIA REQUEST
OSWEGO'S FOIA VIOLATION**

19. Paragraphs 1-18 are incorporated by reference.

20. OSWEGO is a public body under FOIA.

21. The records sought in the FOIA request include non-exempt public records or portions of public records of OSWEGO.

22. OSWEGO has failed to adequately search for records responsive to the request.

23. OSWEGO violated FOIA by failing to produce records responsive to the request.

24. OSWEGO willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, EDGAR COUNTY WATCHDOGS asks that the Court:

- i. declare that OSWEGO has violated FOIA;
- ii. order OSWEGO to conduct an adequate search for the requested records;

- iii. order OSWEGO to produce all non-exempt portions of the requested records;
- iv. enjoin OSWEGO from withholding non-exempt public records under FOIA;
- v. order OSWEGO to pay civil penalties;
- vi. enter remedial injunctive relief requiring OSWEGO to cease the policies that caused the denials at issue in this case;
- vii. award Plaintiff reasonable attorneys' fees and costs; and
- viii. award such other relief the Court considers appropriate.

Dated: November 24, 2025

RESPECTFULLY SUBMITTED,
/s/ Matthew Topic

Attorneys for Plaintiff,
EDGAR COUNTY WATCHDOGS

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

Subject: RE: FOIA Request (Oswego Police Department) - 8-25-2025

From: John Kraft <john@illinoisleaks.com>

Date: 10/6/2025, 2:23 PM

To: "'policeinfo@oswegoil.org'" <policeinfo@oswegoil.org>, "'kleighty@oswegoil.org'" <kleighty@oswegoil.org>, "'foia@oswegoil.org'" <foia@oswegoil.org>

CC: Kirk Allen <Kirk@illinoisleaks.com>

Resending this FOIA request – It is late.

Please respond.

John Kraft

From: John Kraft

Sent: Monday, August 25, 2025 2:10 PM

To: policeinfo@oswegoil.org; kleighty@oswegoil.org; foia@oswegoil.org

Cc: Kirk Allen <Kirk@illinoisleaks.com>

Subject: FOIA Request (Oswego Police Department) - 8-25-2025

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140), I respectfully request the following records related to an incident that occurred on or about February 27, 2025, around 4:00 p.m. in Oswego, Illinois, involving a road-rage confrontation and the alleged display of a firearm – it involved an off-duty Bolingbrook Police Officer believed to be Sal Davi:

1. All incident reports, supplemental reports, officer narratives, and investigative summaries.
2. Any Computer-Aided Dispatch (CAD) logs, 911 call logs, and associated radio transmissions.
3. Any photographs, evidence inventories, or internal memos related to this incident.
4. Separately and explicitly, I request all available body-worn camera footage, dashboard camera recordings, and in-car video recordings related to this incident.
5. Any disciplinary findings, determinations, or administrative actions arising from this incident, if applicable.

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

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.
Box 124
Paris, Illinois 61944
john@illinoisleaks.com



Jason Bastin
Chief of Police

VILLAGE OF OSWEGO POLICE DEPARTMENT

3355 Woolley Road • Oswego, Illinois 60543



Emergency: 911

Non-Emergency (630) 554-3426

Administration: (630) 551-7300

Fax: (630) 554-9379

October 6, 2025

John Kraft
Illinoisleaks.com

Dear Mr. Kraft;

Thank you for contacting the Oswego Police Department with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On October 6, 2025, you requested the following documents:

- I respectfully request the following records related to an incident that occurred on or about February 27, 2025, around 4:00 PM in Oswego, IL involving a road rage confrontation and the alleged display of a firearm – it involved an off-duty Bolingbrook Police Officer believed to be Sal Davi.

Your request for records is being denied under FOIA Exemption 7(1)(c), invasion of personal privacy. In certain limited circumstances, an entire police report may be withheld, where no arrests were made, and the matter is closed at the time of the request.

You will need to request any CAD logs, 911 logs and associated radio transmissions through the dispatch center. Please contact KenCom Public Safety Dispatch, 1100 Cornell, Yorkville, IL 60560 and provide the incident number associated with this call for service which is 2025-4540. You can also visit their website at FOIA@KenCom911.com to complete a FOIA request.

You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396 - E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of your denial by filing a lawsuit in the State Circuit Court; 5 ILCS 140/11. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter: 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,

Connie Jackson
FOIA Officer
Oswego Police Department
Phone: 630-551-7300