



SERVED THE DAY THE CLOSING LETTER ISSUED · 2026 FOIA 079127

WRITTEN RESPONSE DUE 5:00 P.M. MONDAY,
AUGUST 10, 2026

Notice of Reliance, Demand for a Statutorily Compliant Denial, and Litigation Hold

Elizabeth J. Ptacek, Assistant Attorney General and FOIA Officer · Office of the Illinois Attorney General
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Signatory, closing letter of August 3, 2026 in 2026 FOIA 079127

AND TO: Kwame Raoul, Attorney General of Illinois · 115 South LaSalle Street, Chicago, Illinois 60603
The officer to whom 5 ILCS 140/9.5(f) assigns the binding opinion on review of this denial

COPY: Public Access Bureau, Office of the Attorney General · 500 S. 2nd Street, Springfield, Illinois 62706 ·
877-299-3642 · public.access@ilag.gov

COPY: Monica Chou, Assistant Attorney General, General Law Bureau · counsel of record, No. 2026CH01421 ·
Monica.Chou@ilag.gov

COPY: Katherine M. Doersch, Assistant Attorney General, Criminal Appeals Division · Katherine.Doersch@ilag.gov ·
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MATTER

2026 FOIA 079127 — closed August 3, 2026 · 2026 FOIA 079012 — pending

Allababidi v. Giannoulis, No. 2026CH01421 (Cook Cty. Chancery, Hon. Allen Price Walker) · People v. Allababidi, No. 23 CF 1146 (Lake County) · Allababidi v. Junkin, No. 1:26-cv-01077 (N.D. Ill.) · Allababidi v. Shepherd, No. 1:26-cv-06738 (N.D. Ill.)
Written response due 5:00 p.m. Monday, August 10, 2026 · 60-day window under 5 ILCS 140/9.5(a) closes October 2, 2026

Counsel:

Ms. Ptacek: your letter of August 3, 2026 runs four pages and ends in one operative sentence — “this office has conducted a search of its records, and we have located no records responsive to your request.” I am not writing to dispute it. I am writing because I intend to rely on it, and because before I do, the Office should have the four things section 9(a) required it to put in that letter and did not.

So that nothing below is read as more than it is, here is the line, at the top, where it belongs. I do not assert that any person in your Office destroyed, concealed, altered or withheld a record. I do not assert that the sentence quoted above is false. I have no basis for either statement and I will not make either one later. What I assert is narrower and does not depend on anyone’s state of mind: that the August 3 letter is a notice of denial which omits four of the five things section 9(a) commands a notice of denial to contain; that a representation of “no records” over a sixteen-day window is a representation about a system query, and the Office has not said which system, which custodians, or which strings; that every communication of the kind requested exists in the hands of two public bodies, and requests are pending at the other one; and that as of August 3, 2026 the Office has fixed its position, in writing, on a question that is live in a case in which it appears against me.

One note on the enclosures. Your own letter is Exhibit A, because this document will be read by people in your Office who did not write it and by a tribunal that has not seen it, and because the point made in Part VI cannot be made without the page. Exhibit B is the request the Office is processing as 2026 FOIA 079012, trimmed to the two pages carrying the numbered items and the response requirements. Exhibit C is Assistant Attorney General Chou’s Notice of Filing and Certificate of Service of July 14, 2026. **No page of the memorandum filed under seal that day is attached, reproduced, or quoted anywhere in this letter**, and none is needed: the argument in Part V runs on the filing stamp, not on the contents. Nine pages, AGO-000001 through AGO-000009. Two of the three were written by your Office.



I. THE SENTENCE, AND WHAT IT NOW FIXES

A public body that has responsive records and believes them exempt says so and cites the exemption; section 9(b) requires it to “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.” The August 3 letter claims no exemption. It asserts absence. That is a different answer with different consequences, and the Office chose it.

The consequence is that three positions are now closed to the Office, not by anything I have argued but by its own letter. It cannot later assert that responsive records exist but are privileged, work product, or exempt under section 7, because section 9(b) required any such exemption to appear in the notice of denial and none appears. It cannot assert that the search was limited by burden under section 3(g), because no burden was asserted and no conference was requested. And it cannot assert that any Lake County document, factual assertion, warrant datum, or case material came into the Office from a Lake County custodian between July 11 and July 26, 2026, because it has stated in writing that no such record exists.

5 ILCS 140/11(F)

[In any action considered by the court, the court shall consider the matter de novo ... The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act.]

II. TEN REPRESENTATIONS, AND WHAT SITS AGAINST EACH

Each row below is expanded in the Part named at its right. Nothing in the left column is paraphrased; every phrase in quotation marks appears in the August 3 letter.

WHAT THE AUGUST 3, 2026 LETTER REPRESENTS	WHAT SITS AGAINST IT
The letter is a complete response to a denied request.	Section 9(a) commands five things of every notice of denial. The letter contains one of them, four words long. No right to review by the Public Access Counselor, no address, no phone number, no notice of the right to judicial review under section 11. Part III
“[T]his office has conducted a search of its records.”	The request designated the systems to be searched, including “message-trace systems.” A message trace is a query that returns a count. The letter names no system, no custodian, no search string, and no date on which any search was run. Part IV
“[W]e have located no records responsive to your request.” — July 11 to July 26, 2026.	On July 14, 2026 at 11:55 a.m. the Office filed a merits memorandum in 2026CH01421 resting in part on a Lake County felony conviction and a Lake County order of probation. Part V
The subject-matter list on pages 1–2 states what a record must concern to be responsive.	Six identifiers in that list are printed incorrectly, including three of the four case names, the warrant number, and the year of the warrant. The same page spells “Nicholas Shepherd” correctly in the list of external correspondents and “Sr.ephherd” in the list of subjects. Part VI
“In an e-mail received on July 27, 2026, you requested the following...”	The letter then quotes, at page 4, a request that describes itself as “the July 25, 2026 submission” and asks the Office to “confirm ... the date on which the Office considers the new request received.” Two dates; no confirmation. Part VII
2026 FOIA 079127 is closed.	2026 FOIA 079012 — earlier, broader, same custodians, same systems — remains pending. The narrower window was cleared first. Part VIII
Nothing came into the Office from a Lake County custodian in that window.	A charging file from a different circuit, in a 2018 municipal matter, was attached as an exhibit to the July 14 filing and is not part of the certified administrative record filed April 17, 2026. It came from somewhere. Part IX



WHAT THE AUGUST 3, 2026 LETTER REPRESENTS	WHAT SITS AGAINST IT
The requester's recourse is unstated.	Section 9.5(a) excepts only the General Assembly. It routes review of this denial to a Counselor "established in the Office of the Attorney General," and section 9.5(f) assigns the binding opinion to "the Attorney General." Part X
No exemption is claimed.	Then none may be claimed later. Section 9(b) required any exemption to be specified in this notice. Part I
The answer is the Office's alone.	Every communication of the kind described exists in the hands of two public bodies. Requests covering the same period and the same terms are pending elsewhere. Part XIV

III. SECTION 9(A): FIVE COMMANDS, FOUR OMISSIONS

5 ILCS 140/9(A), IN FULL

[Each public body denying a request for public records shall 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. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.]

WHAT SECTION 9(a) COMMANDS	WHAT THE AUGUST 3 LETTER CONTAINS
"the reasons for the denial"	"we have located no records responsive to your request." No system named, no custodian named, no search string, no run date, no retention period.
"the names and titles or positions of each person responsible for the denial"	One signature and one title. A second person appears as two lowercase letters in the notation "EJP:dh" at page 4. No person who ran the search is named at all.
"shall also inform such person of the right to review by the Public Access Counselor"	Absent.
"and provide the address and phone number for the Public Access Counselor"	Absent.
"shall inform such person of his right to judicial review under Section 11 of this Act"	Absent.

I will supply the two omitted facts myself, from the Office's own published guide, so that no one has to look for them and so that the omission cannot later be called harmless: **Public Access Bureau, Office of the Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706; 877-299-3642; public.access@ilag.gov.** It is not harmless. Section 9.5(a) allows a request for review "not later than 60 days after the date of the final denial." That period began on August 3, 2026 and closes on October 2, 2026. The statute placed the duty to say so on the Office. A requester who missed the date because the notice omitted it would have lost the remedy, and the omission would have caused the loss.

There is a second consequence to the missing names. Section 9(a) does not ask who signed the letter; it asks who is *responsible for the denial*. If the person who designed the search, or ran it, or approved the four-word answer, is an attorney assigned to 2026CH01421 or to No. 1:26-cv-01077, that is a fact the statute already required this letter to disclose. Demand 2 below asks for nothing the statute did not already command.



IV. WHAT “NO RECORDS” MEANS WHEN THE REQUEST NAMED THE SYSTEM

The custodian paragraph the Office reproduced at page 1 does not ask for a file review. It designates systems: “shared mailboxes, document-routing systems, calendars, Teams accounts, and message-trace systems used [by] those custodians.” Category 5 of the records requested is “email headers, message traces, forwarding and routing histories, read or delivery records, and attachment metadata.” Category 7 asks only for “date, sender, recipient, record type, general subject, and disposition” of any responsive communication whose substance is withheld.

Those are not documents a person looks for. They are queries a system answers with a number. The August 3 letter represents that the number is zero — that for sixteen days, across every named custodian, no message, no calendar entry, no Teams message, and no routing or delivery record connects any @ilag.gov custodian to any @lakecountyil.gov address on any of the listed subjects.

There is a further reason the trace must have been run. The request excluded duplicates of my own e-mails sent simultaneously to both offices — but only “*unless the email was later forwarded, discussed, answered, or used in a separate external communication.*” That exclusion is conditional on forwarding history. It cannot be applied without querying forwarding history. So the letter represents both that the history was examined and that it returned nothing. Say which system, with which retention period, on what date, and by whom. Requirement (e) of the request already pending as 079012 — Exhibit B — obliges the Office to do exactly that for any “no responsive records” answer.

V. THE SIXTEEN DAYS THE OFFICE CLEARED ARE THE SIXTEEN DAYS IN WHICH IT FILED

On July 14, 2026 at 11:55 a.m. the Office of the Attorney General filed, in *Allababidi v. Giannoulas*, No. 2026CH01421, a Notice of Filing and a Memorandum of Law in Support of the Final Administrative Decision, signed /s/ Monica Chou over “KWAME RAOUL, Attorney General.” The Notice and its Certificate of Service are Exhibit C. The memorandum was filed under seal and no part of it is reproduced here. Its statement of facts rests in part on a September 8, 2025 felony conviction in Lake County, on the petition for leave to appeal in Lake County No. 23 CF 1146, and on an order of felony probation entered in that case on September 4, 2025. July 14 falls inside July 11 to July 26.

I will make the Office’s answer for it, in its strongest form, because it is a good answer and waiting to see whether it is offered would waste both of our time. The answer is: every one of those facts is cited to the certified administrative record filed April 17, 2026 — R. at 41–50, 54, 67–92 — and every document in that range was placed in evidence by me, at my own hearing, on December 19, 2025. On that account the memorandum required no contact with Lake County at all, and “no records” is the truthful answer.

I accept that answer. I am going to hold the Office to it, in three respects, and this is the reason the August 3 letter matters more than the records it declined to produce.

- 1 **Source is now closed, as of the day the cause was heard.** No. 2026CH01421 was heard on August 3, 2026, and the Office’s letter is dated the same day. For every Lake County fact in the Office’s filings in that cause — the conviction, the probation order, the terms of supervision, the appeal, the revocation posture, the warrant — the record is the source, and the four corners of R. 41–50, 54 and 67–92 are the limit. The Office has certified that it acquired nothing else from Lake County in that window.
- 2 **Anything outside the record still needs a named origin.** The cause was heard on August 3, 2026, but the Office’s obligations did not end that afternoon. A Lake County fact asserted by this Office after July 26, 2026 that is not in the certified record — in any response to a post-judgment motion, on review, or in Nos. 1:26-cv-01077 and 1:26-cv-06738 — requires a source, and the August 3 letter has foreclosed the obvious one.



- 3 **The certification is dated.** It speaks as of the date of the search, which the Office has not stated. That is the third reason Demand 2 asks for the run date. A search run on July 27 and a search run on August 3 certify different things, and only one of them is in evidence.

VI. THE LIST THAT DEFINES RESPONSIVENESS, AS THE OFFICE PRINTED IT

The subject-matter limitation at pages 1–2 of the August 3 letter is the list that decides whether a record is responsive. Six identifiers in it are printed incorrectly. The left column below is what Exhibit A prints; the right column is the identifier itself, verifiable without reference to anything I have written.

AS THE AUGUST 3 LETTER PRINTS IT	THE IDENTIFIER IT NAMES
"Allababidi v. Gjannoulis , No. 2026CH01421"	The defendant of record is Alexi Giannoulis , Secretary of State. Every caption in the case, including the Office's own Notice of Filing of July 14, 2026 at Exhibit C, spells it so.
"Warrant No. 31°4270 "	Warrant No. 314270 . A degree sign stands where a digit belongs.
"Allababidi v. Juhkin , No. 1:26-cv-01077"	<i>Allababidi v. Junkin</i> , No. 1:26-cv-01077 (N.D. Ill.).
"Allababidi v. Sr.ephherd , No. 1 :26-cv-06738"	<i>Allababidi v. Shepherd</i> , No. 1:26-cv-06738 (N.D. Ill.). The same page spells "Nicholas Shepherd" correctly, higher on the page, in the list of external correspondents.
"the May 28, 20:~6 warrant"	The May 28, 2026 warrant.
"message-trace systems used oy those custodians" (page 1)	... used by those custodians.

Six corruptions appear in the two paragraphs of Exhibit A that identify the custodians and define the subject-matter limitation. **Three of the four case names are misspelled.** The warrant number is corrupted. The year of the warrant is corrupted. The word "by" appears as "oy." Several of those anomalies — the degree sign standing where a digit belongs, the inserted punctuation in "Sr.ephherd" and "20:~6," and the substitution of "oy" for "by" — are consistent with an automated transcription, conversion, encoding, or document-generation step. **The record does not establish how they were produced, and I assert no cause.**

Nor do I assert that the Office queried its systems for "Gjannoulis," "Juhkin" or "Sr.ephherd." I do not know what strings it queried. **That is the point, and it is the point section 9(a) already anticipated.** The statute required the reasons for the denial, and the denial discloses no search string, no system, no custodian and no run date. **Exhibit A is the only document the Office has provided that purports to reproduce the terms defining responsiveness, and that reproduction carries six corruptions.** The Office can resolve this conclusively in one line by identifying the strings and parameters actually used. Until it does, the disclosed record does not establish whether the search was run against the correct identifiers.

VII. THE RECEIPT DATE THE OFFICE WAS ASKED TO CONFIRM

At page 1 the letter states: "In an e-mail received on July 27, 2026, you requested the following." At page 4 it quotes the requester describing the same submission as "the July 25, 2026 submission," and closes with the sentence the Office chose to reproduce in full: *"Please confirm the new tracking number and the date on which the Office considers the new request received."* The Office confirmed the tracking number. It did not confirm the date.

The date is not a formality. Section 3(d) runs the response period from receipt. Section 9.5(a) runs the sixty-day review period from the final denial. Section 11 has no exhaustion requirement, but section 9(c) deems administrative remedies exhausted when a body fails to act within the section 3 periods, and whether it failed cannot be computed without the



date. The Office reproduced the request for the date and then answered every other part of the paragraph. Demand 4 asks for it again.

VIII. THE NARROWER REQUEST ANSWERED FIRST

2026 FOIA 079012 covers April 1 through July 10, 2026. It was submitted first and, on the face of the August 3 letter, is still “being processed.” 2026 FOIA 079127 covers July 11 through July 26, 2026. It was received later and was closed on August 3. Both run against the same custodians, the same shared mailboxes, the same calendars, the same Teams accounts, and the same message-trace systems. The only difference between them is the date filter.

A date filter is one field in a query. If a search of those systems has been run, the earlier window has been searched too and the Office is holding an answer it has not sent; if it has not been run, the August 3 letter states a conclusion no query supports. I am not asserting which. I am asking the Office to state, in writing, whether the 079127 search and the 079012 search are the same search, and if they are not, why the narrower one completed first. Demand 6 sets a status date for 079012.

IX. THE ONE QUESTION THE AUGUST 3 LETTER LEAVES OPEN

Attached to the July 14, 2026 memorandum, as an exhibit and by the Office’s own footnote, is the charging file in *City of Elmhurst v. Allababidi*, No. 18DT165, an eight-year-old municipal matter from a different circuit. It is not part of the certified administrative record the Office filed on April 17, 2026. It was obtained. Item 3 of the request now pending as 079012 — Exhibit B, at page 1 of the excerpt — asked, three weeks ago, how.

The August 3 letter does not say the Office obtained nothing during those sixteen days. It says the Office holds no record of a communication with a *Lake County* custodian. The two statements are compatible on exactly one condition: that the 18DT165 file reached the Office from a source other than the Lake County State’s Attorney’s Office, the Lake County Sheriff, the Clerk of the Circuit Court of Lake County, the Nineteenth Judicial Circuit’s Adult Probation Services, any @lakecountyl.gov address, or anyone acting for them. **Name the source.** If it is the Clerk of the Eighteenth Judicial Circuit, or the Secretary of State, or a commercial database, one sentence disposes of this Part and the August 3 letter stands undisturbed. That is the answer I expect, and it is the answer I am asking for.

X. THE OFFICE THAT WOULD REVIEW THIS DENIAL IS THE OFFICE THAT ISSUED IT

5 ILCS 140/9.5(A)

*[A person whose request to inspect or copy a public record is denied by a public body, **except the General Assembly and committees, commissions, and agencies thereof**, may file a request for review with the Public Access Counselor **established in the Office of the Attorney General** not later than 60 days after the date of the final denial.]*

One exception, and it is not this Office. So the statute directs a review of the Attorney General’s denial to a Counselor established in the Attorney General’s office; section 9.5(c) gives the Attorney General the subpoena power to compel records from the body under review; and section 9.5(f) provides that “the Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue ... an opinion,” binding on requester and public body alike.

The Attorney General in whose name that opinion would issue is the Attorney General whose name appears on the signature block of the memorandum filed against me on July 14, 2026 in 2026CH01421 — Exhibit C. The letterhead of Exhibit A gives the Office’s Chicago address as 115 South LaSalle Street; that is the address in Assistant Attorney



General Chou’s signature block on Exhibit C. I am not asking the Office to resolve that. I am asking it to state a position, in writing, so that whichever remedy I take is not later called the wrong one.

The two remedies are mutually exclusive by statute: section 9.5(g) provides that if a requester files suit under section 11 as to the same denial, “the Public Access Counselor shall take no further action.” Section 11(b) permits suit in the circuit court for the county where the public body has its principal office or where the person denied access resides — here, Cook County in either case. Demand 7 asks the Office to say whether the Public Access Bureau will accept or decline review of its own Office’s denial. A written declination is not an obstacle to me. It is the cleanest possible predicate for section 11, and I would rather have it than argue about it.

XI. LITIGATION HOLD

Effective on transmission of this letter, and continuing without further notice, the Office of the Attorney General, its General Law Bureau, its Government Representation Division, its Criminal Appeals Division, and its FOIA function are asked to preserve, without alteration, deletion, or automated expiry, all of the following. This request is not conditioned on any of it being responsive, and it is not limited to July 11 through July 26.

- All e-mail, calendar entries, Teams and other electronic messages, and their attachments, in the accounts and shared mailboxes of the custodians named at page 1 of Exhibit A, together with the underlying journaling, archive, and litigation-hold stores.
- **Message-trace, transport-log, forwarding-history and delivery-receipt data** for those custodians. This is the category that expires on a retention timer rather than by anyone’s decision, and it is the category the August 3 letter is a representation about.
- **Ephemeral, encrypted, and auto-deleting messaging used for the transaction of public business** on any subject listed above — including Signal, WhatsApp, Microsoft Teams chat configured to expire, iMessage, SMS and MMS, and any comparable application — on Office-issued or personally-owned devices, together with any disappearing-message or retention setting applied to them and any device backup containing them. This category is named separately for the same mechanical reason as the one above it: **it expires on a timer rather than by anyone’s decision, and a message that has already expired cannot be recovered by a later decision to preserve it.**
- All records of the 079127 search itself: the query strings, the systems queried, the date-range parameters, the export or hit-count output, the ticketing or workflow entries, and any internal correspondence directing, scoping, or approving it. The same for 079012.
- The Office’s 2026 FOIA log entries referencing my name, and its section 9(b) central office file of denial notices.
- All records showing how the 18DT165 file described in Part IX was requested, received, or transmitted.
- The Office’s document-retention schedules and mailbox-retention policies applicable to the above, and any hold already in place.
- **The record of the hearing held August 3, 2026 in No. 2026CH01421** — the reporter’s complete stenographic notes, any audio or other electronic record, the reporter’s and the reporting agency’s identity and appearance information, and any transcript ordered by, delivered to, or in the possession of the Office. The Office arranged the reporter’s attendance; this request is addressed to it for that reason and asks it to forward the request to the reporter.

One paragraph on that third item, so that nothing in it has to be inferred. **Nothing disclosed to me indicates that any such communication exists, and I allege no collusion, coordination, or improper contact between your Office and any other person or body.** I am not asking the Office to investigate anyone, and this letter asks it to produce nothing. A preservation demand does not rest on suspicion and does not require any: the obligation attaches to a category of potentially relevant material because litigation is pending, not because misconduct is suspected.

The category is described by subject and use rather than by device or application because the Act describes it that way. Section 2(c) defines a public record to include “electronic communications ... pertaining to the transaction of public business, **regardless of physical form or characteristics**, having been prepared by or for, or having been or being used



by, received by, in the possession of, or under the control of any public body.” And in any event a duty to preserve is broader than a duty to produce: it does not depend on how any question of disclosure is later resolved, and nothing in this Part asks the Office to concede that any such record would be disclosable if it existed.

Two matters in the United States District Court for the Northern District of Illinois are pending — Nos. 1:26-cv-01077 and 1:26-cv-06738 — and 2026CH01421 is pending in the Circuit Court of Cook County. Requirement (f) of the request at Exhibit B already asked for preservation on July 14. This letter renews it, in writing, on a date, to the officer who signed the denial.

XII. WHERE THESE RECORDS ALSO EXIST, AND WHY THAT IS STATED NOW RATHER THAN LATER

This Part asks for nothing and alleges nothing. It is here because a preservation demand is only as good as the recipient’s understanding of its scope, and because I would rather the Office know what I know now than discover it later. Every channel named in Part XI leaves a record somewhere the Office does not control. The following is what those sources can and cannot produce.

CHANNEL	WHERE A RECORD ALSO SITS	WHAT THAT SOURCE CAN ESTABLISH
Exchange Online and Outlook	The Office's own Microsoft 365 tenant: message trace, the unified audit log, the Recoverable Items folder, and any in-place or litigation hold.	Transmission, participants and timestamps — independently of whether a message remains in any mailbox. A mailbox deletion does not reach the tenant audit log, and an item deleted while a hold is in force remains in Recoverable Items.
Microsoft Teams	Compliance copies written to the Exchange substrate.	That a chat occurred and when. A client-side delete does not reach the substrate copy.
iMessage and SMS/MMS	Apple iCloud backup; the carrier's call-detail and messaging metadata.	Account, device and connection records. Carriers retain metadata far longer than content.
WhatsApp	Meta subscriber and device records; iCloud or Google backups of the application.	Account existence, device, and group membership. Meta cannot produce message content , which is end-to-end encrypted.
Signal	Signal Messenger.	Almost nothing. Signal's published responses to legal process disclose only the date an account was created and the date it last connected. It does not hold message content, contacts, group membership, or message metadata.

The last row is the important one, and it cuts against me rather than for me. I am not going to suggest that a subpoena to Signal would produce a conversation, because it would not; the company does not keep one. The consequence is the point. **Where a channel retains nothing centrally, the device and its backup are the only copies in existence, and no third party can replace them.** That is precisely why the second and third bullets of Part XI are addressed to devices and backups rather than to servers, and why an automatic-expiry setting on such an application is not a neutral default once a hold attaches.

The same asymmetry runs the other way, and I state it because it answers the obvious objection to this Part. Under the Stored Communications Act, 18 U.S.C. §§ 2702–2703, a provider may not disclose the *content* of a communication to a civil litigant, and I do not expect to obtain content from any of the companies named above. **What is obtainable from them is the fact of the channel** — that an account exists, that a device connected, that a message traversed a server at a given minute between given parties. That is enough. Once the existence of a communication is established from a source the Office does not control, the absence of the communication itself is no longer a discovery question.



At that point the governing provision is Rule 37(e) of the Federal Rules of Civil Procedure, which applies in Nos. 1:26-cv-01077 and 1:26-cv-06738. Where electronically stored information that should have been preserved is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, a court may order measures necessary to cure the prejudice; and **upon a finding that a party acted with the intent to deprive another party of the information's use, may presume the lost information was unfavorable, instruct a jury to that effect, or dismiss the action or enter default.** I am not suggesting that any of that is in prospect. I am identifying the rule that would govern if it ever were, on the day the hold attaches rather than on the day it is litigated, so that no one can later say the obligation was not understood.

Nothing in this Part is a demand and none of the nine items in Part XIII depends on it. **Nothing disclosed to me indicates that any record has been lost, and I allege none.** The Part exists so that the scope of Part XI is unambiguous, and so that if the Office concludes that some category named there is beyond its control, it says so in writing by 5:00 p.m. Monday, August 10, 2026 rather than leaving the question to be reconstructed later from the records of companies that were never parties to any of this.

XIII. WHAT IS DEMANDED, AND BY WHEN

- 1 **A notice of denial that complies with section 9(a)**, containing the reasons for the denial, the names and titles or positions of *each person responsible*, the right to review by the Public Access Counselor with the address and phone number, and the right to judicial review under section 11.
- 2 **A written search declaration** stating, for 2026 FOIA 079127: every system queried by name (mail store, archive, message trace or transport log, Teams, calendar, document-routing, telephone records); every custodian by name and title; the exact search strings; the date-range parameters; the date the search was run; the retention period of each system queried; and the name and title of the person who ran it and the person who approved the answer.
- 3 **A direct statement whether the message trace returned zero results** for any @lakecountyil.gov address paired with any named custodian over July 11–26, 2026, or whether no trace was run.
- 4 **Confirmation of the date the Office deems 2026 FOIA 079127 received**, which the Office was asked to supply in the sentence it reproduced at page 4 of Exhibit A.
- 5 **The source of the City of Elmhurst v. Allababidi, No. 18DT165 file** described in Part IX — the office or database it came from and the date it was received. Item 3 of Exhibit B.
- 6 **A status and a completion date for 2026 FOIA 079012**, and a statement whether its search is the same search run for 079127.
- 7 **A statement whether the Public Access Bureau will accept or decline a request for review of this Office's own denial under section 9.5**, and if it will accept, whether the Attorney General will issue the binding opinion under section 9.5(f) in a matter in which he is counsel of record adverse to the requester.
- 8 **Written confirmation that the hold in Part XI is in place**, identifying the custodian of the hold and its effective date.

RESPONSE DUE

Each of the nine items above is due in writing to **defcon5ready@gmail.com** by **5:00 p.m. Monday, August 10, 2026**. Nothing in this letter asks the Office to agree with a single word of it. Every item is either a thing section 9(a) already required the August 3 letter to contain, or a thing requirement (e) of the request at Exhibit B already required for any “no responsive records” answer, or a one-sentence fact the Office is uniquely able to supply. **The sixty-day window under section 9.5(a) closes October 2, 2026.**

XIV. WHAT EACH ANSWER PRODUCES, INCLUDING THE ONES THAT PRODUCE NOTHING



The Office should know before it decides how each outcome is used, because every one of them is usable and none of them requires the Office's cooperation.

IF THE OFFICE	THEN
Supplies the search declaration and the parameters are sound	The denial is complete, the record closes, and the four numbers in it become the measure of every later assertion about Lake County contact in that window. This is the outcome I expect and the one the letter is designed to produce.
Supplies the declaration and the strings do not match the identifiers	The search is re-run on the correct strings. No accusation is required and none will be made; a corrected search is the whole remedy.
Issues a section 9(a)-compliant denial and nothing further	The section 11 predicate is clean and the sixty-day date is unambiguous. That is worth more than a contested production.
Declines review through the Public Access Bureau	The declination is the predicate. Section 9.5(g) makes the remedies exclusive, and a written declination removes the only argument available against proceeding under section 11.
Does not respond by 5:00 p.m. Monday, August 10, 2026	The omissions in Part III stand unremedied and undisputed on a dated record, and section 11(f) places the burden on the public body <i>de novo</i> .
Is contradicted by the mirror custodian	Requests covering the same sixteen days and the same terms are pending at the Lake County State's Attorney's Office and the Illinois Secretary of State. A communication of the kind described sits in two record systems. The August 3 letter is now the control against which the other end of every wire is read, and section 11(j) supplies the measure.

The last row is the reason this letter is worth writing on the day the closing letter issued rather than at the end of the sixty days. The mirror requests were served on July 14 and 15, 2026, before the Office searched anything. Neither office knew what the other would answer. That is no longer true after today, and it should not be true for either of us.

XV. WHAT IS NOT ASSERTED IN THIS LETTER

Six things, stated here so that nobody has to guess and so that none of them can be read into anything above.

- That any person destroyed, deleted, concealed, altered or withheld a record. Nothing in my possession supports it and no demand above needs it.
- That any person in your Office has communicated with any other person or body about this matter outside the record, by any means. Part XI names encrypted and ephemeral messaging as a preservation category because it expires automatically, not because I believe any such message exists. **Nothing disclosed to me indicates that one does.**
- That the sentence “we have located no records responsive to your request” is false. I do not know whether it is true, which is why the demands ask for the parameters rather than for the records.
- That the six corrupted identifiers were the strings queried. I have no way to know what was queried, and Part VI says so.
- That the July 14, 2026 memorandum drew on any source outside the certified administrative record. Part V states the Office's own answer to that and accepts it.
- That the Office's dual position under section 9.5 is misconduct. It is a structure the General Assembly created. What is asked is that the Office state how it intends to operate inside it.
- That any individual attorney has violated any Rule of Professional Conduct. No disciplinary referral is threatened, contemplated, or held in reserve by this letter.

None of that restraint is a concession, and none of it is offered in trade. It is the reason the remainder of the letter is durable: every proposition in Parts I through XIII rests on a line in a document the Office wrote, and not one of them requires anyone's state of mind.

This letter will be preserved in the evidence register. No. 2026CH01421 was heard on August 3, 2026, the day this letter issued and the day the Office's determination issued; the letter is lodged with the papers in that cause and will be tendered



with any post-judgment motion or on review. It is not being sent to the Lake County State's Attorney's Office or to any counsel in No. 2-26-0352, and it will not be, for reasons of record in that court.

Nothing here asks the Office to agree with me. It asks the Office to state what it searched, by Monday.

Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

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