



THREE FILE NUMBERS · TWO LETTERS · NO RECORDS · 2026 FOIA 079196

ANSWERS DUE 5:00 P.M. MONDAY, AUGUST 17, 2026
· STATUTORY RESPONSE DUE THURSDAY, AUGUST 20, 2026

Answer to the Clarification Letter, Statement of the Request in the Body, and Renewed Litigation Hold

Elizabeth J. Ptacek, Assistant Attorney General and FOIA Officer · Office of the Illinois Attorney General
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Signatory, clarification letter of August 11, 2026 in 2026 FOIA 079196, and 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, and a
named custodian · Monica.Chou@ilag.gov

COPY: Katherine M. Doersch and Eldad Z. Malamuth, Assistant Attorneys General · counsel of record, No. 1:26-cv-01077
(N.D. Ill.) · civilappeals@ilag.gov

MATTER

2026 FOIA 079196 — opened August 11, 2026 · 2026 FOIA 079127 — closed August 3, 2026 · 2026 FOIA 079012 — pending

Allababidi v. Giannoulis, No. 2026CH01421 (Cook Cty. Chancery, Hon. Allen Price Walker) · *Allababidi v. Junkin*, No. 1:26-cv-01077 (N.D. Ill.) · *Allababidi v. Shepherd*, No. 1:26-cv-06738 · *Allababidi v. Advocate Health*, No. 1:25-cv-15800
Request stated in the body at Part V · § 3(d) response due Thursday, August 20, 2026 · § 9.5(a) review window on the August 3 denial closes October 2, 2026

Counsel:

Your letter of August 11, 2026 says that it is “unclear whether your e-mail or the attached document were intended as new requests for records of this office pursuant to FOIA,” and it opens a third file number, 2026 FOIA 079196, on that uncertainty. This letter removes the uncertainty in Part I, answers it out of your own citation in Part III, and then does the one thing that leaves section 3(c) with nothing further to say: **Part V states a request, in full, in the body.** After Part V there is no attachment to decline to open and no ambiguity to resolve. There is a request, and a statutory clock that runs from today.

The answer to the question your letter poses is no. **The August 4 e-mail was not a new FOIA request and the attachment was not one either.** Neither was intended as one, neither was framed as one, and neither should have been docketed as one. The e-mail was correspondence in two existing matters — 2026 FOIA 079127, which your Office closed on August 3, 2026, and 2026 FOIA 079012, which was pending on August 4 and which your letter of August 11, 2026 does not mention at all — and in *Allababidi v. Giannoulis*, No. 2026CH01421, in which the addressee is counsel of record. Part I sets out how the transmission said so on its own face, in the body, which is the only place your letter says it is obliged to look.

So this letter does four things. It answers your question. It states, in the body, a request that is a request, and identifies the date section 3(d) makes the response due. It asks for the status of the two matters your letter does not address, and for the nine written confirmations that came due on August 10 and were not given. And it renews the litigation hold. Nothing is characterized here that is not quoted, and nothing is quoted that is not produced.



I. WHAT THE AUGUST 4 TRANSMISSION WAS, ON ITS OWN FACE

Your letter identifies the attachment by its complete filename, and reproduces it: “2026-08-03_Ptacek_Raoul_FOIA_079127_Notice_of_Reliance_WITH_EXHIBITS.pdf.” I do not assert that anyone in your Office opened it. The filename is visible in a mail client without opening anything, and I am not going to build an argument on a fact I cannot prove. I do not have to. Read the name your own letter quotes:

THE STRING IN THE FILENAME YOUR LETTER REPRODUCES	WHAT IT DISCLOSES WITHOUT OPENING ANYTHING
FOIA_079127	An existing file number of this Office, opened on the requester’s July 27, 2026 request and closed by this Office eight days before the letter. A document naming an existing file number is correspondence in that file.
Notice_of_Reliance	The name of an instrument. It is not a request for records and does not resemble one. This Office knows what a request from this requester looks like: Exhibit B reproduces the last one in full, across two pages, with custodians, external correspondents and a subject-matter limitation.
Ptacek_Raoul	The two officers to whom the enclosed document was addressed — the FOIA Officer who signed the closing letter, and the Attorney General. Neither is the addressee of a new request; both are the addressees of a response to a denial.

That is the filename alone. The body of the e-mail says the rest, and the body is the part your letter says this Office is obliged to read. Its opening sentence, in the form transmitted:

BODY OF THE ELECTRONIC MAIL TRANSMITTED AUGUST 4, 2026, FIRST SENTENCE

[Attached is my **Notice of Reliance, Demand for a Statutorily Compliant Denial, and Litigation Hold**, transmitted in connection with **2026 FOIA 079127**, the **still-pending 2026 FOIA 079012**, and **Allababidi v. Giannoulis**, No. 2026CH01421.]

The same body goes on to state, in terms, that the attachment “does not ask you or the Office to adopt my characterization of any disputed matter” but “asks the Office to identify what was searched, by whom, through which systems, using which terms and date parameters, and on what date,” and to confirm a preservation hold. Every one of those is a demand arising out of an existing determination. None of them is a request for records under section 3.

II. SECTION 3(C), AND THE SENTENCE IN YOUR OWN LETTER THAT RESOLVES IT

Here is your Office’s statement of the rule, in the words your letter used:

OFFICE OF THE ATTORNEY GENERAL TO EHAB ALLABABIDI, AUGUST 11, 2026 (EXHIBIT A)

[To the extent that the pdf attachment to your e-mail was intended as a FOIA request, please be advised that pursuant to section 3(c) of FOIA, **the entirety of an electronic request must appear within the body of an electronic submission**, and this office is not obligated to open electronically attached files or hyperlinks. 5 ILCS 140/3(c).]

I accept that rule without qualification and this letter is built on it rather than against it. But the rule cuts one way only here, and it is not the Office’s. If the body of an electronic submission is the only thing this Office is obliged to read, then the body is where the answer to your question is, and the body answered it in its first sentence: it identified the attachment by name, identified the two file numbers it concerned, and identified the pending litigation it arose from. Section 3(c) is a rule about where to look. Applied to this transmission it does not create the ambiguity your letter reports; it dissolves it.



There is a second thing section 3(c) does not do, and it is the more important one. Section 3(c) governs the form of a *request*. It supplies no authority to treat a document that is not a request as though it might be one, to open a file number on it, or to answer correspondence in two existing matters with a letter that addresses neither of them. Whatever section 3(c) excuses this Office from reading, it does not excuse this Office from answering what it has already been asked.

III. THREE FILE NUMBERS, TWO LETTERS, AND NO RECORDS

Set the sequence out and the arithmetic is the argument.

FILE	OPENED / STATUS	WHAT THIS OFFICE HAS PRODUCED
2026 FOIA 079012	Pending. Covers April 1 through July 10, 2026. Pending on August 4, pending on August 11, and not mentioned in your letter of August 11.	Nothing. No records, no extension notice reproduced to the requester, and no status.
2026 FOIA 079127	Received July 27, 2026. Covers July 11 through July 26, 2026. Closed August 3, 2026.	A closing letter. No records. The Notice of Reliance of August 3 identified what section 9(a) requires a denial to contain and what this one did not.
2026 FOIA 079196	Opened August 11, 2026 , on a document that was not a request, by a person your letter does not identify, for reasons your letter states as uncertainty.	A letter asking the requester what he meant.

Three numbers, two letters, zero records. And the one number in that table with a live obligation attached to it — 079012 — is the one your letter does not mention. This Office answered a document that was not a request while saying nothing about a request that is. Item 1 of Part VI asks for the status of 079012 in writing, and Part V, item C, asks for the records that show how 079196 came to be opened at all.

IV. THE NINE CONFIRMATIONS THAT CAME DUE AUGUST 10

The Notice of Reliance of August 3 asked for nine written confirmations and stated that they were due at 5:00 p.m. on Monday, August 10, 2026. None was given. Your letter of the following day addresses none of them. They are not repeated here at length; they are incorporated by reference to Exhibit C and to the document your Office holds, and they are re-demanded on the timetable in Part IX. The substance of them is one thing, and it is not a demand for records:

NOTICE OF RELIANCE, AUGUST 3, 2026 — THE DEMAND, RESTATED (EXHIBIT C)

*[The attachment does not ask you or the Office to adopt my characterization of any disputed matter. It asks the Office to **identify what was searched, by whom, through which systems, using which terms and date parameters, and on what date.** It also asks for written confirmation that the preservation hold described in Part XI is in place.]*

A public body that issues a written determination that no responsive record exists is describing the result of a search. The search parameters are not the records; they are the basis of the determination, and they are the only thing that makes the determination reviewable by anyone. That request has now been outstanding since August 3 and has been answered with a question about whether it was a FOIA request.

V. THE REQUEST, STATED IN THE BODY, IN FULL — 5 ILCS 140/3(C)

This Part is a request for records under 5 ILCS 140/3. It appears in the body of the electronic submission transmitting this letter, in its entirety, so that section 3(c) is satisfied on its own terms and nothing turns on any attachment. It is



not a substitute for 2026 FOIA 079012 or 2026 FOIA 079127 and does not withdraw, amend, narrow or replace either. If this Office wishes to process it under the number 2026 FOIA 079196 it may; the number is immaterial, and the requester takes no position on it beyond asking that whatever number is used be stated in the response.

A. Date range. July 27, 2026 through August 13, 2026, inclusive. This range is deliberately non-overlapping with both pending or closed matters: 2026 FOIA 079012 covers April 1 through July 10, 2026, and 2026 FOIA 079127 covered July 11 through July 26, 2026.

B. Category one — external communications. All records, including electronic mail with full internet headers, calendar entries and invitations, Teams or other instant messages, call logs, letters, facsimiles, memoranda, routing slips, and message-trace or transport-log entries, maintained by or for any of the custodians in the list below, reflecting communication with any of the external correspondents in the list below, and concerning any of the subjects in the list below. A record is responsive only if all three conditions are met.

- 1 **Custodians.** Assistant Attorney General Monica Chou; Assistant Attorney General Elizabeth J. Ptacek; Assistant Attorney General Katherine M. Doersch; Assistant Attorney General Eldad Z. Malamuth; Assistant Attorney General Michael T. Arnold; personnel of the General Law Bureau, the Criminal Appeals Division and the FOIA Office assisting any of them; any supervisor or litigation-support person who received or transmitted a responsive external communication; and any shared mailbox, document-routing system, calendar, Teams account or message-trace system used by those custodians.
- 2 **External correspondents.** The Lake County State's Attorney's Office; the Office of the State's Attorneys Appellate Prosecutor; the Office of the State Appellate Defender; the Clerk of the Appellate Court of Illinois, First District or Second District; the Clerk of the Circuit Court of Lake County; the Nineteenth Judicial Circuit's Adult Probation Services; the Lake County Sheriff; and any sender or recipient using an address at lakecountyil.gov, ilsaap.org, osad.state.il.us, or illinoiscourts.gov.
- 3 **Subjects.** Ehab Allababidi; Lake County No. 23 CF 1146; Cook County No. 23 CR 0241301; Appellate Court Nos. 2-26-0352 or 1-26-0055; *Allababidi v. Giannoulis*, No. 2026CH01421; or *Allababidi v. Junkin*, No. 1:26-cv-01077, *Allababidi v. Shepherd*, No. 1:26-cv-06738, or *Allababidi v. Advocate Health and Hospitals Corp.*, No. 1:25-cv-15800.

C. Category two — the opening of 2026 FOIA 079196. All records concerning the assignment of file number 2026 FOIA 079196, including: the record or records on which it was opened; the date and time it was opened; the identity, by name and title, of the person who opened it and of the person who directed that it be opened; any intake note, routing slip, log entry, tracking-system record, or internal communication concerning how the electronic mail of August 4, 2026 was to be treated; and any record reflecting whether the attachment to that e-mail was opened, viewed, saved, printed or forwarded, and by whom and on what date. The requester notes that a record identifying the person who performed an official act is not exempt on that ground alone.

D. Category three — the administration of 2026 FOIA 079012 and 079127. For each of those two file numbers: the request as received; every extension notice issued under section 3(e) and the date it was sent; the identity of the assigned FOIA officer; every search-parameter record, custodian list, search-term list, date-range instruction, litigation-hold notice, and search-results report generated in processing it; and the final determination. If this Office contends any of the foregoing is exempt, the requester asks that it be identified by category and that the specific exemption be cited, as section 9(a) requires.

E. Form, fees and notice. Electronic copies in native format with metadata intact are requested, delivered to defcon5ready@gmail.com. The requester is not seeking the records for a commercial purpose and requests a fee waiver under section 6(c); if any fee is assessed, please state the amount and basis before incurring it. If any part of this request is denied in whole or in part, section 9(a) requires that the denial be in writing, state the specific exemption claimed, give the reasons for the denial, give the names and titles of every person responsible for it, and inform the requester of the right to review by the Public Access Counselor and of the right to judicial review. The August 3, 2026 closing letter in 079127 contained none of those five things, which is what the Notice of Reliance was about.



F. The clock. This request is made August 14, 2026. Section 3(d) requires a response within five business days, which is **Thursday, August 20, 2026**, subject only to a written extension under section 3(e) stating one of the enumerated grounds.

VI. SECTION 9.5, AND THE CONFLICT THAT HAS NOT BEEN ADDRESSED IN WRITING

This was raised on August 3 and not answered, so it is raised again, narrowly. Section 9.5(a) of the Act excepts from the Public Access Counselor's review only "the General Assembly and committees, commissions, and agencies thereof." The Office of the Attorney General is not excepted. So the statute routes review of this Office's own denial to the Public Access Counselor established within this Office, and section 9.5(f) makes **the Attorney General** the officer who issues the binding opinion.

The Attorney General's name appears on the signature block of the memorandum this Office filed against this requester in No. 2026CH01421 on July 14, 2026; Exhibit D is this Office's own Notice of Filing for it, signed by Assistant Attorney General Monica Chou, who is also a named custodian in the underlying requests. This letter does not argue that anyone is disqualified and asks no one to recuse. It asks for this Office's position, in writing: whether any screen, wall or conflict procedure has been established between the personnel processing these requests and the personnel litigating against this requester, and if so, when it was established and by whom. A statement that none exists is an acceptable answer and will be reported as one.

VII. LITIGATION HOLD — RENEWED AND EXTENDED

The hold placed on August 3 is renewed in full and extended to the categories below. Three federal actions and one state chancery proceeding are pending, and Assistant Attorneys General of this Office are counsel of record in two of them. This is a formal demand that this Office suspend every auto-deletion, retention-expiry, journaling-purge and device-reimaging process touching the following, and issue a written hold to each custodian. Preserve in place.

- 1 The August 4 transmission, completely.** The message as received with full internet headers, the attachment as received, every copy in every mailbox it reached, the transport and message-trace records, and every audit-log entry recording its receipt, opening, forwarding, printing or saving.
- 2 The 079196 intake record.** Everything enumerated in Part V.C, in native format, including the tracking-system entry and every field of it as first entered and as edited.
- 3 The search records for 079012 and 079127.** Everything enumerated in Part V.D, including any eDiscovery, Purview or comparable search job, its parameters, its result set, and its run date, whether or not a report was generated.
- 4 Custodial mail and messaging.** Mailboxes, archives, recoverable-items folders, retention labels and policies, eDiscovery holds, transport rules, forwarding rules and message-trace logs for every custodian named in Part V.B, from April 1, 2026 to the present, together with Teams messages and any messaging on personally owned devices used for public business.
- 5 The No. 2026CH01421 file** to the extent it contains or reflects communications with any of the external correspondents named in Part V.B, and the record of the August 3, 2026 hearing, including the reporter's identity, the stenographic notes, any audio or electronic record, and the appearance information — a request first made August 3 and not yet answered.
- 6 Backups.** All backup media, snapshots, journals and disaster-recovery copies containing any of the above, notwithstanding any ordinary rotation or overwrite schedule.

The State Records Act, 5 ILCS 160/1 *et seq.*, forbids the disposal of public records outside an approved schedule. Section 32-8 of the Criminal Code, 720 ILCS 5/32-8, reaches the knowing alteration, destruction or concealment of a public record without lawful authority. Section 11(j) of the Freedom of Information Act attaches a civil penalty of \$2,500 to \$5,000 per occurrence to a public body that willfully and intentionally fails to comply, and section 11(i) shifts fees to a prevailing requester. Both run against this Office. In the federal actions, Rule 37(e) of the Federal Rules of Civil Procedure supplies the remedy where electronically stored information that should have been preserved is lost.



VIII. DEMAND AND DEADLINES

- 1 **By 5:00 p.m. Monday, August 17, 2026: the status of 2026 FOIA 079012** in writing — the date received, the assigned officer, every extension issued under section 3(e) with its date and stated ground, the current status, and the date a determination will issue. Your letter of August 11, 2026 does not mention this file.
- 2 **By 5:00 p.m. Monday, August 17, 2026: a statement whether 2026 FOIA 079196 is being processed as a request**, and if so, on what document, opened by whom, and on what date — and whether the opening of it affected any clock in 079012 or 079127.
- 3 **By 5:00 p.m. Monday, August 17, 2026: the nine written confirmations** demanded in the Notice of Reliance of August 3, 2026, which came due August 10, 2026 and were not given.
- 4 **By 5:00 p.m. Monday, August 17, 2026: the section 9.5 answer** requested in Part VI.
- 5 **By Thursday, August 20, 2026: the section 3(d) response to Part V**, or a written extension under section 3(e) stating one of the enumerated grounds, or a denial that complies with all five requirements of section 9(a).
- 6 **By 5:00 p.m. Monday, August 17, 2026: written confirmation of the litigation hold** in Part VII, identifying by title the person responsible for it, and confirmation of receipt of this letter and its exhibits.

The sixty-day period under section 9.5(a) for review of the August 3, 2026 determination in 2026 FOIA 079127 closes **October 2, 2026**. A Request for Review will be filed with the Public Access Counselor within it. That filing is not contingent on any answer to this letter, and no answer to this letter will be treated as a reason to delay it.

IX. WHAT IS ASSERTED, AND WHAT IS NO LONGER CONCEDED

- 1 **I do not assert that anyone opened the attachment.** Part I says so expressly. The argument is built on the filename this Office reproduced and on the body of the message, which is the only text section 3(c) obliges this Office to read.
- 2 **I do not assert that any record was destroyed, concealed, altered or withheld.** Part VII exists so that the records capable of answering the questions in Part VIII survive to answer them.
- 3 **I do not assert that anyone is disqualified under section 9.5.** Part VI asks for a written statement of this Office's position and nothing more.
- 4 **What is no longer conceded.** The August 3 letter was written on the premise that a non-compliant denial was an oversight capable of correction on request. The correction was requested on August 3, was due August 10, and did not come. What came on August 11, 2026 was a third file number and a question about what the requester had meant. Nothing in the August 3 letter is withdrawn, and nothing in it is renewed. This letter extends no presumption that the eight days between August 3 and August 11 no longer support, and it asserts nothing beyond what Exhibits A through D show on their face.

WRITTEN ANSWERS BY 5:00 P.M. MONDAY, AUGUST 17, 2026 · STATUTORY RESPONSE BY THURSDAY, AUGUST 20, 2026

The question your letter asked is answered in Part I: the August 4 e-mail was not a FOIA request, and neither was the attachment. Part V removes the question for good by stating a request in the body, where section 3(c) says a request belongs, with a date range chosen not to overlap either existing file. What remains outstanding is older than any of it: the status of 2026 FOIA 079012, which your letter does not mention; the nine confirmations that came due August 10; the search parameters behind a written determination that no record exists; and the section 9.5 answer. If no reply is received by the hours above, that fact will be reported to the Public Access Counselor, in No. 2026CH01421, and in the federal actions in which this Office appears, as exactly what it is — no response — and not as agreement. Address the reply to defcon5ready@gmail.com and ehabhilfiger@gmail.com.

X. RESERVATION OF RIGHTS



- 1 A Request for Review will be filed with the Public Access Counselor under 5 ILCS 140/9.5 within the sixty-day period closing October 2, 2026, and will attach this letter and the answer to it, or the absence of one.
- 2 This letter, its transmission metadata, and the fact and time of its delivery will be offered as evidence of notice in No. 2026CH01421 and in the federal actions identified in Part VII.
- 3 Relief under sections 11(a), 11(i) and 11(j) of the Act is reserved, as is every remedy under the State Records Act and the common law of spoliation. Subpoenas under Rule 45 of the Federal Rules of Civil Procedure will issue in the pending actions for records the Act does not reach.
- 4 Nothing in this letter waives any right or remedy, and nothing in it withdraws, narrows or amends 2026 FOIA 079012 or the August 3, 2026 Notice of Reliance.

This letter asks this Office to characterize nothing and to concede nothing. It answers the question the August 11, 2026 letter asked, states a request where section 3(c) says a request belongs, and asks for the status of a file that has been pending throughout. Silence is an available answer to all of it. It will be reported as silence, not as agreement.

Respectfully and without waiver of any right or remedy,

/s/ Ehab Allababidi

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