



ROGER BALDWIN FOUNDATION
OF ACLU, INC.

Illinois

ROGER BALDWIN FOUNDATION OF
ACLU, INC.
150 N. MICHIGAN AVENUE
SUITE 600
CHICAGO, ILLINOIS 60601-7570
(312) 201-9740
FAX (312) 201-9760
WWW.ACLU-IL.ORG

July 30, 2022

VIA EMAIL

Bradford S. Stewart
Zukowski, Rogers, Flood & Mcardle
50 Virginia Street
Crystal Lake, IL 60014

Re: Unconstitutional Retaliation against UpRising Bakery, Lake in the Hills

Dear Mr. Stewart:

I write on behalf of Corrine A. Bendel Sac and her business, UpRising Bakery and Café (“UpRising”), to advise you that Ms. Sac has, in reaction to your June 29, 2022 letter and in an abundance of caution, cancelled the Disney Karaoke and the resume-writing workshop scheduled for this weekend. We seek the Village’s assurances, however, that she will be permitted to hold those events at later dates and to proceed with similar events without interference from the Village. Any “enforcement actions” against Ms. Sac or UpRising based on alleged “entertainment events” would be unconstitutional, and the ACLU of Illinois is prepared to respond appropriately on their behalf.

As you know, on July 23 2022, UpRising suffered a vicious attack after it had been publicly criticized for a drag brunch scheduled for that day. The attack caused serious (and expensive) property damage, including hateful graffiti targeting the business and LGBTQ community. Ms. Sac continues to receive hate mail and threats.

Village officials initially seemed inclined to support Ms. Sac and her business in the wake of this horrific event. Unfortunately, they have chosen instead to give the person who attacked and vandalized UpRising exactly what he apparently wanted. That is, the Village is attempting to block the drag brunch and any other program at UpRising that the Village deems (for the first time) an “entertainment event,” by threatening Ms. Sac and her landlord with fines, license revocations, and other “enforcement actions,” as described in your January 29, 2022 letter to them.

We dispute the letter’s characterization of UpRising programs as “entertainment events” that are prohibited in a B-2 zoning district. Even if that characterization is correct, however, the Village’s sudden determination to enforce the code against UpRising or Ms. Sac based on their exercise of First Amendment rights constitutes unconstitutional retaliation.

Accordingly, we request the Village's assurances that it will not take enforcement actions or other retaliatory actions against Ms. Sac or UpRising, directly or indirectly (for example, by threatening or carrying out enforcement against her landlord), or otherwise interfere with constitutionally protected speech at UpRising, including but not limited to:

- The drag brunch, rescheduled for August 7, 2022 following the attack on UpRising;
- The "Sip and Paint Party" (art instruction), scheduled for August 6, 2022;
- The resume writing workshop and Disney karaoke party cancelled this weekend, to be rescheduled for a future date;
- Future programs of a like nature; or
- Advertising or publicizing those programs.

Further, we ask you to instruct the Village of its responsibility to preserve all records relevant to this matter in light of possible litigation. A more specific spoliation letter will follow.

Because every cancelled event costs UpRising money that it desperately needs to recover from last week's attack during a challenging economic environment, please respond no later than close of business on Monday, August 1, 2022.

Thank you for your attention to this matter.

Sincerely,



Rebecca K. Glenberg
Senior Staff Attorney

cc: Kevin Fee