

FILED-CH
CLERK OF THE CIRCUIT COURT
CHANCERY DIVISION
2014 DEC -9 PM 12:27
DOROTHY BROWN CLERK

Defendant.

No. 2014 CH 09565

On the basis of that request and response, Mr. Martinez filed the instant Complaint on June 6, 2014, which alleged that CPD willfully violated FOIA. CPD subsequently moved to dismiss the Complaint, as it had responded to Mr. Martinez's FOIA request by producing the

public records reasonably identified by Mr. Martinez's request. The parties have now fully briefed CPD's pending motion to dismiss the Complaint and the Court is set to rule on that motion on December 11, 2014. *See* Order entered Nov. 17, 2014.

Subsequent to the filing of the Complaint in this action, Mr. Martinez submitted a number of other FOIA requests to CPD relating to IMSI catcher or cell phone technology, including the following requests: June 30, 2014 (Request No. 14-2787); July 25, 2014 (Request No. 14-3248); August 12, 2014 (Request No. 14-3603); September 2, 2014 (Request No. 14-3982); September 18, 2014 (Request No. 14-4288); and November 13, 2014 (Request No. 14-5298). While searching for documents responsive to Mr. Martinez's other FOIA requests, CPD discovered seven additional pages of documents that are responsive to the FOIA Request at issue in this case. CPD produced those documents to Mr. Martinez via an email to his counsel on December 8, 2014. *See* Ex. A.

The seven additional responsive pages discovered by CPD include a one-page purchase order related to the invoice for StingRay II and AmberJack equipment that CPD originally produced in response to Mr. Martinez's FOIA request. *Compare* Ex. A at 1, with Mot. to Dismiss, Ex. 1-B at 3. The remaining six pages of documents include an invoice and purchase order from a 2010 transaction, and four pages comprised of two quotes and two "request for purchase requisitions" from a 2005 transaction. *See* Ex. A at 4-9.

CPD's supplemental production of responsive documents underscores the reasonableness of its response to Plaintiff's FOIA request and its good faith. The original search for responsive records commissioned by CPD was reasonable and discovered responsive documents. *See SafeCard Servs., Inc. v. S.E.C.*, 926 F.2d 1197, 1201 (D.C. Cir. 1991); *Williams v. Fanning*, No. 13 CV 0968, 2014 WL 3900603, *5 (D.D.C. Aug. 11, 2014) ("That these searches in fact located

records related to [the plaintiff's] discharge underscores the adequacy and reasonableness of the searches."); Mot. to Dismiss Ex. 1 (detailing the steps taken by CPD Officer Jack Enter to respond to Mr. Martinez's FOIA request). After CPD uncovered additional responsive documents while conducting reasonable searches for records responsive to Mr. Martinez's later FOIA requests, CPD produced those responsive documents to Mr. Martinez through counsel. Thus, while CPD wanted to bring this additional production to the Court's attention in advance of the ruling date on the motion to dismiss, the additional production does not change the fact that CPD's original search for records responsive to Mr. Martinez's request was reasonable. Accordingly, the Court should dismiss Mr. Martinez's Complaint.

Dated: December 9, 2014

Respectfully submitted,

CHICAGO POLICE DEPARTMENT

By: 

One of its Attorneys

Daniel J. Collins (6224698)

Jeffrey D. Perconte (6280852)

Elizabeth V. Lopez (6293255)

DRINKER BIDDLE & REATH LLP

191 N. Wacker Dr., #3700

Chicago, IL 60606

312.569.1000

Daniel.Collins@dbr.com

Jeff.Perconte@dbr.com

Elizabeth.Lopez@dbr.com

Firm ID 41748

Exhibit A

Lopez, Elizabeth V.

From: Lopez, Elizabeth V.
Sent: Monday, December 08, 2014 5:28 PM
To: Matt Topic (matt@loevy.com)
Cc: Perconte, Jeff; Collins, Daniel J.
Subject: Martinez I
Attachments: Martinez I_12_8_14 Ltr to M Topic re supplemental production.pdf; 11-1161 Responsive Documents.pdf

Dear Matt,

Please see the attached correspondence and enclosure.

Sincerely,

Elizabeth

Elizabeth V. Lopez
Drinker Biddle & Reath LLP
191 N. Wacker Dr., Ste. 3700
Chicago, IL 60606-1698
(312) 569-1439 *office*
(312) 569-3439 *fax*
Elizabeth.Lopez@dbr.com
www.drinkerbiddle.com

Law Offices

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Chicago, IL
60606-1698

(312) 569-1000
(312) 569-3000 fax
www.drinkerbiddle.com

CALIFORNIA

DELAWARE

ILLINOIS

NEW JERSEY

NEW YORK

PENNSYLVANIA

WASHINGTON D.C.

WISCONSIN

December 8, 2014

BY E-MAIL

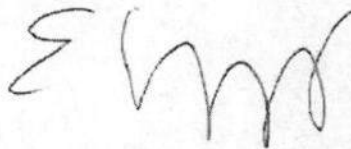
Matthew Topic
Loevy & Loevy
312 N. May Street, Ste. 100
Chicago, IL 60607

Re: *Freddy Martinez v. Chicago Police Department* - Case No. 2014-CH-09565

Dear Matt:

Enclosed please find seven pages of additional documents responsive to Mr. Martinez's FOIA Request No. 14-1161 that the Chicago Police Department recently discovered in the course of responding to Mr. Martinez's other FOIA requests.

Very truly yours,



Elizabeth V. Lopez

Enclosures

cc: Daniel J. Collins
Jeff Perconte

ACTIVE/ 78144060.1

PURCHASE ORDER

3340 W. Fillmore Ave.
Chicago, IL 60624
Phone: 312-747-7922
james.washburn@chicagopolice.org

DATE: 3/9/2009
P.O. # 15457


Delivery date = 7/9/09

VENDOR

Harris Corporation
Wireless Products Group
P.O. Box 9800
Melbourne, FL 32902-9800
800-358-5297

SHIP TO

Sgt. James Washburn
Chicago Police Department
3340 W. Fillmore Ave.
Chicago, IL 60624
312-746-7922

 COPY

SHIPPING METHOD	DELIVERY DATE	SHIPPING TERMS
	ASAP	

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
STINGRAY II-UP	StingRay II Upgrade	1	65,000.00	65,000.00
STINGRAY II-IDEN-SW	StingRay II IDEN software Package	1	22,000.00	22,000.00
PA-KIT-30W IDEN 800	PA-KIT-30W Single Band IDEN 800	1	14,000.00	14,000.00
PA-KIT-30W DUAL BAND	PA-KIT-30W Dual-Band Conus 850/900	1	17,500.00	17,500.00
PA-KIT-30W 2100	PA-KIT-30W Single Band 2100 mhz	1	16,000.00	16,000.00
AJ-W-UG	AmberJack-X or G to AmberJack-W	1	18,000.00	18,000.00
SUPERDOG	Handheld Passive DF Tool	1	12,000.00	12,000.00

SUBTOTAL	\$ 164,500.00
TAX RATE	NA
TAX	

Other Comments or Special Instructions

Per our discussion with Lin Vinson, a "loaner" Sting Ray II will be supplied while our StingRay is being upgraded

TOTAL	\$ 164,500.00
-------	---------------

Sergeant James Washburn #1765

9-Mar-09

Authorized by

Date _____

If you have any questions about this purchase order, please contact
[Name, Phone #, E-mail, Phone, Fax]



HARRIS CORP - WIRELESS PRODUCTS GROUP
P.O. BOX 9800, MS R5-11A
MELBOURNE, FL 32902-9800
PH: 800-358-5297, FAX: 321-309-7437, wpg@harris.com

Invoice	INV6779-02738
Date	12/14/2010
Page:	1

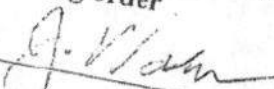
Invoice

Bill To: Chicago Police Bureau of Investigative Services James Washburn 3340 W. Fillmore Ave james.washburn@chicagopolice.org Chicago IL 60624
--

Ship To: Chicago Police Department Attn: Sgt. James Washburn 3340 W. Fillmore Ave. 1-312-746-7922 Chicago IL 60624
--

Purchase Order No.		Customer ID	Salesperson	Shipping Method	Pmt Terms	Reg Ship Date	Harris Ord No.
10152		CPB-CHGIL-001	WPG3	BEST WAY	Net 30	2/2/2011	ORD6779-01635
Ordered	Shipped	B/O	Item Number	Description	Discount	Unit Price	Ext. Price
1	1		KINGFISH 601	KingFish Serial Number		\$27,800.00	\$27,800.00
1	1		KF-CDMA-SW 601	KingFish CDMA Software Package Serial Number		\$18,100.00	\$18,100.00
1	1		KF-GSM-SW 601	KingFish GSM Software Package Serial Number		\$18,100.00	\$18,100.00
1	1		KF-IDEN-SW 601	KingFish IDEN Software Package Serial Number		\$18,100.00	\$18,100.00
1	1		2014069-101 601	Rugged Mini-PC Controller (GD Go Book) Serial Number		\$5,500.00	\$5,500.00
1	1		PA-KIT-25W-CONUS S/N: 1123	High Powered Filtered 25W PA Kit-800/85		\$11,500.00	\$11,500.00
1	1		CONV-2100/1700-W/BF S/N: 1027	Band IV - AWS Converter - CONUS		\$19,800.00	\$19,800.00
1	1		AJ-W 488	AmberJack Wide Band DF Antenna Serial Number		\$38,400.00	\$38,400.00

All above items received in good working order

X 

All above items received in good working order

X

Remit Payment To:		
Electronic Funds Transfer (EFT): REDACTED	GCSD Mail Deposits: REDACTED	GCSD Overnight Deliveries: REDACTED
Please reference the Invoice number with your payment.		

Subtotal	\$157,300.00
Deposit	\$0.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Trade Discount	\$0.00
Purchase Price	\$157,300.00

**Chicago Police Department
Organized Crime Division**

PURCHASE ORDER

DATE: 11/4/2010
P.O. # 10152

3340 W. Fillmore Ave.
Chicago, IL 60624
Phone: 312-747-7922
james.washburn@chicagopolice.org

VENDOR
Harris Corp - Wireless Products Group
p.O. Box 9800 M/S R5-11A
Melbourne, FL
32902-9800
800-358-5297

SHIP TO
Sgt. James Washburn
Chicago Police Department
3340 W. Fillmore Ave.
Chicago, IL 60624
312-746-7922

SHIPPING METHOD	DELIVERY DATE	SHIPPING TERMS
	ASAP	

ITEM #	DESCRIPTION	QTY	UNIT PRICE	TOTAL
King Fish	King Fish	1	27,800.00	27,800.00
KF-CDMA-SW	King Fish CDMA Software Package	1	18,100.00	18,100.00
KF-GSM-SW	King Fish GSM Software Package	1	18,100.00	18,100.00
KF-IDEN-SW	King Fish IDEN Software Package	1	18,100.00	18,100.00
2014069-101	Rugged Mini-PC Controller (Go Book)	1	5,500.00	5,500.00
PA-KIT-25W-CONUS	High Powered 25W PA Kit	1	11,500.00	11,500.00
CONV-2100/1700-W/BP	Bond 1V-AWS Converter-CONUS	1	19,800.00	19,800.00
AJ-W	Amber Jack Wide Band DF Antenna	1	38,400.00	38,400.00
				-
				-
				-
				-
				-
				-

SUBTOTAL \$ 157,300.00
TAX RATE NA
Shipping

Other Comments or Special Instructions
All Equipment per quote# QTE6779-02485
Training Included on Site at Homan Square

TOTAL \$157,300.00

Sergeant James Washburn #1765
Authorized by

04 Nov. 2010

If you have any questions about this purchase order, please contact
Sgt. James Washburn, 312-746-7922, FAX 312-746-7278



System Solutions Inc.

3630 Commercial Ave, Northbrook, IL 60062
Phone : 847-272-6160 Fax : 847-272-8465

QUOTE: 101617-000

Quote No: PO #: Date: 10/13/05
Sales person: DH Cust Ref: Proj Ref:

Name: CITY OF CHICAGO-CPD Ship To: CITY OF CHICAGO-CPD
Attention: MIKE FALATOVICS MIKE FALATOVICS
Address: 3510 S. MICHIGAN AVE. 3510 S. MICHIGAN AVE.
CHICAGO IL 60653 CHICAGO IL 60653
Phone: 312-745-5777 312-745-5777
Email: michael.falatovics@chicagopolice.org
Ship via: DROP SHIP Partial:

Qty	Part No.	Vendor Part #	Description	Unit Price	Extention
1		SRAY-GSM-SW	GSM SAW FOR STINGRAY	21,000.00	21,000.00
1		TARPON	GEOLOCATION SOFTWARE	3,675.00	3,675.00
1		TRAIN-EC	TRAINING - EAST COAST	5,775.00	5,775.00

Total : 30,450.00

All prices Net Cash pre pay FOB Northbrook, Illinois, unless otherwise written agreed terms are established with us. Prices valid 21 days from date
and are based upon purchase of complete package quoted NOT isolated components. Please phone for alternative quotes. Failure to accept
Delivery of ordered items will result in a restocking fee of \$50.00 or 25% of retail price of each item whichever is greater. Above price does not
include any applicable sales tax. not liable for unintentional inaccuracies and typographical or other errors.

Customer Signature : _____

Print date: 10/14/05

Request for Purchase Requisition

Information Services Division

Unit #125 - Bureau of Administrative Services

Requested by: Mike Falatovics

312.745.5777

Date 10/15/2005

TRACKING/PR# 969

Qty Description of Request:

Qty	Description of Request:	Unit Price:	Extended:	C-Code:
1	Quote#101617 SRAY-GSM-SW for Stingray	\$21,000.00	\$21,000.00	
1	TARPON GeoLocation	\$3,675.00	\$3,675.00	
1	TRAIN-EC East Coast Training for Stingray	\$5,775.00	\$5,775.00	
			\$0.00	

\$30,450.00 Total

Account No.

Other Funding Info:

Vendor

SSI

Charge Activity

Contract

Vendor Address

3630 Commercial Avenue - Northbrook IL 6

Sub-Activity

Vendor Phone

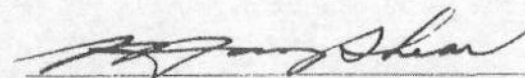
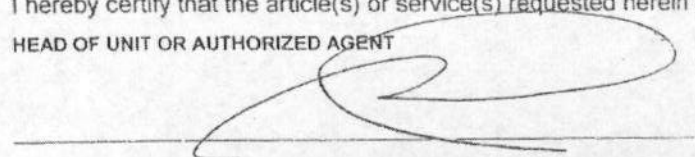
Note: Equipment for Organized Crime, Cellular Telephone Tracking Equipment

Use 1505 funds, see attached "To-From"

I hereby certify that the article(s) or service(s) requested herein are necessary to properly conduct the activities of this Department:

HEAD OF UNIT OR AUTHORIZED AGENT

DIVISION HEAD OR AUTHORIZED AGENT





System Solutions Inc.

3630 Commercial Ave, Northbrook, IL 60062
Phone : 847-272-6160 Fax : 847-272-8465

NOTE: 101619-000

st No: PO #: Date: 10/13/05
Sales person: DH Cust Ref: Proj Ref:

From: CITY OF CHICAGO-CPD Ship To: CITY OF CHICAGO-CPD
Attention: MIKE FALATOVICS MIKE FALATOVICS
Address: 3510 S. MICHIGAN AVE. 3510 S. MICHIGAN AVE.
CHICAGO IL 60653 CHICAGO IL 60653
Phone: 312-745-5777 312-745-5777
Email: michael.falatovics@chicagopolice.org
Ship via: DROP SHIP Partial:

Qty	Part No.	Vendor Part #	Description	Unit-Price	Extention
1		DF45	DF45 DRIVE DOWN SYSTEM	19,425.00	19,425.00
1		DRT1000/DEX1	DIGITAL EXCITER MODULE	7,350.00	7,350.00
1		DRT1000/TEX1	TRANSMITTER EXCITER MODULE	12,075.00	12,075.00

Total : 38,850.00

Prices Net Cash pre pay FOB Northbrook, Illinois, unless otherwise written agreed terms are established with us. Prices valid 21 days from date
Prices are based upon purchase of complete package quoted NOT isolated components. Please phone for alternative quotes. Failure to accept
If ordered items will result in a restocking fee of \$50.00 or 25% of retail price of each item whichever is greater. Above price does not
include any applicable sales tax. not liable for unintentional inaccuracies and typographical or other errors.

Customer Signature : _____

Print date: 10/14/05

Request for Purchase Requisition

Information Services Division

Unit #125 - Bureau of Administrative Services

Requested by: Mike Falatovics

312.745.5777

Date 10/15/2005

TRACKING/PR# 968

Qty Description of Request:

Qty	Description of Request:	Unit Price:	Extended:	C-Code:
1	Quote#101619 #DF45 Drive Down System	\$19,425.00	\$19,425.00	
1	Digital Exciter Module	\$7,350.00	\$7,350.00	
1	Transmitter Exciter Module	\$12,075.00	\$12,075.00	
			\$0.00	

\$38,850.00 Total

Account No.

Other Funding Info:

Vendor

SSI

Charge Activity

Contract

Vendor Address

3630 Commercial Avenue - Northbrook IL 6

Sub-Activity

0

Vendor Phone

Note: Equipment for Organized Crime, Cellular Telephone Tracking

Joe 1525 finds - see attached "To-From"

I hereby certify that the article(s) or service(s) requested herein are necessary to properly conduct the activities of this Department:

HEAD OF UNIT OR AUTHORIZED AGENT

DIVISION HEAD OR AUTHORIZED AGENT