FILED
Nov 2 2026
09:20AM
KELLY L FULKERSON
Circuit Court Clerk
White County, IL

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT**
**WHITE COUNTY, ILLINOIS**

**LANDON "RUDY" RUDOLPH,**
Plaintiff,
v.
**CITY OF CARMI, ILLINOIS,**
Defendant.

Case No.: 2026MR19
(MR) - Miscellaneous Remedy

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF UNDER SECTION 11 OF THE ILLINOIS FREEDOM OF INFORMATION ACT**

Plaintiff Landon "Rudy" Rudolph, appearing pro se, brings this independent action under the Illinois Freedom of Information Act ("FOIA"), 5 ILCS 140/1 *et seq.*, against Defendant City of Carmi and states as follows:

## I. PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Landon "Rudy" Rudolph is an Illinois resident and the person who submitted the public-records request at issue in this lawsuit.

2. Defendant City of Carmi is a municipality and public body located in White County, Illinois, and is subject to the Illinois Freedom of Information Act.

3. This Court has jurisdiction under 5 ILCS 140/11(a) and (d). Venue is proper in White County under 5 ILCS 140/11(c).

4. This action concerns only the alleged denial by nonresponse of Plaintiff's October 21, 2026 FOIA request. No other FOIA request or cause of action is pleaded in this complaint.

## II. THE OCTOBER 21, 2026 FOIA REQUEST

5. On Wednesday, October 21, 2026, at approximately 7:28 a.m. Central time, Plaintiff sent a written FOIA request from rhprint57@gmail.com to foia@cityofcarmi.com. The subject was "Illinois FOIA Request - September 15 Lashly & Baer Council Packet, Attorney Introductions, and Pre-Vote Communications." The Gmail sender display name reflects a business-associated account, but Plaintiff personally submitted this first-person request. The original message, printed from Gmail without editorial alteration, is attached as **Exhibit A**.

6. The request sought existing electronic records relating to materials provided to City Council members before the September 15, 2026 meeting concerning Lashly & Baer, P.C., and the August 31, 2026 agreement for special-counsel services.

7. The request specified a principal records period of August 18, 2026 through the beginning of the September 15 meeting, with a limited exception for earlier records later included in or transmitted with the requested materials.

8. The requested categories included: (a) the full attorney packet, with attachments and versions; (b) records showing who prepared, transmitted, or received the packet, and when; (c) records documenting how the attorneys and firm were introduced or described; (d) pre-vote correspondence about the selection, agreement, proposed term, compensation, or anticipated council action; and (e) responsive records maintained by identified City custodians and other persons performing City functions to the extent covered by FOIA.

9. Plaintiff requested existing records, not answers to interrogatories or reconstructed conversations. He acknowledged that genuinely privileged content may be exempt and requested segregable nonexempt material and legally required explanations for any withholding.

10. Some identified categories seek conventional municipal-business records, including the agreement, packet materials, distribution information, and nonprivileged factual communications. Plaintiff does not allege personal knowledge that every requested document exists; he seeks a legally adequate search and response.

## III. FAILURE TO RESPOND

11. The Gmail sent-message record documents transmission to the City's FOIA mailbox on October 21, 2026. Upon information and belief, the City received the request on or about that date.

12. Under the ordinary five-business-day response period set out in 5 ILCS 140/3(d), the deadline was October 28, 2026, assuming receipt on October 21 and no legally applicable exception or extension.

13. As of October 31, 2026, Plaintiff had received no responsive production, written denial, statutory extension notice, or notice invoking a different response period for the October 21 request. Plaintiff did not agree in writing to extend the deadline.

14. The City did not notify Plaintiff that it classified the October 21 request as a commercial, recurrent-requester, or voluminous request. Plaintiff alleges no such classification or notice for this request.

15. Pursuant to 5 ILCS 140/3(d), failure to respond, deny, or properly extend within the applicable period constitutes a denial. Pursuant to 5 ILCS 140/9(c), Plaintiff's administrative remedies are deemed exhausted as to this request.

16. Plaintiff seeks the records and a compliant determination, not merely a declaration that the response deadline passed.

## IV. COUNT I - VIOLATION OF ILLINOIS FOIA

17. Plaintiff realleges and incorporates paragraphs 1 through 16 of this complaint.

18. Plaintiff's October 21 written submission requested identifiable records of City business within the scope of 5 ILCS 140/3(a) through (d).

19. Defendant's failure to respond within the legally applicable time period constitutes a constructive denial under 5 ILCS 140/3(d) and 9(c), actionable under 5 ILCS 140/11(a).

20. Under 5 ILCS 140/11(d) and (f), Defendant bears the statutory burden of establishing the propriety of any withholding, including any claimed exemption, by clear and convincing evidence. Plaintiff seeks production of responsive nonexempt records and all reasonably segregable nonexempt portions.

21. Plaintiff requests a reasonable, diligent search of City records likely to contain responsive materials, including relevant official accounts, distribution records, records in officials' custody, and other records under the City's legal custody or control. He does not request creation of nonexistent records.

22. If Defendant asserts exemptions, Plaintiff requests an index under 5 ILCS 140/11(e) upon appropriate motion and in camera examination under section 11(f) if the Court finds it warranted.

23. Plaintiff requests the docket preference and expeditious consideration provided by 5 ILCS 140/11(h).

24. Plaintiff seeks taxable litigation costs allowed by 5 ILCS 140/11(i) if he prevails and attorney fees only if actually incurred and legally recoverable. Plaintiff does not request payment for his personal time appearing pro se.

25. Plaintiff does not allege that a late response, standing alone, proves willful or intentional misconduct or bad faith. Plaintiff requests that the Court determine, based on evidence developed in this case, whether Defendant willfully and intentionally failed to comply with FOIA or otherwise acted in bad faith and, only if the statutory requirements are established, impose the civil penalties authorized by 5 ILCS 140/11(j).

## V. LIMITATION OF CLAIM AND RESERVATION OF RIGHTS

26. Plaintiff separately maintains litigation captioned *Rudolph v. City of Carmi*, No. 26-CH-4, addressing a legal-services contracting dispute. This complaint arises from the later October 21 FOIA request and seeks disclosure of records. It does not seek a ruling on the validity, enforceability, or purported ratification of any attorney agreement.

27. References to the August 31 agreement or September 15 meeting identify the requested records only; they do not constitute an admission that any contract was validly authorized, executed, approved, or ratified.

28. Plaintiff intends this action to remain separate from any other FOIA dispute, Section 11 action, or Open Meetings Act proceeding. This complaint does not voluntarily dismiss, release, consolidate, or waive claims, defenses, remedies, objections, or discovery rights in those proceedings, which remain subject to their respective laws, court orders, and deadlines.

## VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment and such appropriate orders as follows:

A. Declare that Defendant failed to respond within the applicable FOIA period and constructively denied the October 21, 2026 request;

B. Require a reasonable and diligent search for responsive public records and production of all responsive, nonexempt records and reasonably segregable portions;

C. Require Defendant to identify any asserted exemptions with appropriate specificity, and upon proper motion provide an index under 5 ILCS 140/11(e) and submit records for in camera review under section 11(f), if warranted;

D. Place the matter on an expedited calendar to the extent authorized by 5 ILCS 140/11(h);

E. Apply any statutory restriction on copying fees imposed by 5 ILCS 140/3(d) for untimely production;

F. Award Plaintiff all reasonable and recoverable litigation costs, including applicable filing and service costs, and any attorney fees actually incurred and recoverable, pursuant to 5 ILCS 140/11(i), should Plaintiff prevail;

G. Upon finding that Defendant willfully and intentionally failed to comply with the Illinois Freedom of Information Act, or otherwise acted in bad faith, impose the statutory civil penalty of not less than $2,500 nor more than $5,000 for the occurrence at issue, pursuant to 5 ILCS 140/11(j);

H. Should Defendant fail to comply with a court order requiring disclosure after 30 days, and the other statutory conditions are satisfied, impose additional civil penalties of up to $1,000 per day as authorized by 5 ILCS 140/11(j)(1) through (3); and

I. Grant other relief consistent with Section 11, without adjudicating any separate contract, discovery, or OMA dispute.

Respectfully submitted,

Landon "Rudy" Rudolph

Landon "Rudy" Rudolph, Plaintiff, pro se
408 Oak Street
Carmi, Illinois 62821
Telephone: 618-383-4906
Designated email: rhprint57@gmail.com

Date signed: 10/31/26

# EXHIBIT A

October 21, 2026 FOIA Request

City of Carmi - Lashly & Baer Attorney Packet

*The following two pages reproduce the Gmail printout without alteration.*

Gmail

Rector Hailey Printing <rhprint57@gmail.com>

# Illinois FOIA Request — September 15 Lashly & Baer Council Packet, Attorney Introductions, and Pre-Vote Communications

1 message

**Rector/Hailey Printing LLC** <rhprint57@gmail.com> Wed, Oct 21, 2026 at 7:28 AM
To: foia@cityofcarmi.com

Dear Ms. Attebury:

Pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq., I request electronic copies of existing public records concerning the materials provided to Carmi City Council members before their September 15, 2026, consideration and ratification of the August 31, 2026, Agreement for Special Counsel Legal Services with Lashly & Baer, P.C.

This request specifically concerns what the aldermen were given, what they were told about the attorneys, who supplied that information, and when those communications occurred.

The requested period is August 18, 2026, through the beginning of the September 15, 2026, City Council meeting, except where an earlier record was subsequently included in or transmitted with the requested materials.

1. COMPLETE ATTORNEY PACKET PROVIDED TO ALDERMEN

Please provide the complete packet, including every document and attachment prepared for, distributed to, or made available to any alderman concerning Lashly & Baer or the proposed attorney agreement.

This includes:

- The original packet exactly as distributed to council members.
- The August 31, 2026, attorney agreement and all accompanying documents.
- The firm's proposed or approved hourly-rate and pricing schedules.
- Any cover letters, explanations, recommendations, memoranda, attorney biographies, firm profiles, office-location information, or introductory materials.
- Any proposed resolution, amendment, modification, or document concerning the one-year limitation subsequently adopted by the council.
- Any drafts or materially different versions of these materials.

If different aldermen received different versions, please provide each version.

1. WHO PREPARED AND DISTRIBUTED THE PACKET

Please provide existing records identifying:

- Who assembled, prepared, reviewed, or approved the packet.
- Who directed that it be distributed.
- Which aldermen received it.
- The dates, times, and methods of distribution.
- Emails, electronic transmissions, cover messages, delivery records, or acknowledgments documenting its distribution.

1. HOW THE ATTORNEYS WERE INTRODUCED TO THE COUNCIL

Please provide all existing nonexempt communications, presentations, notes, memoranda, and other records documenting how Lashly & Baer was identified or described to council members before the September 15 vote.

Specifically, I request records reflecting:

- What council members were told about the firm's background, qualifications, office locations, and existing municipal representation.
- Whether the firm was described as being from St. Louis, Belleville, Edwardsville, or another location.
- Who supplied those descriptions or introductory information.

- Whether council members were informed who originally recommended or referred the firm to Mayor William Stendeback or other City officials.
- Any existing records of questions raised by aldermen concerning the firm's selection, origin, representation, proposed duties, or compensation, and any responses provided.

This request includes written records documenting verbal briefings or discussions where such records exist.

1. COMMUNICATIONS BEFORE THE SEPTEMBER 15 VOTE

Please provide existing nonexempt emails, text messages, correspondence, memoranda, meeting notes, and electronic communications between or involving City officials, aldermen, City Attorney Gregory Stewart, and Lashly & Baer representatives concerning:

- Preparing or distributing the attorney packet.
- Explaining the firm's selection or recommendation to council members.
- The proposed ratification of the attorney agreement.
- Changes to the agreement, including its duration and compensation.
- Questions or concerns expressed by individual aldermen before the vote.
- Instructions or recommendations concerning the council's anticipated action.

Please include responsive public-business communications maintained on personal devices or accounts where applicable.

1. RECORD CUSTODIANS

Please search records reasonably likely to be maintained by:

- Cynthia Attebury, City Clerk.
- Holly Healy, City Administrator/Economic Development.
- Former Mayor William B. Stendeback.
- Gregory K. Stewart, City Attorney.
- Members of the Carmi City Council.
- Other City personnel involved in preparing, approving, or distributing these materials.

Please also include responsive public records held by outside counsel in connection with governmental functions performed for the City, to the extent applicable under 5 ILCS 140/7(2).

1. PRODUCTION AND EXEMPTIONS

I request existing records only. I am not asking the City to create documents, answer interrogatories, or reconstruct undocumented conversations.

I recognize that genuinely privileged legal advice may qualify for exemption under 5 ILCS 140/7(1)(m). However, please produce all reasonably segregable nonexempt material, including factual records of document distribution, communications, participants, dates, attachments, and descriptions of the firm's identity and qualifications.

If records are withheld or redacted, please identify the applicable statutory exemption and provide the explanation required by 5 ILCS 140/9.

If