Exhibit 2

DRAFT COMPLANT

UNITED STATES DISTRICT COURT
For the Northern District of Illinois –
Eastern Division

JACQUELINE STEVENS
Plaintiff, *pro se*

v.

CHIEF JUSTICE MARY JANE THEIS, ILLINOIS SUPREME COURT,
Defendant

and

MARCIA MEIS, DIRECTOR, ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS,
Defendant

and

THOMAS PALELLA, COURT CLERK, DISTRICT 1
Defendant

and
IRIS MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY
Defendant

COMPLAINT SEEKING PRELIMINARY INJUNCTIVE RELIEF, PERMANENT INJUNCTIVE RELIEF, AND DECLARATORY RELIEF

NATURE OF THE CONTROVERSY

1. This Complaint is brought under 42 U.S.C. § 1983. Plaintiff brings this Complaint for adjudication of her right to access Illinois appellate court files. Protocols of the Illinois Supreme Court implemented in 2017 and enacted by the state legislature into law effective January 1, 2024 and now enforced by Defendant Marcia Meis ("Meis"), Director of the Illinois Administrative Office of the Courts ("AOIC") and Defendant

Thomas Palella ("Palella"), First Division, District 1 Illinois Appellate Court deny the public's access to state court filings, including judicial orders. The protocols are unlawful and unconstitutional on their face. The protocols impermissibly burden Plaintiff's rights and interests, in violation of the First, Fifth, and Ninth amendments of the United States constitution.[1] The protocols also violate 705 ILCS 105/16 as incorporated into the Illinois Supreme Court Remote Access Policy (2022).

2. In addition, protocols that provide free, remote access to circuit court records to attorneys and not other Illinois citizens violate the Fourteenth Amendment's Equal Protection and Due Process clauses.[2]

3. Plaintiff respectfully requests the court issue a preliminary order enjoining Defendants from enforcing an unlawful set of protocols now prohibiting public access to appellate court filings.

4. Plaintiff further seeks an order permanently enjoining Defendants from deviating in the future from the obligations of court clerks enumerated in 705 ILCS 105/16, and that Defendants implement new protocols operationalizing the public's access to appellate court filings, per 705 ILCS 105/16 and the First Amendment, including requiring all court filings maintained in all Illinois court offices are immediately available on request, save those ordered sealed or otherwise restricted based on judicial findings ordered for a specific case or records.

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1 See 705 ILCS 105/16. Records kept by the clerks of the circuit courts are subject to the provisions of "The Local Records Act," approved August 18, 1961, as amended. https://www.ilga.gov/legislation/ilcs/documents/070501050K16.htm. Sec. 6 states: "All records, dockets[,] and books required by law to be kept by such clerks shall be deemed public records, and shall at all times be open to inspection without fee or reward, and all persons shall have free access for inspection and examination to such records, docket[,] and books, and also to all papers on file in the different clerks' offices and shall have the right to take memoranda and abstracts thereto."

2 "...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." 14th Amendment, Sec. 1.

5. Plaintiff also respectfully requests reimbursement for court and legal fees associated with filing and litigating this Complaint, including non-attorney fees required for *pro se* litigation if necessary.

6. On July 9, 2024, a Committee of the Illinois State Supreme Court rejected Plaintiff's petition for a rule change. Plaintiff thus has exhausted her adminstr

PARTIES

7. The Illinois Supreme Court is a judicial body established by the Illinois Constitution. Illinois Constitution, Art. VI.[3] "General administrative and supervisory authority over all courts is vested in the Supreme Court and shall be exercised by the Chief Justice in accordance with its rules." Illinois Constitution, Article VI, Sec. 16.

8. The Illinois Administrative Office of the Courts was created pursuant to "Article VI, Section 16 of the Illinois Constitution to assist the Supreme Court with its general administrative and supervisory authority over all Illinois courts."[4]

9. Division 1 is one of six Illinois appellate divisions. The First District Appellate Court is "located in Chicago and hears cases appealed from trial courts in Cook County."[5]

10. The Cook County Circuit Court is a circuit court as designated by the Illinois Constitution, Art. VI, Sec. 6 (b). Iris Martinez is the Cook County Circuit Court Clerk.[6]

11. Plaintiff is a citizen of Cook County, Illinois and a professor at Northwestern University who publishes in scholarly and public venues. She is presently a *pro se* Intervenor with an appeal of a circuit court order now being adjudicated by the First District Appellate Court in in Division 1.

JURISDICTION AND VENUE

3 Constitution of the State of Illinois (1970), https://www.ilga.gov/commission/lrb/con6.htm.
4 "Administrative Offices of the Illinois Courts," https://www.illinoiscourts.gov/aoic/. See Art. VI, Sec. 16.
5 "Appellate Court First District," https://www.illinoiscourts.gov/courts/appellate-court/districts-first-district/.
6 "Cook County Circuit Court," https://www.cookcountyclerkofcourt.org/

12. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 1983 . This Court has further jurisdiction to grant declaratory relief pursuant to 28 U.S.C. § 2201-2202.

13. Venue is proper under 42 U.S.C. § 1983 because Plaintiff Stevens resides within this district and the Illinois Supreme Court, AOIC, and First District Appellate Court also are all located in Cook County, Illinois and all relevant acts and omissions alleged occurred in Cook County.

FACTS IN SUPPORT OF A PRELIMINARY INJUNCTIVE ORDER AND DECLARATORY JUDGMENT AND ORDER

14. On or about October 20, 2023, Plaintiff entered the appellate court office at 160 North LaSalle St. in Chicago and asked how she could access Illinois appellate court records. Stevens stated she was interested in viewing the records publicly available for case 1-23-0803. The clerk asked if she were an attorney. Stevens explained she was a member of the public, and was seeking access to a terminal similar to those available in the nearby Richard Daley Center, where she and other members of the public can access Cook County circuit court records.[7]

15. The clerk informed Stevens that the public was not allowed to view any appellate court filings.

16. Stevens expressed surprise. She asked if the clerk was aware of an Illinois statute that said the public had a right to access court records.

17. The clerk stated she had never heard of such a law and consulted another clerk. The second clerk also had no familiarity with this law. Plaintiff invited them to look up the

7 The status of the records in the controversy involving NextLevel hung on which records were and were not legally sealed. Stevens was investigating which appellate records were publicly available, including the records the dissolved NextLevel continued to argue should be kept sealed. (Due to filing errors by DLA Piper, Stevens has the records; they reveal NextLevel officials' deceit in blaming COVID for the firm's demise. Intervenor is seeeking an order declaring

law on their internet search engine. “Maybe Google it,” Stevens suggested.

18. A few minutes later a third official appeared. She told Stevens she was aware of a law stating the public had a right to access Illinois court records. She stated that when the appellate court relied on paper records, the folders were publicly available. She stated that since the court transitioned in 2017 to digital filings, only attorneys had access. She confirmed that there was no public terminal for digital access as there is for Cook County circuit court cases in the Daley Center. She told Stevens that the policy on the restricted access was available on the appellate court page, as was information on how to write to appellate court clerk and request permission to review a specific case file. She stated it would take about a week for the clerk to decide on whether a request for access to a file would be granted.

19. Stevens was unable to find the information referenced by the clerk. On November 16, 2023, her assistant called the appellate court. A person who identified herself as Tina Schillaci (“Schillaci”) reiterated the protocol that prohibited the public, attorneys, and pro se parties from accessing appellate court records via re:SearchIL.[8] On speaker phone, when asked for a reference to the Supreme Court rule or legal statement of this policy, Schillaci replied, “I know the policy. I don’t know if I can give it out to the public.”

20. Schillaci gave Stevens a phone number for someone in the communications office and instructed her to call for information on the appellate court policy on releasing court records. This individual found the question and referral befuddling and provided a number for the Administrative Office of the Illinois Courts (“AOIC”) in Springfield.

8 RE:searchIL. https://research.illinoiscourts.gov.

21. An AOIC official identified as "Jacque Hayes-Huddleston" ("Huddleston")[9] stated that that if the public wanted a copy of court records, she believed people could write to an appellate court clerk and request specific cases by mail and for a fee.

22. Stevens eventually located a document called "Illinois Supreme Court Remote Access Policy" ("RAP") through an online search that elicited a link to a pdf that is not available on the AOIC page providing information to the public.[10] RAP, "Ex. 1." The policy has no author and does not cite to any specific statute or Supreme Court order, including 705 ILCS 105/16. It states that it is "Effective January 1, 2020" and "Revised Effective June 1, 2022," but the text contains no portions identified as original or revised. The policy states that it "applies only to Remote Access to court documents through re:SearchIL or a local court." Ex. 1, p. 2

23. The RAP references the "Supreme Court's General Administrative Order for Record-keeping in the Circuit Courts" as its authority for establishing different user groups. Ex. 1, p. 6. No source or date is indicated.

24. Plaintiff was unable to locate any document with this title. She did locate two separate documents that appears to use language of the RAP. One is the Manual On Recordkeeping, with authorship attributed to "Cook County Circuit Courts."[11] A second is the Manual On Recordkeeping for the Ill. Sup. Ct. (Ex. 2,"Recordkeeping Manual"), with authorship attributed to the AOIC.[12]

25. The AOIC Recordkeeping Manual refers for its rules on access to the RAP:

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9 Nate Jensen, AOIC Assistant Director of Court Services, referred to Huddleston as the AOIC "guru." https://www.illinoiscourts.gov/aoic/court-services-division/

10 AOIC, "Helpful Resources for the Public," https://www.illinoiscourts.gov/public.

11 "Manual on Recordkeeping," Fourth Edition, Version 4.4, Effective January 1, 2022. Update effective March 15, 20222032921bc80a/Manual%20on%20Recordkeeping.pdf. https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/89f29131-2311-4aa8-aa7f-

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"Access to court records and documents remotely over the Internet shall be as authorized by the Illinois Supreme Court Remote Access Policy." Ex. 2, p. 61.

26. The RAP states: "This Policy establishes an initial step toward Remote Access to court records, taking into account public policy interests not compatible with unrestricted access. The intention is to balance competing interests with recognition that unrestricted access to certain court records could result in unwarranted invasion of personal privacy and unduly increase the risk of irrevocable harm." *Id*.

27. The RAP provides no specific examples of harms from the release of appellate court records in particular, articulates no standard for its assessment, and provides no plausible rationale for a policy restricting access to appellate court records when the same allegedly harmful information is available via circuit court public records, in compliance with Illinois law and the First Amendment.

28. The RAP states, "Access policies should be clear and applicable to all levels of courts statewide." Ex. 1, p. 3. According to its own protocol, the appellate court access policy should be consistent with the policy of the circuit courts, as mandated by statute.

29. On their face and in practice, Illinois court record access policies are not clear and not applicable to all levels of courts statewide (¶¶14-28). In particular, the access policies for circuit court filings are consistent with 705 ILCS 105/16, while the appellate court policies do not obligate public access to court records, digital or otherwise, on request.

30. Moreover, the appellate courts withhold from the public and attorneys case indices searchable by party name, even though this is required by the Recordkeeping Manual: "The procedure for using an index will vary depending upon the type of automated

case management system used but the index must be made available for public use free of charge; the clerk must provide assistance to those who are unable to use a computer terminal." Ex. 2, p. 21.

31. The Recordkeeping Manual includes extensive sections instructing court clerks on how to withhold court records from the public. At no point does the Recording Manual indicate court clerks have an affirmative obligation to make public court records available to to the public on request at no cost.

32. The Recordkeeping Manual does reference 705 ILCS 105/16, but only for the purpose of brief definitions of the "general docket." Ex. 2, 54, 55 (Table).

33. The RAP establishes distinct "User Groups" for remote access to court records based on professional accreditation and judicial employment. "Non-public documents" are defined as "Documents accessible at the courthouse, but excluded from Remote Access to User Groups 3 and 5 pursuant to this Policy." Ex. 1, 4. The policy states the Attorney General may be granted remote access by the AOIC at no cost, whereas the public and other litigants are categorically excluded from remote access to public records. Ex. 1, 12.

34. Effective January 1, 2024, an Illinois statute enacted the RAP protocols of the Ill. Sup. Ct. Rule 8.[13] 705 ILCS 85/5 Record and Document Accessibility restates the contradictions of the remote and other public access policies. It states "Access to court records and documents remotely over the Internet shall be as authorized by the Illinois Supreme Court Remote Access Policy." 705 ILCS 85/5 also states: "(b) Unless otherwise specified by rule, statute, or order, access to case information and documents maintained by the clerk of the court is defined as follows: (1) "Public" means a document or case that is

13 Rule 8. Adopted September 29, 2021, enacted January 1, 2022. https://www.illinoiscourts.gov/resources/d7c75bd9-4e65-457d-9e86-60e5973981b0/file

accessible by any person upon request.[14] In practice, the provision effectively means that records public by statute and the Constitution are herein declared not public, insofar as no appellate court documents are available to any person on request.

35. The Cook County Circuit Court Portal states that it allows attorneys and "justice partners" remote access to all Cook County court filings at no cost. Non-attorneys are excluded from access[15] and are charged 25 cents/page for paper copies and 10 cents/page for digital copies of public court records at court locations.[16]

36. On information and belief, the marginal additional cost of the public downloading directly from the online server public court records is *de minimus*.

37. A practicing appellate attorney informed Stevens that even attorneys are allowed access only to filings for their own cases. He stated that to obtain filings from other cases, attorneys typically reach out to the attorneys of record for the case court records.

38. The attorney indicated that he and other attorneys felt the policy burdensome and unlawful; he stated that the transaction costs of suing on the part of any individual lawyer were higher than reaching out to other attorneys for the desired records.

39. The federal courts through PACER ("Public Access to allow public access to Court Electronic Records") makes publicly available remote, digital access to court briefs, exhibits, and orders for cases involving sensitive and otherwise private information across the country, including that of Illinois residents. The PACER web page states: "The Public

14 Section 705 ILCS 86/5 - Record and document accessibility. https://www.ilga.gov/legislation/ilcs/documents/070500860K5.htm

15 "Please note that the registration system on the portal is for justice partner and Illinois-licensed attorneys use only. Justice partners include, but are not limited to, the State Attorney's Office, Public Defender, Law Enforcement, Department of Social Services, and other authorized agencies ... Attorneys must have an active license to practice in the State of Illinois. If you are not one of these authorized entities, PLEASE DO NOT REGISTER -- registration from unauthorized sources will be promptly denied." https://cccportal.cookcountyclerkofcourt.org/CCCPortal

16 Ill. Sup. Ct. Rule 313.

Access to Court Electronic Records (PACER) service provides electronic public access to federal court records. PACER provides the public with instantaneous access to more than 1 billion documents filed at all federal courts."[17]

40. PACER does not assess fees based on whether one is an attorney.[18]

41. Litigation for *In the Matter of the Conservation of NextLevel Health Partners, Inc.* Il. App. Ct., First District, No. 1-23-0803 (2023), in which Stevens is a *pro se* Intervenor, has produced extensive motions practice, including but not limited to motions and orders on extensions, party standing, supplements to the records, and amendments to the appeal. Appellate court orders that are not final orders on the merits of the appeal are not publicly available through the Illinois Appellate courts or third party databases such as Westlaw.

42. Enforcement of the RAP protocols prevents Plaintiff from accessing motions and orders related to her pending controversy, including but not limited to the repeated extensions sought and granted to Attorney General, the appellate court's failure to rule on motions submitted by Plaintiff, and the appellate judge's failure to state case law or analysis to support his orders. Specific legal questions relevant to the litigation include but are not limited to: is the Assistant Attorney General filing requests for extensions in other cases under appellate review? How many extensions do other courts grant the Assistant Attorney General? Has the Illinois Appellate Court in other proceedings granted motions to remove

17 "FAQ. What is PACER?" https://pacer.uscourts.gov.

18 "FAQ. How much does it cost to access documents using PACER? - Access to case information costs $0.10 per page .... The cost to access a single document is capped at $3.00, the equivalent of 30 pages for documents and case-specific reports like docket report, creditor listing, and claims register. The cap does not apply to name search results, reports that are not case-specific, and transcripts of federal court proceedings. NOTE: If you accrue $30 or less of charges in a quarter, fees are waived for that period. 75 percent of PACER users do not pay a fee in a given quarter." https://pacer.uscourts.gov/.

from litigation parties that are dissolved?[19] How do parties in related cases explicate and cite relevant case law in their motions? (This last point is especially vital to Plaintiff, who is pro se.)

43. Indices with party and attorney names are public court records, as designated by 705 ILCS 105/16 and the Recordkeeping Manual, Ex. 2 at 21.

44. Enforcement of the RAP prevents Plaintiff from conducting research of appellate court records relevant to the law review article on the statute obligating secret conservation proceedings for insurance firms she is co-authoring. Are the orders from Justice Raymond Mitchell granting the extensions consistent with his orders responding to requests for extensions in other cases?

45. Enforcement of the RAP prevents Plaintiff from educating herself and others on corporate and political controversies as filed in the Illinois appellate courts. The challenges indicated in ¶¶ 36-38 are also challenges to disseminating information about how Illinoiscourts function to the scholarly community and Illinoisans more generally.

46. On May 8, 2024 Plaintiff submitted to the Illinois Supreme Court a petition for rule change. The petition includes strike-throughs eliminating unconstitutional restrictions on access to court records and affirming the language in the Illinois "Clerks of Courts Act" (705 ILCS 105/16, para. 6) obligating courts to make its records available to the public at all times. Petition for Rule Change, filed May 8, 2024, "Ex. 3."

47. The Petition states in part for the "Rationale":

"1. Access to public court records is protected by the First Amendment.

19 NextLevel Health Partners, Inc.. dissolved on April 24, 2023. In a motion, Plaintiff discussed a statute and case law indicating NextLevel lacked standing to continue as a party in a proceeding in which Stevens as Intervenor is seeking declaratory relief in the form of a court order finding the statute ordering 215 ILCS 188.1 (4,5) unconstitutional. Since NextLevel no longer exists, there is no apparent legal basis for the corporation remaining a party to this litigation. Any appellate court orders on similar litigation are not final orders on an appellate case and are not released to third party databases such as Lexis or Westlaw.

2. The current RAP establishing different levels of access on its face and in practice denies the public access to court records on request. It also imposes fees that discriminate based on profession, thus impairing the rights of pro se litigants and citizens and journalists.
3. Rule 8 and other portions of Supreme Court rules and Manuals are tautological – a public record is a record "accessible to the public on request" (?!) – and contradictory. For instance, appellate court records that are not impounded, sealed, or expunged are *de jure* public records. But they are demonstrably not available on request, as I learned in November, 2023 when told this by various staff and officials of the Illinois Appellate Court, First Division, District 1 and staff of the Administrative Office of the Illinois Courts." Ex. 3, 2.

48. On July 9, 2024, the Illinois Supreme Court Rules Committee reported to me that my petition for a rule change had been denied: "The Chair of the Board, Hon. Eugene Doherty ("Hon. Doherty"), informed the Rules Committee today via email that the Board has recommended Proposal 24-08 not be adopted." Letter to Proponent, July 9, 2024, "Ex. 4," 1.

49. The Hon. Doherty's justification for the denial did not dispute any of the facts, case law, or legal analysis referenced in Plaintiff's petition, but provided ad hoc rationales disregarding not only case law, but the *appellate court's denial of access to third parties of any court records, even in the court house*.

50. The Letter to Proponent states in part, "The next level of consideration is whether electronic access records to the clerk's records must also be provided as a matter of right in precisely the same way in which those records could be accessed in person. It is at this point that the proposal begins to depart from policy choices which the Supreme Court has already made. Risks such as identity theft present themselves when remote access to records is unconstrained." Ex. 4, 2.

51. Leaving aside the fact that Illinois state residents already have published through PACER information similar to that Plaintiff seeks to have available for Illinois court records, Illinois court rules require parties redact from their filings exactly the

personally identifying information Hon. Doherty references as the basis for denying Plaintiff's petition.

52. Further, the public has access to Illinois circuit court records via the public terminals in the Daley Center. The Hon. Doherty does not explain why this information would be less damaging to the equities he claims to be protecting than the public accessing filings with the Illinois appeals courts.

Legal Argument

The following assumes all facts and authorities as stated at ¶¶1-52.

53. As a matter of black letter law, Illinois circuit court records are to be "at all times open to inspection without fee or reward." 705 ILCS 105/16. The statute states:

> 6. All records, dockets[,] and books required by law to be kept by such clerks shall be deemed public records, and shall at all times be open to inspection without fee or reward, and all persons shall have free access for inspection and examination to such records, docket[,] and books, and also to all papers on file in the different clerks' offices and shall have the right to take memoranda and abstracts thereto.[20]

The Illinois state statute mandates that courts make available to Plaintiff "all records, dockets and books at all times" and "without fee or reward."

54. As documented herein, the mandate of public access to court records in 705 ILCS 105/16, Sec. 6 ("Public Records") is extended to all Illinois state courts through long-established case law of the U.S. Supreme Court, the Seventh Circuit, the Illinois Supreme Court, and expressly in the RAP. Ex. 2, 3.

55. The extension of the Public Records requirements to all Illinois courts is reflected in Illinois Supreme Court orders grounded in the federal constitution: "Although the presumptions under common law and state statutory law have different sources, our

20 "Sec. 16. Records kept by the clerks of the circuit courts are subject to the provisions of 'The Local Records Act', approved August 18, 1961, as amended." https://www.ilga.gov/legislation/ilcs/documents/070501050K16.htm

supreme court has held they are ‘parallel’ to the first-amendment presumption and has analyzed the three presumptions together. See *Skolnick* [*v. Altheimer Gray*] 191 Ill. 2d at 231-33, 730 N.E.2d at 16-17.” *In Re Gee* 956 N.E.2d 460, 464 (2010). These findings appear in numerous other holdings, such as *In re Marriage of Johnson*, 232 Ill.App. 3d 1068, 1074 (1992). *("*The file of a court case is a public record to which the people and the press have a right of access.*")* And, *People v. Zimmerman,* 79 N.E.3d 209, 212 (Ill. App. Ct. 2017) (“[E]mbedded in the first amendment to the United States Constitution (U.S. Const. amend. I) is a right of access to court records.*).*” The Ill. Sup. Ct., which has authority over the AOIC, the RAP (Ex. 1), and the Recordkeeping Manual (Ex. 2), has not ruled that 705 ILCS 105/16 or its applicability to all Illinois courts (Ex. 1, p. 3) is unconstitutional, but by bureaucratic edict unlawfully abrogated the Public Record’s obligations.

56. Petitioner’s rights to court records under the first, fifth, ninth, and fourteenth amendments are all “fundamental rights.” Government practices infringing on fundamental rights are subject to strict scrutiny. “[I]n cases where the right infringed upon is among those considered a ‘fundamental’ constitutional right, courts subject the statute to "strict" scrutiny. To survive strict scrutiny the means employed by the legislature must be ‘necessary’ to a ‘compelling’ state interest, and the statute must be narrowly tailored thereto, *i.e.*, the legislature must use the least restrictive means consistent with the attainment of its goal.” *In re RC*, 745 NE 2d 1233, 1241 (2001).

57. If the RAP provisions challenged herein were specified in 705 ILCS 86/1 (“Court Record and Document Accessibility Act”), they would not survive strict scrutiny. As an ad hoc office memorandum whose only legal authority is the seal of the Ill. State

Sup. Ct. affixed to its cover and, following Plaintiff inquiries, 705 ILCS 86/1 (effective Jan. 1, 2024), a statute that defers to Illinois Supreme Court Rule 8, the RAP's abrogation of fundamental rights deserve no judicial deference at all.[21]

58. The refusal to release to Plaintiff or any member of the public court records on request during working hours at the court's public counter meets neither the "logic" or "experience" prongs for exceptions to Plaintiff's right to access public court records. E.g., *People v. Zimmerman* at 212 ("[T]he first amendment right of access does not attach unless it passes the tests of experience and logic.") The clerks' statements recognize that the appellate court's long-standing "experience" was to provide access to the records Plaintiff requested. ¶18.

59. Further, it is illogical for a court to prevent the public much less litigants from access to all public court filings at all times, for reasons of the First, Fifth, and Fourteenth Amendment's due process protections, as affirmed by courts across the country, including the Supreme Court and Illinois courts. See *Nixon v. Warner Communications, Inc*. 435 U.S. 589, 597 (1978), citing at note 7 provisions of the same 1961 Illinois statute the AOIC now refuses to execute as evidence of a "presumption - however gauged - in favor of public access to judicial records." See also *Press-Enterprise II*, 478 U.S. at 9, 106 (quoting *Press-Enterprise Co. v. Superior Ct. of Calif., Riverside City*., 464 U.S. 501, 510 1(1984), *Standard Fin. Mgmt. Corp*., 830 F.2d at 409 ("[R]elevant documents which are submitted to, and accepted by, a court of competent jurisdiction in the course of adjudicatory proceedings, become documents to which the presumption of public access applies[.]"). And see *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606-607 (1982). ("Where .

21 705 ILCS 86/1, sec. e. ("(e) Notwithstanding any other provision of law, if any law or statute of this State conflicts with Supreme Court Rule 8, then Supreme Court Rule 8 governs.

. . the State attempts to deny the right of access in order to inhibit the disclosure of sensitive information, it must be shown that the denial is necessitated by a compelling government interest, and is narrowly tailored to serve that interest.") See also *Stone v. University of Md. Medical System Corp*., 855 F. 2d 178, 182 (1988) (remanding to district court to unseal records sealed in chambers). ("The breadth of that order is particularly troubling, because it would be an unusual case in which alternatives could not be used to preserve public access to at least a portion of the record...The public's right of access to judicial records and documents may be abrogated only in unusual circumstances...").

60. The breadth of the appellate court staff denying the public access to appellate court records and the banality of the circumstances – the shift to digital records is hardly an "unusual circumstance" — and certainly is not a "compelling government interest" with the means "narrowly tailored to serve that interest" *Globe Newspaper Co.,* Id. The prohibition also lacks grounding in history or logic and is over broad.*University of Md. Medical System Corp,* Id.

61. On their face, statements across several days and months from a range of staff at the Illinois Appellate Court and the AOIC to withhold from the public all appellate court records (¶¶1-17) violates 705 ILCS 105/16 and copious case law (see ¶¶18- 20).

62. The obligation to have to pay per page to inspect a record with no option to view without a fee violates Stevens's and the public's statutory, common law, and first amendment right to inspect court records on request at any time at no cost. ¶18.

63. The RAP's discrimination against non-attorneys on its face clearly violates the Fifth Amendment Due Process Clause as well as the Fourteenth Amendment's Equal Protection Clause.[22] *Boddie v. Connecticut*, 401 U.S. 371, 374 (1971) ("[D]ue process does

22 "...nor shall any State...deny to any person within its jurisdiction the equal protection of the laws." U.S.

prohibit a State from denying, solely because of inability to pay, access to its courts to individuals who seek judicial dissolution of their marriages.") The right to access judicial records for the purpose of checking the power of a state government to pay out $1.2 billion in taxpayer funds to politically well-connected officials of a firm that the state allows to secretly dissolve after it fails to pay hospitals and health providers is no less protected by the Fifth Amendment than the right to dissolve a marriage.

64. Unlike PACER, which charges attorneys the same rate as non-attorneys (¶17), the Cook County Court Portal allows attorneys only access to court records without charge, while denying similar access to non-attorneys. The State of Illinois has no authority to convey special privileges to attorneys denied non-professionals, either by office edict or by statute. *See Skinner v. Anderson*, 38 Ill.2d 455, 459 (1967), finding a statute limiting complaints for damages against architects violates art. IV, sec. 22 [1870]. ("'The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for — * * * Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever.'") The granting to licensed attorneys and state agencies access to a database with court records the legislature has declared public, and the denial of access to other Illinois residents, taxpayers, and litigants, including Plaintiff, is a clear violation of the Illinois State Constitution of 1970, art. IV, sec. 13. *See Best v. Taylor Mach. Works*, 689 NE 2d 1057, 1070 (1997), ("The special legislation clause expressly prohibits the General Assembly from conferring a special benefit or exclusive privilege on a person or a group of persons to the exclusion of others similarly situated."). *Pro se* litigants are similarly situated to attorneys, as far as the need to access court records to pursue their litigation.

CONST. amend. XIV, § 1.

65. On March 20, 2024, the federal district court of the District of Columbia approved a settlement of class action litigation brought in 2016 by PACER users against the United States of America for "violating the E-Government Act by charging excessive PACER fees." *National Veterans Legal Services Program, et al. v. USA*, 1:16-cv-00745-PLF, ECF 169, pp. 6-7. The outcome included creation of "a common fund of $125 million and provides for the distribution of at least 80% of that fund to the hundreds of thousands of persons or entities who paid PACER fees between April 21, 2010 and May 31, 2018." *Id.* at 12. The settlement also includes "$23,863,345.02 in attorney's fees, $1,106,654.98 in costs, and $30,000 in service awards." *Id.* at 2.

66. Illinois circuit court record fees for the public also are "excessive" and in violation of the Fourteenth Amendment's equal protection clause (for being charged only to the public and not attorneys), unlike PACER fees. Non-litigant Illinois citizens researching court proceedings for purposes of informing policy preferences and government oversight, as well as petitioning the government, also are similarly situated to attorneys, paid or otherwise. Allowing only attorneys to free remote access to circuit court records clearly discriminates against non-attorney citizens who seek to petition the government for policy changes responsive to information produced in court proceedings, in violation of the First Amendment. "'By separately preserving this right, the Petition Clause helps to give persons a sense of participation in their government, to better inform the government, and to provide the opportunity for a peaceful settlement of disputes, advancement of the law, and correction of social problems." C. Andrews, *Motive Restrictions on Court Access: A First Amendment Challenge*, 61 Ohio St. L.J. 665, 674 (2000).'" *Hytel Group, Inc.* v. *Butler*, 938 N.E.2d 542, 551 (2010) (affirming right to petition, for public or private interest). The policy

discriminating against Plaintiff's access to court records as a litigant and citizen thus infringes on a fundamental right by imposing fees or making distinctions without specific findings of a compelling governmental interest.

67. The policy also violate the Fourteenth Amendment's Equal Protection Clause. *Griffin v. Illinois*, 351 U.S. 12, 18 (1956) (overturning Illinois judicial rule requiring transcripts for appeal of criminal convictions). ("It is true that a State is not required by the Federal Constitution to provide appellate courts or a right to appellate review at all. [cit. omit.]. But that is not to say that a State that does grant appellate review can do so in a way that discriminates against some convicted defendants on account of their poverty.") See also *Police Dep't of Chi. v. Mosley*, 408 U.S. 92, 100-101 (1972). ("[W]e reject the city's argument that, although it permits peaceful labor picketing, it may prohibit all nonlabor picketing because, as a class, nonlabor picketing is more prone to produce violence than labor picketing. Predictions about imminent disruption from picketing involve judgments appropriately made on an individualized basis, not by means of broad classifications ...") Similar to the judicial rule, the RAP discriminates against anyone who is not wealthy and cannot afford attorneys or take time from work to travel long distances to courts.

68. The RAP's and circuit court's discrimination against non-government attorneys relies on a broad classification absent any specific statement of a compelling governmental interest. The RAP thus violates the EPC on its face, and disadvantages pro se litigants and citizens to attorneys accessing remote CCCP records and government attorneys accessing appellate court records similar to if some riders in the Tour de France could use electric bicycles while others were forced to pedal.

69. The U.S. Constitution, statutes, and case law have long held that U.S. citizens

must tolerate the risk of harm from some loss of privacy through the public nature of court proceedings as a small and necessary price to pay for the transparency necessary for the rule of law. *Matter of Continental Ill. Sec. Litigation*, 732 F.2d 1302, 1308-9 (7th Cir. 1984) ("[W]e agree with the Sixth Circuit that the policy reasons for granting public access to criminal proceedings apply to civil cases as well. See *Brown Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1179 (6th Cir. 1983). See also *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580, 100 S.Ct. 2814, 2829, 65 L.Ed.2d 973 (1982) (opinion of Burger, C.J.); id. at 596, 100 S.Ct. at 2838 (opinion of Brennan, J.); id. at 599, 100 S.Ct. at 2839 (opinion of Stewart, J.). These policies relate to the public's right to monitor the functioning of our courts, thereby insuring quality, honesty and respect for our legal system. [Cit. omit.]" The AOIC's denial of equal access to court records violates a fundamental right, obstructs access to justice, corrodes faith in Illinois courts, and impairs democracy. *Matter of Continental Ill. Sec. Litigation*, 732 F.2d 1302, 1308 (7th Cir. 1984) ("The public's right of access to judicial records has been characterized as "fundamental to a democratic state[.]"" Cit. omit.)

70. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978). ("It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.")[23] *Warner* cites copious case law:

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23 The Court defers to the judiciary's hesitance to cite the Ninth Amendment here, though, along with the Article III, the Court's analysis tracks its text: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The littany of references to English court practices preceding the American Revolution relates the practice of "the people"-s longstanding right to inspect court records and attend court proceedings to the Ninth Amendment's remedy of this right's enforcement, while the Court's prerogative to enforce this right is grounded in Article III, the very existence of a "judicial power" referencing an institution that obligates public access to its records of proceedings, absent individualized orders to the contrary. The U.S. case law here is copious. See just *Warner* ("The interest necessary to support the issuance of a writ compelling access has been found, for example, in the citizen's desire to keep a watchful eye on the workings of public agencies, see, *e.g., State ex rel. Colscott* v. *King*, 154 Ind. 621, 621-627, 57 N.E. 535, 536-538 (1900); *State ex rel. Ferry* v. *Williams*, 41 N.J.L. 332, 336-339 (1879), and in a newspaper publisher's intention to publish information concerning the operation of government, see, *e.g., State ex rel. Youmans* v. *Owens*, 28 Wis.2d 672, 677, 137 N.W.2d 470, 472 (1965), modified on other grounds, 28 Wis.2d 685a, 139 N.W.2d 241 (1966). But see *Burton* v. *Reynolds*, 110 Mich.

"See, *e.g., McCoy* v. *Providence Journal Co.*, 190 F.2d 760, 765-766 (CA1), cert. denied, 342 U.S. 894 (1951); *Fayette County* v. *Martin*, 279 Ky. 387, 395-396, 130 S.W.2d 838, 843 (1939); *Nowack* v. *Auditor General*, 243 Mich. 200, 203-205, 219 N.W. 749, 750 (1928); *In re Egan*, 205 N.Y. 147, 154-155, 98 N.E. 467, 469 (1912); *State ex rel. Nevada Title Guaranty Trust Co*. v. *Grimes*, 29 Nev. 50, 82-86, 84 P. 1061, 1072-1074 (1906); *Brewer* v. *Watson*, 71 Ala. 299, 303-306 (1882); *People ex rel. Gibson* v. *Peller*, 34 Ill. App.2d 372, 374-375, 181 N.E.2d 376, 378 (1962). *In many jurisdictions this right has been recognized or expanded by statute*. See, *e.g.*, Ill. Rev. Stat., ch. 116, § 43.7 (1975)." Emphasis added.

71. First Division District 1 Appellate Court Justice Raymond Mitchell denied Plaintiff's request for an order staying the appellate proceedings pending adjudication of her motion for declaratory relief to find the enforcement of the RAP unconstitutional.[24]

72. Plaintiff will renew her efforts to seek a stay in the appellate proceeding pending an order in this case. Plaintiff has gone to great lengths to obtain pro bono counsel for this and the underlying Intervenor litigation. Owing to the litigation complexity that burdens Plaintiff, as well as conflicts of interest with firms that handle insurance litigation, Plaintiff has been unsuccessful. Each and every attorney with whom she has consulted has affirmed the underlying validity of her legal concerns but has to date been unable to provide support.

COUNT I
REQUEST FOR PRELIMINARY INJUNCTIVE RELIEF

73. Plaintiff re-alleges ¶¶ 1-72, especially ¶¶ t. The facts and law cited strongly

354, 68 N.W. 217 (1896)."

24 Plaintiff, *pro se*, had filed a similar motion in the *NextLevel* proceeding without notice to Defendants. Plaintiff now corrects that error.

favor preliminary injunctive relief. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) ("A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. ") See also, *United Church v. Chicago*, 502 F.3d 616, 625 (7th Cir. 2007) (" In assessing whether a preliminary injunction is warranted, we must consider whether the party seeking the injunction has demonstrated that "1) it has a reasonable likelihood of success on the merits; 2) no adequate remedy at law exists; 3) it will suffer irreparable harm if it is denied; 4) the irreparable harm the party will suffer without injunctive relief is greater than the harm the opposing party will suffer if the preliminary injunction is granted; and 5) the preliminary injunction will not harm the public interest." cit. omit.)

74. Plaintiff is asking for no more than the court to immediately enjoin the AOIC from implementing unconstitutional protocols of the RAP and for the Ill. Sup. Ct. and the Ill. App. Cts and to adhere to the current plain text of 705 ILCS 105/16, Sec. 6. Plaintiff meets each requirement for preliminary injunctive relief.

1. Plaintiff has a Clear Right *and* Interest in Need of Protection

75. The court's immediate intervention is necessary to preserve Plaintiff's ability to: (a) challenge an unconstitutional state law by litigating in Illinois state court proceedings, as protected by the First Amendment's "right to petition the government for redress" and right to access court records; her Fifth and Fourteenth Amendment right to "not to be deprived of life, liberty, or property, without due process of law..."; and her Ninth Amendment common law general right to access court records.

76. Consistent with the Fifth and Ninth Amendments, the Illinois State Legislature passed 705 ILCS 105/16 to protect the rights of Illinois citizens to oversight of their courts, the controversies therein, and the orders and operations affecting and paid for by Illinois residents. See citations in ¶69-70. Defendants' refusal to enforce 705 ILCS 105/16 and its reliance on the RAP and unwritten protocols restricting access to public court records violates Plaintiff's rights as a citizen, a litigant, and a disseminator of public information.

77. Plaintiff has exhausted administrative remedies. ¶48

2. Enforcement of RAP Will Irreparably Harm Plaintiff

78. Pursuant to Ill. Sup. Ct. Rules, Plaintiff is under court-ordered deadlines to present legal briefs. Court orders reflect precedents brought to the courts' attention adversarial briefs, including arguments and points of authority. Denial of access to court records at this present time is irreparably impeding Plaintiff's ability to fight her case.

79. As someone whose primary responsibility is disseminating information through academic and popular venues, the burdens on Plaintiff's ability to acquire court records for litigation and release the underlying records of malfeasance she now possesses irreparably harms her as an academic and media professional.

3. No Adequate Remedy at Law

80. Plaintiff personally pointed out to the clerks and staff through her visits and subsequent phone inquiries the discrepancy between the RAP, circuit court protocols, and 705 ILCS 105/16 as well as her fundamental rights. Then Plaintiff filed a petition for a rule change. The petition was denied and the policies restricting public access to court records were not withdrawn.

81. Plaintiff also filed a brief requesting the appellate court justice overseeing the

NextLevel appeal to declare the RAP unconstitutional. Her motion was denied, as was her request for a stay pending appeal.[25]

4. Plaintiff is Likely to Succeed on the Merits

82. The RAP protocols prohibiting the public's access to appellate court records, including indices, clearly violates its own incorporation of 705 ILCS 105/16, as well as the state and federal constitutions protections of fundamental rights and prohibitions of special legislation and Plaintiff is likely to succeed on the merits. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

83. The Cook County circuit court's remote access policy and fee requirements violate the constitutions' protections of fundamental rights and prohibitions against discrimination. Id.

Harm to Plaintiff Substantially Outweighs Potential Harm to Defendants

84. One equity to be considered in a preliminary injunction is whether the harm to the plaintiff absent such relief is likely to outweigh the harm to the defendants if the relief is granted. *Clinton Landfill, Inc. v. Mahomet Valley Water Auth*., 406 111. App. 3d 374, 378 (4th Dist. 2010).

85. Far from harming Defendants, an order enjoining Defendants from enforcing the RAP promotes the proper performance of their statutory and constitutional duties and protects the public, while the denial of such relief demonstrably harms Plaintiff and the public. *Winter* at 20 op. cit.*; United Church* at 625, op cit.

COUNT II
COMPLAINT FOR PERMANENT INJUNCTIVE RELIEF

86. Based on the arguments and authorities cited above, Plaintiff seeks a

25 *In the Matter of Conservation of NextLevel Health Partners*, 1-23-0803, Appellate Court Order, November 29, 2023.

permanent order enjoining the Ill. Sup. Ct., the Ill. App. Ct., and the AOIC from reliance on the RAP. ¶¶1-85.

COUNT III
COMPLAINT FOR DECLARATORY JUDGMENT AND ORDER

87. Declaratory judgment is appropriate under the following circumstances: "(1) a plaintiff with a legal tangible interest; (2) a defendant having an opposing interest; and (3) an actual controversy between the parties concerning such interests." *Beahringer v. Page*, 789 NE 2d 1216, 1223 (2003). "To be "interested," one "must possess a personal claim, status, or right which is capable of being affected. [Citations.]" *In re CE,* 641 NE 2d 345, 349, cit. omitted. Plaintiff has legal tangible interest in access to court records for her litigation, publications, and interest in residence in a healthy state (¶¶11, 46-7, Ex. 3). Defendants have relied on an AOIC publication with the imprimatur of the Ill. Sup. Ct. to actively oppose her interests. ¶¶ 14-52.

88. The Supreme Court has held that declaratory relief may be granted absent injunctive relief and judgments relied on later for that end. *Powell v. McCormack*, 395 U.S. 486, 499 (1969) ("A court may grant declaratory relief even though it chooses not to issue an injunction or mandamus. See *United Public Workers* v. *Mitchell, supra,* at 93; cf. *United States* v. *California*, 332 U.S. 19, 25-26 (1947). A declaratory judgment can then be used as a predicate to further relief, including an injunction. ")

89. Declaratory relief is appropriate in response to prohibitions when the government to articulate with particularity the compelling interest required for government actions that burden fundamental rights. *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal,* 546 U.S. 418, 432-33 (2006) (" The fact that the Act itself contemplates that exempting certain people from its requirements would be "consistent with the public health

and safety" indicates that congressional findings with respect to Schedule I substances should not carry the determinative weight, for RFRA purposes, that the Government would ascribe to them. ”).[26]

90. The Ill. Sup. Ct. has urged a liberal construction of grounds for declaratory judgment. “This court has recognized that the "‘mere existence of a claim, assertion or challenge to plaintiff's legal interests, ... which cast[s] doubt, insecurity, and uncertainty upon plaintiff's rights or status, damages plaintiff's pecuniary or material interests and establishes a condition of justiciability.’" *Morr-Fitz, Inc. v. Blagojevich*, 901 NE 2d 373, 384. Cit. omitted (2008), (remanding to circuit court for review of first amendment claim administrative order had chilling effect on speech).

91. Access to court records throughout the Illinois system is ad hoc, unlawfully discriminatory against non-attorneys, and unlawfully discriminatory against Illinois citizens in controversies with the state.

CONCLUSION

92. For the foregoing reasons, Plaintiff respectfully requests the court immediately and permanently enjoin Defendants from limiting Plaintiff’s remote access to public court records.

93. Plaintiff further requests a declarative order: “Illinois court clerks shall make available to the public all public court records on the same terms as public court records are accessible to the Illinois state attorney general. Court clerks shall not impose access policies for the public different from access policies for attorneys.”

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26 Pursuant to the Religious Freedom Restoration Act, *Gonzaeles* relies on constitutional case law to interpret whether a religious sect may have declaratory relief for an exemption from the ban on the use of a substance banned by a federal agency.

94. Plaintiff also respectfully requests that this court enter an order immediately enjoining Defendants from court protocols that limit her access to terms other than those of attorneys and declare the public's access to court records on terms that do not discriminate against non-attorneys and those not in the office of the state attorney general.

95. Plaintiff also respectfully requests reimbursement for all court fees and litigation costs,[27] and whatever additional remedies the court finds appropriate.

27 To date, Plaintiff has paid no attorney fees for this litigation; though she hopes to find an attorney to represent her.