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 [redacted] 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
[redacted]
[redacted]
Telephone: [redacted]
Designated email: [redacted]

Date signed: 10/31/26