

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION**

FILED
JUN 27 AM 11:59

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

vs.)

JASON VAN DYKE,)

Defendant.)

No. 17 CR 0428601

Hon. Vincent M. Gaughan

**INTERVENORS' REPORT AND SUPPLEMENTAL MOTION ON
DOCKET STATUS AND ACCESS TO PUBLIC FILE DOCUMENTS**

Intervenors,¹ by their undersigned counsel, file this Report and Supplemental Motion on Docket Status and Access to Public File Documents. For more than three months Intervenors have sought a complete and accurate public docket reflecting all filings and orders entered in this matter. Intervenors have made this request to the Court, the Parties, and the Clerk's Office on multiple occasions. Since shortly after the Supreme Court ruled on May 23, Intervenors have also worked with the Clerk's Office to identify all known filings, obtain a list of all documents held under seal, and receive access to all documents that have been released to the public or publicly filed. The Clerk's Office has been instrumental in aiding Intervenors, and that work by the Clerk's Office is ongoing. Despite Intervenors' best efforts and the work of the Clerk's Office, the public, media, and Intervenors still do not have (a) access to a complete and accurate docket, (b) an accurate list of sealed documents, or (c) access to all public documents via the Clerk's Office.

To remedy these problems, Intervenors respectfully request that this Court (1) order the State and Defense (the "Parties") to work with the Clerk's Office to ensure by July 11, 2018 that

¹ Intervenors are the Chicago Tribune Company, LLC; Sun-Times Media, LLC; the Associated Press; WLS Television, Inc.; WGN Continental Broadcasting Company, LLC; WFLD Fox 32 Chicago; Chicago Public Media, Inc.; and the Reporters Committee for Freedom of the Press.

the docket is complete and that the Clerk's Office possesses all documents filed and entered in this matter, (2) order the Parties to serve Intervenor with all filings going forward except to the extent such filings have been ordered sealed or are the subject of a pending sealing motion, and (3) order the Clerk's Office to immediately make available to the public documents that the Clerk's Office has identified as accessible (*see* Ex. G) as well as documents improperly listed as "restricted," which have neither been ordered sealed nor are the subject of a pending motion to seal (*see* Ex. F).

BACKGROUND

1. From February 3, 2017 to on or about May 24, 2018 the Clerk's Office did not have access to the court file for this matter. 5/31/18 Tr. at 18-19; 2/3/17 Order.

2. On March 6, 2018, Intervenor communicated to the Court that the docket for this matter was woefully incomplete. Intervenor's Mem. in Support of Mot. for Access at 4-7. Intervenor demonstrated that there was no publicly available docket listing all filed documents, and Intervenor could not determine which documents were public or under seal. *Id.*

3. On March 28, 2018, Intervenor requested that this Court either order the State to provide a complete list of all court file documents or permit one of Intervenor's attorneys to review the file in chambers for the purpose of making an inventory of it. 3/28/18 Tr. at 38-41. Both requests were denied. *Id.*; 3/28/18 Order.

4. Since March, Intervenor have continually demonstrated to the Court, the Parties, and (later) the Clerk's Office that there remain deficiencies regarding the docket and the availability of documents. *See* Intervenor's Third Request for Relief at 6 (requesting an order requiring the Clerk to prepare and maintain a docket); 4/18/18 Tr. at 14, 113 (requesting a complete docket and noting that the current docket is incomplete); 4/26/18 Tr. at 66-68 (requesting confirmation that the docket is complete); 5/31/18 Tr. at 25-26, 58-61 (pointing out that numerous documents are missing from the public court file); 6/1/18 Letter to A. Robinson, Ex. A (providing

a list of known filings to the Clerk's Office but noting the list is incomplete and requesting that the Parties supplement it); 6/6/18 Letter to the Parties, Ex. B (requesting that the Parties assist Intervenor and the Clerk's Office in identifying any missing documents and confirm the accuracy of the current docket); 6/14/18 Tr. at 7-8 (noting that the docket is still incomplete but that Intervenor are working with the Clerk's Office to correct it).

5. To help remedy some of these issues, on May 31, 2018, Intervenor requested that the Parties serve one of Intervenor's attorneys any documents that are filed that are not the subject of a sealing motion. 5/31/18 Tr. at 27-28. Intervenor's request was denied. *Id.*

6. On June 1, 2018, at the request of the Court, Intervenor provided the Clerk's Office a list of all known public documents. 6/1/18 Letter to A. Robinson, Ex. A. Intervenor noted that the list was likely incomplete because Intervenor have not had complete access to all documents filed in this matter so were unaware of what documents might be missing. *Id.* Accordingly, Intervenor requested that the Parties verify the list's accuracy and supplement it. *Id.*; 6/6/18 Letter to the Parties, Ex. B.

7. On June 22, 2018 the Clerk's Office provided the Parties and Intervenor an updated docket, a list of documents that are accessible to the public, and a list of documents that are "restricted" (i.e., held under seal). 6/22/18 Clerk's Office Letter, Ex. C. According to the Clerk's Office, the lists include "every document in the Clerk's Office possession." *Id.* The Clerk's Office also requested that the Parties review the lists for any inaccuracies and forward any missing documents to the Clerk's Office. *Id.*

8. On June 26, 2018, Intervenor responded to the Clerk's Office and raised four² problems regarding the current status of the docket and the public availability of documents, but

² Intervenor raised a fifth issue that is not addressed herein. Specifically, the Clerk's Office states that it conducted an "audit" to "ensure that all the documents filed in People v. Van Dyke, 17CR0428601 are in

the Parties, to Intervenor's knowledge, have not responded. 6/26/18 Email to K. Smeltzer, Ex. D. The Clerk's Office responded stating that they are working to remedy these issues. 6/26/18 Email from K. Smeltzer, Ex. E.

I. Documents Are Still Inaccessible, And The Docket Is Still Incomplete But This Can Be Remedied By The Parties.

The Clerk's Office has been in the difficult position of having only recently received the court file from the Court's chambers. Intervenor's have been denied access to the complete court file. Thus, the Parties and the Court are in best position to identify all documents that have been filed or entered, and provide the Clerk's Office with missing documents. Although the Clerk's Office's work is commendable, Intervenor's have identified four issues with the docket, the lists the Clerk's Office provided, and the public accessibility of documents. These issues may be remedied if the Parties are ordered to (1) review the lists for inaccuracies, (2) provide the Clerk's Office with missing documents, and (3) serve Intervenor's with all filed documents to the extent they have not been sealed by the Court or are not the subject of a pending motion to seal.

A. Issue 1: Defendant's Motion To Change Venue Is Not Public.

1. Included on the Clerk's Office's list of "accessible" documents is the Defendant's Motion to Change Venue filed March 28, 2018. However, Intervenor's requests that this document be released was "entered and continued" on May 4, 2018. 5/4/18 Order. Intervenor's understand that the Court has not ruled upon Intervenor's request for immediate release of this document.

the Clerk's Office's possession and that they are accurately reflected on the electronic docket." 6/22/18 Clerk's Office Letter, Ex. C. However, the Clerk's Office did not conduct a similar audit for the case number previously associated with this matter, 15CR2062201. Intervenor's have requested that the Clerk's Office conduct a similar audit for 15CR2062201. 6/26/18 Email to K. Smeltzer, Ex. D. It is Intervenor's understanding that the Clerk's Office is working to remedy this issue. 6/26/18 Email from K. Smeltzer, Exhibit E.

2. Although Intervenors want the Court to rule (and grant) Intervenors' request for public access, this document is not public at this time. Intervenors' review of the computer access terminal at the Clerk's Office indicates that the document is not available for viewing.

B. Issue 2: Documents Are Listed As "Restricted" Even Though The Court Has Not Ordered Them Sealed And Neither Party Has Moved To Seal Them.

1. The Clerk's Office states that "all documents are public records unless otherwise restricted by court order, statute, or rule of law." 6/22/18 Clerk's Office Letter, Ex. C.

2. However, the Clerk's Office's list of restricted documents includes items that have not been sealed by any court order and are not the subject of a pending motion to seal. Intervenors have identified 21 separate documents that fall into this category and list them on Exhibit F.

3. Intervenors request that the documents listed on Exhibit F be immediately released to the public unless this Court makes specific, on-the-record judicial findings that sealing is essential to preserve a higher interest and narrowly tailored to serve that interest. *Press-Enterprise Co. v. Superior Ct.*, 478 U.S. 1, 13-15 (1986). Where the interest is Defendant's fair trial right, such sealing is justified only if (1) disclosure would create a "substantial probability" of prejudicing that right, and (2) reasonable alternative measures would be inadequate to protect that right. *Id.* at 14-15.

C. Issue 3: Documents Listed As Available Are Inaccessible.

4. According to the Clerk's Office's letter, the Clerk has listed all documents that "are accessible to the public." 6/22/18 Clerk's Office Letter, Ex. C.

5. As recently as June 26, 2018, Intervenors visited the Clerk's Office's computer access terminals to determine which documents listed as accessible are available for viewing. Intervenors' review of the public access terminals revealed 14 documents that are unavailable but listed by the Clerk's Office as accessible. Intervenors have listed these documents on Exhibit G.

While many of these documents had images associated with them, the image was either incorrect or blank.

6. Intervenor request that the documents identified on Exhibit G be immediately released to the public, and if these documents are not possessed by Clerk's Office, the Parties immediately provide copies to the Clerk's Office.³

D. Issue 4: Documents Are Still Missing From the 2017 Docket.

7. According to the Clerk's Office, the lists they provided "detail[s] every document in the Clerk's Office possession." 6/22/18 Clerk's Office Letter, Ex. C. However, the lists and docket sheet the Clerk's Office provided omit documents that have been identified by the State. These documents include:

- (a) Reply to Motion to Waive Appearance filed April 27, 2017 (Doc. No. 42 from 4/26/18 State's Supp. Resp. to Intervenor); and
- (b) Memorandum in Support of Motion to Suppress Evidence filed January 17, 2018 (Doc. No. 97, *id.*)

8. Based on the Clerk's Office's representation that the Clerk's lists contain "every document in the Clerk's Office possession," Intervenor request that the Parties be ordered to provide these missing documents to the Clerk's Office so they may be reflected on the docket.

II. The Parties Should Be Ordered To Serve Intervenor With Filings That Are Not the Subject Of A Sealing Motion.

Intervenor have been in the challenging position of not being granted complete access to the court file and not being served documents that are filed or entered in this matter. For example, Intervenor were not timely served with this Court's May 24 Order terminating the February 3, 2017 Order, 5/31/18 Tr. at 11, or the State's Motion to Seal Brief regarding Expert Witness filed May 31, 2018. 6/8/18 Letter to McMahon, Ex. H. The lack of service has made it impossible for

³ For ease of administration, Intervenor suggest that the filing Party be responsible for providing the Clerk's Office with a copy of the applicable pleading.

Intervenors to verify the complete accuracy of the docket and hinders Intervenors' ability to comment upon issues affecting the public and media. Intervenors submit that if electronic filing were now in effect for criminal cases in Cook County, these problems would not exist. Nevertheless, these problems can be mitigated now if the Parties are required to serve Intervenors any filing that is not the subject of a motion to seal.

1. On May 31, the Court denied Intervenors' request to be served documents filed by the Parties. 5/31/18 Tr. at 26-27. The Court stated that to do so would "violat[e] . . . [the] decorum order because then [the Parties] are distributing things about the case." *Id.* at 27. The Court also suggested that Intervenors' status as a "[non-]party to this case" meant that Intervenors are not entitled to service. *Id.* at 27-28.

2. The January 20, 2016 Decorum Order explicitly permits "[q]uotations from . . . public records of the Court in this case." 1/20/16 Order at 2. Documents filed by the Parties that have not been ordered sealed and are not the subject of a motion to seal are public documents. *See Skolnick v. Altheimer & Gray*, 191 Ill. 2d 214, 230-33 (2000); *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 897 (7th Cir. 1994) (citing *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) ("*Press-Enterprise I*")); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980); *Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978). As public records, the Parties are—or should be—permitted to share them. If the January 20, 2016 Decorum Order prevented the Parties from serving Intervenors or "distributing things about the case" as the Court has suggested, then the Parties would be in violation of the Decorum Order by filing documents in the Clerk's Office.

3. Intervenors also have the right to be served with public filings. Having successfully intervened, Intervenors "have all the rights of an original party" including the right to service. *See* 735 ILCS 5/2-408(f). On March 8, 2018, Intervenors were granted "[l]eave . . . to intervene in this

matter.” 3/8/18 Order. The Court’s March 8 Order granting intervention in no way limited Intervenor’s rights. *See id.* To the extent the Decorum Order could in any way be construed as not allowing the State or Defense to serve Intervenor, the Decorum Order should be modified to permit service.

WHEREFORE, for the foregoing reasons, Intervenor respectfully request that the Court order as follows:

- (1) The Parties to review Exhibit C and the lists attached thereto created by the Clerk’s Office to (a) identify any inaccuracies, and (b) provide all missing documents to the Clerk’s Office including those identified herein and any missing documents listed on Exhibits F and G by **July 11, 2018**;
- (2) The Parties to serve Intervenor with all documents that are hereafter filed except those filed under seal pursuant to a proper motion to seal (amending the January 20, 2016 Decorum Order to the extent necessary to permit such service);
- (3) The Clerk’s Office to immediately make available to the public via the Clerk’s Office’s computer access terminals those documents listed on Exhibit F that are currently listed as “restricted” even though the Court has not ordered them sealed and they are not the subject of a pending motion to seal; and
- (4) The Clerk’s Office to make available to the public via the Clerk’s Office’s computer access terminals all documents that have been identified as accessible, specifically those listed on Exhibit G excluding Defendant’s Motion to Change Venue filed March 28, 2018 (absent a court ruling granting Intervenor’s pending request that this document be released to the public).

Dated: June 27, 2018

Respectfully submitted,

CHICAGO PUBLIC MEDIA, INC.

By: 
One of Its Attorneys


THE ASSOCIATED PRESS

WLS TELEVISION, INC.

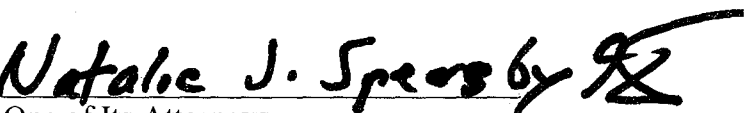
WGN CONTINENTAL BROADCASTING CO.,
LLC

WFLD FOX 32 CHICAGO

REPORTERS COMMITTEE FOR FREEDOM
OF THE PRESS

By: 
One of Their Attorneys

CHICAGO TRIBUNE COMPANY, LLC

By: 
One of Its Attorneys

SUN-TIMES MEDIA, LLC

By: 
One of Its Attorneys

Jeffrey D. Colman
Gabriel A. Fuentes
Patrick E. Cordova
Jenner & Block LLP
353 N. Clark St.
Chicago, IL 60654
(312) 222-9350
jcolman@jenner.com
gfuentes@jenner.com
pcordova@jenner.com
Counsel for Chicago Public Media, Inc.

Natalie J. Spears
Dentons US, LLP
233 S. Wacker Drive
Chicago, IL 60606
312-876-2556
natalie.spears@dentons.com
Counsel for Chicago Tribune Company, LLC

Brendan J. Healey
Mandell Menkes LLC
1 N. Franklin St, Ste. 3600
Chicago, IL 60606
(312) 251-1000
bhealey@mandellmenkes.com
*Counsel for Reporters Committee for Freedom of
the Press, WGN Continental Broadcasting Co.,
LLC, WFLD Fox 32 Chicago, The Associated
Press, and WLS Television, Inc.*

Damon E. Dunn
Funkhouser Vegosen Liebman & Dunn, Ltd.
55 West Monroe Street
Suite 2410
Chicago, IL 60603
(312) 701-6800
ddunn@fvldlaw.com
Counsel for Sun-Times Media, LLC

EXHIBIT A

June 1, 2018

Jeffrey D. Colman
312.923.2940
JColman@jenner.com

VIA EMAIL

Angela Robinson
Chief Deputy Clerk
Leighton Criminal Court
2650 S. California Ave., Rm. 526
Chicago, Illinois 60608

Re: *People v. Jason Van Dyke*, No. 17 CR 0428601 (formerly 15 CR 2062201)

Dear Ms. Robinson:

As you know, on May 31, 2018 the Honorable Vincent M. Gaughan requested that we provide you a list of documents in the above referenced matter that the Court ordered be available to the public via the Office of the Clerk of the Circuit Court of Cook County (the "Clerk's Office"). As we explain below, because we do not have access to a complete list of documents filed in this matter, we cannot with confidence submit a complete list, but attached as Exhibit A is a list of documents that we believe have been ordered released (or otherwise are to be released) to the public as of May 31, 2018 and should be available to the public via the Clerk's Office. Please note the following five things:

First, and most important, Exhibit A is not based on a comprehensive list of documents that have been filed in this matter. We believe there are other documents that should be released to the public through your Office. Exhibit A is limited to those documents that have been released to the public in the following ways: (a) by the Court's Order entered April 26, 2018 (attached as Exhibit B); (b) by the Court's Order entered May 4, 2018 (attached as Exhibit C); (c) by identification in open court on May 31, 2018 as available to the public (these documents include the State's Motion in Limine filed April 26, 2018 and the Defendant's Combined Response to State's Motion in Limine filed May 11, 2018); and (d) by public filing in the Clerk's Office on May 31, 2018 (Defendant's Motion to Reconsider Defendant's Prosecutorial Misconduct Motions).

Second, we (the Intervenor in this matter) cannot, at this time, identify any other documents that may have been filed that should be accessible to the public because the current docket sheet available in the Clerk's Office is not comprehensive as of the date of this letter, and we have not been granted access to the entirety of the court file. Furthermore, and of considerable importance, we do not have a complete list of documents that have been filed or entered, and are currently being withheld from the public.

Angela Robinson

June 1, 2018

Page Two

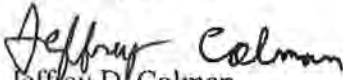
Third, we are copying the Special Prosecutor and counsel for Mr. Van Dyke. We trust they will promptly confirm for you the accuracy of Exhibit A and that they will supplement it to add additional documents that should be made available to the public.

Fourth, we appreciate that you provided us with the name of counsel to the Clerk of the Court and we are copying her (Kelly Smeltzer) on this letter with the hope that she, you, and others in your Office will get the court file in proper order for public review by sometime early next week.

Fifth, while it was not mentioned by Judge Gaughan, as noted above, the docket sheet in this matter is far from complete. We would be happy to work with your Office, and the parties, in the effort to make sure the docket sheet contains a complete listing of all items filed and entered in this matter.

Thank you again for your courtesies.

Very truly yours,


Jeffrey D. Colman

Enclosures

cc: The Honorable Vincent M. Gaughan (via hand delivery)
Kelly Smeltzer (via email)
Gabriel A. Fuentes (via email)
Joseph H. McMahon (via email)
Daniel Q. Herbert (via email)
Natalie J. Spears (via email)
Damon E. Dunn (via email)
Brendan J. Healey (via email)

**Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County**

Filing Number*	Case Number	Name of Item	Date Filed	Redactions/Portions Not To Be Released
1	15CR2062201	People's Factual Proffer in Support of Setting Bond	7/24/2015	
2	15CR2062201	Motion for Pre-Trial Discovery	12/29/2015	
3	15CR2062201	Agreed memorandum Summarizing 1/29/2016		
5	15CR2062201	Agreed Memorandum Summarizing 3/23/2016		
6	15CR2062201	Defendant's Motion to Waive Appearance	3/23/2016	
7	15CR2062201	People's Response to Defendant's Motion to Waive Appearance	4/13/2016	
8	15CR2062201	Defendant's Reply to Motion to Waive Appearance	4/27/2016	
9	15CR2062201	Agreed Memorandum Summarizing 5/5/2016		
10	15CR2062201	People's Response in Opposition to Petitions to Appt. Special Pros.	6/1/2016	
11	15CR2062201	Agreed Memorandum Summarizing 6/30/2016		
12	15CR2062201	Agreed Memorandum Summarizing 8/18/2016		
13	15CR2062201	Motion for Bill of Particulars	8/18/2016	
14	15CR2062201	Motion to Clarify [REDACTED] Order (Oppenheimer)	8/30/2016	
15	15CR2062201	Reply to Petitioner Holmes Motion to Clarify [REDACTED] Order	9/23/2016	
16	15CR2062201	AG Motion to Quash Subpoena to DCFS	9/27/2016	
18	15CR2062201	Agreed Memorandum Summarizing 11/2/2016		
20	15CR2062201	Agreed Memorandum Summarizing 12/8/2016		
21	15CR2062201	Motion by City for Protective Order & Clawback	12/8/2016	
23	15CR2062201	MTD Garrity	1/10/2017	
24	15CR2062201	State Response for Motion for Bill of Particulars	1/10/2017	
25	15CR2062201	Memo in Support MTS	1/10/2017	
27	15CR2062201	Response to MTD Pursuant to Garrity	2/3/2017	
30	15CR2062201	CCSAO MTQ Subpoena	2/3/2017	
31	15CR2062201	People's Response to MTD (Garrity)	2/7/2017	
32	15CR2062201	Memo of law in Support MTD Indictment	2/7/2017	
33	17CR0428601	People Response to City Clawback Motion	2/23/2017	
34	17CR0428601	People's Response to MTD Misconduct GJ	3/23/2017	
38	17CR0428601	2nd Motion for Bill of Particulars	4/20/2017	
39	17CR0428601	Defendant's Supplemental Motion to Waive Appear.	4/20/2017	The police reports attached as exhibits.
40	17CR0428601	MIL Limit Scope of Kastigar Hearing	4/20/2017	
41	17CR0428601	MIL Bar Claim of Prejudice Failure to Stay PB Proceedings	4/20/2017	
42	17CR0428601	Reply M to Waive Appearance	4/27/2017	
43	17CR0428601	Def. Resp. to MIL Bar Claim of Prejudice PB	5/11/2017	
45	17CR0428601	Response to 2nd Bill of Particulars	5/11/2017	
46	17CR0428601	Response to Supplemental Motion to Waive Appearance	5/11/2017	
48	17CR0428601	Reply Motion to Limit Scope of Kastigar Hearing	5/25/2017	
49	17CR0428601	Reply MIL Bar Claim of Prejudice Failure to Stay PB Proceeding	5/25/2017	
50	17CR0428601	Motion to Grant Immunity McNaughton	6/28/2017	

**Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County**

51	17CR0428601	Motion to Grant Immunity March	6/28/2017	
52	17CR0428601	Response in Opposition to Admission of Statements to FOP	7/18/2017	
53	17CR0428601	Agreed Memorandum Summarizing 8/11/2017		
54	17CR0428601	Motion to Grant Immunity Kato	8/11/2017	
55	17CR0428601	Motion to Grant Immunity Harvey	8/11/2017	
56	17CR0428601	Motion to Grant Immunity Camden	8/11/2017	
57	17CR0428601	Motion to Reconsider (Statements to FOP)	9/7/2017	
59	17CR0428601	Response to Motion to Determine Actual Conflict	12/7/2017	
60	17CR0428601	Agreed Memorandum Summarizing 9/28/2017		
61	17CR0428601	Motion to Determine Actual Conflict	9/7/2017	The three Grand Jury Transcripts attached as exhibits
62	17CR0428601	Motion to Quash SDT to KCSAO	9/28/2017	
63	17CR0428601	Motion to Dismiss (Speedy Trial)	9/28/2017	
64	17CR0428601	Motion for GJ Minutes	9/28/2017	
65	17CR0428601	Reply Motion to Determine Actual Conflict	9/28/2017	The entire document and exhibits, except for Exhibit A and any case law attached to the document.
67	17CR0428601	People's Joint MTQ & Motion for More Definite Offer of Proof	10/11/2017	
68	17CR0428601	Defendant Reply to MTD	10/16/2017	
69	17CR0428601	Agreed Memorandum Summarizing 10/25/2017		
70	17CR0428601	Response to Motion for GJ Minutes	10/25/2017	
71	17CR0428601	Motion to Quash SDT to CCSAO	10/25/2017	
72	17CR0428601	Motion to Quash SDT to KCSAO 2nd	10/25/2017	
73	17CR0428601	Response to MTD (Speedy Trial)	10/25/2017	
74	17CR0428601	Jamie Kalven MTQ Subpoena	11/3/2017	
75	17CR0428601	Agreed Memorandum Summarizing 11/6/2017		
78	17CR0428601	People's MTQ Subpoena to Jamie Kalven	11/6/2017	
80	17CR0428601	Defendant Response in Opp. To MTQ Subpoena of Kalven	11/20/2017	Exhibit 9.
81	17CR0428601	J. Kalven Reply in Support of his MTQ	12/4/2017	
82	17CR0428601	Motion Reporter's Committee for Freedom of Press for Leave to File Amicus	12/5/2017	
88	17CR0428601	Supplemental Motion for Discovery	12/11/2017	
98	17CR0428601	Agreed Memorandum Summarizing 1/18/2018		
99	17CR0428601	Agreed Memorandum Summarizing 2/1/2018		
100	17CR0428601	Motion for Intervention and Access to Court	3/6/2018	
101	17CR0428601	Memorandum in Support of M for Intervention and Access	3/6/2018	
102	17CR0428601	Defendant's Memo Animation & Simulation	3/8/2018	
103	17CR0428601	People's MIL Concerning Dr. [REDACTED]	3/8/2018	
104	17CR0428601	Motions to Adopt CCSAO Subpoenas	3/8/2018	

**Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County**

105	17CR0428601	Incident Narrative Report (brief narrative)		
112	17CR0428601	State's Response to Intervenor's Motion for Access to Court Documents	4/6/2018	
113	17CR0428601	Defendant Jason Van Dyke's Response in Opposition to Media Intervenor's Motion for access	4/6/2018	Paragraph 98 on page 18
114	17CR0428601	Intervenor's Third Request for Access to Court File Documents and Other Access-Related Relief	4/13/2018	
115	17CR0428601	Intervenor's Consolidated Response to Parties' Objections to Public Disclosure of Court File Documents	4/13/2018	
116	17CR0428601	State's Supplemental Response to Intervenor's motion for Access	4/26/2018	
117	17CR0428601	State's Motion to Close the Public Hearings Scheduled to be Litigated on May 4, 2018	4/28/2018	
118	17CR0428601	State's Motions In Limine	4/26/2018	
119	17CR0428601	Defendant's Combined Response to State's Motions In Limine	5/11/2018	
120	17CR0428601	Defendant's Motion to Reconsider Defendant's Prosecutorial Misconduct Motions	5/31/2018	
X		Court Orders for all dates		

* Documents 1-105 correspond to documents that appear on Exhibit B of the Court's Order entered April 26, 2018, and Exhibit A of the Court's Order entered May 4, 2018. Documents 112-120 were added to the list included on Exhibit A of the Court's May 4, 2018 Order for the purposes of this list attached to the correspondence to Angela Robinson dated June 1, 2018.

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)

Plaintiff,)

vs.)

JASON VAN DYKE,)

Defendant.)

No. 17 CR 0428601

Hon. Vincent M. Gaughan

ORDER

This cause coming to be heard on Intervenor's Motion for Access to Court Documents, filed on March 6, 2018, proper notice having been given, and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. The documents listed in the attached Exhibit B of the State's Supplemental Response to Intervenor's Motion for Access filed (April 26, 2018), except for item 4 on Exhibit B, shall be released to the Clerk of the Court and to the public immediately, subject to the redaction of witness names, for the reasons stated in open court on April 26, 2018.

2. The Court will consider the remaining requests by Intervenor, to the extent they were not ruled upon in this Order, at hearing at 9 a.m. April 28, 2018.

DATED: April 26, 2018.

ENTERED:

Vincent M. Gaughan
The Hon. Vincent M. Gaughan

1553

Order prepared by:
Gabriel A. Fuentes
Patrick E. Cordova
Jenner & Block LLP
353 N. Clark St.
Chicago, IL 60654
(312) 222-9350
Counsel for Chicago Public Media, Inc.

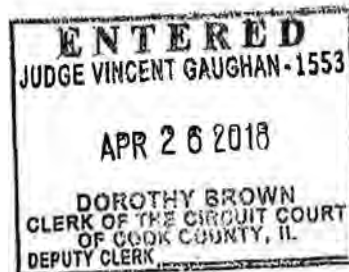


Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

1	People's Factual Proffer in Support of Setting Bond	7/24/2015	Presumption
2	Motion for Pre-Trial Discovery	12/29/2015	Presumption
3	Agreed memorandum Summarizing 1/29/2016		Presumption
4	*Motion to Consolidate	3/15/2016	Presumption
5	Agreed Memorandum Summarizing 3/23/2016		Presumption
7	People's Response to Defendant's Motion to Waive Appearance	4/13/2016	Presumption
9	Agreed Memorandum Summarizing 5/5/2016		Presumption
10	People's Response in Opposition to Petitions to Appt. Special Pros.	6/1/2016	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

11	Agreed Memorandum Summarizing 6/30/2016		Presumption
12	Agreed Memorandum Summarizing 8/18/2016		Presumption
13	Motion for Bill of Particulars	8/18/2016	Presumption
14	Motion to Clarify [REDACTED] Order (Oppenheimer)	8/30/2016	Presumption
15	Reply to Petitioner Holmes Motion to Clarify [REDACTED] Order	9/23/2016	Presumption
16	AG Motion to Quash Subpoena to DCFS	9/27/2016	Presumption
18	Agreed Memorandum Summarizing 11/2/2016		Presumption
20	Agreed Memorandum Summarizing 12/8/2016		Presumption
21	*Motion by City for Protective Order & Clawback	12/8/2016	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

23	MTD Garrity	1/10/2017	Presumption
24	State Response for Motion for Bill of Particulars	1/10/2017	Presumption
25	Memo In Support MTS	1/10/2017	Presumption
27	Response to MTD Pursuant to Garrity	2/3/2017	Presumption
30	CCSAO MTQ Subpoena	2/3/2017	Presumption
31	*People's Response to MTD (Garrity)	2/7/2017	Presumption
32	*Memo of law in Support MTD Indictment	2/7/2017	Presumption
33	People Response to City Clawback Motion	2/23/2017	Presumption
34	People's Response to MTD Misconduct GJ	3/23/2017	Presumption
41	MIL Bar Claim of Prejudice Failure to Stay PB Proceedings	4/20/2017	Presumption
42	Reply M to Waive Appearance	4/27/2017	Presumption
45	Response to 2nd Bill of Particulars	5/11/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

46	Response to Supplemental Motion to Waive Appearance	5/11/2017	Presumption
48	Reply Motion to Limit Scope of Kastigar Hearing	5/25/2017	Presumption
49	Reply MIL Bar Claim of Prejudice Failure to Stay PB Proceeding	5/25/2017	Presumption
50	Motion to Grant Immunity McNaughton	6/28/2017	Presumption
51	Motion to Grant Immunity March	6/28/2017	Presumption
52	Response In Opposition to Admission of Statements to FOP	7/18/2017	Presumption
53	Agreed Memorandum Summarizing 8/11/2017		Presumption
54	Motion to Grant Immunity Kato	8/11/2017	Presumption
55	Motion to Grant Immunity Harvey	8/11/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

56	Motion to Grant Immunity Camden	8/11/2017	Presumption
57	Motion to Reconsider (Statements to FOP)	9/7/2017	Presumption
60	Agreed Memorandum Summarizing 9/28/2017		Presumption
62	Motion to Quash SDT to KCSAO	9/28/2017	Presumption
63	Motion to Dismiss (Speedy Trial)	9/28/2017	Presumption
64	**Motion for GJ Minutes	9/28/2017	Presumption
67	People's Joint MTQ & Motion for More Definite Offer of Proof	10/11/2017	Presumption
68	*Defendant Reply to MTD	10/16/2017	Presumption
69	Agreed Memorandum Summarizing 10/25/2017		Presumption
70	Response to Motion for GJ Minutes	10/25/2017	Presumption
71	Motion to Quash SDT to CCSAO	10/25/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

72	Motion to Quash SDT to KCSAO 2nd	10/25/2017	Presumption
73	Response to MTD (Speedy Trial)	10/25/2017	Presumption
75	Agreed Memorandum Summarizing 11/6/2017		Presumption
82	Motion Reporter's Committee for Freedom of Press for Leave to File Amicus	12/5/2017	Presumption
88	Supplemental Motion for Discovery	12/11/2017	Presumption
98	Agreed Memorandum Summarizing 1/18/2018		Presumption
99	Agreed Memorandum Summarizing 2/1/2018		Presumption
100	Motion for Intervention and Access to Court	3/6/2018	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

101	Memorandum in Support of M for Intervention and Access	3/6/2018	Presumption
102	Defendant's Memo Animation & Simulation	3/8/2018	Presumption
103	People's MIL Concerning Dr. [REDACTED]	3/8/2018	Presumption
104	Motions to Adopt CCSAO Subpoenas	3/8/2018	Presumption
105	Incident Narrative Report (brief narrative)		Presumption
X	Court Orders for all dates		Presumption

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 17 CR 0428601
)	
JASON VAN DYKE,)	Hon. Vincent M. Gaughan
)	
Defendant.)	

ORDER

This cause coming to be heard on the Intervenor's¹ Motion for Intervention and Access to Court Documents (the "Motion"), filed on March 6, 2018, requesting relief as set forth specifically in Intervenor's Third Request for Access to Court File Documents and Other Access-Related Relief, filed on April 13, 2018 ("Third Request"), the Court having reviewed all filings concerning the Motion, listened to the arguments of counsel, and being fully advised in the premises, IT IS HEREBY ORDERED:

1. For the reasons stated on the record, Intervenor's request for public release of the documents listed on Exhibit A attached hereto is GRANTED as to Document Nos. 6, 8, 38, 39, 40, 43, 59, 61, 65, 74, 78, 80, and 81, with the following redactions:

- a. From Document No. 39, the police reports attached as exhibits.
- b. From Document No. 61, the three grand jury transcripts attached as exhibits.
- c. From Document No. 65, the entire document and exhibits, except for Exhibit A and any case law attached to the document.
- d. From Document No. 80, Exhibit No. 9.

2. For the reasons stated on the record, Intervenor's request for public release of the documents listed on Exhibit A attached hereto is DENIED as to Document Nos. 17, 19, 22, 26, 28, 29, 35, 36, 37, 44, 47, 58, 66, 76, 77, 79, 83-87, 89-97, 106, and 108-111.

3. For the reasons stated on the record, Intervenor's request for public release of Document No. 107 (from Exhibit A) is ENTERED AND CONTINUED.

¹ The Intervenor's are the Chicago Tribune Company, LLC; Sun-Times Media, LLC; the Associated Press; WLS Television, Inc.; WGN Continental Broadcasting Company, LLC; WFLD Fox 32 Chicago; Chicago Public Media, Inc.; and the Reporters Committee for Freedom of the Press. This Court granted the request for intervention on March 8.

4. Intervenor's request for public release of the following additional documents, not listed on Exhibit A, is GRANTED:

- a. State's Response to Intervenor's Motion for Access to Court Documents, filed on April 6, 2018;
- b. Defendant Jason Van Dyke's Response in Opposition to Media Intervenor's Motion for Access, filed on April 6, 2018, with the redaction of Paragraph 98 on page 18 of this document;
- c. Intervenor's Third Request for Access to Court File Documents and Other Access-Related Relief ("Third Request"), filed on April 13, 2018; and
- d. Intervenor's Consolidated Response to Parties' Objections to Public Disclosure of Court File Documents, filed on April 13, 2018.

5. By agreement of the Parties and Intervenor, the State's Supplemental Response to Intervenor's Motion for Access (filed April 26, 2018) and the State's Motion to Close [] the Public Hearings Scheduled to be Litigated on May 4, 2018 ("State's Motion to Close Hearing," filed April 28, 2018) are released to the public.

6. Intervenor's request to modify or vacate the Court's February 3, 2017 [REDACTED] Order to require the public filing of all documents in this matter in the clerk's office is DENIED for the reasons stated on the record.

7. Intervenor's request to file publicly in the clerk's office their response to the State's Motion to Close Hearing is DENIED. Intervenor shall file their response to this motion before noon on May 2, 2018, and Intervenor's requests concerning other closed proceedings in this matter (subparagraphs (f) and (g) of Intervenor's Third Request) are ENTERED AND CONTINUED to May 4, 2018. This matter is set for further hearing on May 4, 2018, at 9 a.m. concerning the matters discussed in this paragraph.

DATED: May 4, 2018

ENTERED:

Vincent M. Gaughan
The Hon. Vincent M. Gaughan

Order prepared by:
Jeffrey D. Colman
Gabriel A. Fuentes
Patrick E. Cordova
Jenner & Block LLP
353 N. Clark St.
Chicago, IL 60654
(312) 222-9350
Counsel for Chicago Public Media, Inc.



Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

6	Defendant's Motion to Waive Appearance	3/23/2016	No presumption
8	Defendant's Reply to Motion to Waive Appearance	4/27/2016	No presumption
17	People's Initial Garrity Team Disclosure to Defendant	9/29/2016	No presumption
19	People's 1st Supplemental Garrity Team Disclosure	11/2/2016	No presumption
22	People's 2nd Supplemental Garrity Team Disclosure	1/10/2017	No presumption
26	Memo in Support MTS (Exposure to Compelled Statement)	1/18/2017	No presumption
28	MTD Misconduct at GJ	2/3/2017	No presumption
29	Memo of Law in Support MTD GJ	2/3/2017	No presumption
35	Memo of Law MTD Misconduct GJ	4/20/2017	No presumption
36	MTD (Indictment & Other Relief GJ)	4/20/2017	No presumption
37	MTD Misconduct at GJ	4/20/2017	No presumption
38	2nd Motion for Bill of Particulars	4/20/2017	No presumption
39	Defendant's Supplemental Motion to Waive Appear	4/20/2017	No presumption
40	MIL Limit Scope of Kastigar Hearing	4/20/2017	No presumption
43	Def. Resp. to MIL Bar Claim of Prejudice PB	5/11/2017	No presumption
44	Response to Motion to Limit Scope of Kastigar	5/11/2017	No presumption
47	Combined Response to MTD & MTD & other relief	5/11/2017	No presumption
58	Brief in Support of People's Garrity/Kastigar Hearing Position	9/7/2017	No presumption
59	Response to Motion to Determine Actual Conflict	9/27/2017	No presumption
61	Motion to Determine Actual Conflict	9/28/2017	No presumption
65	**Reply Motion to Determine Actual Conflict	9/28/2017	No presumption

Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

66	Defendant's Offer of Proof Kastigar Witnesses	10/4/2017	No presumption
74	Jamie Kalven MTQ Subpoena	11/3/2017	No presumption
76	MTD (Prosecutorial Misconduct)	11/6/2017	No presumption
77	MIL to Admit Lynch Material	11/6/2017	No presumption
78	People's MTQ Subpoena to Jamie Kalven	11/6/2017	No presumption
79	Answer to Discovery	11/6/2017	No presumption
80	Defendant Response in Opp. To MTQ Subpoena of Kalven	11/20/2017	No presumption
81	J. Kalven Reply in Support of his MTQ	12/4/2017	No presumption
83	People's Supplemental Discovery Response 6	12/6/2017	No presumption
84	Reply MTD (Prosecutorial Misconduct)	12/6/2017	No presumption
85	Defense Offer of Proof Lynch	12/6/2017	No presumption
86	Reply MIL Lynch	12/6/2017	No presumption
87	Response MIL to Admit Lynch Material	12/6/2017	No presumption
89	Amended Offer of Proof Lynch	12/13/2017	No presumption
90	Supplemental MTD Prosecutorial Misconduct	12/15/2017	No presumption
91	People's Supplemental Discovery Response 7	12/20/2017	No presumption
92	2nd Amended Offer of Proof Lynch	12/20/2017	No presumption
93	Response to MTD (Prosecutorial Misconduct)	12/20/2017?	No presumption
94	3rd Amended Offer of Proof Lynch	1/5/2018	No presumption
95	Defendant's Initial Expert Witness Disclosure	1/5/2018	No presumption
96	Reply to 3rd Amended Offer of Proof in Support of Lynch	1/12/2018	No presumption
97	*Memorandum in Support of Motion to Suppress Evidence (Def Compelled Statement)	1/17/2018	No presumption

Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

106	Defendant's Reply to the People's Response to Defendant's Motion to Dismiss the Indictment	12/6/2017	no presumption
107	Defendant's Motion to Change Place of Trial	3/28/2018	No presumption
108	Intervenor's Status Report	3/28/2018	no presumption
109	Defendant's Supplemental list of Expert Witnesses	1/5/2018	No presumption
110	Report of a Defense Expert	2/1/2018	No presumption
111	Report of a Second Defense Expert	2/1/2018	No presumption

EXHIBIT B

Jeffrey D. Colman
Tel 312 923-2940
Fax 312 840-7340
JColman@jenner.com

June 6, 2018

Via Email

Joseph H. McMahon, Esq.
Jody P. Gleason, Esq.
Joseph M. Cullen, Esq.
Marilyn J. Hite-Ross, Esq.
Daniel H. Weiler, Esq.
Kane County State's Attorney, Court-Appointed Special Prosecutor
Kane County State's Attorney's Office
37W777 Route 38, Suite 300
St. Charles, Illinois 60175
jm@co.kane.il.us

Daniel Q. Herbert, Esq.
Tammy L. Wendt, Esq.
Herbert Law Firm
206 S. Jefferson, Suite 100
Chicago, Illinois 60661
dan.herbert@danherbertlaw.com

Re: *People v. Jason Van Dyke*, No. 17 CR 0428601 (formerly 15 CR 2062201)

Dear Joe, Dan, and Colleagues:

Gabe has been in a hearing this week, so I am writing to follow up on a few matters.

By way of background, as you know, your response to our May 29 Supplemental Motion is due on June 7, our reply is due on June 11, and the matter is set for a further hearing on June 14. We considered the possibility of filing an amended motion this week, but we thought it would be more efficient to apprise you of our position by letter.

Thus, we write this letter to clearly set forth our position on two matters: (1) the state of the record in the Clerk's Office, and (2) the sealing mechanism set forth in Judge Gaughan's Order of May 24. We intend to address both of these issues in our June 11 reply and/or other filings next week, and if we do not obtain appropriate relief from Judge Gaughan, we may need to seek additional appellate relief. So you understand our position, we set it forth here:

1. The Current Status of the Court File

After you left court on May 31, we continued to meet in the Clerk's Office and then with Judge Gaughan and his courtroom clerk. I think it is fair to say that everyone understood – at least as of May 31 – that the court file (hard copy and electronic) in the Clerk's Office was truly in disarray. From the perspective of our clients, who are representatives of the news media, this makes it extremely difficult to properly report on any filings. From the perspective of the special prosecutor, we think a disorganized and/or incomplete court file also should be viewed as a disservice to the community. From the perspective of the defense, we assume you want a clear record of what is in the court file, and that you would therefore join us in attempting to have a file that contains an accurate reflection of the records in this case.

Recognizing that there were serious problems with the status of the court file in the Clerk's Office at least as of May 31, Judge Gaughan asked me to write a letter to the Clerk setting forth our understanding of what is supposed to now be part of the public file. Pursuant to the judge's instructions, I did so on June 1. A copy of my letter is attached.

We ask that this week you join us in a dedicated effort to make sure that two things are done in the Clerk's Office. First, the Clerk's Office should have in place an accurate and complete docket sheet that reflects every single filing and order entered in this case. We assume that you agree with us that that should be done. If you do, please help us and the Clerk's Office ensure that a fair and complete docket sheet is available to everyone.

Second, we ask that you follow up on my letter of June 1, and that you help Angela Robinson ensure that the Clerk's Office has a complete listing of everything that has been filed in the *Van Dyke* cases that should be part of the public record. We will appreciate your agreement to assist the Clerk's Office in this regard.

2. The Sealing Mechanism

In our Supplemental Motion, we set forth our proposal for how motions to seal should be addressed. See Supp. Mot. at 2-3.

As I think you know, when we filed our Supplemental Motion on May 29, we were unaware of the judge's order of May 24 which sets forth the Court's sealing mechanism.

We respectfully disagree with the judge's sealing mechanism and have significant concerns about its impact on Intervenor's continuing efforts to vindicate the First Amendment and common law access presumptions as well as the letter and spirit of the Illinois Supreme Court's Order of May 23. The pre-filing requirement is – in our review of the law – unprecedented, overly broad and a burden on the right of access. We will address this issue more fully when we file our reply on June 11, but we wanted you to know in advance (so you can address it in your filing) the following:

Joseph H. McMahon, Esq.
Daniel Q. Herbert, Esq.
June 6, 2018
Page 3

a. The Supreme Court's Order of May 23 states that "[a]ll documents and pleadings shall be filed in the [C]ircuit [C]lerk's [O]ffice" and that "the parties may move to file any document under seal."

b. But the May 24 Order restricts the parties from filing documents and pleadings in the Clerk's Office until the other party or parties receive notice of the impending filing and reply to the filing party. The May 24 Order in essence re-imposes the "secret" process that existed before the Supreme Court acted. Under the May 24 Order, the media and the public apparently receive (1) no notice of a filing (if one or both of the parties want the pleading to be under seal), (2) no copy of any sealing motion, and (3) no copy of the underlying document in either a full or a redacted manner. We received Joe's email to Gabe of today and are continuing to evaluate it, but we appreciate Joe's confirming the fact that the State already has filed at least one motion to seal in this case (and has at least one additional motion planned), and that the State has not served this document upon Intervenor and apparently believes it is under no obligation to do so. We will seek clarity on the procedure but are concerned that it violates the First Amendment and the Supreme Court's Order of May 23.

c. We ask that you agree – in your June 7 filings – to a sealing mechanism that comports with the First Amendment and the Supreme Court's supervisory writ. In addition to what we set forth at pages 2 to 3 of our Supplemental Motion: With respect to any future motions to seal, the parties should employ the commonly used protocol for motions to seal in Illinois courts (*i.e.*, publicly file in the Clerk's Office a motion to seal along with a redacted version of the applicable document and file under seal with the Clerk's Office an unredacted version that will be unsealed only if the Court denies the motion to seal). Thus, any motions to seal all or any portion of a court filing must be made publicly and with notice to Intervenor's counsel. Intervenor is properly concerned that otherwise, the parties might file motions to seal or take steps to cause documents or portions of them to be redacted or withheld from the public, all without the public knowing or having an opportunity to object. We ask that you agree to that process or propose other alternatives that are in accordance with the Constitution.

We will be happy to discuss any of these issues with you. Please feel free to let us know convenient times to do that.

Sincerely,



Jeffrey D. Colman

Attachment

cc: Natalie J. Spears, Esq.
Damon E. Dunn, Esq.
Brendan J. Healey, Esq.
Gabriel A. Fuentes, Esq.
Patrick E. Cordova, Esq.

EXHIBIT C

June 22, 2018

Via email

Dear Mr. McMahon and Mr. Herbert:

As you are aware, the Office of the Clerk of the Circuit Court of Cook County ("Clerk's Office") has conducted an audit pursuant to the June 14, 2018 court appearance with Judge Gaughn to ensure that all of the documents filed in People v. Van Dyke, 17CR0428601 are in the Clerk's Office's possession and that they are accurately reflected on the electronic docket.

To that end, attached to this email you will find an excel spreadsheet that details every document in the Clerk's Office possession, as well as a copy of the electronic docket for 17CR0428601. The spreadsheet has one tab that lists the documents that are accessible to the public and the other tab lists the restricted documents. Please review the spreadsheet for any inaccuracies. In the event that you find that our Office does not have a document(s), please forward a filed stamped copy of the document to my attention and we will add the document our file as well as the electronic docket. Please note, all documents are public records unless otherwise restricted by court order, statute, or rule of law.

If you find that the attached spreadsheet accurately reflects all of the case's documents please respond to this email indicating such. We look forward to receiving your reply no later than Tuesday, June 26, 2018. If you have any questions or require anything additional please feel free to contact me at (312) 603-6946.

Thank you!

Sincerely,

Kelly Smeltzer
General Counsel
State of Illinois - First Judicial District
Office of the Clerk of the Circuit Court of Cook County

Filed Motion

Date Filed	Motion Filed	Image #
3/17/2017	Case Assigned	163
3/23/2017	Defendant Arraigned/Courtsheet/(3) Orders	136
3/23/2017	Plea of Not Guilty	136
3/23/2017	Discovery Answer Filed 3	136
3/23/2017	Order-on Behalf of the City of Chicago, Motion for Claw Back	136
3/23/2017	People's Response to Deft. Motion to Dismiss Ind. For Alleged Misconduct at GJ	160
4/20/2017	Motion In Limine Bar claim of prej arising out of fail to stay proc before police bd	46
4/20/2017	Motion in Limine Limit Scope of any Kastigar Hearing & Admit Statements of Other PO & Deft	46
4/20/2017	Motion Filed Det's Supp. Motion to Waive Appearance	46
4/20/2017	Motion Filed/Deft's Second Motion for Bill of Particulars	37
5/11/2017	Deft's Response to People's Motion in Limine to Bar defense Claim of Prejudice	102
5/11/2017	State's Response to Defet's second Motion for Bill of Particulars	148
5/11/2017	State's Response to Deft's Supp Motion to Waive Appearance	103
5/25/2017	People's Reply to Deft's Response to People's Motion in Limine: Kastigar Hearing	49
5/25/2017	People's Reply to Deft's Response to People's Motion in Limine	49
6/2/2017	Deft;s Supplemental Exhibit "B" in Prev. Filed Deft's Response in Opp to People's Motion in Part	151
6/2/2017	Motiion In Limine	6
6/2/2017	State's Motion in Limine	6
6/2/2018	Evidentiary Hearing	6
6/28/2017	People's Motion to Grant Use Immunity & Compel Test Pursuant to 725ILCS 5/106-2.5	50
6/28/2017	Motion in Limine as to David March	137
6/28/2017	Motion in Limine/ Denied as to David McNaughton	137
7/18/2017	Motion Filed Deft's Resp. in Opp. To the People's Motion to Admit Statements made by Deft. to FOP	51
8/11/2017	Motion Filed/ People's Motion to Grant Immunity & Compel Testimony Pursuant to 720ILCS 5/106-2.5(B)	53
9/7/2017	Motion Filed/ States Motion for the Court to Determine Actual Conflict or Serious Potential Con.	114
9/7/2017	Jason Van Dyke's response to the State's motion for the court to determine actual conflict or a serious potential conflict	97
9/7/2017	Defendant's Motion to Reconsider	104

Filed Motion

9/27/2017	Motion to dismiss indictment	55
9/27/2017	Motion Filed People's Proffered timelines for Prelim Garrity/Kastigar Hearing	11
9/28/2017	Motion Granted/State's Motion for Court to Determine Conflict/No Conflict	138
9/28/2017	Motion Denied/ Deft's Motion to reconsider Ruling	138
9/28/2017	Motion Granted/ Use Immunity for Witnesses/ See Written Orders	138
9/28/2017	Motion Filed/ Kane County SA's Motion to Quash Deft's Subpoena Duces Tecum	94
9/28/2017	Motion Filed/ Deft's Motion for Grand Jury Minutes	95
9/28/2017	Motion Filed/ State's Reply to Deft's Response to State's Motion for Court to Determine Actual Conflict	96
10/11/2017	Motion Filed/ People's Joint Motion to Quash & Motion for more Definite Offer of Proof regarding Kastigar Witnesses	56
9/28/2017	Continued by Agreement, See Written Orders	138
10/11/2017	People's joint motion to quash and motion for more definite offer of proof in response to the defendant's offer of proof regarding Kastigar witnesses	56
10/16/2017	Motion Filed/ Spec. Pros. Patricia Brown Holme's Motion to Quash Subpoena	57
10/16/17	Defendant's reply to motion to dismiss the indictment	57
10/17/2017	Motion Granted -St S Mtn to Quash Subpoenas	139
10/17/2017	Motion Granted SP Pros Patricia Brown Holmes Mtn to Quash Subpoena	139
10/25/2017	Motion Filed/ State's Response to Deft's Motion to Dismiss the Indictment	59
10/25/2017	Motion Filed/ Kane County State's Attorney Motion to Quash Deft's Second Subp. Duces Tecum	67
10/25/2017	Discovery Answer Filed Supplemental Motion 5	140
10/25/2017	State's Response to Defendant's Motion for grand jury minutes	105
10/25/2017	Entered & Continued/ Deft's Motion to Dismiss Indictment/Deft's Motion for Grand Jury Minutes withdrawn by Deft.	140
10/25/2017	Motion Granted Sts Mtn to quash subpoena Kane County SAO	140
10/25/2017	Motion Granted Sts Motion to quash subp for CC SAO	140
10/25/2017	Motion Filed Case# B=SB 17CR04286/Kane County State's Attorney Motion to Quash Subp. To Cok County State's Attorney	106
11/3/2017	Motion Filed/ Reporter Jamie Kalven's Motion to Quash Subpoena	36
11/6/2017	Motion Filed/ People's Motion to Quash Subpoena of Jamie Kalven	107
11/20/2017	Motion Filed/ Deft's Response in Opposition to People's Motion to Quash Sub of J Kalven	35
12/5/2017	Motion Filed/ Motion of the reporter's Committee for Freedom of the Press & 18 Media Orgs. For leave to file an AMICUS Brief	60
12/5/2017	Reporter Jamie Kalven's Motion to Clarify [REDACTED] Order Status of his Reply	101

Filed Motion

12/5/2017	Motion Filed/ Reporter Jamie Kalven's reply in support of his Motion to Quash	101
12/6/2017	Motion Filed/ Deft's Amended Response in Opposition to Mr. Kalven's Motion to Quash Subp.	141
12/6/2017	Motion Filed/ Defendant's list of Experts/CV's	141
12/6/2017	Motion Filed/ State's Response to Deft's Motion to Dismiss the Indictment based on Prosecutor	141
12/6/2017	Motion Filed/ Deft's Amended Response in Opposition to Mr. Kalven's Motion to Quash Subp.	141
12/11/2017	Motion for Discovery/ Supplemental/ Pursuant to ILL Supreme Court Rule 413 C & (D)	61
12/20/2017	Order Entered/ Deft's Motion to Dismiss Indictment	18
1/18/2018	Motion Granted/ Deft's Lynchg Motion / In Part	19
1/18/2018	Motion Denied/ Deft's Lynch Motion in Part	19
3/6/2018	Intervening Petition Non-Party Int. Motion for Intervention & Access to Court Documents	108
3/6/2018	Motion Filed/ Intervenor's Memo of Law in Support of Motion for Intervention & for Access to Court Documents	62
3/8/2018	Motion Filed/ State's Motion to Adopt Subpoenas Previously issued by CCSAO	93
3/8/2018	Motion Filed/ Deft's Memo Regarding Animation & Simulation	93
3/26/2018	Motion Filed/ Motion to Quash Subpoena (Cook County Sheriff's Office)	76
3/28/2018	Motion Filed/ Mr. Herbert;s Response to Media Request	23
3/28/2018	Motion Filed/ Change of Venue/ Deft's Motion	23
4/6/2018	Motion Filed/ State's Response to Intervenor's Motion for Access to Court Documents	110
4/13/2018	Motion Filed/ Intervenor's Third Request for Access to Court File Docs & Other Access	109
4/13/2018	Motion Filed/ Intervenor's Consolidated Resp. to Parties Objections to Public Disclosure of Court File	64
4/18/2018	Motion Granted/ Deft's Motion for Continuance	24
4/26/2018	Motion Filed/ State's Supp. Response to Int Motion for Access	111
4/26/2018	Motion Granted / Access to Court File	28
4/28/2018	Motion Filed/ People's Motion to Close to the Public Hearings scheduled tio be Litigated 5/4/2018	112
5/23/2018	Order Entered/ Supreme Court Order	147
5/24/2018	Order Entered/ Court's Order dated 2/3/2017 is Terminated Pursuant to ILL Court's Order of 5/23/2018	132
5/31/2018	Motion in Limine/ In Part	135
5/31/2018	Motion in Limine / In Part	135
5/31/2018	Notice of Motion/ Filing Sates Response to Deft Motion to Reconsider Deft Proscutorial Misconduct	135

Filed Motion

6/4/2018	Motion Filed/ Deft. Motion to reconsider Lynch Witness Testimony	89
6/7/2018	Motion Filed/ States Response to Intervenor's Motion for Access to Court Documents	99
6/11/2018	Motion Filed/ Intervenor's Reply to Memorandum in Supp of their Supp Motion for Access to Filings	144
6/12/2018	Motion Filed/ Intervenor's Consolidated Response in Opp to People's Motions to Seal Lynch	145
6/13/2018	Motion Filed/ Deft's Reply in Support of Deft's Motion to Reconsider Prosecutorial Misconduct	153
6/14/2018	Discovery Answer Filed/ People's Supplemental Discovery Response 12	154
6/14/2018	Notice of Motion/Filing/ Agreed Memorandum Summarizing May 31, 2018	155
6/14/2018	Notice of Motion/Filing/ Dr. Edelman May 31, 2018 Status Update	156
6/14/2018	Motion Filed / Deft's Response to People's Request to Seal Deft's Motion to reconsider Lynch	157
6/14/2018	Motion Denied/ Deft's Motion to Reconsider Motion (Lynch Witnesses)	158
6/14/2018	Motion Denied/ Deft's Motion to Reconsider Motion to Dismiss Indictment	158
6/14/2018	Order Entered/ Intervenor's Motions Severed from Pre-Trial Case (Van Dyke)	158

Filed Date	Name of Motion	Image #
4/20/2017	Memorandum of Law in support of MTD Indictment	164
4/20/2017	Motion to Dismiss the Indictment	164
4/20/2017	Motion to Dismiss the Indictment and/or other Relief	164
5/11/2017	Deft's response in opp to the People's mtn in Limine to limit scope	165
5/11/2017	People's combined response to deft's motion to dismiss the Indictment & motion to dismiss	165
5/11/2017	Deft's motion to waive personal appearance/see written order, motion denied	82
5/24/2017	Deft's reply to people's combined resp to deft's mtn to dismiss the indcitment	82
5/25/2017	Motion to Dismiss Indictment	84
5/25/2017	Motion to Dimiss Indictment/deft's 2nd motion	84
8/11/2017	Discovery answered filed Motion 2	85
8/11/2017	Trail commenced & continued , Motion see written orders	85
9/7/2017	Brief in support of the people's Garrity/ Kastigar hearing position	166
9/7/2017	Discovery Answered Filed Motion 4	86
9/7/2017	Witnesses Ordered to Appear	86
9/7/2017	Trial Commenced & Continued Garrity/Kastigar Hearing, see written Orders	86
9/27/2017	Peopele's Proferred Timliness for Prel. Garrity/Kastigar Hearing	119
10/4/2017	Deft's offer of Proof/Kastegar Witnesses	167
11/6/2017	Answer to Discovery	87
11/6/2017	Motion in Limine to Permit the Introduction of Lynch material	87
11/6/2017	Motion to Dismiss the IND. Based on Prosecutorial misconduct	87
12/6/2017	Deft's reply to People's response to Deft's Motion in Liminie to permit Lynch materials	168
12/6/2017	People's Response to Deft's Motion in Liminie to Permit Introduction of Lynch Materials	168
12/6/2017	Defense offer for Lynch Motion Witnesses	168
12/6/2017	Deft's Reply to the People's response to Deft's motion to Dismiss	168
12/6/2017	People's Supp. Discovery Response 6	168
12/13/2017	Amended Defense Offer of Proof for Lynch Motion Witnesses	170

12/15/2017	Supplemental/Based on Prosecutorial Misconduct	88
12/20/2017	Second Amended Def Offer of Proof for Lynch Motion Witnesses	171
12/20/2017	People's Supplemental Disc. Response 7	171
1/5/2018	Mr. Van Dyke's Third Amended offer of Proof in Support of Motiion to Admit Lynch	127
1/5/2018	Deft's Initital Expert Witness Discloser	128
1/5/2018	Deft's Supplemental List of Expert Witnesses	129
1/12/2018	People's Reply to Deft's Third Amended offer of Proof in Supp. of Motion Admit	130
1/18/2018	Discovery Answer Filed Supplemental Response 8	131
2/1/2018	Report of Defense Expert	174
2/1/2018	Report of Defense Second Expert	174
3/8/2018	People's Motion in Limine- Dr. [REDACTED]	118
3/26/2018	People's Motion to Retain Expert Assistance	120
3/26/2018	People's Second Motion to Retain Expert Assistance	121
3/26/2018	Intervenor's Status Report & Request for Relief	122
4/6/2018	Deft Jason Van Dyke's Resp. in Opp. To Media Intervenor's Motion for Access	149
4/26/2018	People's Motion to Bar Batson Objection in front of Jury	123
4/26/2018	People's Motion in Limine-General	175
4/28/2018	People's Reply to Deft's 3rd Amended Offer of Proof in Support of Motion	172
5/3/2018	Deft's Response in Opp. To People's Motion in Limine- Dr. [REDACTED]	124
5/10/2018	Dr. Report	125
5/11/2018	Deft's Combined response to State's Motion in Limine	176
5/17/2018	Deft;s Memo on Ill. Rule of Evidence 704	126
5/31/2018	People's Suppl. Discovery Response 11	143
5/31/2018	State's Response to Deft's Oposition to the People's Motion in Limine (Dr. [REDACTED])	79
6/7/2018	People's Request to Seal Deft's Motion to Reconsider Lynch Witness Testimony	134

EXHIBIT D

From: Cordova, Patrick E.
Sent: Tuesday, June 26, 2018 7:49 AM
To: 'Kelly A. Smeltzer (Circuit Court)'
Cc: 'dan.herbert@danherbertlaw.com'; 'JM@co.kane.il.us'; 'GleasonJody@co.kane.il.us'; 'CullenJoe@co.kane.il.us'; 'MHiteRoss@wincoil.us'; 'WeilerDaniel@co.kane.il.us'; 'tammy.wendt@danherbertlaw.com'; Colman, Jeffrey D.; Fuentes, Gabriel A.; 'natalie.spears@dentons.com'; 'ddunn@fvldlaw.com'; 'Lauren J. Raymond (Circuit Court)'; 'bhealey@mandellmenkes.com'; 'JAYMAN AVERY (States Attorney)'; 'Renee Z. Banks (Circuit Court)'; 'Angela D. Robinson (Circuit Court)'; 'Ellie M. Marszewski (Circuit Court)'; 'SISAVANH BAKER (States Attorney)'; 'Michael A. Moore (Circuit Court)'; 'Christine E. Brown (Circuit Court)'; 'Deirdre Z. Allen (Circuit Court)'
Subject: RE: People v. Van Dyke: 17CR0428601 (formerly 15CR2062201)
Attachments: Clerk's Office Exhibits A & B.XLSX; 2018-04-26_Order.pdf; 2018-05-04_May 4 Order.pdf

Kelly,

We have reviewed the docket and lists you provided. We greatly appreciate the significant amount of work and time you and the Clerk's Office have dedicated to this project. We also understand that the Clerk's Office had limited access to the court file until recently and that there are likely documents that the Clerk's Office has never been provided.

Based on our review we have identified four outstanding issues. As you suggest in your June 22 letter to the Parties, we believe these issue can be remedied if the Parties (1) review the docket and lists for any inaccuracies, and (2) provide copies of any missing documents to the Clerk's Office.

We plan to file a status report and request for relief with the court on Wednesday morning. We need to file by noon on Wednesday for the Court to consider the matter when we appear on Friday. These are the four issues.

1. The Change of Venue Motion Should Not Be Public.

Included on your list of documents that are "accessible to the public" is the Defendant's Change of Venue Motion filed on March 28, 2018. However, the Court's May 4, 2018 Order states that Intervenor's request that this document be released is "entered and continued." See ¶ 3. In other words, this document has NOT been released to the public and should not be publically disseminated. I have attached the May 4 Order and April 26 Orders for reference.

2. There Are Documents Listed As "Restricted" Pursuant to No Court Order or Pending Motion to Seal.

We looked through your list of "restricted" documents and noticed that some have not been sealed pursuant to any court order and are not the subject of any sealing motion. I have listed these documents on the attached Exhibit A. You will notice that these documents are either not listed on the Court's April 26 or May 4 sealing orders or have been explicitly released to the public by those orders. Because some of these documents were previously unidentified, we invite the Parties to let us know if they object to the release of any of these documents.

3. There Are Documents Listed As Accessible That Are Unavailable.

We visited the Clerk's Office's computer access terminals to determine which documents listed as accessible are available for viewing. Our review of the public access terminals revealed 16 documents that are unavailable but listed by the Clerk's Office as accessible. We have listed these documents on the attached Exhibit B. While many of these documents had images associated with them, the image was either incorrect or blank. You will notice

that some of these documents were either explicitly released to the public in the Court's April 26 or May 4 sealing orders or were not previously identified by the State as documents that exist. We again invite the Parties to let us know if they object to the release of any of these documents that you have listed as accessible.

4. Some Documents Are Missing From the Docket.

We identified two documents previously identified in the April 26 and May 4 Orders that are not reflected on the docket. These documents are: (1) Reply to Motion to Waive Appearance filed April 27, 2017 (Doc. No. 42 from 4/26 Order); and (2) Memorandum in Support of Motion to Suppress Evidence filed January 17, 2018 (Doc. No. 97 from 5/4 Order). Please note, document 97 has NOT been released to the public and we are NOT asking that it should be. We are merely noting that it is not reflected on the docket. Please note, there may be other documents that exist that should be reflected on the docket that we are not aware of. Hopefully the parties will review the docket and point out any documents that exist that are not reflected on the docket.

Please let us know if you have any questions. Again, we deeply appreciate all the work the Clerk's Office has done to compile a complete and accurate docket, and make sure the public has access to all public documents regarding this very important case. Please let us know by the close of business today if these items have been remedied or if you plan to correct them so that we may note that in our Wednesday filing.

Best regards,
Patrick

From: Cordova, Patrick E.

Sent: Monday, June 25, 2018 10:59 AM

To: 'Kelly A. Smeltzer (Circuit Court)'

Cc: 'dan.herbert@danherbertlaw.com'; 'JM@co.kane.il.us'; 'GleasonJody@co.kane.il.us'; 'CullenJoe@co.kane.il.us'; 'MHiteRoss@wincoil.us'; 'WeilerDaniel@co.kane.il.us'; 'tammy.wendt@danherbertlaw.com'; Colman, Jeffrey D.; Fuentes, Gabriel A.; 'natalie.spears@dentons.com'; 'ddunn@fvldlaw.com'; Lauren J. Raymond (Circuit Court); 'bhealey@mandellmenkes.com'; JAYMAN AVERY (States Attorney); Renee Z. Banks (Circuit Court); Angela D. Robinson (Circuit Court); Ellie M. Marszewski (Circuit Court); SISAVANH BAKER (States Attorney); Michael A. Moore (Circuit Court); Christine E. Brown (Circuit Court); Deirdre Z. Allen (Circuit Court)

Subject: RE: People v. Van Dyke: 17CR0428601 (formerly 15CR2062201)

Kelly,

Thank you for sending these items. However, we noticed that the Clerk's Office only conducted an audit for the 2017 case number. As you know, we have been trying to obtain a complete and accurate docket for the 2015 case number, 15CR206220, as well. While you may not be able to complete an audit of the 2015 case number before Friday, we request that you do so by Monday, July 2.

Best,
Patrick

From: Kelly A. Smeltzer (Circuit Court) [mailto:kasmeltzer@cookcountycourt.com]

Sent: Friday, June 22, 2018 4:59 PM

To: 'dan.herbert@danherbertlaw.com' <dan.herbert@danherbertlaw.com>; 'JM@co.kane.il.us' <JM@co.kane.il.us>

Cc: 'GleasonJody@co.kane.il.us' <GleasonJody@co.kane.il.us>; 'CullenJoe@co.kane.il.us' <CullenJoe@co.kane.il.us>;

'MHiteRoss@wincoil.us' <MHiteRoss@wincoil.us>; 'WeilerDaniel@co.kane.il.us' <WeilerDaniel@co.kane.il.us>;

'tammy.wendt@danherbertlaw.com' <tammy.wendt@danherbertlaw.com>; Colman, Jeffrey D.

<JColman@jenner.com>; Cordova, Patrick E. <PCordova@jenner.com>; Fuentes, Gabriel A. <GFuentes@jenner.com>;

'natalie.spears@dentons.com' <natalie.spears@dentons.com>; 'ddunn@fvldlaw.com' <ddunn@fvldlaw.com>; Lauren J.

Raymond (Circuit Court) <lraymond@cookcountycourt.com>; 'bhealey@mandellmenkes.com' <bhealey@mandellmenkes.com>; JAYMAN AVERY (States Attorney) <jayman.avery@cookcountyil.gov>; Renee Z. Banks (Circuit Court) <rzbanks@cookcountycourt.com>; Angela D. Robinson (Circuit Court) <adrobinson@cookcountycourt.com>; Ellie M. Marszewski (Circuit Court) <emmarszewski@cookcountycourt.com>; SISAVANH BAKER (States Attorney) <sisavanh.baker@cookcountyil.gov>; Michael A. Moore (Circuit Court) <mamoore@cookcountycourt.com>; Christine E. Brown (Circuit Court) <cebrown@cookcountycourt.com>; Kelly A. Smeltzer (Circuit Court) <kasmeltzer@cookcountycourt.com>; Deirdre Z. Allen (Circuit Court) <dzaallen@cookcountycourt.com>

Subject: RE: People v. Van Dyke: 17CR0428601 (formerly 15CR2062201)

Importance: High

Dear Mr. McMahon and Mr. Herbert:

Attached please find an excel spreadsheet which lists all of the documents in the Clerk's Office's possession for case number 17CR0428601, Van Dyke, as well as a copy of the Clerk's Office's electronic docket. If you find that our Office does not have a document(s) that we should, please send a filed stamped copy of the document to my attention by Tuesday, June 26, 2018.

If you have questions please contact me at (312) 603-6946.

Thank you.

Kelly Smeltzer

Kelly Smeltzer

General Counsel
State of Illinois – First Judicial District
Office of the Clerk of the Circuit Court of Cook County
Direct dial: (312) 603-6946

"Committed to Essential, Exceptional and Ethical Leadership"



State of Illinois – First Judicial District
Clerk of the Circuit Court
of Cook County

The information contained in this communication is confidential, may be attorney-client privileged, may otherwise constitute privileged information, and is intended only for the use of the addressee. It is the property of the Office of the Clerk of the Circuit Court of Cook County. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please do not read it or its attachments, and notify us immediately by return e-mail at kasmeltzer@cookcountycourt.com. We may ask you to destroy this communication and all copies thereof, including all attachments. Thank you.

From: Cordova, Patrick E. [<mailto:PCordova@jenner.com>]

Sent: Tuesday, June 19, 2018 3:35 PM

To: Kelly A. Smeltzer (Circuit Court) <kasmeltzer@cookcountycourt.com>; Lauren J. Raymond (Circuit Court) <lraymond@cookcountycourt.com>

Cc: 'JM@co.kane.il.us' <JM@co.kane.il.us>; 'GleasonJody@co.kane.il.us' <GleasonJody@co.kane.il.us>; 'CullenJoe@co.kane.il.us' <CullenJoe@co.kane.il.us>; 'MHiteRoss@wincoil.us' <MHiteRoss@wincoil.us>; 'WeilerDaniel@co.kane.il.us' <WeilerDaniel@co.kane.il.us>; 'dan.herbert@danherbertlaw.com' <dan.herbert@danherbertlaw.com>; 'tammy.wendt@danherbertlaw.com' <tammy.wendt@danherbertlaw.com>; Colman, Jeffrey D. <JColman@jenner.com>; Fuentes, Gabriel A. <GFuentes@jenner.com>; 'natalie.spears@dentons.com' <natalie.spears@dentons.com>; 'ddunn@fvldlaw.com' <ddunn@fvldlaw.com>;

EXHIBIT E

Cordova, Patrick E.

From: Kelly A. Smeltzer (Circuit Court) <kasmeltzer@cookcountycourt.com>
Sent: Tuesday, June 26, 2018 5:57 PM
To: Cordova, Patrick E.
Cc: 'dan.herbert@danherbertlaw.com'; 'JM@co.kane.il.us'; 'GleasonJody@co.kane.il.us'; 'CullenJoe@co.kane.il.us'; 'MHiteRoss@wincoil.us'; 'WeilerDaniel@co.kane.il.us'; 'tammy.wendt@danherbertlaw.com'; Colman, Jeffrey D.; Fuentes, Gabriel A.; 'natalie.spears@dentons.com'; 'ddunn@fvldlaw.com'; Lauren J. Raymond (Circuit Court); 'bhealey@mandellmenkes.com'; JAYMAN AVERY (States Attorney); Renee Z. Banks (Circuit Court); Angela D. Robinson (Circuit Court); Ellie M. Marszewski (Circuit Court); SISAVANH BAKER (States Attorney); Michael A. Moore (Circuit Court); Christine E. Brown (Circuit Court); Deirdre Z. Allen (Circuit Court); Kelly A. Smeltzer (Circuit Court)
Subject: RE: People v. Van Dyke: 17CR0428601 (formerly 15CR2062201)

Dear Mr. Cordova,

Thank you for providing your comments regarding the documents we sent last Friday. Our staff has been reviewing the issues raised in your correspondence below and will correct any errors. In addition, our staff is working on the 2015 file and will provide the parties with another excel spreadsheet and copy of the electronic docket as soon as possible.

Thank you.

Kelly Smeltzer

Kelly Smeltzer

General Counsel
State of Illinois – First Judicial District
Office of the Clerk of the Circuit Court of Cook County
Direct dial: (312) 603-6946

“Committed to Essential, Exceptional and Ethical Leadership”



State of Illinois – First Judicial District
Clerk of the Circuit Court
of Cook County

The information contained in this communication is confidential, may be attorney-client privileged, may otherwise constitute privileged information, and is intended only for the use of the addressee. It is the property of the Office of the Clerk of the Circuit Court of Cook County. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error please do not read it or its attachments, and notify us immediately by return e-mail at kasmeltzer@cookcountycourt.com. We may ask you to destroy this communication and all copies thereof, including all attachments. Thank you.

From: Cordova, Patrick E. [mailto:PCordova@jenner.com]
Sent: Tuesday, June 26, 2018 7:49 AM
To: Kelly A. Smeltzer (Circuit Court) <kasmeltzer@cookcountycourt.com>
Cc: 'dan.herbert@danherbertlaw.com' <dan.herbert@danherbertlaw.com>; 'JM@co.kane.il.us' <JM@co.kane.il.us>; 'GleasonJody@co.kane.il.us' <GleasonJody@co.kane.il.us>; 'CullenJoe@co.kane.il.us' <CullenJoe@co.kane.il.us>; 'MHiteRoss@wincoil.us' <MHiteRoss@wincoil.us>; 'WeilerDaniel@co.kane.il.us' <WeilerDaniel@co.kane.il.us>; 'tammy.wendt@danherbertlaw.com' <tammy.wendt@danherbertlaw.com>; Colman, Jeffrey D.

EXHIBIT F

Documents Listed As "Restricted" Pursuant to
No Court Order or Pending Motion to Seal

Doc. #	Date	Filing /Event	Note
1	05/11/17	Defendant's Motion to Waive Personal Appearance/See Written Order, motion denied	Not listed on 4/26 or 5/4 Order
2	05/24/17	Defendant's Reply to People's Combined Response to Defendant's Motion to Dismiss the Indictment	Not listed on 4/26 or 5/4 Order
3	05/25/17	Motion to Dismiss Indictment	Not listed on 4/26 or 5/4 Order
4	05/25/17	Motion to Dismiss Indictment/Defendant's 2nd Motion	Not listed on 4/26 or 5/4 Order
5	08/11/17	Discovery Answer Filed Motion 2	Not listed on 4/26 or 5/4 Order
6	08/11/17	Trial Commenced and Continued - Motion/See Written Orders	Not listed on 4/26 or 5/4 Order
7	09/07/17	Discovery Answer Filed - Motion 4	Not listed on 4/26 or 5/4 Order
8	09/07/17	Witnesses Ordered to Appear	Not listed on 4/26 or 5/4 Order
9	09/07/17	Trial Commenced and Continued Garrity/Kastigar Hearing/See Written Orders	Not listed on 4/26 or 5/4 Order
10	09/27/17	People's Proffered Timelines for Prelim Garrity/Kastigar Hearing	Not listed on 4/26 or 5/4 Order
11	01/18/18	Discovery Answer Filed Supplemental Response 8	Not listed on 4/26 or 5/4 Order
12	03/08/18	People's Motion in Limine Dr. [Redacted]	Released by 4/26 Order (Doc. No. 103) (Name of Dr. REDACTED)
13	03/26/18	People's Motion to Retain Expert Assistance	Not listed on 4/26 or 5/4 Order
14	03/26/18	People's Second Motion to Retain Expert Assistance	Not listed on 4/26 or 5/4 Order
15	04/06/18	Defendant Jason Van Dyke's Response In Opp to Media Intervenors Motion for Access	Released by 5/4 Order (§ 98 REDACTED)
16	04/26/18	People's Motion to Bar Batson Objections in Front of Jury	Not listed on 4/26 or 5/4 Order
17	04/26/18	Motion in Limine People's . . . General	Not listed on 4/26 or 5/4 Order
18	05/10/18	Dr. Report	Not listed on 4/26 or 5/4 Order (Name of Dr. REDACTED)
19	05/11/18	Defendant's Combined Response to State's Motion in Limine	Not listed on 4/26 or 5/4 Order
20	05/31/18	People's Supplemental Discovery Response 11	Not listed on 4/26 or 5/4 Order
21	06/07/18	People's Request to Seal Defendant's Motion Reconsider Lynch witness Testimony	Not listed on 4/26 or 5/4 Order

EXHIBIT G

Documents Listed as Available
That Are Inaccessible

Doc. #	Date	Filing / Event	Note
1	3/23/2017	Discovery Answer Filed 3	Not listed on 4/26 or 5/4 Order
2	3/23/2017	Order. . City of Chicago Clawback [Should also include People's Response to City Clawback motion]	Released by 4/26 Order (Doc. 33)
3	4/20/2017	Motion In Limine - Limit Scope of Any Kastigar Hearing and Admit Statements of Other Po & Defendant	Released by 5/4 Order (Doc. No. 40)
4	5/11/2017	Defendant's Response to People's Motion in Limine to Bar Defense Claim of Prejudice	Released by 5/4 Order (Doc. No. 43)
5	6/2/2017	Motion In Limine in Part	Not listed on 4/26 or 5/4 Order
6	10/25/2017	Discovery Answer Filed - Supplemental Motion 5	Not listed on 4/26 or 5/4 Order
7	12/5/2017	Reporter Jamie Kalven's Motion to Clarify Decorum Order Status of His Reply	Not listed on 4/26 or 5/4 Order
8	12/6/2017	Defendant's Amended Response In Opposition to Mr. Kalven's Motion to Quash Subpoena	Not listed on 4/26 or 5/4 Order
9	12/6/2017	Defendant's List of Experts/CVs	Not listed on 4/26 or 5/4 Order
10	12/6/2017	Defendant's Amended Response In Opposition to Mr. Kalven's Motion to Quash Subp	Not listed on 4/26 or 5/4 Order
11	3/6/2018	Intervening Petition Non-Party - Intervenors Motion for Intervention and Access to Court Documents	Released by 4/26 Order (Doc. No. 100) [Only the first few pages of the memorandum (not the motion) are scanned]
12	5/31/2018	Motion in Limine in Part	Not listed on 4/26 or 5/4 Order
13	5/31/2018	Motion in Limine in Part	Not listed on 4/26 or 5/4 Order
14	5/31/2018	State's Response to Defendant's Motion to Reconsider Defendant's Prosecutorial Misconduct.	Not listed on 4/26 or 5/4 Order

EXHIBIT H

Gabriel A. Fuentes
Tel 312 923-2808
Fax 312 923-2809
GFuentes@jblock.com

June 8, 2018

Via Email

Joseph H. McMahon, Esq.
Kane County State's Attorney, Court-Appointed Special Prosecutor
Kane County State's Attorney's Office
37W777 Route 38, Suite 300
St. Charles, Illinois 60175
jm@co.kane.il.us

Re: *People v. Jason Van Dyke*, No. 17 CR 0428601 (formerly 15 CR 2062201)

Dear Mr. McMahon:

Thank you for providing Intervenor's with service copies yesterday, by email, of the People's Request to Seal Brief Regarding Expert Witness and People's Request to Seal Defendant's Motion to Reconsider Lynch Witness Testimony. These documents were file-stamped by the Clerk's Office, respectively, on May 31 and June 7, 2018.

Further, thank you for confirming during our telephone conversation yesterday that the State agrees to provide Intervenor's with service copies, at the time of filing and service on the defense, of any motions to seal the State files in this matter. Although you did not agree that the State would provide Intervenor's with copies (redacted or unredacted) of any underlying documents sought to be sealed, we appreciate your having stated that you will consider doing so on a case-by-case basis.

Very truly yours,



Gabriel A. Fuentes

cc: Daniel Q. Herbert, Esq.
Tammy L. Wendt, Esq.
Natalie J. Spears, Esq.
Damon E. Dunn, Esq.
Brendan J. Healey, Esq.
Jeffrey D. Colman, Esq.
Patrick E. Cordova, Esq.