

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

FILED
SIXTH JUDICIAL CIRCUIT

FEB 09 2006

Linda S. Frank
CLERK OF THE CIRCUIT COURT
CHAMPAIGN COUNTY ILLINOIS

DENNIS TOEPPEN,)
)
Plaintiff,)
)
v.) Case No. 06-MR-25
)
BOARD OF TRUSTEES OF)
THE UNIVERSITY OF ILLINOIS)
)
Defendant.)

FIRST AMENDED COMPLAINT
(Illinois Freedom of Information Act)

NOW COMES Plaintiff, DENNIS TOEPPEN, by and through his attorney, Jenny H. Park of Meyer Capel, A Professional Corporation, and pursuant to 5 ILCS 140, commonly known as the Illinois Freedom of Information Act, states and alleges as follows:

1. At all times relevant hereto, Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS was a public body located in Champaign County, Illinois.
2. At all times relevant hereto Plaintiff DENNIS TOEPPEN was a resident of Champaign County, Illinois.
3. On or about September 20, 2005, Plaintiff DENNIS TOEPPEN filed a request with Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, pursuant to the Illinois Freedom of Information Act.
4. In his above-mentioned request, Plaintiff DENNIS TOEPPEN requested copies of complete bid proposals to furnish BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS Division of Collegiate Athletics with Charter Coach Service for Bid 1CLY511.

5. On or about October 17, 2005, Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS responded to the above-mentioned request by sending Plaintiff DENNIS TOEPPEN a number of copies of bid proposals for Charter Coach Service for Bid 1CLY511.

6. The bid amounts specified in the original bids for Charter Coach Service for Bid 1CLY511 were redacted by Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS and were not specified in the copies sent to Plaintiff DENNIS TOEPPEN.

7. On or about November 10, 2005, Plaintiff filed an appeal with B. JOSEPH WHITE, President of BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS, pursuant to 5 ILCS 140/8.

8. On or about December 7, 2005, B. JOSEPH WHITE sent a letter on behalf of BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS to Plaintiff DENNIS TOEPPEN stating that B. JOSEPH WHITE on behalf of BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS had concluded that the redacted information was exempt from the Illinois Freedom of Information Act. A copy of said letter is attached hereto as Exhibit A and incorporated herein by reference.

9. The above-mentioned letter also stated that B. JOSEPH WHITE on behalf of BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS had denied the appeal of Plaintiff DENNIS TOEPPEN.

10. On information and belief, it is the policy of Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS to redact any information contained in bids at the request of a bidder.

11. On information and belief, it is the policy of Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS to redact this information regardless of content.

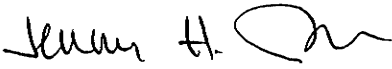
WHEREFORE, Plaintiff DENNIS TOEPPEN prays as follows:

- A. Permanent and ongoing injunction relief preventing Defendant BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS' future noncompliance with the Illinois Freedom of Information Act of redacting bid amounts contained in winning bid proposals when responding to requests pursuant to Illinois Freedom of Information Act;
- B. An order mandating production of the above-mentioned redacted material;
- C. Plaintiff DENNIS TOEPPEN be awarded the cost of this action and his attorney's fees; and
- D. For such other relief as justice may require.

Respectfully submitted,

DENNIS TOEPPEN, Plaintiff,

BY: Meyer Capel, A Professional Corporation

BY: 

Jenny H. Park

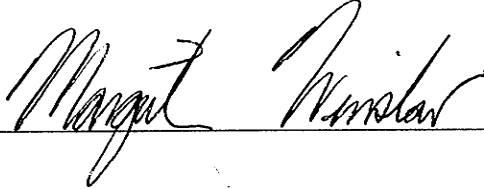
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CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing document was mailed this date to:

Mr. Edward M. Wagner
Heyl, Royster, Voelker & Allen
102 East Main Street, Suite 300
P.O. Box 129
Urbana, IL 61803-0129

by placing same in an envelope legibly addressed, securely sealed, and with sufficient postage prepaid and placed in the United States mails at the U.S. Post Office in Champaign, Champaign County, Illinois, on this 9th day of February, 2006.



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