

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

HAROLD T. RICE AND HUA CHAU,
Petitioners,

v.

YAHOO, INC., a Delaware corporation,
Respondent

Case No.

2016L000251
CALENDAR/ROOM E
TIME 00:00
Discovery

FILED-1
2016 JAN 11 AM 11:31
CIRCUIT COURT OF COOK
COUNTY ILLINOIS
LAW DIVISION

VERIFIED PETITION FOR DISCOVERY (SUPREME COURT RULE 224)

Petitioning this Court for Pre-Suit Discovery against Respondent Yahoo, Inc., (“Yahoo”) pursuant to Supreme Court rule 224, Harold T. Rice (“Rice”) and Hua Chau (“Chau”) state as follows:

1. Rice and Chau are residents of Cook County, Illinois, and respectively the President/CEO and Chief Relationship Officer of the Community and Economic Development Association of Cook County, Inc. (“CEDA”). CEDA is a publicly funded not-for-profit organization delivering community service programs to residents of Chicago and suburban Cook County.

2. Yahoo is a Delaware corporation registered to do business in Illinois and having offices at 875 N. Michigan Avenue, Chicago, Illinois. Yahoo is engaged in the business of providing internet services to the public for a fee, including email services to subscribers residing in Cook County, Illinois.

3. On information and belief, Yahoo maintains records of account with information sufficient to identify email account subscribers by name and address.

4. Petitioners seek pre-suit discovery from Yahoo for the sole purpose of ascertaining the identity of the person or persons who have repeatedly engaged in the non-privileged publication of defamatory statements about Petitioners via the internet using the pseudonym Concerned Citizen and the email address cedadysfunction@yahoo.com (“Yahoo Account”).

5. Specifically, on at least 4 occasions since May 18, 2015, Concerned Citizen has used the Yahoo Account to send email messages to various members of the public accusing Petitioners of dishonesty, misconduct and “illegal activity” in their official capacities as members of CEDA’s senior leadership team, referring to Chau as a “criminal,” and also charging Rice with marital infidelity. These accusations have been presented by Concerned Citizen as statements of fact, and were most recently disseminated to members of CEDA’s Board of Directors and officials of state and municipal government by email, and to the general public by posting to the Illinois Attorney General’s website at publicaccess@atg.state.il.us. Copies of the subject email messages published by Concerned Citizen are attached hereto and filed under seal as Exhibit A.¹

6. Statements published by Concerned Citizen from the Yahoo Account in regard to the Petitioners respectively as set forth herein, are false, were published with malicious intent, and injurious to Petitioners’ reputations in the community, especially among those persons to whom CEDA delivers services and those who employ Petitioners in positions of trust.

7. Petitioners have attempted to ascertain the identity of Concerned Citizen in order to refute the false and libelous statements made about them, but have been unable to do so. Once Concerned Citizen has been identified, Petitioners intend to pursue available remedies against

¹ An unsealed copy has been delivered to the Court for in camera inspection concurrently with the filing of this Petition.

him or her, which may include but are not limited to an action for money damages and an order restraining further dissemination of libelous statements.

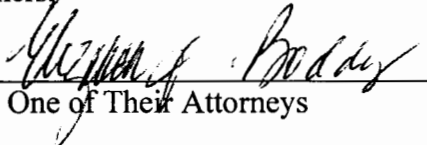
8. The Illinois Supreme Court has held that an order directing an internet service provider to disclose the name and last known address of a subscriber is proper when petitioners allege sufficient facts to state a claim for defamation. *Hadley v. Doe*, 2015 IL 118000 (June 18, 2015). Having alleged such facts herein, the burden of pleading has been satisfied such that this Petition should be granted and the requested discovery should issue.

WHEREFORE, Petitioners Harold T. Rice and Hua Chau, respectfully pray as follows:

- (a) That this Petition be granted;
- (b) That this Court enter the order submitted herewith as Exhibit B permitting Petitioners to direct written discovery to Yahoo, Inc. for documents and information disclosing the name and last known address of the person or persons using or controlling the email address cedadysfunction@yahoo.com; and
- (c) Awarding such other relief as this Court may deem just.

Dated: January 11, 2016

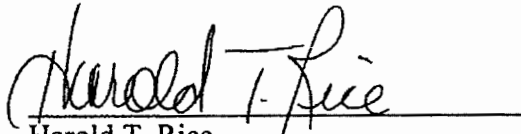
HAROLD T. RICE AND HUA CHAU,
Petitioners,

By: 
One of Their Attorneys

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312-527-4000
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14982157.1

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Harold T. Rice

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Hua Chau

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(VERIFIED PETITION FOR DISCOVERY
(SUPREME COURT RULE 224))

EXHIBIT A

Email messages published by Concerned Citizen Doyle

FILED UNDER SEAL

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**(VERIFIED PETITION FOR DISCOVERY
(SUPREME COURT RULE 224))**

EXHIBIT B

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
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Case No.

ORDER FOR PRE-SUIT DISCOVERY

This matter having come before the Court for hearing on the Petition of Harold T. Rice and Hua Chau for Pre-Suit Discovery pursuant to Supreme Court Rule 224, notice having been duly served upon the Respondent, Yahoo, Inc.; and

This Court having been duly advised in the premises and satisfied that Petitioners have met their burden under Rule 224 such that discovery should issue; Now therefore, it is Hereby Ordered:

1. Petitioners are granted leave for written interrogatories and a request for production of documents to issue immediately for service upon Yahoo, Inc. in the form attached hereto, requiring Yahoo, Inc. to identify and produce records reflecting the name(s) and address(es) of all persons who opened, pay for, manage, control, use, or are responsible for the use of the email address "cedadysfunction@yahoo.com."

2. Yahoo, Inc. shall serve responses providing the requested information and documents on or before the 28th day following service of the aforesaid written discovery.

3. This matter is set for further status on February ___, 2016 at ___ in Room ___ without further notice to the parties.

Dated: January ___, 2016

Prepared by:

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INTERROGATORY

Harold T. Rice and Hua Chau, by their undersigned attorneys, and pursuant to Illinois Supreme Court Rules 213 and 224 and the Order entered in this case on January ___, 2016, a copy of which is attached hereto, submits the following Interrogatory to Yahoo, Inc., to be answered under oath within 28 days hereof.

1. Identify, including name(s), address(es), telephone number(s) and any other contact information in Yahoo, Inc.'s custody, possession or control, the individual(s) who have opened, pay for, manage, control, use or are responsible for using the email address "cedadysfunction@yahoo.com."

Dated: January ___, 2016

HAROLD T. RICE and HUA CHAU

By: _____

One of Their Attorneys

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FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Petitioners, Harold T. Rice and Hua Chau, by their undersigned attorneys and pursuant to Illinois Supreme Court Rules 214 and 224, and the Order entered in this case on January __, 2016, hereby serves the following Request for Production of Documents to Yahoo, Inc., to be answered within 28 days of service hereof.

1. All documents that contain or reflect the name(s) and address(es) of all individuals who opened, pay for, manage, control, use or are responsible for the use of the email address known as "cedadysfunction@yahoo.com."

2. An affidavit based on personal knowledge affirming that Yahoo, Inc.'s production is complete in accordance with this request, pursuant to Illinois Supreme Court Rule 214.

Dated: January __, 2016

HAROLD T. RICE and HUA CHAU

By: _____

One of Their Attorneys

Elizabeth J. Boddy
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Email: eboddy@taftlaw.com