2026 IL App (2d) 250494-U
No. 2-25-0494
Order filed November 13, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

LANORD D. MILES, Plaintiff-Appellant,

v.

VILLAGE OF ISLAND LAKE and LISA BORCHARDT, Defendants-Appellees.

Appeal from the Circuit Court of Lake County.
Honorable Janelle K. Christensen, Judge, Presiding.
No. 24-CH-169

JUSTICE MULLEN delivered the judgment of the court.
Justices Hutchinson and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: Dismissal of complaint seeking to compel disclosure of information requested under the Freedom of Information Act would be reversed where record on appeal (as supplemented by defendants) did not show grounds for nondisclosure, but plaintiff was not entitled to substitution of judge as of right, and trial court did not err by refraining from imposing sanctions on defendants.

¶ 2 Plaintiff, Lanord D. Miles, filed a complaint in the circuit court of Lake County against defendants, the Village of Island Lake (Village) and its Freedom of Information Act Officer, Lisa Borchardt, seeking to compel disclosure of certain information that he had requested under the Freedom of Information Act (Act) (5 ILCS 140/1 *et seq.* (West 2022). Defendants moved to dismiss the complaint pursuant to section 2-619(a)(9) of the Code of Civil Procedure (Code) (735 ILCS 5/2-619(a)(9) (West 2024)) on the basis that the information was exempt from disclosure.

The trial court granted the motion, and this appeal followed. Defendant argues on appeal that (1) he was entitled to a substitution of judge for cause, (2) the trial court erred in dismissing his complaint, and (3) the trial court should have imposed sanctions on defendants. Although we disagree with the first and third arguments, we agree that the trial court erred by dismissing the complaint. Accordingly, we reverse and remand for further proceedings.

¶ 3 I. BACKGROUND

¶ 4 In his complaint, plaintiff alleged that, on or about May 14, 2024, he wrote to the Village requesting unredacted video and police reports related to an incident on June 11, 2022, that resulted in plaintiff's arrest and criminal charges against him. Plaintiff asserted in his complaint that he was entitled to that material "in [t]he [c]ontext of [h]is [c]riminal [c]ase and [t]he United States Supreme Court Precedence [*sic*] of [*Brady v. Maryland*, 373 U.S. 83 (1963)]." He alleged that Borchardt denied his request "[c]iting [p]ersonal and [p]rivate [i]nformation, without specifically [e]xplaining what [t]he privacy [c]oncerns were in a [d]etailed [e]xplination [*sic*]." As an exhibit to the complaint, plaintiff attached a letter to him from Borchardt indicating that his request for unredacted reports had been denied, that his request for "Squad Video" had been approved in part, and that his request for body camera footage was denied because the Village "d[id] not have body camera footage." The letter explained that the redacted material was private or personal information (which is exempt from disclosure under subsections (1)(a) and (1)(c) of section 7 of the Act (5 ILCS 140/7(1)(a), (1)(c) *et seq.* (West 2022))).

¶ 5 In their motion to dismiss, defendants asserted that in June 2023, plaintiff submitted a request under the Act for "police reports, medical records, and a photo line-up from a criminal case against him." According to the motion to dismiss, Borchardt reviewed plaintiff's request and provided plaintiff with police reports related to the case against him, with some information

redacted. Neither medical reports nor a photo lineup were provided, "because neither existed." Nearly a year later. Plaintiff submitted a second request, seeking unredacted copies of the police reports, dashboard camera and body camera footage of the incident in question, and citizen complaints against the officer who arrested defendant. According to the motion, Borchardt provided plaintiff with available dashboard camera footage with some redactions. Because no body camera footage or complaints against the arresting officer existed, plaintiff's request for those items was denied. Plaintiff's request for unredacted police reports was also denied. As exhibits to the motion to dismiss, defendants attached copies of: plaintiff's June 2023 request for information under the Act; the Village's written response to the request; redacted police reports pertaining the June 11, 2022, incident; plaintiff's second request (which was submitted in May 2024); and a letter from the Village to plaintiff responding to plaintiff's second request.

¶ 6 In addition, the motion was supported by an affidavit from Borchardt explaining the basis for each redaction in the police reports released to plaintiff. The affidavit further stated that a segment of audio from one squad car's dashboard camera recording was redacted because it "contain[ed] license plate information" and that, in dashboard camera video from a different squad car, the faces of individuals were blurred.

¶ 7 The trial court set the motion for a hearing on April 22, 2025, and ordered defendants to submit all unredacted documents and video footage to the court by April 11, 2025, for *in camera* review. Plaintiff, who was incarcerated, participated in the April 22, 2025, hearing via video. He contended that he believed the redacted audio contained more than a license plate number. The trial court noted that defendants had not provided the unredacted video. The court asked defendants' attorney "[h]ow much was redacted from the audio[.]" Defendant's attorney responded:

> "My understanding is that it was only a license plate number. It might have been like two words like 'license plate number is' or something, but I don't believe there was any description of any—there wasn't—there wasn't the substantive description or reasoning why he was pulling Mr. Miles over. There was nothing like that. It was simply to take the license plate number out which is, I think, pretty standard."

The trial court continued the hearing and ordered defendants to submit the unredacted audio and documents to the court for *in camera* review.

¶ 8 On May 8, 2025, plaintiff filed a motion for substitution of judge for cause. A Lake County judge other than the judge presiding over the case heard the motion and denied it.

¶ 9 The hearing on defendants' motion to dismiss resumed on June 6, 2025. Plaintiff again participated via video. The trial court noted that it had reviewed the unredacted material. The court found that all the material redacted from the police reports was exempt from disclosure under the Act. The court then discussed the redacted dashboard camera video from one squad car, which showed a traffic stop. The court noted that the audio portion contained a "beep" from "approximately 1 minute and 41 seconds to 2 minutes and 15 seconds. The court added that it "confirmed that the redacted words were [plaintiff's] plate number." The trial court granted defendants' motion and dismissed the complaint with prejudice. Defendant moved to reconsider. The trial court denied the motion, and defendant filed a timely notice of appeal.

¶ 10 We note that the record on appeal, as originally transmitted to us, did not include the video that the trial court reviewed *in camera.* However, during the pendency of this appeal, defendant filed a motion to supplement the record on appeal with sealed media exhibits containing the video in question. We granted the motion, ordering defendants to file the sealed exhibits with the clerk

of the circuit court of Lake County and ordering the clerk to upload them to our digital evidence management platform for our *in camera* review.

¶ 11 II. ANALYSIS

¶ 12 Plaintiff first argues that the denial of his motion for substitution of judge as of right was error. According to plaintiff, the judge who heard the motion "came into [t]he [m]otion [h]earing with a [p]redisposed [d]etermination to [n]ot [t]ake [t]he [e]vidence offered[.]" Plaintiff maintains that the case must be remanded for further proceedings, before yet another judge, on his motion for substitution of judge. As the defendants note, plaintiff's notice of appeal did not list the order denying the motion for substitution of judge. "[O]ur jurisdiction is limited to a review of the orders listed in the appellant's notice of appeal." *Safeway Insurance Co. v. Ebijimi*, 2025 IL App (1st) 231543, ¶ 82. However, there is authority that, even when not listed in the notice of appeal, an order denying a motion for substitution of judge may be reviewable as a step in the procedural progression leading to the final judgment specified in the notice of appeal. *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 23.

¶ 13 Be that as it may, the condition of the record on appeal, which includes neither a transcript of the hearing on the motion, nor an acceptable substitute (see Ill. S. Ct. R. 323(c) (eff. Jul. 1, 2017)), forecloses review of the order in question. It is well established that:

> "[A]n appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984).

With no record of the proceedings on plaintiff's motion, it is impossible to conclude that the judge who heard the motion was predisposed to deny it.

¶ 14 Plaintiff next argues that the trial court erred in ruling that the Village was not required to disclose the redacted portions of the dashboard camera video from the initial traffic stop. Based on that ruling, the trial court granted defendants' motion to dismiss pursuant to section 2-619(a)(9) of the Code (735 ILCS 5/2-619(a)(9) (West 2024)). Section 2-619(a) enumerates various grounds for dismissal. Section 2-619(a)(9) provides for dismissal when "the claim asserted against defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim." Here the affirmative matter is the purported exemption from disclosure under the Act.

¶ 15 Section 7(1) of the Act (5 ILCS 140/7(1) (West 2022)) provides, in pertinent part:

> "(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:
>
> ***
>
> (b) Private information, unless disclosure is required by another provision of this Act, a State or federal law, or a court order."

¶ 16 The term "private information" includes personal license plates. *Id.* § 140/2(c-5). Defendants argue that "[t]he single redaction made to the dashboard camera footage was a readback of a license plate number which is explicitly listed as private information that is exempt from disclosure." As noted, after *in camera* review of the redacted and unredacted video, the trial

court stated that there was a "beep" on the audio portion of the redacted video "approximately 1 minute and 41 seconds to 2 minutes and 15 seconds," and that the redacted words were [plaintiff's] plate number." Were that true, we would agree with defendants that the redacted portion of the video is exempt from disclosure. However, after reviewing the redacted and unredacted video defendants submitted to us by defendants as a supplemental record, we conclude that the trial court's description is inaccurate. In both videos, the arresting officer can be heard reading off the license plate number of the stopped vehicle. There is no "beep" at 1 minute and 41 on either video. Rather, on the redacted video, a beep can be heard from 2 minutes and 15 seconds to 2 minutes and 28 seconds. At 2 minutes and 18 seconds, an automated voice on the unredacted video can be heard stating: "19 Silver Buick utility. License status valid. NCIC person clear. NCIC clear." That language does not fall within any of the Act's exemptions from disclosure. Accordingly, the trial court erred in granting defendants' motion to dismiss. Therefore, the case must be remanded for further proceedings.

¶ 17 Plaintiff finally argues that the trial court erred by not imposing sanctions on defendants' attorney for failing to submit the unredacted video footage to the trial court. As noted, the court ordered defendants to submit the unredacted footage for *in camera* review before the hearing on defendants' motion to dismiss, but counsel had submitted only the redacted footage. The court continued the matter, and defendants submitted the unredacted video. Nothing in the record suggests that counsel's initial failure to submit the video was anything other than a simple oversight. Plaintiff cites no authority that sanctions are warranted under these circumstances.

¶ 18 III. CONCLUSION

¶ 19 For the reasons stated, we reverse the judgment of the circuit court of Lake County and remand for further proceedings.

¶ 20 Reversed and remanded.