

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOUIS FROBE,)	
)	
Plaintiff,)	
)	Case No.: 11-CV-1722
vs.)	
)	Hon. Rebecca R. Pallmeyer
)	
VILLAGE OF LINDENHURST, et al.,)	
)	
Defendants.)	

**DEFENDANT LISA MADIGAN’S STATEMENT
REGARDING THE DECEMBER 19, 2011 ORAL ARGUMENT**

Pursuant to this Court’s request, Defendant Lisa Madigan submits this statement confirming that her office is not prosecuting Annabel Melongo under the Illinois Eavesdropping Act (“Act”). During the December 19, 2011 oral argument on defendants’ motions to dismiss, plaintiff’s counsel told this Court that Attorney General Madigan is prosecuting Melongo in the Circuit Court of Cook County for a violation of the Act. Plaintiff’s counsel was mistaken and his representation to the Court was incorrect.

Here are the facts. The Cook County State’s Attorney, not Madigan’s office, is prosecuting Melongo under the Eavesdropping Act. The Attorney General’s Office assisted an investigation of Melongo in connection with a computer tampering charge and initially assisted the Cook County State’s Attorney in the prosecution of the *computer tampering* charge. The Attorney General’s Office is not currently assisting the Cook County State’s Attorney with that prosecution.

After Melongo was indicted for computer tampering, the Cook County State's Attorney independently charged Melongo under the Eavesdropping Act. The Attorney General's Office provided some technical assistance to the Cook County State's Attorney by helping to retrieve the recording at issue. But contrary to the representation of plaintiff's counsel, Madigan's office did not charge Melongo under the Act and is not prosecuting her under the Act. Madigan's office had no role in the Cook County State's Attorney's decision to prosecute Melongo under the Act. Moreover, Madigan's understanding is that Melongo is being prosecuted under the Act for recording a court reporter, not a police officer.

Dated: January 18, 2012

LISA MADIGAN
Attorney General of Illinois

Respectfully submitted,

/s/ Michael T. Dierkes

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on January 18, 2012, he caused copies of the foregoing **Defendant Lisa Madigan's Statement Regarding the December 19, 2011 Oral Argument** to be served on all registered counsel via the Northern District of Illinois Electronic Filing System.

/s/ Michael T. Dierkes
Michael T. Dierkes