

**SAMPLE FRIENDLY LAWSUIT**

**IN THE CIRCUIT COURT  
FOR THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS  
EFFINGHAM COUNTY, EFFINGHAM, ILLINOIS**

**EMERGENCY TELEPHONE SYSTEM BOARD** )  
**OF EFFINGHAM COUNTY, ILLINOIS** ) **No. 97-CH-**  
**Plaintiff,** )  
**- vs -** )  
**GTE NORTH INC. TELEPHONE COMPANY,** )  
**ILLINOIS CONSOLIDATED TELEPHONE** )  
**COMPANY, MONTROSE MUTUAL TELEPHONE** )  
**COMPANY WABASH TELEPHONE COOP, INC.,** )  
**CORPORATIONS** )  
**Defendants.** )

**COMPLAINT FOR INJUNCTIVE RELIEF**

**NOW COME** the Plaintiff, the People of the County of Effingham, ex el  
Emergency Telephone System Board of Effingham County, Illinois, by State's  
Attorney Kevin S. Parker, and complaining of the Defendants states as follows:

1. That the Plaintiff, Emergency Telephone System Board of Effingham County, Illinois, an instrumentality of the County of Effingham, is a body politic and corporate, with its offices within the County of Effingham, Effingham County, Illinois (hereinafter referred to as, "the Board").
2. That the Board has been established pursuant to 50 ILCS 750/1,et seq. (Emergency Telephone System Act) and is exercising and implementing its duties required by the public policy of Illinois; the Board acting in the public interest has elected to provide emergency aide and service by utilization of the three digit 9-1 -1 sophisticated emergency telephone system.
3. That the Defendants, GTE, NORTH INC., ILLINOIS CONSOLIDATED TELEPHONE COMPANY of Illinois, MONTROSE MUTUAL TELEPHONE COMPANY, WABASH TELEPHONE COOP, INC ., all being corporations, (hereinafter referred to as "the Telephone Companies") are telephone companies which operate at various locations within the County of Effingham geographic area, each with its own lines, equipment, and customers, and each generating records and documents detailing various items of information concerning services, locations, usages and the like.
4. That Plaintiff has chosen to comply with the mandate of the Illinois Legislature by providing a sophisticated emergency telephone system which includes the capability of an immediate computer display of the address from which a call for help is being made at the instant that the emergency telephone number is dialed and it is estimated that the system will go on line in 1998.

5. That in order for the Plaintiff to operate as intended it is imperative that the data base used by the sophisticated system consisting of the telephone numbers and addresses of all the residents and businesses within the area served by the Plaintiff be as complete and accurate as possible.

6. That the Plaintiff is currently reviewing the existing data base to identify and correct errors; that this task has been made complicated by a large rural area within its jurisdiction and the need to convert the rural route addresses contained in the data base to identifiable street addresses; that the street addresses are necessary in order to properly dispatch emergency vehicles and that in many cases the Defendant Telephone Companies are without sufficient knowledge of the area to make a conversion from a rural route address to a street address.

7. That Plaintiff has offered to contact those customers with rural route addresses to make appropriate inquiry as to their location so that an appropriate street address entry may be made in the data base, but many of these customers have non-published telephone numbers.

8. That the Telephone Companies have informed the Plaintiff that they are concerned that providing Plaintiff with listing information containing non-published numbers other than in connection with an actual 9-1 -1 emergency call might constitute a violation of a section of the Electronic Communication Privacy Act of 1986, 18 U.S.C. 2703(c) unless disclosure is authorized by a court.

9. That if Plaintiff is not provided with the listing information for non-published, non-listed telephone numbers, as needed to correct the 9-1 -1 data base by the

Telephone Companies, it will be:

a.) Unable to provide sophisticated emergency service to all persons under its jurisdiction within Effingham County, Illinois;

b.) Unable to answer calls for help made from nonpublished telephone numbers as quickly as it can answer calls for help from those who have published numbers;

c.) Unable to fully comply with and fulfill the mandate of the Illinois General Assembly to quickly and efficiently provide telephone service to "Any person calling the telephone number 9-1 -1 "; and

d.) Unable to reach and attain the legitimate law enforcement goals set by the Act, causing irreparable harm to its law enforcement, firefighting and emergency medical response programs and the citizens and residents of Effingham County, Illinois.

10. That federal law allows release of records of customers' non-published telephone numbers, non-listed numbers and addresses to a governmental entity under a court order for disclosure where the governmental entity shows there is a reason to believe the records are relevant to a legitimate law enforcement inquiry. Electronic Communication Privacy Act of 1986, 18 U.S.C. 2703(d).

11. That the contents of the records of the Telephone Companys' customers, non-published telephone numbers and addresses are relevant and essential to the legitimate law enforcement inquiries

and goals of the Plaintiff and are subject to disclosure by court order pursuant to the Electronics Communication Privacy Act of 1986.

12. That the safety and health of those citizens and residents of Effingham County who have non-published or non-listed telephone numbers will be irreparably injured if the Defendant Telephone Companies are not compelled to release their respective records of customers' non-published or non-listed telephone numbers and addresses to the Plaintiff.

13. That for the reasons set forth above, Plaintiff has no adequate remedy at law and unless mandatorily restrained by the order of this Court, the Defendant Telephone Companies will continue to refuse to furnish Plaintiff with records of their respective customers', non-published and non-listed telephone numbers, to the irreparable injury and damage of the Plaintiff and the citizens and residents of Effingham County, Illinois.

**WHEREFORE**, Plaintiff respectfully prays as follows:

A.) That GTE NORTH INC, ILLINOIS CONSOLIDATED TELEPHONE COMPANY, MONTROSE MUTUAL TELEPHONE COMPANY and the WABASH TELEPHONE COOP, INC. being corporations, all be preliminarily enjoined from withholding from the Emergency Telephone System Board of Effingham County, Illinois, records of their respective customers' non-published, nonlisted telephone numbers and addresses needed to correct any 9-1 -1 data base error, which are essential to the operation of 9-1 -1 emergency telephone systems under the jurisdiction of the Emergency Telephone System Board of Effingham County, Illinois; and

B.) That a permanent injunction issue mandatorily requiring the production of the aforesaid records by GTE NORTH INC., ILLINOIS CONSOLIDATED TELEPHONE COMPANY, MONTROSE MUTUAL TELEPHONE COMPANY, and WABASH TELEPHONE COOP, INC. corporations, to the Emergency Telephone System Board of Effingham County, Illinois.

C.) That the Court grant such additional relief as it deems equitable and proper.

**EMERGENCY TELEPHONE SYSTEM BOARD OF  
EFFINGHAM COUNTY, ILLINOIS, Plaintiff,**

By: \_\_\_\_\_  
Effingham County State's Attorney

**IN THE CIRCUIT COURT  
FOR THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS  
EFFINGHAM COUNTY, EFFINGHAM, ILLINOIS**

**PEOPLE OF THE COUNTY OF EFFINGHAM )  
EX REL EMERGENCY TELEPHONE )  
SYSTEM BOARD, )  
CH-24 )**

**No. 97-**

**Plaintiff, )**

**-vs- )**

**GTE NORTH INCORPORATED, )  
ILLINOIS CONSOLIDATED )  
TELEPHONE COMPANY, MONTROSE MUTUAL )  
TELEPHONE COMPANY, )  
WABASH TELEPHONE COOP, INC., )  
Corporations )**

**Defendants. )**

**TEMPORARY RESTRAINING ORDER AND PERMANENT INJUNCTION**

This cause having come before the Court on Plaintiff's Complaint, for a Temporary Restraining Order and Permanent Injunction, all parties appearing in Court by and through their respective attorneys or having waived appearance and stipulated to the entry of this Order. The Court has examined the verified Complaint and Motion and has heard the arguments, if any, of counsel. The Court now being fully advised in the premises finds as follows:

1. Immediate and irreparable injury will result to Plaintiff and their citizens and residents of Effingham County, Illinois, unless a temporary restraining order and permanent injunction is issued, in that failure to provide non-published or non-listed telephone numbers and addresses needed to correct 9-1-1 data base errors (referred to below as "Defendants' records") to Plaintiff substantially impedes Plaintiff's ability to quickly and efficiently provide emergency services to their residents of Effingham County, Illinois, who have non-published or non-listed telephone numbers which, in turn, substantially increases the risk of injury or death to such residents.

2. Immediate and irreparable injury will result to Plaintiff and the residents of Effingham County, Illinois, unless a temporary restraining order and permanent injunction is issued, in that failure to provide the Plaintiff with "Defendants' records" substantially impedes Plaintiff's ability to reach and attain the legitimate law enforcement fire and emergency medical goals required by the Illinois General Assembly, thereby causing irreparable harm to Plaintiff's law enforcement, firefighting and emergency medical response programs and the citizens and residents of Effingham County, Illinois.

3. That Defendants' determination not to supply "Defendants' records" to Plaintiff was based upon the provisions of the Electronic Communication Privacy Act, 18 U.S.C. 2701, et seq.

4. That Plaintiff has shown that "Defendants' records" are relevant to a legitimate law enforcement inquiry in accordance with the Electronic Communication Privacy Act, 18 U.S.C. 2703(d).

5. Access to "Defendants' records" is needed by Plaintiff to efficiently and effectively operate its 9-1-1 system and to assist it in responding to all telephone calls to Plaintiff for emergency assistance.

6. Disclosure of "Defendants' records" to Plaintiff for the limited purpose of assisting it in responding to such emergency calls will serve a legitimate law enforcement purpose.

7. To assist Plaintiff in responding to emergency calls, Defendants will provide "Defendants' records" if certain conditions set forth below are met which are necessary to comply with applicable state and federal statutes, to protect the privacy of subscribers, to ensure that such access does not disrupt Defendants' telephone service or place an unreasonable burden on its subscribers or services, and to protect it from liability arising from the Plaintiff's access.

8. Access to "Defendants' records" for any purpose other than identifying the telephone location and name involved in calls for assistance to Plaintiff is prohibited.

9. Plaintiff's attorney has had communication with the attorneys for the Defendants wherein counsel for the Defendants have indicated that they have no objection to the issuance of a permanent injunction.

**THEREFORE, IT IS HEREBY ORDERED** pursuant to 18 U.S.C. 2703(d) that Plaintiff shall have immediate access to "Defendants' records" (containing its customers' non-published or non-listed telephone numbers and addresses) for the geographic areas served by Plaintiff's 9-1 -1 systems under the following terms:

1 Access to "Defendants' records" shall be made available to Plaintiff during the implementation phase of the "9-1 -1 " system and thereafter as needed for error correction.

2. Access to "Defendants' records" shall be solely by authorized employees of the Plaintiff; the Chairman of the Emergency Telephone System Board of Effingham County and his designees. The Plaintiff is responsible for advising any employee or designee who has access to "Defendants' records' of the requirements of this Order and to obtain that employee's agreement in writing to comply with this Order.

3. That all persons and entities obtaining access to Defendants' ' Records shall keep all of the non-published and non-listed telephone numbers and addresses confidential and shall only use such records for the sole purpose of ascertaining the originating telephone location and customer listings to ensure that all customers are identified with the proper addresses in the Plaintiff's 9-1-1 system so that 9-1-1 emergency calls for assistance result in a timely and accurate response of police, fire and medical services.

4. That Plaintiff shall take all necessary steps that are reasonable to protect the privacy of the Defendants' subscribers to ensure that the access to Defendants' records granted by this Order does not disrupt Defendants' telephone service or place an unreasonable burden on Defendant's subscribers or services, and protect Defendants from any liability arising from Plaintiff's access to and use of Defendants' records.

5. The responsibility of the Defendants is limited to the furnishing of the Defendants' Records and those records may be provided through any medium mutually agreeable. One acceptable method of providing "Defendants' records" shall be to (1) put a complete memory of every non-published customer name, address and telephone number (subscriber records) in the E9-1-1 Automatic Location Indication (ALI) data base which is accessed only by receipt of a 9-1-1 call from a subscriber resulting in the display of the subscriber's record for the telephone number from which the call is originated; and (2) provide periodic error reports of subscriber records which are found by Defendants to be inconsistent with relevant street address geographic ranges or with other known facts. The responsibility of each Defendant is limited to that Defendant furnishing its own "Defendants' Records" as those records are kept in the normal course of the Defendant's business. Other than ensuring that the records provided are Defendants' current business records, each Defendant shall have no responsibility to ensure its records are correct or up to date.

6. Plaintiff's bond is waived.

7. That the Court shall retain jurisdiction of this cause to enforce this Order upon written motion with notice by any of the parties hereto.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

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Judge