

3-19-2015

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Recommended Citation

Zumbach, Lauren, "Orland Park Library to pay \$55K to settle lawsuits related to Internet porn" (2015). *Orland Park Public Library (Illinois), 2013*. Paper 274.
http://dc.uwm.edu/orland_park_library_challenge/274

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Orland Park Library to pay \$55K to settle lawsuits related to Internet porn

By [Lauren Zumbach](#)
Chicago Tribune

MARCH 19, 2015, 6:20 PM

Orland Park Public Library officials have approved a settlement with two patrons who sued the library over alleged transparency law violations in an ongoing dispute over the library's policy of giving adults unfiltered access to the Internet, including pornography.

Last fall, Megan Fox and Kevin DuJan filed two lawsuits against the library, alleging several violations of Illinois' freedom of information law. Orland Park and its police department were also accused in one of the suits of violating the law.

The settlement includes a \$55,000 payment by the library's insurance company to Fox, DuJan and their attorneys, resolves current complaints over alleged violations of the FOI law and the state's open meetings law and sets up procedures for handling future public records requests from Fox and DuJan, according to a statement from Library Director Mary Weimar.

Fox and DuJan have been outspoken critics of the library since October 2013, when they claimed they saw men viewing pornography on library computers, which is permitted under library policies. The pair filed dozens of FOI requests, seeking records on library policies and personnel.

By last fall, the Illinois attorney general's Public Access Bureau had received more than 30 complaints alleging that the library violated the transparency laws, most from Fox and DuJan. The Public Access Bureau upheld a few of the complaints, but in several other cases sided with the library.

The lawsuits allege that the library refused to provide certain public records, violated the open meetings law and improperly deemed that Fox and DuJan were "recurrent requesters," which would allow the library additional time to respond to their records requests. Fox and DuJan, who frequently write and post videos about the library online, claimed they're members of the media and need responses within the usual deadlines.

The library board approved the agreement in a 5-1 vote on Monday. Trustee Dan Drew voted against settling, and Trustee Julie Ann Craig was absent, library spokeswoman Bridget Bittman said.

Bittman has also sued Fox, DuJan and other critics of the library's Internet policy in federal court, alleging that they "engaged in a concerted campaign to destroy Ms. Bittman's reputation and career" by posting defamatory comments online.

The library declined to immediately provide a copy of the settlement.

"The OPPL wasted tens of thousands of dollars of taxpayer money on bad legal advice and efforts to evade and break the law," Fox said in an email. "It took suing them to make them remove all of the illegal restrictions they put on public speech and to compel them to produce documents related to wasteful spending and dangers to children in this library. No board should behave this way and it is unfortunate that the public needs to hire attorneys and sue a board in order to compel them to follow the law. The OPPL needs a new library director and serious management changes to ensure nothing like this happens again."

In a statement, Weimar said the library denies allegations that it violated transparency laws.

"Instead, the agreement reflects the assessments by the parties of the costs and uncertainties of continuing to litigate their disputes and the benefits of managing the reoccurring and voluminous Freedom of Information Act requests submitted by these plaintiffs," Weimar wrote.

The two-year agreement sets up procedures for handling future requests from Fox and DuJan. The library agrees to provide them with certain records on a monthly basis while also allowing a specific number of additional FOI requests, with responses due by a deadline they've negotiated, according to Weimar's statement.

In September, library officials said they had received 133 open records submissions containing 742 distinct requests for documents since the dispute began, mostly from Fox, DuJan or others submitting requests with the same email address.

Many requests sought information on library policies, personnel and spending, but one asked why a trustee wears a similar red outfit at each meeting, whether it was a form of "hazing" or the library has "anything in writing that explains why she dresses up as Mrs. Claus every month," according to library documents.

Library officials claimed last fall that the requests kept two employees busy for 35 hours each week and that legal fees related to the controversy had reached \$125,000.

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