Location: <<CourtRoomNumber>>

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT – CHANCERY DIVISION

FILED 9/26/2022 6:20 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2021CH01987 Calendar, 14 19647729

CITY OF CHICAGO, an Illinois Municipal corporation,

Plaintiff,

21 CH 01987 Case No.:

-VS-

Judge: Clare J. Quish

WESTFORTH SPORTS, INC.,

Defendant.

CITY OF CHICAGO'S UNOPPOSED MOTION TO SUPPLEMENT THE RECORD AND TO EXTEND THE DATE FOR DEFENDANT'S REPLY TO OCTOBER 31, 2022

Plaintiff, City of Chicago ("Plaintiff") respectfully moves this Court for the entry of an Order granting Plaintiff the right to file supplemental evidence in support of Plaintiff's Opposition to Defendant's Section 2-619 Motion to Dismiss. Plaintiff seeks leave to supplement the record with one additional exhibit comprised of select documents produced by ATF, attached as **Exhibit** 1 to the Affidavit of Alla Lefkowitz, submitted herewith. Counsel for Plaintiff has conferred with counsel for Defendant regarding this motion, and Defendant consents to the proposed supplemental filing and subject to an extension of the date for Defendant's reply to October 31, 2022.

On August 11, 2022, this Court entered an order permitting non-party the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") to produce certain documents relevant to this litigation that would otherwise be restricted by the Privacy Act. See Privacy Act Order. Despite repeated efforts by the Plaintiff to obtain these documents prior to the September 15th deadline for filing Plaintiff's opposition brief, those documents were not produced until September 19, 2022. See Affidavit of Alla Lefkowitz, ¶¶ 5-6. Counsel for Plaintiff served the produced documents on Defendant on September 20, 2022. *Id.* Plaintiff believes the evidence is significant and directly

relates to the Defendant's knowledge of the indicators of straw purchasing, a pivotal issue in both the Plaintiff's and Defendant's arguments.

For the foregoing reasons, Plaintiff respectfully requests that the Court enter an order giving Plaintiff leave to supplement the record on Plaintiff's Opposition to Defendant's Section 2-619 Motion to Dismiss to include the documents attached as Exhibit 1 to the Affidavit of Alla Lefkowitz, and extending the time for Defendant to file its reply in support of its motion to dismiss, to October 31, 2022.

Dated: September 26, 2022

Respectfully submitted,

By: /s/ Michael J. Gill_

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* Admitted pro hac vice

ATTORNEYS FOR PLAINTIFF CITY OF CHICAGO, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT – CHANCERY DIVISION

CITY OF CHICAGO, an Illinois municipal corporation,

Case No. 21 CH 01987

Plaintiff,

Judge: Clare J. Quish

-VS-

WESTFORTH SPORTS, INC.,

Defendant.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies under penalties provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109) that he caused copies of the foregoing Plaintiff City of Chicago's Motion to Supplement the Record in Opposition to Defendant's Section 2-619 Motion to Dismiss for Lack of Personal Jurisdiction and to Extend the Date for Defendant's Reply to October 31, 2022 to be served electronically upon the counsel of record listed in the below Service List via Odyssey eFileIL.

Respectfully Submitted,

/s/ Michael J. Gill

Attorney for Plaintiff, the City of Chicago

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James E. Miller Krystan Hitchcock EVERYTOWN LAW 450 Lexington Ave. P.O Box # 4184 New York, NY 10017 Phone: (646) 324-8365 jedmiller@everytown.org khitchcock@everytown.org	Alla Lefkowitz EVERYTOWN LAW P.O. Box 14780 Washington, DC 20044 Phone: 202-545-3257 ext. 1007 alefkowitz@everytown.org

Hearing Date: 10/6/2022 10:00 AM - 10:05 AM

Location: <<CourtRoomNumber>>

Judge: Calendar, 14

FILED DATE: 9/26/2022 6:20 PM 2021CH01987

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT – CHANCERY DIVISION

FILED 9/26/2022 6:20 PM IRIS Y. MARTINEZ CIRCUIT CLERK COOK COUNTY, IL 2021CH01987 Calendar, 14 19647729

CITY OF CHICAGO, an Illinois Municipal corporation,

Plaintiff,

Case No .:

21 CH 01987

-VS-

Judge:

Clare J. Quish

WESTFORTH SPORTS, INC.,

Defendant.

AFFIDAVIT OF ALLA LEFKOWITZ IN SUPPORT OF PLAINTIFF CITY OF CHICAGO'S MOTION TO SUPPLEMENT THE RECORD IN OPPOSITION TO DEFENDANT'S SECTION 2-619 MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

BEFORE ME, the undersigned authority, personally appeared Alla Lefkowitz, who being duly sworn, stated as follows:

- 1. My name is Alla Lefkowitz. I am an attorney of record for the City of Chicago, in the above-captioned case. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge..
- I have been an attorney licensed in the State of New York since 2011 and the
 District of Columbia since 2017. My licenses have never been suspended or revoked.
 - 3. I am admitted *pro hac vice* by this Court to practice in the above-captioned case.
- 4. Attached hereto as **Exhibit 1** is a true and correct copy of a sign-in sheet for a Firearms Dealer Seminar conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives

("ATF") on February 25, 2020 in Saint John, Indiana, as well as a true and correct copy of an excerpt of the PowerPoint presentation presented during the seminar.

- 5. The above documents were produced to me as part of a larger production on September 19, 2022 by an employee of the ATF. On September 20, 2022, I sent a Dropbox link to counsel for Defendant Westforth Sports providing the entire set of documents produced by the ATF.
- 6. I exercised due diligence in trying to obtain these documents prior to September 15, 2022, the deadline for Plaintiff's opposition to the Defendant's motion to dismiss. Between August 11, 2022, the day the Privacy Act Order was entered, and September 15, 2022, I emailed counsel for ATF on six separate occasions in an effort to obtain the documents. Finally, after 5:00 pm eastern on September 15, 2022, the day the brief was due, I received an email from an employee of the ATF stating that that the production was too large to send via email. Given the deadline for filing the brief, it was not possible to obtain and file these documents as part of the brief. I therefore made arrangements to obtain these documents by an alternate method as soon as practicable, and ultimately received the documents on September 19, 2022.

Signed this 2 date of September 2022.

Alla Letkowitz

Admitted *Pro Hac Vice*

SUBSCRIBED AND SWORN TO BEFORE ME on the 25 date of September 2022, to certify which witness my hand and official seal.



Notary Public for the District of Columbia
State of Virginia

EXHIBIT 1



FIREARMS DEALER SEMINAR February 25, 2020 - Saint John, Indiana



	<u>FLL Name</u>	FFL City	Name of Attendee	Phone Number	Email Address
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/		Dyer, Indiana			
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FIREARMS DEALER SEMINAR February 25, 2020 - Saint John, Indiana



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1	ESTROMH SPORTS	GARY ~?	EARL WESTFORTH	219-980-0680	SNES E WESTFORTH Sports, Com
		Merrillville			
		Dyer			
1		Merrillville			



FIREARMS DEALER SEMINAR February 25, 2020 - Saint John, Indiana



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Bureau of Alcohol Tobacco, Firearms and Explosives

FFL Seminar

February 25, 2020



Detecting & Svoiding Straw Purchases



What Is A "Straw Purchase?"

- The illegal purchase of a firearm by one person on behalf of another.
- Actual buyer may or may of be prohibited.
- "Actual buyer" selects firearm, pays for firearm, takes custody of firearm, etc.
- "Straw Purchaser" completes paperwork.
- May be firearch trafficking or single purchase.
- Gifts are <u>NOT</u> straw purchases.



What Is A "Straw Purchase?" (Cont'd)



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Place of Birth U.S. City and State OR.	Foreign Country	,	4. Haight Pt St.	5. Weight (Lhs.)	6. Sax	1 7 1			7	
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Straw Purchaser

Actual Buyer

It's not just a "paperwork" crime!



Common Indicators

- Bulk purchases or repetitive purchases of same or similar firearms especially "non-collectibles."
- Structuring purchases to avoid MS reporting.
- Purchase made with new identification.
- No previous purchases by now frequent buying.
- No haggling or questions on price.
- Paying with large amount of cash.
- Apparent drug-abuser.





Common Indicators (Cont'd)

- Arriving in car with out-of-state license plate.
- Attempts to conceal conversation from FFL.
- "Scouting" of firearm by person with purchaser.
- Taking/sending cell phone photos of firearms.
- · Talking on telephone while looking at firearms.
- Avoids engaging in conversation with FFL or is evasive when asked questions.
- Travels an illogical distance to purchase.



And even more Common Indicators

- Reluctance of apparent buyer to complete paperwork.
- Attempted purchase of firearm from recent denial.
- Purchaser has little or no knowledge about firearms.
- Purpose inconsistent with firearm purchased
 - Deer hunting with .22-caliber.
- Customer inconsistent with firearm purchased
 - Small-framed person buys large pistol.
 - Person with no apparent income buys expensive firearm.



What Can You Do?

· Ask Questions,

· Ask More Questions,

• Ask Even More Questions!!!



What Can You Do (Cont'd)?

- Educate your employees on recognition and prevention.
- Get to know your customers.
 - Engage with your customers.
 - Ask questions.
- Trust your instincts.
- Maintain complete records
 - -4473.
 - Multiple Sale Reports.
- Report suspected straw purchasers.



What Can You Do (Cont'd)?

Decline the Sale

- There is no legal obligation to complete a sale.
- -If you feel the transaction may not be legitivate, you may decline the sale.
- -If you have reasonable cause to believe it is not legitimate, you must decline the sale.