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News-Star: "Holsten's Attorney Subpoenas Google"

Wednesday, January 28, 2009 | | 

Information sought on 2 Uptown blogs

By [LORRAINE SWANSON, Editor](#)

The attorney representing Wilson Yard developer Peter Holsten in the lawsuit filed against him by Fix Wilson Yard has subpoenaed Google seeking information about two Uptown blogs.

"The First Amendment protects our freedom of expression against suppression by the government. It is this right which has allowed for America's most liberating movements and social change. How dare they harass individual citizens for providing forums where people can voice their opinions.

This is an absolute outrage. We are confident that our motion to quash the subpoenas will be successful and the judge will see right through this.

It is just unfortunate that we have to spend money on frivolous actions by the defendants when our resources are so limited."

News-Star learned that the blogs in question are Uptown Update and What the Helen. Each blog was notified by e-mail that they had been subpoenaed as third parties through Google and that they have until Feb. 4 to file a motion to quash the subpoena. Both blogs are maintained anonymously and **neither is affiliated with Fix Wilson Yard.**

In December, the Uptown community group Fix Wilson Yard, which claims to represent more than 2,000 Chicago residents, filed a lawsuit against the City of Chicago and Holsten Real Estate Development.

The residents' lawsuit alleges numerous abuses on the city's part in the creation, planning, implementation and funding of the Wilson Yard TIF district and the corresponding Wilson Yard Redevelopment Plan.

Although News-Star was not able to get a copy of the subpoena at press time, Holsten's attorney, Tom Johnson, confirmed on Monday that Google was served with a

subpoena asking for the names of the blogs' account holders. "We did issue a subpoena to Google," Johnson said. **"The subpoena asks for all the information for two particular sites that Google has."**

Both blogs are on the Web through Blogger, the hosting service of Google, the Internet giant known best for its search service. Johnson said **the subpoena asks for ownership information of the blogs.** Uptown Update is an active blog that has gained popularity as a clearinghouse for information about the neighborhood. What the Helen was active during the 2007 aldermanic election and has not been

updated in over a year.

Both blogs have been highly critical of 46th Ward Ald. Helen Shiller. Shiller's supporters and detractors often debate the alderman's policies and neighborhood issues in both blogs' comments sections.

Johnson said the subpoena is not asking for the e-mail addresses or personal information of those who leave comments on the sites.

Holsten said that he was not aware that Google had been subpoenaed by his defense attorney for information about the blogs. "I tend to stay off the blogs," Holsten said "They can get pretty nasty."

Andrew Pederson, a spokesman for Google in Mountain View, Calif., said that he was not familiar with this particular subpoena. Google regularly receives subpoenas seeking information for a variety of reasons related to blogs hosted on Blogger.com.

Pederson said that unless third parties notify Google that they plan to quash subpoenas, Google must comply with subpoenas and turn over the information sought.

As a condition of using Google's services, bloggers must agree to the terms of Google's privacy policies, which include the disclosure personal information and the content of communications. Google is required to do so "in order to comply with any valid legal process or government request," according to Google's privacy policy. Such conditions include search warrants, subpoenas, statutes and court orders.

Attorneys for Fix Wilson Yard plan to file a motion to quash the subpoena before the Feb. 4 deadline.

In a comment filed to News-Star by e-mail Tuesday, members of Fix Wilson Yard said, "The First Amendment protects our freedom of expression against suppression by the government. It is this right which has allowed for America's most liberating movements and social change. How dare they harass individual citizens for providing forums where people can voice their opinions. This is an absolute outrage. We are confident that our motion to quash the subpoenas will be successful and the judge will see right through this. It is just unfortunate that we have to spend money on frivolous actions by the defendants when our resources are so limited."

Update: [Gapers Block](#) has picked up on the story: "[Uptown Throwdown](#), By Ken Green. Uptown Update, the highly popular blog that has become a thorn in the side of Ald. Helen Shiller, particularly over the fate of the Wilson Yard Project, [has been subpoenaed](#) by the attorney for the yard's developer, [Peter Holsten](#). Holsten is being sued by a group called [Fix Wilson Yard](#), which opposes the project in its current state. Another area blog, the apparently defunct What The Helen, has also been subpoenaed."

Update #2: The [WindyPundit](#) also has a story on this: "Free Speech Department: Google Subpoenaed Over Anonymous Blogs In Connection With Controversial Chicago TIF Project"

Update #3: The [Marathon Pundit](#) is now following this saga.

Update #4: Tom Mannis at The Chicago News Bench has an analysis of the events unfolding. Check it out [here](#).

Update #5: And [Chicagoist](#) joins in, too.

136 comments:

1. [Starck Mad](#) says: [January 28, 2009 11:04 PM](#)

Say what??

This smacks of desperation.

2. [Watchdog](#) says: [January 29, 2009 12:00 AM](#)

Although UU may not be a direct part of the Fix Wilson Yard lawsuit, there is a rather prominent button in the upper right of the site where you can donate money to the cause. UU uses the blog and its Facebook account to rally support for FWY, to urge people to donate funds, and to organize activities against the project.

3. [allenpg](#) says: [January 29, 2009 12:38 AM](#)

If this were Madison, they would pulverized by the media for doing this and the ACLU would be entrenched in the attorney's office. Well, this is Chicago where nothing usually makes sense.

Worst case...the Uptown Update owner should transfer "ownership" of the account to a friend or family member that lives outside of the Chicago area, especially out-of-state. This will make it harder for the parties involved to do any "harassing". After all, Shiller and Holsten don't live in Uptown anyway!

I don't know about blogs on Google, but transferring ownership of domain names and standalone blogs using Wordpress is very easy. Glad to see they are using proxy WHOIS...:)

Good luck and don't forget the local ACLU office # is 312-201-9740.

4. [James](#) says: [January 29, 2009 12:49 AM](#)

This latest act now motivates me to donate more money on a regular basis to Fix Wilson Yard. It means I have to cut back on other charities, but this is important.

Everyone... please join your neighbors and consider doing the same. Times are tough for us all, but make a commitment to give what you can on a monthly basis. This is the second lawsuit that I have helped to support with other community residents in less than a year.

Just think... after the 2011 election, the community shouldn't have to waste their hard earned

money on lawsuits to have their voices heard.

5. [*conipto*](#) says: [January 29, 2009 1:03 AM](#)

What's the logic here? Even if the blog owner flat out said "I am a member of FWY, and support it - donate money" how is that going to hurt the case? Seems to me someone's just hunting for a name and address so some shoveling/parking/building code violations can be conveniently handed out.

Same old uptown.

6. [*Hugh*](#) says: [January 29, 2009 1:21 AM](#)

if it please the court we will now demonstrate beyond a shadow of a doubt that one of the principals behind Uptown Update was once on the same EL car on the Red line riding northbound with the sister-in-law of the uncle-once removed of James Cappleman's cheese monger

7. [*Boohoo*](#) says: [January 29, 2009 3:29 AM](#)

Since What The Helen ceased publishing prior to the formation of Fix Wilson Yard, this reeks of a witch hunt. What a bunch of crap -- using the FWY lawsuit to satisfy the curiosity of the Shiller/Holsten bunch about who owns the blogs. "Better to harass you with, my dears! Got any back porches that need inspecting?"

8. [*Boohoo*](#) says: [January 29, 2009 3:34 AM](#)

Speaking of a bunch of crap, does anyone believe Holsten's attorney is doing this on his own, without Holsten's approval or knowledge?

Either Holsten's lying about this, or we've got "Tom Johnson, Vigilante Attorney" doing business in the City of Chicago.

9. [*Chuck*](#) says: [January 29, 2009 4:37 AM](#)

Seems like momentum is building up too much steam against our alderman. Finally a way has been found to unite the taxpayers and condo owners. She's been rallying her voting bloc for quite sometime in ways unseemly and now the numbers are ebbing. Could this be her attempt at disbanding the unified group against her? What's next, a knock on the door and George with his bat looking to "educate" the Uptown voter on Helen's "goodness"?

If Uptown Update needs my information in support of them I'm more than happy to provide.

10. [*chipdouglas*](#) says: [January 29, 2009 7:27 AM](#)

Another attempt by Government to squash free speech. There have been a number of recent cases aimed at internet sites and if they fall under the protection of free speech. Which way do

you think the Government appointed judges rule?

This should scare people.

Wow.

11. [R.](#) says: [January 29, 2009 7:35 AM](#)

I am on my way to the office and skimmed the article.

But this is great it proves to me they do in fact know we are on to them and they are real worried about the lawsuit.

Keep up the good work UU.

btw-that happened to me in a email I sent the lawyers on our side laughed at the other side and it ended up costing them more \$\$\$ to get nothing.

12. [Toto](#) says: [January 29, 2009 7:43 AM](#)

Ripped from the pages of Mr. Broken Heart of Rogers Park:

"Coward Bloggers Subpoenaed

Every time I get interviewed about blogs in the media, I'm asked what I think of anonymous bloggers. I always answer that they are nothing more than cowards. Like the great Oz in the Wizard of Oz, they act like big-shots, hiding behind a curtain. Once exposed, you find out they're nothing more than a big fraud. One developer has had enough.

"The attorney representing Wilson Yard developer Peter Holsten in the lawsuit filed against him by Fix Wilson Yard has subpoenaed Google seeking information about two Uptown blogs.

News-Star learned that the blogs in question are Uptown Update and What the Helen. Each blog was notified by e-mail that they had been subpoenaed as third parties through Google and that they have until Feb. 4 to file a motion to quash the subpoena. Both blogs are maintained anonymously and neither is affiliated with Fix Wilson Yard." Source/Read more.

Neither is affiliated with Fix Wilson Yards.... my ass! One of these bloggers has been championing the "FWY" cause and egging residents on since the "FWY" fight began. I can't wait to see who's behind the curtain of these two cowardly Uptown bloggers. When the truth comes out, someone people are going to pay dearly for hiding behind the curtain and shooting their mouths (or keyboards in this case) off at some very powerful people. Trust me, I know this first hand.

Outing anonymous bloggers. Yum-Yum. I'm getting blood thirsty just thinking about it."

13. [holy moley](#) says: [January 29, 2009 7:51 AM](#)

Broken Heart can whine all he wants. He doesn't face harassment for speaking up about Uptown when he lives in Rogers Park. How convenient.

Perhaps we could get testimony of past campaign workers who have been harassed and taunted by city inspectors with false allegations of code violations. Maybe we can get some businesses to step up to testify of the repercussions of upsetting Helen. The stories are out there. We can show proof of Helen's harassment. City Council won't listen, but maybe a judge will.

14. [Chuck](#) says: [January 29, 2009 8:12 AM](#)

So Deep Throat (the informant, not the movie) kept secret for years and is hailed a hero for exposing government corruption but this jamoke at "Mr. Broken Heart" considers anonymity cowardly? Well, our government isn't notorious for acting in the most ethical manner when it comes to those who speak out against it's wrong-doings. Cowardly is when you bully your constituents into submission by applying random laws and statutes indiscriminately. All the while using tax dollars to fund their shenanigans and vengeance.

For years Helen has "unionized" the poor and homeless ONLY during election years or when it suited her purpose after which she threw them back to the wolves. Now that the people who sign her paycheck are finally able to effectively organize in opposition she is crying foul.

And for poor "Mr. Broken Heart" in Rogers Park: We've all had our hearts broken. Get over it, hike up your skirt, and move on. Your bitterness is tiring.

15. [IrishPirate](#) says: [January 29, 2009 8:18 AM](#)

Strikes me as an attempt at intimidation. As for Holsten not knowing about this aspect of the lawsuit I rather doubt that. Blago didn't try to sell a Senate seat and the dog ate my homework.

What chance the FWY lawsuit has I don't claim to know.

16. [Craig Gernhardt](#) says: [January 29, 2009 8:19 AM](#)

===Broken Heart can whine all he wants. He doesn't face harassment for speaking up about Uptown when he lives in Rogers Park.===

Bite me.

I spoke up for you cowardly Uptowners against Helen Shiller and her policies in the 90's. If she or Holsten had a bitch with me back then, they know where they could take it. I didn't hide from her then - and I don't hide from her now.

Shows how much you know.

17. [uptown vegetarian](#) says: [January 29, 2009 8:38 AM](#)

Well since the class warfare argument is not working, I guess Old Helen and Peter will try

another angle to get the focus off of... well the real issues of breaking the law or laws regarding this type of development. Good luck with that one! I agree with James just more motivation to give money to the cause. I will not be intimidated and I hope anyone who reads and comments on this site will not be as well. That's Uptown Vegetarian, in case you missed it counselor! By the way my deck was already inspected! So maybe you want to try something else with my property.

18. [IrishPirate](#) says: [January 29, 2009 9:00 AM](#)

There was a long ago post on UU regarding flyers for UU to hand out to neighbors. I suggest someone better with "the google" than me find it and link to it.

Time to alert our neighbors to this blog again.

Oh, and donate to Fix Wilson Yard.

19. [miss kitty](#) says: [January 29, 2009 9:05 AM](#)

WOW - how desperate is Holsten and Shiller? PATHETIC! James is right - this is all the more reason to contribute to FWY. Let's continue to fan the fire! Times are tight, but I'll eat ramen noodles if it means we have to put up the good fight to stop these idiots!

20. [Hugh](#) says: [January 29, 2009 9:32 AM](#)

I wonder how these subpoenas might fit in with the broader case. Or is just harassment pure&simple? Perhaps Holsten's team views some of FWY's discovery requests as harassment, you know, City documents, correspondence, etc, and this is retaliation. When FWY moves to squash Johnson will have to justify these subpoenas to the judge. Is Johnson attempting to undercut the the whole FWY movement and in particular the petition signatures by showing that they are politically motivated, it has nothing to do with the TIF or the project, it's all about Shiller? Shiller certainly thinks so, she said as much to the News-Star.

21. [Sykurmolarnir](#) says: [January 29, 2009 9:35 AM](#) This post has been removed by the author.

22. [The Soul of Murray Humphries](#) says: [January 29, 2009 9:49 AM](#)

lol

Holsten is desperate. This is a total diversion. These subpoenas are designed to delay the process, to increase the costs incurred to the plaintiffs, to drag anyone and anything the defense wishes through the mud.

Uptown Update and What The Helen have no relevance to this lawsuit at all. The parties are free to raise money, critique, and opine on any subject matter that pleases them. And they can do it all anonymously.

There is the Electronic Frontier Foundation which may have an interest and experience in assisting with quashing these ridiculous subpoenas.

23. [yo](#) says: [January 29, 2009 9:51 AM](#)

If FWY is going to run defense to quash the subpoena, then anyone reading UU should pony up some \$\$.

Since I can't see how any post by WTH and UU could be relevant to whether or not TIFs were misused - this certainly smacks of Helen shaking the tree to see whose personal information falls out.

It's also a diversionary and resource tapping tactic.

If it weren't for how painfully obvious the desperation of Holsten/Shiller, I'd be entirely outraged - though, not surprised.

Obviously, the members of the Chicago government have no regard for the Constitution.

Since Greg Harris contributed to Helen, and has endorsed her, I'd like to get his take on this, soon.

Same with Jan Schakowsky.

And Heather Steans.

I'll be contacting their offices today, to ask them how they feel about someone with whom they work and have supported feel about that person trashing the Bill of Rights.

24. [Kenny Kball](#) says: [January 29, 2009 10:04 AM](#)

More antics from our creepy leadership. We should all be insulted that our city, with unlimited legal coffers, continues to play these games to drain a legit citizen-funded challenge.

I just kicked in some more \$ to the FWY fund. It would be great to see their plan backfire by further rallying the community to the cause.

And Yo, great point about hearing what Steans, Schakowsky, and Harris have to say about this.

I emailed Schakowsky months ago, very politely inquiring as to whether she still supports the WY project, given that its profile had changed drastically since her latest endorsement. Crickets. I should have expected as much. I'm just some dumb voter and taxpayer; why would she bother acknowledging my inquiry?

25. [The Soul of Murray Humphries](#) says: [January 29, 2009 10:07 AM](#)

Holsten is buying time. Not that he can't afford it. The tax payers are covering his bets at Wilson Yard so these legal fees are no skin off his back.

He's trying to stall the suit for as long as possible so that as much of the Wilson Yard project can be built. They want the project built as much as possible so the tipping point is reached. At that point a judge will ask for the costs associated with completion of the project and the costs associated with the destruction of the project.

Time is of the essence.

Get your phones ready. Those zoning laws with early and late operating hours for construction sites need to be exercised by the eyes and ears around Wilson Yard.

26. [Jason](#) says: [January 29, 2009 10:09 AM](#)

AWESOME. They are showing thier true colors. GO UU!! FREEEEEEEDOOOMMMM!!

27. [Jason](#) says: [January 29, 2009 10:31 AM](#)

This is my favorite Illinois SUPreme Court Rule. It would be cited in my motion to quash, or brought up in a sperate motion, I'd have to check the proecedural rules.

Rule 137. Signing of Pleadings, Motions and Other Papers--Sanctions

Every pleading, motion and other paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law,**and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.** If a pleading, motion, or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee.

All proceedings under this rule shall be brought within the civil action in which the pleading, motion or other paper referred to has been filed, and no violation or alleged violation of this rule shall give rise to a separate civil suit, but shall be considered a claim within the same civil action. Motions brought pursuant to this rule must be filed within 30 days of the entry of final judgment, or if a timely post-judgment motion is filed, within 30 days of the ruling on the post-judgment motion.

This rule shall apply to the State of Illinois or any agency of the State in the same manner as any other party. Furthermore, where the litigation involves review of a determination of an administrative agency, the court may include in its award for expenses an amount to compensate a party for costs actually incurred by that party in contesting on the administrative level an allegation or denial made by the State without reasonable cause and found to be untrue.

Where a sanction is imposed under this rule, the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order.

28. [*Caring Neighbor*](#) says: [January 29, 2009 10:36 AM](#)

This is Holsten's attorney, who filed the subpoena:

Thomas E. Johnson
36 S. Wabash, Suite 1310
Chicago, IL 60603

A familiar address...

[Law Office of Brendan Shiller, LLC](#)
36 South Wabash Avenue
Suite 1310
Chicago, Illinois 60603

29. [*Hugh*](#) says: [January 29, 2009 10:49 AM](#)

[Johnson, Jones, Snelling Gilbert & Davis Pc](#)
36 S Wabash Ave
Ste 1310
Chicago, IL 60603-2910

Contact Phone: (312) 578-8100

30. [*larrynow*](#) says: [January 29, 2009 10:56 AM](#)

Jason, that's hilarious. Hmmmm.... Supreme Court Rule 137!!!! Fax it to Holsten's attorney!
You'd think Shiller would be familiar.....doh!

The resoucefulness of UU readers always encourages me...and probably anger the crap out of the attorneys!!! My taxes go to the accountant tonight. A portion of my refund goes to FWY.

31. [*Zesty Marinara*](#) says: [January 29, 2009 10:57 AM](#)

So when does the Shiller/Holsten media tour begin?

The View
Good Morning America

Larry King Live
Nightline

I can hear Joy Behar now... "Alderman Shiller, do your Nixon impression. I hear you have a great one. Just say it. Just say I am not a crook. Just say it."

32. [Jason](#) says: [January 29, 2009 11:16 AM](#)

Sometimes I wish I was working on this case....

I've never lost a motion for 137 sanctions. (I've only had to do it once.) ;-)

33. [Boohoo](#) says: [January 29, 2009 11:29 AM](#)

One of the creepier aspects of this is:

-> Residents/Taxpayers provide the money for Wilson Yard "Plan"

-> Holsten collects millions of those dollars for being the sole developer

-> Holsten pays his attorneys some of his Wilson Yard millions to file motions and subpoenas against resident/taxpayer bloggers

-> Residents/taxpayers are also donating their money to Fix Wilson Yard to oppose the Wilson Yard "Plan"

-> So it's your and my money that's being used on frivolous subpoenas. In effect, **taxpayers and residents are paying for both sides of this stupid and unnecessary litigation.**

-> In the meantime, Uptown's schools, etc. don't get the millions of dollars due them because all of those property tax dollars are going into the Wilson Yard TIF instead

-> And every fall, residents and taxpayers like you and me are asked to, and do, donate school supplies to Uptown's kids, who can't get them otherwise because the money is being diverted into Wilson Yard.

So, Helen's portraying herself as savior of the poor, while in the meantime...

You and I are paying Holsten and his attorney, AND paying to fight Wilson Yard, AND paying for school supplies that aren't affordable because the Wilson Yard TIF is eating up the tax money that should be going to the schools.

34. [The Soul of Murray Humphries](#) says: [January 29, 2009 12:45 PM](#)

FYI: Mr. Thomas E. Johnson has previously served as counsel for the Chicago Housing Authority.

35. [Koocachoo72](#) says: [January 29, 2009 12:53 PM](#)

Yep, I'm in... I will make another donation to FWY for this.

36. [Hal Shipman](#) says: [January 29, 2009 12:54 PM](#)

Also, I don't know if this is general public knowledge, but Maggie Marystone went to work for Brendan as a legal assistant, presumably in that same office, after she left her official position on the Ward staff.

Not that Brendan isn't link enough, but it is an additional connection and places someone from the Ward political staff in that same location.

37. [elizabeth](#) says: [January 29, 2009 1:18 PM](#)

Sending a check to FWY today!

38. [marathonman1977](#) says: [January 29, 2009 1:49 PM](#)

By the way, not sure if your company has a matching program, but I was able to get my company to match my contribution to FWY 3:1, which turned my initial \$50 donation into \$200.

I'll have to go donate again today...but thought it may be worth it for others out there to see if there company has a matching program.

39. [sheridanparkparade](#) says: [January 29, 2009 2:06 PM](#)

This isn't surprising.

The numbers are interesting though:

It looks like UU has roughly 3,000 unique visitors per month (according to quantcast.com)

Census data shows Uptown having a 2000 population of just over 63,000

So about 3% of all people living in Uptown take the time to observe the neighborhood's local news (I would argue that UU is the most accessible news source for the neighborhood since the majority of all homes now have internet access).

That 3% can have a powerful word-of-mouth effect on things. Many of my neighbors hear the local news by the few of us who keep UU bookmarked on our laptops and mobile devices.

We are the neighborhood influencers - and Shiller and her cronies know it.

40. [R.](#) says: [January 29, 2009 2:13 PM](#)

I just emailed Peter Holstein with my name and address so he doesn't have to waste my tax dollars finding me as a commenter on this blog.

info@holstenchicago.com

Hey you can add me to the list of supporters of Fix Wilson Yard. My address is XXXXXX.

Just so you don't have to use my tax dollars finding a non supporter of Helen's and your nightmare you are trying to build with tax funds.

Just remember you funded your project with our condo owning tax dollars. Not the no income citizens of Chicago you all claim to care so much about.

If you care so much about the lower income people you say you do why the heck don't you live in one of your low, no income apartments?
We will see you in court!

41. [larrynow](#) says: [January 29, 2009 2:18 PM](#)

What will they do when a few thousand semi-anonymous bloggers become a mob of concerned REAL citizens at the hearings???

42. [yo](#) says: [January 29, 2009 2:28 PM](#)

Heh ... Larry ... one word:

Shart.

43. [The Soul of Murray Humphries](#) says: [January 29, 2009 2:32 PM](#)

R: Hmm. An "I Am Uptown Update" campaign?

44. [R.](#) says: [January 29, 2009 2:50 PM](#)

Even though there is no legal way to recall Shiller.

We should start an online petition to have her recalled.

Kind of like sending her a holiday card showing how little support she has in Uptown.

45. [Farrell](#) says: [January 29, 2009 3:52 PM](#)

Ok, forgive my squirrely ignorance... but is this even legal? What is the point of the subpoena? What, to see that there are people out there that don't agree with Helen Shiller? She needs a lawyer to figure that out for her? Or is this simply nothing more than an intimidation tactic? Because this is so blatant... I feel like I'm missing something. Blogging is free speech, and regardless if UU has a link to FWY and supports it there's nothing she can do about that. Last

time I checked, U.S. of A. is still free. I mean, this would be like UU hiring a lawyer to subpoena every contributor to Helen Shiller's campaign... or any website that supports Helen Shiller. Same difference.

What are they going to find? That there are enough people in Uptown that disagree with her policies and are willing to do something about it to make trouble for her?

Really Helen, you're just figuring this out NOW? No wonder your so out of tune! Perhaps if you washed the cobwebs out of your ears, along with that hippy hair of yours, you might actually hear what your constituents have been saying for years now.

Seriously... this sickens me!

46. [KenCondoPres](#) says: [January 29, 2009 3:57 PM](#)

Is everything in this state and city corrupt? This must be fought and allow our citizens to communicate and come together to learn about community events around us. Spirited debate and the spread of timely information is healthy for Uptown, especially when our elected officials are not doing it for us. WE MUST STAND TOGETHER and fight. It is obvious that our city officials do not care about us -- only about them!

47. [The Soul of Murray Humphries](#) says: [January 29, 2009 4:07 PM](#)

Farrell: These subpoenas are a game of duck, duck, goose. They're meaningless to their defense. They're tactics to create a case with skyrocketing costs for the plaintiffs and their supporters.

Holsten needs time. His counsel will do everything they can to delay this process.

May 5th is the court date. Holsten is likely trying to turn this into November 5th. He'll need a supporting argument. That's where the subpoenas come into play. Remember, the court ruled in favor of Holsten so construction could continue. If Holsten had to stop the WY project as we know it would be dead in the water. He was able to keep on building.

UU and WTH could fight the subpoenas, but then Holsten will claim he can't defend himself. He needs time to litigate the subpoenas requests.

UU and WTH could just reveal themselves, but maybe they do not wish to do so. If they defend their anonymity they give Holsten his trump card: time through delay.

Holsten is going to use more tactics in an attempt to turn FWY supporters against each other. Bet on it.

48. [Matt M.](#) says: [January 29, 2009 5:02 PM](#)

Maybe we all should start a blog each and use the names of Peter Holsten and Helen Shiller as

the blog owners. I don't think it would be too easy to setup a Pholsten@yahoo.com email...would it? Let them chase their own tails a little bit.

49. [Watchdog](#) says: [January 29, 2009 6:08 PM](#)

If Uptown uptown and Fix Wilson Yard are truly not affiliated, why is FWY using funds donated specifically for the lawsuit to fight the subpoenas against Uptown Update?

50. [The Soul of Murray Humphries](#) says: [January 29, 2009 6:10 PM](#)

Watchdog: Who said FWY was using donated funds to fight the subpoenas?

51. [Watchdog](#) says: [January 29, 2009 6:15 PM](#)

According to the article, it's FWY's attorneys that plan to quash the subpoenas. Who is paying for that service?

52. [Caring Neighbor](#) says: [January 29, 2009 6:33 PM](#)

The subpoena was filed in the case of *Fix Wilson Yard v. City of Chicago*, and was sent to Google. Therefore, Fix Wilson Yard's attorneys are handling it. All of the blogs and organizations mentioned in the subpoena are third parties, and none of them have been served with, or have even seen, the subpoena.

53. [wombat](#) says: [January 29, 2009 6:45 PM](#)

Watchdog,

Can you explain the relationship between Brendan Shiller and the attorneys hired by Holsten? Same address. Same suite number.

Seems politically motivated to me.

Is Holsten indirectly paying the son of the Alderman through this lawsuit? Is Brendan Shiller involved in doing work for Johnson and for Holsten?

Seems like more than a coincidence to me.

54. [Watchdog](#) says: [January 29, 2009 7:29 PM](#)

Thanks for the info, Wombat, although it has absolutely nothing to do with what I was talking about.

According to the Swanson article [the only real information anyone has about this so far], Pederson, the Google rep, "said that unless **third parties notify Google that they plan to quash subpoenas**, Google must comply with subpoenas and turn over the information sought." If FWY is doing that for the anonymous bloggers, ie, stepping in to quash the subpoenas, then

they are representing UU and What the Helen in this matter.

Seriously, no one should be surprised this is happening. A defendant is going to use whatever means necessary to fight their case. In this particular matter UU has repeatedly used the blog to attack Peter Holstein, Helen Shiller, and the Wilson Yard Project (often citing anonymous sources and making what could be considered slanderous remarks) and to publically come out in support of the lawsuit to the point of collecting money. Of course Holstein's lawyers are going to want to know more about the relationship between the different entities---they'd be bad lawyers if they didn't.

While the Supreme Court has stated repeatedly that anonymous free speech is upheld under the first ammendment, anyone using Blogger software has signed a Terms of Service which acknowledges that "Google may access or disclose your personal information, including the content of your communications, if Google is required to do so in order to comply with any valid legal process or governmental request (such as a search warrant, **subpoena**, statute, or court order), or as otherwise provided in these Terms of Service and the general Google Privacy Policy." UU should not have a complete expectation of privacy.

Holstein, as defendant, is allowed to pursue this course of action and it's up to a judge to determine if it's valid.

55. [Zesty Marinara](#) says: [January 29, 2009 7:30 PM](#)

Watchdog, if I read it correctly neither Fix Wilson Yard nor Uptown Update will end up paying to squash the subpoenas.

Any publicly elected Judge (a public servant) would not, for the sake of justice, let the City of Chicago and a Developer hired by the City issue frivolous subpoenas as intimidation and/or stall tactics against it's citizens without the expectation that they carry the financial burden themselves.

A city should NEVER issue a subpoena in the attempt to intimidate and/or stall the efforts of ordinary citizens to seek justice.

That smacks of tyranny in the worst way.

If they have, the City should pay for that mistake themselves and the court should expedite this roadblock out of the way as fast as possible.

" If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include **an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee.** "

56. [dmambrose](#) says: [January 29, 2009 7:42 PM](#)

We should all buy a "I Am Uptown Update" TShirt and wear it around town. [Front Back](#)

57. [Zesty Marinara](#) says: [January 29, 2009 7:42 PM](#)

"A defendent is going to use whatever means necessary to fight their case."

Watchdog, this sentance jumped out at me just now, especially in light of the media circus Rod Blagojavich just ended. If this ugly chapter in Illinois politics teaches us anything, it shows that the ends DO NOT always justify the means.

Using a subpoena as intimidation and/or a stall tactic is not justified, especially if a City and a City's developer is doing it against ordinary citizens.

Again, this smacks of the worst kinds of tyranny.

Watchdog, your implied support of "whatever means necessary" for the City to battle it's citizens gives me pause to question every word and idea you have posted.

58. [UptownWalker](#) says: [January 29, 2009 8:01 PM](#)

I have to jump in here...

Using a subpoena as intimidation and/or a stall tactic is not justified, especially if a City and a City's developer is doing it against ordinary citizens.

It has not been established that these subpoenas are intended to intimidate anyone, or to act as a stall tactic. That may be the opinion of most of the people on this blog, but no judge has made such a ruling at this point.

which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other paper, including a reasonable attorney fee.

Fix Wilson Yard *might* recoup the money they spend, but that's making the assumption that FWY will succeed in quashing the subpoenas. If they fail, then FWY will in fact have paid money in the attempt, and that money will not be paid back.

59. [Watchdog](#) says: [January 29, 2009 8:27 PM](#)

Of course, strictly as an aside, it's interesting to note that UU is willing to [Out Particular Users/Readers](#) of their blog, commenting on how many times Holsten's company has *anonymously* visited the site, but cries foul when their own identity is brought into question.

60. [J2C](#) says: [January 29, 2009 8:32 PM](#)

TSOMH mentioned this site earlier, and it is worth checking out. Lots of good info.

<http://w2.eff.org/bloggers/>

and

<http://www.cyberslapp.org/>

61. [Hugh](#) says: [January 29, 2009 8:33 PM](#)

"What are they going to find?"

Mannis at the [Bench](#) has the only explanation for this move that makes sense to me: it's not really in support of the FWY action, it's tangential to the FWY suit - they are planning to sue UU & WTH for defamation

62. [yo](#) says: [January 29, 2009 8:43 PM](#)

As an aside, of course ..., if Helen were kind enough to actually communicate with her constituents, at all. Ever. UU wouldn't have nearly as many hits; and certainly wouldn't have so much angry grumbling in the commentariate.

UU's popularity is founded on the fact that Helen's self-imposed cocoon limits the outlets people have to either vent, or to find out even the smallest bit of information.

When someone who has the information that we scream that we are due (and we are) visits this site, that means that they are aware of our concerns and STILL say nothing.

If calling them out is embarrassing or upsetting, I can only remind them that karma's a bitch and this is what to expect when you work in the public sector.

UU is well within reason to be upset if Helen and/or Peter choose the legal route as the first step towards communicating with the folks who are picking up the tab for their plans.

63. [Sassy](#) says: [January 29, 2009 8:45 PM](#)

I am so disheartened to read this news. I have said in the past that I think that Helen Shiller is a good person and I support her ideals. Its the means that I find fault with. Uptown Update is not "collecting money" for FWY. UU is providing a link just as s/he provides a link to many other community resources and businesses.

This is certainly a legal maneuver and Shiller should not be supporting it. UU wouldn't be so-ehem-"lively" if there were more of a civic life here. I needn't point out to the likes of Helen Shiller that dissent is good for a just society. Politicians must not be in the business of using their power and their access to public funds to squash voices of dissent. On so many accounts, the mayor and the aldermen get away with gross abuses of power. The least we plebeians should be able to do is talk about it.

How ironic it is that history has come full circle. Helen is here because she felt that the government was trampling all over the human rights of the people living here. Yet now she is the government and she can't seem to see that might does not make right even if your intentions are more noble.

Another sad day for Uptown.

64. [Craig Gernhardt](#) says: [January 29, 2009 9:03 PM](#)

===they are planning to sue UU & WTH for defamation===

Bingo! A case like this happened in the 47th a couple of years ago. The authors were already known, so the developer didn't have to bother with the subpoena.

The poor couple was up the creek without a paddle and settled out of court.

UU better have some deep pockets.

65. [yo](#) says: [January 29, 2009 9:15 PM](#)

Holsten and Helen need to also be mindful that the political spotlight is on IL, right now.

We elected an IL guy to president.

We just sacked a governor due to pay for play (among other things).

Opening this can of worms to the national media could prove embarrassing to a lot of people.

Especially with the Olympic committee keeping an eye on things.

The winner's announced in October.

How would Daley feel to have a TIF abuse scandal erupt right before the OIC visit?

66. [Starck Mad](#) says: [January 29, 2009 10:32 PM](#)

'YO's" comments are flawless, and perfectly worded.
Thanks for that!

Of the 50 Wards, in the City of Chicago, I'm hard pressed to find so much valid discontent, as what we are seeing in the 46th.

(Is there any ranking of satisfaction in Chicago's Wards?)

It's stating the obvious, but its the murky opaqueness, that raises so many eyebrows up here.

67. [wombat](#) says: [January 29, 2009 11:28 PM](#)

I sent this post to a law professor I know. He forwarded it to an old teacher of his who specializes in 1st amendment issues.

There are other issues here because the attorneys are working for Holsten. It is not strictly a 1st amendment issue because Holsten is not a government entity.

It can be argued that since the City of Chicago is a party to the lawsuit that Holsten is acting on behalf of the City. It is further complicated by city funding for the TIF district and the possible involvement of Shiller's attorney son.

The 1st amendment expert didn't even know what TIF stands for, but he said it is likely an intimidation and delaying tactic.

He felt it would be unlikely the court would find for Holsten, but he knows little of Illinois law.

The general guess he has is that it is designed for intimidation, delay, and possible grounds for appeal if Holsten and the City lose all or part of the lawsuit.

He felt the publicity it would generate for Fix Wilson Yard if the subpoena is successful would be counterproductive to Holsten's lawsuit. Which I'm guessing he meant by possible donations to Fix Wilson Yard.

Again he is not an expert on Illinois law so his opinion was based on his general knowledge and Federal law.

68. [holy moley](#) says: [January 30, 2009 12:38 AM](#)

Helen and Peter (and I know you're both reading this), the truth may hurt, but for this to be slander, it must be based on a lie. You lose again.

69. [Hugh](#) says: [January 30, 2009 12:41 AM](#)

"The attorney representing Wilson Yard developer Peter Holsten in the lawsuit filed against him by Fix Wilson Yard has subpoenaed Google ... "

to me the amazing part of this story is that Holsten would be stupid enuf to trust defending a suit against his multi-million dollar bleeping golden project to anyone low-rent enough to share an office with Brendan Shiller

hey, I got yer defamation right here

I am Uptown Update

70. [Jocelyn](#) says: [January 30, 2009 7:55 AM](#)

I'm from Rogers Park and I check in here from time to time. I can't help but think this will only

drive more traffic to your site and therefore call more attention to the project. It brought me here.

71. [Andy G.](#) says: [January 30, 2009 8:29 AM](#)

Craig, Hugh, and others:

I am not saying that UU hasn't done it, because I don't know, but what has been defamatory? What is the difference between defamatory and the truth?

Uptown Updater: While I respect your right to anonymity, and I am thankful for this blog, I also understand those calling for your "coming out." Do you have any comment?

72. [holy moley](#) says: [January 30, 2009 9:02 AM](#)

Andy, do you understand yet that Helen will retaliate if she knows who controls UU? When large groups of people are paranoid about Helen's tactics, there could possibly be a reason for it. I don't understand why others don't understand.

73. [chipdouglas](#) says: [January 30, 2009 9:02 AM](#)

"I also understand those calling for your "coming out." Do you have any comment?"

Isn't Uptown Update the sum of all it's parts? I am with Hugh..all of us are Uptown Update, because we all choose to blog and we all send in information to be reported on. This blog is an opinion piece.

I am Chip Douglas and I am Uptown Update.

74. [yo](#) says: [January 30, 2009 9:09 AM](#)

Ahem.

UU does not need to comment, nor do I think Holsten's subpoena will carry any water, whatsoever.

While I'm no lawyer (and I don't even play one on TV), let me illuminate everyone to a little passage that I discovered on my journeys across the vast and wonderful interwebs:

*Sec. 5. Public policy. Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that the constitutional rights of citizens and organizations to be involved and participate freely in the process of government must be encouraged and safeguarded with great diligence. The information, reports, opinions, claims, arguments, and other expressions provided by citizens are vital to effective law enforcement, the operation of government, the making of public policy and decisions, and the continuation of representative democracy. **The laws, courts, and other agencies of this State must provide the utmost protection for the free exercise of these rights***

of petition, speech, association, and government participation.

More ...

"Strategic Lawsuits Against Public Participation"

Even more ...

*The threat of SLAPPs significantly chills and diminishes citizen participation in government, voluntary public service, and the exercise of these important constitutional rights. **This abuse of the judicial process can and has been used as a means of intimidating, harassing, or punishing citizens and organizations for involving themselves in public affairs.***

So!

There will be court action required to quash the subpoena, but the subpoena itself has about as much chance to be honored as there is chance of Helen showing up to a CAPS meeting.

[\(735 ILCS 110/\) Citizen Participation Act](#)

Now, I'm sure someone will bring up Jaeger et al. v. Okon (a developer going after a North Center blogger) and say that the Okons lost their challenge.

They didn't lose, they settled.

Furthermore, some will say that the Okons would have lost, and they may have; but, the CAP law has not been used in court and still requires interpretation.

Additionally, if you read the intent of UU's posts, and the subsequent comments made - sure, a lot of folks, myself included, aren't very nice; but rarely has anyone stated anything as fact.

The general concept of posts are probing and general discussion. Not proclamations.

Put this argument in front of a judge, today ..., per my post about the whole world watching Chicago, the subpoenas dies a quick and painless death, and Peter can go pound sand.

On the off chance that a judge honors the subpoenas, I can fairly well imagine a public outcry of massive proportions that could pull in the ACLU, national media ... and possibly worse: Bill O'Reilly, or Geraldo.

I would highly recommend that Peter's attorney pull this subpoena back and try a different tact before he and his client find themselves in the midst of an unflattering media storm which they may very come out on the wrong side of.

What I would recommend is that Peter's attorney talk to him, and to Helen, and tell them that they may have acting in an unethical manner all along and do what they can to settle Fix Wilson Yard v. City of Chicago as quickly and quietly as possible.

Discovery works both ways, and I'm not so sure our beloved alderman wants opposing council sniffing about her records - since, after all, everything that she does as an alderman is part of the public record.

If she doesn't give it up, a court will force her to.

Does she really want that?

Does the Mayor really want his Olympic bid (for which TIF funding will be a major part, don't kid yourself) on one woman's mental facilities (be they what they are)?

What I will add to chill everyone's bones, is not that Holsten is looking for the ID of UU, but the ID of those making comments.

Nixon had an enemies list.

Would Peter (and by extension, Helen) be trying to sue to create their own?

I am Yo. I am UU.

75. [Sassy](#) says: [January 30, 2009 9:13 AM](#)

For defamation wouldn't you need to prove that UU is telling lies or is being extremely sloppy with the truth. Anyone watched Fox News over the last 8 years?

And anyway, the negative comments toward Holsten and Shiller are in the comment section of blog. UU tends to raise questions and it is not UU's fault that the readership tends to agree or validate them. In all of my time reading this blog I have yet to see cogent arguments defending WY or Helen Shiller's actions on their own merits. It is usually attack the moral character of the opposition.

Personally, I am fine with that because while I am not perfect or free of prejudices, I am honest and always willing try on the perspective of the underdog.

I am Uptown Update too.

76. [R.](#) says: [January 30, 2009 9:17 AM](#)

They would have a hard time proving anything said on here by commenter is defamatory plus they are public figures so the bar is higher on proving defamatory vs free speech.

The owner of UU can't control what people say about Shiller and Holstein

I think they are both garbage fro that matter the dirt on the sidewalk is better than them.

They use poor people and public funds for their gain.

77. [miss kitty](#) says: [January 30, 2009 9:19 AM](#)

Great post Yo.

Looks like Holstein and Shiller better go after the Trib as well. The comments to yesterday's WY article have NOTHING good to say about Shiller.

By the way, I am loving the "I am Uptown Update" T-shirt idea.

I am Miss Kitty and I am UU. Hear me roar!

78. [The Soul of Murray Humphries](#) says: [January 30, 2009 9:21 AM](#)

Following the other linked in blogs to this story, the common denominator is the same. This is a delay tactic.

Mr. 3.5 Million Dollar Campaign War Chest that has never faced a serious challenger, or Mr. Chairman of the Finance Committee as Peter Holsten knows him, or as we should know him - the guy that picks the judges that hear this case, isn't about to hit the snooze alarm on his clock each day when there's a loose thread in the quilt of power.

Let me put in a good word for the brothers Blagojevich to start talking to the G. Do it Rod and Rob.

79. [yo](#) says: [January 30, 2009 9:28 AM](#)

they are public figures so the bar is higher on proving defamatory vs free speech.

Holsten is a private developer and I'm sure that might be part of the argument.

However, with regards to Jaeger v. Okon, the development issues were zoning for a private development, not a private developer working in close/direct concert with an alderman.

However, Holsten tossed his lot in with Helen's and ... well, sorry 'bout that champ, but he's playing with our \$\$, so he'd best steel himself against the ill wills the public may send your way.

I'd be surprised (VERY SURPRISED) if the subpoenas lasted one minute if exposed to direct, judicial sunlight.

80. [The Soul of Murray Humphries](#) says: [January 30, 2009 9:28 AM](#)

From Saul Alinsky's rules for radicals.

RULE 12: Pick the target, freeze it, personalize it, and polarize it." Cut off the support network and isolate the target from sympathy. Go after people and not institutions; people hurt faster than institutions. (This is cruel, but very effective. Direct, personalized criticism and ridicule works.)

FYI: The Alinsky disciples are throwing big bash to celebrate this [fool](#).

81. [R.](#) says: [January 30, 2009 9:44 AM](#)

Holstein isn't much of private developer everyone one of his projects is funded one way or another with tax dollars.

82. [POUS](#) says: [January 30, 2009 9:49 AM](#)

I am Robert Davis owner of Unique So Chique and I AM UPTOWN UPDATE!!!!!!!!!!!!!!!!!!!!!!

83. [Evan Minsker](#) says: [January 30, 2009 9:51 AM](#)

And the Chicagoist picked it up: http://chicagoist.com/2009/01/30/dont_shoot_the_messenger_uptown_blo.php

While it sucks that they're getting into the legal aspects of this, it just proves that Uptown Update is doing its job. Great work.

84. [The Soul of Murray Humphries](#) says: [January 30, 2009 9:54 AM](#)

Great news friends. From Fix Wilson Yard's newsletter.

We are happy to announce that the Electronic Frontier Foundation (EFF) has agreed to assist in filing motions to quash these outrageous subpoenas soon and end the defendant's fishing expedition.

The EFF is an outstanding organization in the defense of the rights of people on the Internet. If you have the means, EFF is an organization to which I contribute prior to this news, but will receive twice the donation I was planning this year.

85. [Sassy](#) says: [January 30, 2009 10:00 AM](#)

I wonder if Target's brand is going to emerge from this unscathed?

86. [yo](#) says: [January 30, 2009 10:06 AM](#)

Per Target, everyone feel free to drop a line to Target, specifically, on this matter and let them know what they're getting caught up in.

Send them the link to this post, as well as the Trib's article.

Big box retailers should be very concerned about their image, and even being mentioned in a story regarding First Amendment rights and legal action may not be what their PR folks want to deal with.

With retailers dropping like flies and a public rather unhappy with a stimulus package under debate, on the heels of an unpopular bailout package, people may not be terribly thrilled to learn that a huge corporation is getting a honey pot of a deal financed with even more public money.

87. [Sassy](#) says: [January 30, 2009 10:29 AM](#)

...a huge corporation is getting a honey pot of a deal financed with even more public money...

*...whilst local taxpayers critical of the plan are being served **subpoenas**.*

88. [Chuck](#) says: [January 30, 2009 10:42 AM](#)

I am Chuck, and I, too, an Uptown Update.

89. [Bradley](#) says: [January 30, 2009 11:25 AM](#)

Oh! Oh! Me too!

I'm Uptown Update!

90. [Holden](#) says: [January 30, 2009 12:13 PM](#)

I'm behind UU 100%! Keep fighting the good fight!

91. [Jason](#) says: [January 30, 2009 12:13 PM](#)

Off topic but interesting: This is from the Stimulus bill: This is not a joke.

SEC. 1112. ADDITIONAL ASSURANCE OF APPROPRIATE USE
2 OF FUNDS.

3 None of the funds provided by this Act may be made
4 available to the State of Illinois, or any agency of the
5 State, unless (1) the use of such funds by the State is
6 approved in legislation enacted by the State after the date
7 of the enactment of this Act, or (2) Rod R. Blagojevich
8 no longer holds the office of Governor of the State of Illi9
nois. The preceding sentence shall not apply to any funds
10 provided directly to a unit of local government (1) by a
11 Federal department or agency, or (2) by an established
12 formula from the State.

92. [UptownUnity](#) says: [January 30, 2009 12:13 PM](#)

I'm Anthony, reside on Hazel and Agatite in Uptown, Chicago and I am Uptown Update.

93. [Al Iverson](#) says: [January 30, 2009 12:15 PM](#)

I'm not always a huge fan of blog anonymity, but what Holsten is doing here is lame. I hope that the attempt to quash the subpoenas is successful.

Like others have said, I will now be donating money to Fix Wilson Yard.

94. [wdolez00](#) says: [January 30, 2009 12:40 PM](#)

I found this on the EFF's website. It is kind of similar to what is going on in this situation.

Manalapan v. MoskovitzEFF

prevented the New Jersey Township of Manalapan from outing a vocal critic.

One blogger who was particularly critical of the Township was Blogspot blogger "datruthsquad" (<http://datruthsquad.blogspot.com>). Inexplicably, attorneys issued a subpoena to Google (owner of Blogspot) demanding that the identity of this anonymous critic be turned over, along with datruthsquad's contact information, blog drafts, e-mails, and "any and all information related to the blog." Superior Court Judge Terence Flynn granted EFF's motion to quash the Township's subpoena seeking the identity of datruthsquad and denied a motion to authorize future subpoenas.

95. [The Soul of Murray Humphries](#) says: [January 30, 2009 1:00 PM](#)

Feel free to use the handy dandy image in my blogger profile for your own purposes.

96. [yo](#) says: [January 30, 2009 1:08 PM](#)

That'd make a great bumper sticker.

97. [Mike](#) says: [January 30, 2009 1:11 PM](#)

I live at Wilson/Sheridan and **I am Uptown Update !**

98. [wombat](#) says: [January 30, 2009 1:21 PM](#)

I tried to enlarge that "I Am Uptown Update" flag and hang it in my window.

It got distorted as I enlarged it.

Does anyone out there know how to make a larger version we could print out and hang in our windows?

99. [Kenny Kball](#) says: [January 30, 2009 1:24 PM](#)

That's terrific, SoMH, thanks.

I'm at Kenmore and Winona, and I'm UU too!

100. [The Soul of Murray Humphries](#) says: [January 30, 2009 1:44 PM](#)

[2400 pixel wide PNG version of I Am Uptown Update Flag](#)

101. [Chuck](#) says: [January 30, 2009 1:52 PM](#)

We should all print these out in full color and have a demonstration outside Helen's office. How many of us are free on a week day afternoon? We would really have to have a large showing. We can call the news outlets so they can film.

102. [Chuck](#) says: [January 30, 2009 1:52 PM](#)

Oh, I would be available for that after noon time.

103. [wombat](#) says: [January 30, 2009 1:57 PM](#)

Thank you Murray.

I'll print it out and put it in my window. Once I do I'll take a photo and post it here.

Someone with a video camera may want to start a "I am Uptown Update" campaign. Perhaps in front of the Shiller's Broadway office.

Tomorrow afternoon looks lovely weather wise.

Try to get a few hundred people to say "I am Uptown Update" then post it on youtube.

104. [R.](#) says: [January 30, 2009 2:05 PM](#)

We should get some signs make up like campaign signs and put them in all our windows.

Maybe we can even put one on the Aldi store lighted billboard.

105. [Bradley](#) says: [January 30, 2009 2:25 PM](#)

I like Cuck's idea to print up a bunch o' signs and visit Helen's office. A march around the perimeter of the TIF might be good. I'll even take a day off work to participate.

106. [New Street Studio](#) says: [January 30, 2009 2:25 PM](#)

This is low indeed...even for the likes of Shiller and her WY cronies.

I called the ACLU: 312.201.9740 (Call them people!)

And, I'm writing a check to "Fix Wilson Yard". So there.

Keep up the good work UU!

107. [dmambrose](#) says: [January 30, 2009 3:05 PM](#)

I live in Uptown, I bought in Uptown, I married a wonderful woman that lived in Uptown, my best man lives in Uptown and did I mention **I Am Uptown Update**

BTW the real UU must be loving this. Keep the good work up

108. [Hugh](#) says: [January 30, 2009 3:07 PM](#)

What was he thinking?

So let's say you have this f**king golden \$100M+ real estate asset which you got with like a ridiculous 6 figures of your own dough and it's threatened with a lawsuit, do you go to your alderman pal, who tells you her boy shares an office with some guys, tho they're not quite ready to put him on their letterhead, they do take in his mail, and so you hire them?

109. [Hugh](#) says: [January 30, 2009 3:08 PM](#)

Maybe this is all a big poker game to Brendan.

110. [The Soul of Murray Humphries](#) says: [January 30, 2009 3:36 PM](#)

Hugh: What's going with that 36 S. Wabash, Suite 1310?

It's home to the Chicago Community Development Corporation.

111. [R.](#) says: [January 30, 2009 3:39 PM](#)

Just knowing his no good mother I would never hire the guy.

Also note Brenden doesn't work for a powerful firm.

I hope they come after me for making the above statement. LOL.

I bet they would be surprised where some of the IP addresses come from in Chicago.

If they did subpoena commenter information they might be stepping on bigger feet than they would ever imagine.

112. [Hugh](#) says: [January 30, 2009 3:51 PM](#)

[Chicago Community Development Corporation](#)

regular readers will recall them

they are the SECOND biggest hogs at the WY trough

they used WY TIF dough to scoop up the rental apartment buildings in Uptown when William Higgenson defaulted on his loans

maybe some else can post more details

113. [Hugh](#) says: [January 30, 2009 4:26 PM](#)

12/13/06 in YOUR City Council

[DESIGNATION OF COMMUNITY HOUSING PARTNERS XI, L.P. AND VOICE OF THE PEOPLE IN UPTOWN, INC. AS PROJECT DEVELOPERS, AUTHORIZATION FOR EXECUTION OF LOAN, REDEVELOPMENT AND LAND-USE RESTRICTION AGREEMENTS AND ISSUANCE OF CITY OF CHICAGO VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS \(UPTOWN PRESERVATION APARTMENTS\) SERIES 2007 FOR ACQUISITION AND REHABILITATION OF AFFORDABLE HOUSING](#)

see PDF page 21 Journal page 94065

900 W Windsor
4431 N Clifton
927 W Wilson

AKA the "Voice of the People in Uptown, Inc." deal

AKA the "Uptown Preservation" deal

77 units of affordable rental apts

if you are a property taxpayer YOU contributed \$10M in the proceeds from bonds sales to be paid back from the property taxes of the future collected in the WY TIF

you also extended a \$1,137,197 low interest loan, source that dough is not clear from the agreement

that works out to about \$144K/unit for those keeping score at home

114. [Andy G.](#) says: [January 30, 2009 4:28 PM](#)

holy moley:

yes, I agree that there is a possibility that if UU loses anonymity, that person or persons could face some sort of retribution. That wasn't my point.

I support UU, I contribute to UU, and I agree with Chip...it is a community effort. However, the problem is that one person signed up for this blog (or one entity). While they can't be held responsible if I say something defamatory, they could possibly be held responsible for failing to act.

Let me make it clear: I don't like the subpoena, I think it's a diversionary tactic, and I think it's desperate.

I do hope that one day UU can reveal his or herself though. I would respect them if they did (not that I don't already)

Anyhow. I want to hear how this plays out. The fact is that if something were to happen to this blog, we could carry on. Something else would replace it, but I hope (and don't think) that will happen.

Here's to making a difference. If we are going to do any protesting, let me know. I'm glad to join in.

115. [The Soul of Murray Humphries](#) says: [January 30, 2009 4:33 PM](#)

Higginson? As in Chicago Equity Fund gone kaput because of - as Daniel Mahru, Rezko's partner in Rezmar, put it,

*"We lost huge amounts of money operating those buildings," Mahru said. **"There's no money in affordable housing. The tenants don't pay their rent. You can't evict them. And when you finally evict them, they owe more than a year's rent, and the apartment is a mess. There's no money to clean it up or fix it up. That happened over and over again."***

CEF was the limited partner in many of the Rezmar properties. Rezmar dumped them on CEF. CEF couldn't handle them. So it folds.

The Finance Committee couldn't bail em out? Or maybe it didn't want to bail em out.

116. [R.](#) says: [January 30, 2009 4:41 PM](#)

What he is saying is right on about affordable housing.

Think how nice WY will be?

117. [Hugh](#) says: [January 30, 2009 4:43 PM](#)

of course being an Illinois FOR-PROFIT corporation CCDC is PERFECTLY WITHIN THEIR RIGHTS to contribute to political campaigns, and, regular readers will not be surprised, THEY

DO!

Anthony J. Fusco, Jr., Director, President, & Treasurer
Daniel J. Burke, Director, Vice President & Secretary

CCDC are serial TIF developers. An earlier TIF deal of theirs was \$3M for the Archer Courts senior housing in Chinatown.

Given their business model you can probably appreciate how important it is that they support progressive candidates and CCDC and its owners are major campaign contributors. CCDC has made 70 contributions totaling \$63,280.00 since 1998. NOT THAT THERE'S ANYTHING WRONG WITH THAT! Pols who Fusco & Burke feel strongly about include Mayor Daley, John Stroger, Rod Blagojevich, and several aldermen, including Alderman Ed Burke.

AND as you might also guess, CCDC is a stunningly consistent Shiller funder:

\$300.00 6/26/2008 (6 mos. after WY TIF deal - just a wild-ass coincidence, tho!)
\$1,000.00 6/5/2007 (6 mos. b4 WY TIF deal - another freak coincidence!)
\$1,000.00 8/10/2006
\$500.00 12/12/2005
\$500.00 12/20/2004
\$500.00 8/8/2002
\$500.00 6/28/2001
\$250.00 1/7/2001
\$250.00 1/7/2001

not sure what happened in 2003!

Although Mr. Fusco lives in River Forest, and Mr. Burke lives in Oak Park, they are both *fascinated* by Chicago politics, to the extent that they feel they and their company should actively fund political campaigns.

And it is their RIGHT!

118. [Hugh](#) says: [January 30, 2009 4:46 PM](#)

The Finance Committee couldn't bail em out?

we taxpayers didn't bail out CEF, but we bailed out the CEF bldgs in Uptown, xfering them to CCDC-controlled entities in the process

119. [Hugh](#) says: [January 30, 2009 5:25 PM](#)

shew! thanks for posting, guys!

I was afraid the post about taxpayer subsidies might land too close to the post about campaign

contributions, and someone would get their undies all in a bundle

120. [David](#) says: [January 30, 2009 6:29 PM](#)

No seriously, I am Uptown Update. It is finished.

121. [uptown vegetarian](#) says: [January 30, 2009 6:47 PM](#)

Thanks for covering for us, but my dog and I are Uptown Update!

122. [Dyin' Man](#) says: [January 30, 2009 6:51 PM](#)

Keep blogging, it's your first amendment right! The wealthy have always and will always try and take this away from you. It makes it easier for them to do as they please.

123. [Magnolia Malden Neighbors Block Club](#) says: [January 30, 2009 7:10 PM](#)

We're Magnolia/Malden neighbors (at least some of them) and WE are Uptown Update!

124. [Confused](#) says: [January 30, 2009 8:06 PM](#)

I am Barack Obama...

125. [James](#) says: [January 30, 2009 8:11 PM](#)

UU, your commitment to this community, along with your advocacy for a better Uptown for all, is very much appreciated.

I, too, am Uptown Update.

(This reminds me of a scene in the movie "In & Out" with everyone standing up for the character played by Kevin Kline. I loved the movie, and I love UU.)

126. [IrishPirate](#) says: [January 30, 2009 8:14 PM](#)

Interesting story hot off the presses. [Fix Wilson Yard attorney wins case against City of Chicago in appellate court.](#)

So it is possible to take on the forces of "Da Mare" and win.

127. [IrishPirate](#) says: [January 30, 2009 8:39 PM](#)

[Seems like this whole "I Am Uptown Update" thang is catching on.](#)

128. [tjm](#) says: [January 31, 2009 7:58 AM](#)

Hey Holsten and Shiller,

Let me make this even easier for you. If you simply take a look on Facebook, you can see the names and smiling faces of more than 625 people who are Friends of Uptown Update.

For instance...you'd see my smiling face ...and you'd see local residents of all races, gender and ages...you'd see local business owners ...and oh yeah, you'd see State Representative Greg Harris, too.

We are Uptown Update!

129. [Hugh](#) says: [January 31, 2009 8:33 AM](#)

" ... *it's your first amendment right!*"

that's exactly right!

this is America, and campaign contributions are free speech, too

they have a constitution right to purchase taxpayer subsidies and we have a constitutional right to blog about them purchasing taxpayer subsidies

130. [Hugh](#) says: [January 31, 2009 8:37 AM](#)

my, my, my but that Suite 1310 is one busy, busy, busy little office!

what with the public cash from at least 2 TIF deals we know of and Holsten's legal defense flowing through those doors, and Brendan stopping by to pick up his mail

131. [Hugh](#) says: [January 31, 2009 8:43 AM](#)

It's free speech! It's political expression!

Shiller, Burke, Daley, Stroger, Blagojevich - they are CCDC's kinda public servants - what they all have in common is IDEOLOGY: a deep commitment to affordable housing and an abiding commitment to "looking out for the little guy"

It has NOTHING to do with them being in positions of power able to dole out great buckets of taxpayer cash! NOTHING! OK?

we wouldn't want to imply anything different - after all we closed the door on the era of pay-to-play in Illinois this week - Gov. Quinn told us so

132. [Hugh](#) says: [January 31, 2009 12:57 PM](#)

hey,Tony Fusco! hows come CCDC has no projects in River Forest?

hey, Danny Burke! hows come CCDC has no projects in Oak Park?

hey, Peter Holsten! hows come Holsten Dev has no projects in Hinsdale?

133. [yo](#) says: [January 31, 2009 5:30 PM](#)

If Quinn can get the recall amendment through, and have that effect ALL politicians, that would be a wonderful day in Illinois, and I would certainly vote for the man even if that were all that he did.

I would be rather happy if Helen (among SOOO many other of our crooked pols) had to concern herself with the fact that all of the people she pisses off had another avenue to boot her bucket out of office.

Knock knock.

Who's there?

Recall ... get out.

134. [Sassy](#) says: [February 2, 2009 8:17 PM](#)

Any news on the motion that needs to be filed before February 4th?

I am Uptown Update.

Love,

S.

135. [Hugh](#) says: [February 3, 2009 10:04 AM](#)

from a dramaturgical point of view, this economy of cast (Alderman's son, defense atty) and location (downtown office) will someday greatly simplify the staging of "Wilson Yard: The Musical"

136. [Sassy](#) says: [February 5, 2009 4:25 AM](#)

That was pretty funny, Hugh! Will you be my date for opening night? :)

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