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# Wilson Yard developer fights to unmask Uptown bloggers

Groundbreaking legal dispute draws in national privacy advocates

By James Janega

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Subpoenas seeking the identity of anonymous bloggers opposed to the Wilson Yard project are the latest salvo in a decade-long fight over the development, one that plays off class warfare and dueling political agendas over a sprawling tract of land in Uptown.

In December, a community group called Fix Wilson Yard filed a lawsuit alleging the city and the projects' developer are improperly developing valuable real estate with funds intended for blighted areas.

The developer's attorney has subpoenaed years of records seeking information on three neighborhood blogs that have also opposed the developer and 46th Ward Ald. Helen Shiller. Tom Johnson, who represents developer Peter Holsten, specifically wants to know if the blog's account holders are plaintiffs in the lawsuit.

If the plaintiffs were among the bloggers and anonymous people complaining about the development on the Uptown blogs five years ago, the defendant's lawyers contend they would have forfeited their right under a statute of limitations to file suit against the developers. A decision on whether to compel the sites to reveal the information has yet to be made.

But the request has raised free speech concerns from bloggers and Internet lawyers.

"Regardless of what the motivations are, there's certainly a chilling effect as a result of subpoenas sent out specifically targeting sites criticizing this development," said lawyer Matt Zimmerman of the Electronic Frontier Foundation, an advocacy group for free speech and privacy rights that represents the bloggers.

Sought are records from Google and the Chicago operators of the Buena Park Neighbors blog that would reveal who had posted anonymous complaints about the development on: Buena Park Neighbors ([buenaparkneighbors.org](http://buenaparkneighbors.org)), Uptown Update ([uptownupdate.com](http://uptownupdate.com)) and What the Helen (now expired).

There was no need to seek a subpoena, said lawyer Thomas Ramsdell, who represents Fix Wilson Yard, the plaintiffs in the suit filed in Cook County Circuit Court.

"All he needed to do was serve us with a request ... asking us if any of the plaintiffs were blogging at this time," Ramsdell said. "I do think it was politically motivated in a way to harass and intimidate the plaintiffs and anyone else who might support them."

At stake in the Wilson Yard dispute is one of the largest undeveloped tracts of land on the North Side. The alderman's and developer's plans include a significant number of apartments for low-income tenants, which ignited a neighborhood sparring match over how much low-income housing in Uptown is too much.

In their lawsuit, opponents of the project accuse the city of misdirecting tax increment financing funds for blighted areas to a site with intrinsic real estate value—it's a half-mile from the lakefront and Wrigley Field. But many supporters of the suit include residents who in recent years also have criticized Shiller on policing and ward services. The plaintiffs must respond by Friday to up-front questions from the defendants about their involvement in the blogs. If they fail to answer, the defendants' lawyers maintain that they needed to have subpoenaed Google and the bloggers to compel them to release the information.

Still, "It's a very unclear area of law because it's so new," said Robert Moss, vice chair of the Chicago Bar Association's Civil Rights and Constitutional Law Committee. "If the [plaintiffs] are refusing to answer, then it's a problem and the court may have to decide."

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