

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|----------------------------------|---|-----------------|
| KRISTOFER DUMELLE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 13 C 1575 |
| v. |) | |
| |) | Honorable Judge |
| VILLAGE OF HANOVER PARK, ET AL., |) | Amy J. St. Eve |
| |) | |
| Defendants. |) | |

AGREED ORDER

This matter coming before the Court on the agreement of the parties, and the respective parties being represented by counsel, Plaintiff Kristofer DuMelle, by one of his attorneys, Torreya L. Hamilton, and Defendant Anita Alvarez, the State’s Attorney of Cook County, Illinois, by her assistant, James C. Pullos, and being otherwise fully advised in the premises, orders as follows:

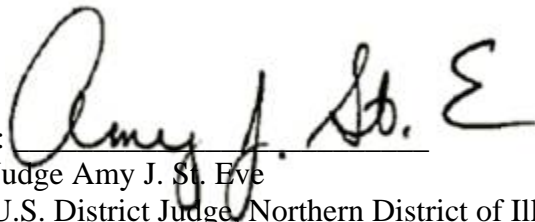
1. For all of the reasons stated in the decision of the Court of Appeals for the Seventh Circuit in *ACLU of Illinois v. Alvarez*, 679 F.3d 583 (7th Cir. 2012) and the district court’s decision in *ACLU of Illinois v. Alvarez*, 10 C 5235, 2012 U.S. Dist. LEXIS 181467 (N.D. Ill. Dec. 18, 2012) entered on December 18, 2012, and pursuant to Rule 57 of the Federal Rules of civil Procedure and 28 U.S.C. §2201, both sides stipulate that the Illinois Eavesdropping Act, 720 ILCS 5/14-1, *et seq.*, violates the First Amendment of the United States Constitution as applied to the open audio recording of the audible communications of law enforcement officers (or others whose communications are incidentally captured) when the officers are engaged in their official duties in public places.

2. For all of the reasons stated in the decision of the Court of Appeals for the Seventh Circuit in *ACLU of Illinois v. Alvarez*, 679 F.3d 583 (7th Cir. 2012) and the district court's decision in *ACLU of Illinois v. Alvarez*, 10 C 5235, 2012 U.S. Dist. LEXIS 181467 (N.D. Ill. Dec. 18, 2012) entered on December 18, 2012, and pursuant to Rule 65 of the Federal Rules of Civil Procedure, Defendant Anita Alvarez, in her official capacity as the State's Attorney of Cook County, is permanently enjoined from enforcing the Illinois Eavesdropping Act against any person, including Plaintiff Kristopher DuMelle, who openly audio records the audible communications of law enforcement officers (or others whose communications are incidentally captured) when the officers are engaged in their official duties in public places.

3. Any other remaining claims of Plaintiff Kristofer DuMelle against Defendant Anita Alvarez, State's Attorney of Cook County, Illinois, are dismissed with prejudice.

4. Plaintiff Kristopher DuMelle and Defendant Anita Alvarez, State's Attorney of Cook County, Illinois, shall bear their own costs and attorneys' fees incurred related only as to Plaintiff Kristopher DuMelle's claims against Defendant Anita Alvarez, State's Attorney of Cook County, Illinois.

ENTER: _____


Judge Amy J. St. Eve
U.S. District Judge, Northern District of Illinois

DATED: April 8, 2013