

Exhibit 5

DECLARATION OF COUNSEL

I declare under penalty of perjury that the following statements are true and correct:

1. My name is Joel Flaxman. I represent the plaintiff in *Schaeffer v. Chicago*, 19-cv-771.
2. On June 1, 2020, I sent a letter to ASA Dana Brisbon about his response to plaintiff's subpoena to the State's Attorney's Office. The letter is attached as Exhibit 3 to plaintiff's motion to compel.
3. On June 11, 2020, Mr. Brisbon requested until June 26, 2020 to respond to the letter.
4. I agreed to that request by email on June 11, 2020. The email is attached as Exhibit 4 to plaintiff's motion to compel.
5. Mr. Brisbon did not respond by June 26, 2020.
6. On June 30, 2020 at about 11:25 a.m., I spoke to Mr. Brisbon by phone. He explained why he needed additional time to respond, and he agreed to respond by the following day, July 1, 2020.
7. Mr. Brisbon did not respond on July 1, 2020.
8. On July 2, 2020, Mr. Brisbon stated by email that he would respond on July 6, 2020.
9. Mr. Brisbon did not respond on July 6, 2020.

10. On July 9, 2020 at about 1:15 p.m., I attempted to speak to Mr. Brisbon by phone. I had to leave a voicemail message.

11. Mr. Brisbon responded to my voicemail with a text message at about 2:15 p.m. on July 9, 2020. The message stated that he would respond the next day, July 10, 2020.

12. Mr. Brisbon did not respond on July 10, 2020.

13. On July 14, 2020 at about 11:15 a.m., I again attempted to speak to Mr. Brisbon by phone. I had to leave a voicemail message.

14. Mr. Brisbon has not responded to this voicemail message.

Dated: July 15, 2020

/s/ Joel A. Flaxman
Joel A. Flaxman