

Minute Order Form (06/97)

**United States District Court, Northern District of Illinois**

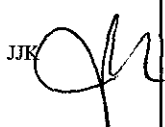
Name of Assigned Judge or Magistrate Judge	Sidney I. Schenkier	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 210	DATE	8/2/2002
CASE TITLE	Zaida Espana, et al. Vs. Mid-West Wire Specialties, Inc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

**DOCKET ENTRY:**

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)  General Rule 21  FRCP41(a)(1)  FRCP41(a)(2).
- (10)  [Other docket entry] **ENTER ORDER OF CONDITIONAL CERTIFICATION OF SETTLEMENT CLASSES, PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT, AND AMENDMENT OF COMPLAINT.** Fairness hearing set for 10/08/02 at 9:30 a.m.
- (11)  [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	U.S. DISTRICT COURT CLERK 02 AUG - 2 PM 7:47 01 000000	number of notices	Document Number  49
		AUG 05 2002 <small>date docketed</small>	
		JB <small>docketing deputy initials</small>	
		8/2/2002 <small>date mailed notice</small>	
		JJK <small>mailing deputy initials</small>	
JJK  <small>courtroom deputy's initials</small>			



- (1) All current and former full-time female employees of Mid-West Wire Specialties, Inc., 4545 West Cortland Avenue, Chicago, Illinois, who worked at Mid-West at any time between January 1, 1995 and December 31, 2001; and
- (2) All female workers who were sent by a temporary agency to perform services at Mid-West Wire Specialties, Inc., and performed services there for any 20 consecutive work-days between January 1, 1998 and December 31, 2001.

2. The Court also has reviewed the Settlement Agreement. On a preliminary basis, the Court finds the Settlement Agreement is fair, reasonable, adequate, and is in the best interests of the class members. The Court will therefore direct that notice of the Settlement Agreement be provided to the Settlement Classes pursuant to Fed. R. Civ. P. 23(c)(2) and (e).

3. The Court has reviewed the attached form of the Notice of Proposed Class Action Settlement and Hearing ("Mailed Notice"), and finds that it complies with the requirements of Fed. R. Civ. P. 23(c)(2), (d) and (e) and fairly presents the proceedings, right of exclusion from the class, terms of the Settlement Agreement, and the class members' rights and responsibilities in the settlement approval process, including the duty to submit a claim form.

4. The parties propose that Class Counsel send the Mailed Notice, by first class mail, to all identified class members. The Court finds that such notice is the best notice practicable under the circumstances, and is reasonably calculated to effectuate actual notice of the settlement to class members.

5. The parties have compiled the names and addressees of all known members of the Class. The individual mailing of notice to those class members identified by the

parties provides due and sufficient notice of the proceedings, right of exclusion from the class, of the proposed settlement, and of the settlement approval procedure, thus satisfying the requirements of Rule 23, and the requirements of due process.

Based upon the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED THAT:

1. Class Counsel shall within five days of this order filed an amended Complaint which adds as named Plaintiff class representative Virginia Munoz and Roselia Casildo (for the temporary worker class).
2. The two 23(b)(3) classes are conditionally certified for settlement purposes.
3. The Settlement Agreement is preliminarily approved.
4. All proceedings not related to the approval and implementation of the Settlement Agreement are stayed until further Order of the Court.
5. The attached Notice of Proposed Class Action Settlement and Hearing ("Mailed Notice") is approved by this Court. The Mailed Notice shall be mailed to each identified class member at her current last known address by Class Counsel on or before August 9, 2002.
6. Class Counsel shall file an Affidavit of Mailing with this Court and serve copies of that Affidavit on all counsel by August 12, 2002.
7. Class Counsel will file and serve an Affidavit attaching all of the opt-out notices (with envelopes) timely received, and shall file and serve that Affidavit within 10 days after the opt-out deadline of September 23, 2002.

8. Class Counsel will file and serve an Affidavit attaching all of the Claim Forms (with envelopes) timely received, and shall file and serve that Affidavit within 10 days after the Claim Form deadline of September 23, 2002.

9. Any briefs that Class Counsel or defense counsel wish to submit in response to objections or comments received by class members must be filed by October 3, 2002.

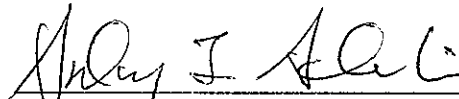
10. On October 8, 2002 at the hour of 9:30 a.m., in Courtroom 1700 at the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, a hearing will be held to determine the fairness, reasonableness and adequacy of the terms and conditions of the Settlement set forth in the Settlement Agreement and Exhibits thereto, and to award attorneys fees and costs.

11. Any class member may appear personally or by counsel at the hearing and may object or express the class member's view regarding the Settlement Agreement. However, class members shall not be heard, nor be entitled to contest the approval by this Court of the Settlement Agreement, unless on or before the date set forth in the Mailing Notice, such class member files with the Clerk of this Court written objections, together with all papers to be submitted to this Court at the Settlement Hearing, and on or before that date serves all such objection and other papers on each of the following: (a) Class Counsel, Uche O. Asonye, Asonye and Associates, 11 South LaSalle Street, Suite 2140, Chicago, IL 60603; and (b) MWWS counsel, Michael W. Duffee, Matkov, Salzman, Madoff & Gunn, 55 East Monroe Street, Suite 2900, Chicago, Illinois 60603. Any class member who does not file and serve her objections in this manner shall be deemed to have waived her objections and shall be forever precluded from making any objections to the fairness or adequacy of the

proposed Settlement Agreement. Objection should be the following heading: Espana v. Mid-West Wire Specialties, Inc., Civil Action No. 01 C 0210, Objections to Proposed Settlement Agreement.

12. IT IS FURTHER ORDERED that the hearing may be continued or adjourned by order of this Court, from time to time, and without further notice to the class.

Dated: August 2, 2002

  
\_\_\_\_\_  
Hon. Sidney Schenkier  
United States Magistrate Judge