

REE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAN DURAN, et al.,

Plaintiffs,

v.

THOMAS J. DART, Sheriff of Cook County, et al.,

Defendants.

No. 74 C 2949

Judge Virginia Kendall

GARY HARRINGTON, et al.,

Plaintiffs,

v.

THOMAS DART, Sheriff of Cook County, et al.

Defendants.

No. 74 C 3290

Judge Virginia Kendall

ORDER

All plaintiffs and all defendants in the above entitled and numbered class action cases have moved this court for entry of an order, pursuant to Fed. R. Civ. P. 23(e), approving the voluntary dismissal, with prejudice, of both such cases (the "Joint Motion").

It is hereby ORDERED, AJUDGED, AND DECREED as follows.

1. The history and subject matter of these long-running cases (sometimes referred to herein as the "two cases") are reviewed in Defendants' Motion for an Order Tentatively Approving the Voluntary Dismissal of *Duran* and *Harrington* etc.) (Doc. 1132 in *Duran*, Doc. 43 in *Harrington*) at ¶¶1-18 and Plaintiffs' Memorandum Respecting the Voluntary Dismissal of The [Two Cases] etc ("Rule 23(e) Memorandum") (Doc. 1137 in *Duran*) at 1-2.

Exhibit A

2. By its orders of June 10, 2011 in *Duran* (Doc. 1134) and June 13 in *Harrington* (Doc.46) this court, pursuant to Fed. R. Civ. P. 23(e): (a) tentatively approved the voluntary dismissal of the two cases, with prejudice, as fair reasonable and adequate; (b) approved a notice to plaintiffs of the proposed voluntary dismissal of the two cases, with prejudice, which notice invited objections to the dismissals; (c) directed the prompt posting of the notice at the Cook County Jail; (d) set the conduct of a Rule 23(e) fairness hearing ("Rule 23 fairness hearing") respecting the proposed voluntary dismissals.

3. Pursuant to the orders denominated in the preceding paragraph, the prescribed notice was afforded to plaintiff class members the two cases, and many class members took the opportunity afforded them to submit written responses, including objections, to the voluntary dismissals. Every response received by plaintiffs' counsel was provided to the court and to defendants' counsel. Following the expiration of the notice and comment period, plaintiffs submitted the Rule 23(e) Memorandum, addressing in detail all the responses received, and urging the court to "approve the voluntary dismissal of the two cases as fair, reasonable and adequate under Fed. R. Civ. P. 23(e)," Rule 23(e) Memorandum at 10. Defendants filed a Joint Response to the Rule 23(e) Memorandum ("Defendants' Joint Response") (Doc. 1130 in *Duran*). Defendants' Joint Response (at 1) also urged the court to approve the voluntary dismissal of the two cases. The court has considered all of the responses received from plaintiff class members, and reviewed the Rule 23(e) Memorandum and Defendants' Joint Response.

4. The Rule 23(e) fairness hearing respecting the proposed voluntary dismissal of the two cases was held on August 24, 2011. Counsel for all the parties were present at it.

5. Pursuant to Rule 23(e), the voluntary dismissal of the two cases, with prejudice, is approved as fair, reasonable and adequate, and the Joint Motion is granted.

ENTER:


VIRGINIA KENDALL
United States District Court Judge

Dated: 11-30-11

AGREED AMENDMENT TO PARAGRAPH 5 OF PROPOSED DRAFT ORDERS IN
DURAN V. DART (74 C 2949) and HARRINGTON V. DART (74 C 3290)
(Amending Language is Italicized).

5. Pursuant to Rule 23(e), the voluntary dismissal of the two cases (*except as provided in this paragraph*), with prejudice, is approved as fair, reasonable and adequate, and the Joint Motion is granted: *provided, however, that plaintiffs' claims for attorneys' fees are not dismissed and the court retains jurisdiction to enter an order awarding plaintiffs fees pursuant to a timely filed motion for them.*