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United States District Court, N.D. Illinois, Eastern
Division.

Jane DOE, et al., Plaintiffs,
v.
CALUMET CITY, ILLINOIS, et al., Defendants.

No. 87 C 3594. | Dec. 9, 1993.

Opinion

MEMORANDUM ORDER

SHADUR, Senior District Judge.

*1 This Court has received a self-prepared letter from class member Angelique Ramona Scott, complaining of her failure to have received a settlement payment as a result of this Court’s approval of the Consent Decree in this action (an approval that was followed by distributions to class members in accordance with the formula established by the Consent Decree). This Court is not of course in a position to act on the basis of any such ex parte communication. Accordingly it is transmitting copies of this memorandum order and of Ms. Scott’s letter to class counsel and to counsel for defendants (as well as sending a copy of this order to Ms. Scott herself). As and when the issue may then be brought on for hearing and consideration in an appropriate fashion, this Court will entertain the matter.

NOTICE OF HEARING ON SETTLEMENT OF CLASS ACTION

TO: All women who had been arrested on a misdemeanor or ordinance violation charge in Calumet City, Illinois between April 16, 1982 and March 31, 1988

A proposed settlement of the “Calumet City strip search case” has been submitted to the Court for approval. This document describes the proposed settlement and gives instructions about what you must do if you believe that the proposed settlement should not be approved.

I. INTRODUCTION

The plaintiffs in this action are all women who were arrested on misdemeanor or ordinance violation charge in Calumet City, Illinois between April 16, 1982 and March 31, 1988. The defendant are the City of Calumet City and its former police chief James Shutowski.

On October 1, 1987, the Court ordered that the case may proceed as a class action. Thereafter, on December 14, 1990, the Court granted plaintiffs’ motion for summary judgment and entered a finding of liability against Calumet City. Following the Court’s ruling, class counsel has provided the class with the best notice practicable and the parties have exchanged information about each individual damages claim.

II. THE PROPOSED SETTLEMENT

Counsel for the parties have agreed to a settlement of all claims at issue in this case. With respect to the claims asserted on behalf of the class, the plaintiff class will waive its right to individual damage trials, defendant Calumet City will waive its right to appeal from the district court’s finding of liability and defendant Calumet City will pay the sum of six million thirteen thousand dollars in full satisfaction of all claims for damages, expenses, and attorneys’ fees. Attorneys’ fees and expenses will be paid from this common fund, in an amount to be set by the Court and not to exceed 30% of the total. The remainder of the fund will be paid to the class.

III. THE DISTRIBUTION FORMULA

On September 9, 1993, the Court gave preliminary approval to the following distribution formula:

1. Each class member has been rated by class counsel into one of six categories, based primarily on the intrusiveness of the alleged search.
2. The amount to be paid to each category will depend on the total number of class members in each category, as follows:
 - a. Each category has received a point rating, as set out below:

<i>Category</i>	<i>Points</i>
1	15
2	25
3	45
4	65
5	80
6 (low)	100
6 (mid)	110
6 (high)	120

category will be approximately as follows:

b. The award for each category will be determined by dividing the total of the settlement fund (less whatever amount is awarded for attorneys' fees and costs) by the total number of points. The final award for each

Category

Probable Award

1	\$3000
2	5000

3	9000
4	13000
5	16000
6 (low)	20000
6 (mid)	22000
6 (high)	24000

3. Class counsel has used the aggravating and mitigating factors conventionally used by attorneys in assessing cases to subdivide category 6 into “low,” “medium,” and “high.”

4. A special category has been established for claims asserted for class members who are no longer living. This category has been assigned 50 points. It is expected that the estate of each deceased class member will receive approximately ten thousand dollars.

5. Class counsel has notified each class member of her rating and provided each class member with an opportunity to discuss in person the rating.

6. A class member who disagrees with class counsel’s rating may, after discussing the disagreement with class counsel, seek review of her category with the Court. Any such “request for review” shall be filed with and received by the Clerk of the Court, 219 South Dearborn Street, 20th floor, Chicago, Illinois 60604, a “request for review” in the form set out in Exhibit “A” to this agreement. At least one week in advance of the hearing to be held on the fairness of this settlement. Any such “requests for review” shall be available to counsel for inspection but otherwise maintained under seal

and restricted from public inspection. The Court shall provide each class member who files such a request for review an opportunity to be heard on her objections. Any class member who, after hearing before the district judge, does not obtain an increase in her total number of points shall have her point rating diminished by five points.

*2 7. After all challenges have been resolved, a final distribution will be made by the computations described in paragraph 1(b) above.

NOW, THEREFORE, TAKE NOTICE:

1. A hearing will be held before this Court in Courtroom 2303, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, on October 22, 1993, at 1:30 p.m., or as soon thereafter as counsel can be heard. The hearing shall be for the purpose of determining whether the terms of the proposed consent decree are fair, reasonable, and adequate, and whether the proposed consent decree should be approved by the Court. This hearing may be adjourned from time to time without further written notice to the class.

2. any class member who wishes to be heard either in support or in opposition to the proposed settlement must file her written objection or comment with the Clerk of the United States District Court for the

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Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604 on or before October 15, 1993. The written objection or comment must be received in the Clerk's office on or before October 15, 1993. Written objections or comments will be considered whether or not the class member attends the hearing.

The foregoing references to the lawsuit and the settlement agreement are only summaries. The settlement agreement and all other papers filed in this action may be examined

and copied in the Office of the Clerk, 219 South Dearborn Street, 20th Floor, Chicago, Illinois between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Do not call either the Office of the Clerk or Judge Shadur for information about the case.

H. Stuart Cunningham

Clerk, United States District Court