

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	David H. Coar	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	96 C 7294	DATE	7/18/2001
CASE TITLE	Keny Gary, et al v. Michael Sheahan		

[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.
- (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] The Court finds that the proposed settlement is fair and reasonable and preliminarily approves the settlement. A Fairness Hearing for final approval is set for September 18, 2001 at 9:30 a.m. Objection to the settlement to be filed no later than September 10, 2001. At the hearing, class members may be heard orally in support or in opposition to the settlement, provided such persons file with the Clerk by 9/10/01 a written notification of the desire to appear personally. ENTER PRELIMINARY APPROVAL ORDER.
- (11) [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	68-7 FILED FOR DOCKETING 01 JUL 18 PM 2:02	3 number of notices	Document Number
<input type="checkbox"/> No notices required.		JUL 19 2001 date docketed	555
<input type="checkbox"/> Notices mailed by judge's staff.		[Signature] docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		JUL 19 2001 date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		[Signature] mailing deputy initials	
<input type="checkbox"/> Mail AO 450 form.			
<input type="checkbox"/> Copy to judge/magistrate judge.			
PAMF	courtroom deputy's initials	Date/time received in central Clerk's Office	

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

Kenya Gary and Tanya Hayes
individually and on behalf of
a class,

Plaintiffs,

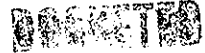
vs.

MICHAEL SHEAHAN,
SHERIFF OF COOK COUNTY
in his official capacity,

No. 96 C 7294

Judge David Coar

PRELIMINARY APPROVAL ORDER



JUL 19 2001

This matter coming before the Court on the joint request of the plaintiff class and the defendant for preliminary approval of a class wide settlement, and the Court being fully advised in the premises. **IT IS HEREBY ORDERED:**

1. The proposed settlement between the plaintiff class and the defendants appears, upon preliminary review, to be within the range of reasonableness and accordingly shall be submitted to the class members for their consideration and for a hearing under Fed. R. Civ.P. 23 (e).

2. A hearing on the fairness and reasonableness of the settlement and whether final approval shall be given to it will be held before this Court on September 18, 2001 at 9:30 a.m.

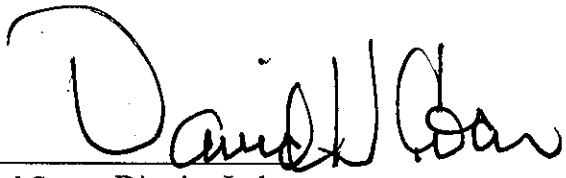
3. The parties to the proposed settlement shall by August 3, 2001 cause to be mailed in the name of the clerk by first class mail, postage prepaid, to members of the class [who did not timely elect to be excluded from this litigation] a notice in substantially the same form as Attachment A.

555

4. Class members shall also have until September 10, 2001 to object to the proposed settlement.

5. At the hearing, class members may be heard orally in support of or in opposition to the settlement, provided such persons file with the Clerk by September 10, 2001 a written notification of the desire to appear personally, indicating (if in opposition to the settlement) briefly the nature of the objection.

Dated JUL 18 2001


United States District Judge

DISTRIBUTION FORMULA

1. The Settlement Funds shall be paid to class members with approved claims pursuant to the following formula:
2. The \$6,882,500 Settlement Fund will be distributed equally among the eligible class members after distributions to the named two class representatives and the four claimants who were subjected to extensive psychiatric and psychological examinations by the defendants. These women are entitled to additional compensation due to the fact that they each contributed substantial time, effort, and expense toward the prosecution of the case for the class.
3. Named class representatives Kenya Gary and Tanya Hayes shall each receive \$25,000 and Mildred Claudio, Glenda Clayton, Elsie Bergens and Gina Goines shall each receive \$25,000.

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
219 SOUTH DEARBORN STREET
CHICAGO, ILLINOIS

July, 2001

NOTICE OF PROPOSED CLASS SETTLEMENT

TO: ALL FEMALE INMATES WHO HAVE BEEN SUBJECTED TO A STRIP SEARCH AT THE COOK COUNTY DEPARTMENT OF CORRECTIONS (JAIL) UPON RETURNING TO THE JAIL FROM COURT AFTER THERE WAS A JUDICIAL DETERMINATION THAT THERE WAS NO LONGER A BASIS FOR THEIR DETENTION, OTHER THAN TO BE PROCESSED FOR RELEASE.

A lawsuit is pending in the United States District Court for the Northern District of Illinois entitled Gary. et al. v. Sheriff of-Cook County, No. 96 C 7294. The lawsuit charges that during the period from November 6, 1994 through October 17, 1997 the defendant, while operating the Jail, had a practice and policy of strip searching all women upon their return to the Jail from court after there was a judicial determination that there was no longer a basis for their detention, other than to be processed for release. The suit seeks an award of money damages, injunctive relief and attorneys' fees and costs from the defendant. The Court ruled that this case was to be maintained as a class action on April 10, 1997. If you were a potential class member you should have received a notice in 1997 or 1998 advising you of the certification of this class and a notice

EXHIBIT B

dated September 1, 2000 advising you of the Court's finding that the Jail's strip search practice was unconstitutional and procedures for filing a claim post card to be eligible to receive compensation.

The purpose of this notice is to advise you of the status of the lawsuit, including a statement of your rights with respect to a proposed settlement of the case.

SIGNIFICANT RULING BY THE COURT

On March 17, 1997 a preliminary injunction was issued by Judge David H. Coar enjoining the defendant and his employees from strip searching members of the class. On August 19, 1998 Judge Coar granted summary judgment on the issue of liability to all class members strip searched between November 6, 1994 and March 17, 1997. Specifically, the Court found that the defendant violated the plaintiffs' Equal Protection rights because the defendant had a practice, which required the routine strip searching of women while men were not routinely subjected to such a search upon returning to the Jail after a court appearance. The Court also found that the defendant violated the plaintiff's Fourth Amendment rights because the strip search practice was an unreasonable invasion of the privacy interest of the plaintiffs. On September 13, 1999, the Court granted a second motion for summary judgment filed by the plaintiffs on the same Fourth and Fourteenth Amendment grounds for those class members strip searched during the period between March 17, 1997, when the preliminary injunction went into effect, and October 17, 1997. Finally, on November 1, 1999, Judge Coar entered a permanent

injunction barring the strip searching of female inmate court returnees who have been judicially discharged from the Jail.

As a result of the above stated ruling, the Court has found that the defendant is liable to those members of the class who can prove that they were injured emotionally or physically by the strip search which occurred after they were returned to the Jail from the court following a judicial determination that there was no longer a basis for their detention, other than to be processed for release. In order to be eligible to share in any award of monetary damages or settlement, a proof of claim must have been returned by June 1, 2001.

Terms of Proposed Settlement

Subject to court approval, the plaintiffs and the defendant have agreed on a settlement of this case under which the defendant will create a settlement fund in the amount of \$6,882,500, exclusive of attorneys' fees and costs. The Settlement Funds shall be paid to class members with approved claims pursuant to the following formula:

1. The \$6,882,500 Settlement Fund will be distributed equally among the eligible class members after distributions to the named two class representatives and the four claimants who were subjected to extensive psychiatric and psychological examinations by the defendant. These women are entitled to additional compensation due to the fact that they each contributed substantial time, effort and expense toward the prosecution of the case for the class.
2. Named class representatives Kenya Gary and Tanya Hayes shall each receive compensation of \$25,000 and Mildred Claudio, Glenda Clayton, Elsie Bergens and Gina Goines shall each receive compensation of \$25,000.
3. In order to share in this settlement, members of the class must have submitted a properly completed claim form by June 1, 2001.

4. The reasonable attorneys fees and costs of Class Counsel, as determined by the Court, will be paid, in addition to the amount contributed to the settlement fund.

The defendant does not admit any wrongdoing or liability on his part. The proposed settlement with the defendant is a compromise of a disputed claim. If approved, the settlement will discharge the defendant from liability to the class members for the conduct alleged in the complaint.

Settlement Hearing

The Court will hold a hearing in Courtroom 1419, United States Courthouse, 219 S. Dearborn, Chicago, Illinois at on September 18, 2001, at 9:30 a.m. to determine whether, as recommended by both Class Counsel and the Class Representatives, it should approve the proposed settlement. Objections to the proposed settlement by class members (who have not previously elected to exclude themselves from the class) will be considered by the court, but only if such objections are filed in writing with the clerk by mail postmarked before September 10, 2001. Attendance at the hearing is not necessary, however, class members wishing to be heard orally in opposition to the proposed settlement should indicate in their written objections their intention to appear at the hearing. Class members who support the proposed settlement and the related matters described in this Notice, do not need to appear at the hearing.

This Notice represents a summary of the settlement and related matter. For further information, you may inspect the documents and records filed in this action during the regular office hours at the Office of the Clerk, United States District Court for the Northern District of Illinois, 219 S. Dearborn Street, Chicago, Illinois. Any additional questions you have about matters discussed in this notice should not be directed to the Court, but may be directed by telephone or in writing to the attorneys for the plaintiffs listed below.

Thomas Morrissey

Robert H. Farley, Jr.

10249 S. Western Ave.

Chicago, Il. 60643

(773) 233-9944