



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

FILED

NOV 28 2001

Judge David H. Coar  
United States District Court

Kenya Gary and Tania Hayes, )  
individually and on behalf of )  
a class, )

Plaintiffs )

vs. )

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

Defendant )

No.96 C 7294

JUDGE David Coar

~~DOCKETED~~

DEC 03 2001

MOTION TO ENFORCE SETTLEMENT

Now comes the Plaintiff Class, by and through their attorneys, Thomas G. Morrissey and Robert H. Farley, Jr., and request this Honorable Court to order the County Comptroller to immediately deposit the settlement funds into an interest bearing account and to issue the checks to the class members prior to December 18,2001. In support of this motion, the plaintiff class states as follows:

1. The Final Judgment Order approving the settlement of this case pursuant to the Settlement Agreement was entered on September 18,2001. There were no appeals filed to this Order.
2. Under the Settlement Agreement, the settlement funds are required to be distributed to the class within 30 days after the expiration of the time to Appeal. (Settlement Agreement par. 8).

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3. On November 7, 2001, the parties appeared before the Court and the defendant informed the Court that County Comptroller was in the process of transferring the settlement funds into an interest bearing checking account at a local bank and the funds would be distributed by the bank to the class members within the next 30 days.

4. Through no fault of the attorneys for the defendant, the County Comptroller has not transferred the funds, as required under the Settlement Agreement, into an interest bearing account, and has not designated a bank to distribute the settlement funds to the class. The undersigned attorney has made numerous attempts to resolve this administrative problem with the defendant without success over the last three weeks.

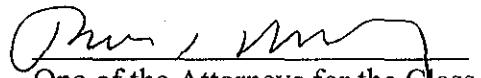
5. Regardless of whether the checks are distributed by a bank or the Comptroller, it will take several weeks to format the computer records of the addresses of the class members prior to the mailing of the checks to the class members.

6. Under the Settlement Agreement, 3,0051 women are entitled to receive compensation. Each day, the plaintiff's lawyer and his paralegal receive over 50 calls during the day from class members and in excess of 50 voice mail messages, demanding to know when they will receive their checks. With the holiday season rapidly approaching, these inquiries have understandable become more frequent and intense.

7. In the class action case of Watson v. Sheahan, 94 C 6991, the Comptroller's Office issued the settlement checks directly to over 5,000 class members.

Wherefore the plaintiffs pray for an order requiring the County Comptroller to immediately deposit the settlement funds into an interest bearing account and to issue the checks to the class members prior to December 18, 2001.

Respectfully submitted,

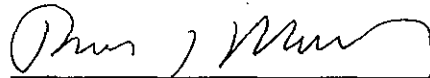
  
One of the Attorneys for the Class

Thomas G. Morrissey Ltd.  
Robert H. Farley, Jr. Ltd.  
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(773) 233-7900

**CERTIFICATE OF SERVICE**

I, Thomas G. Morrissey, an attorney, deposes and states that he served a copy of the foregoing Motion To Enforce Settlement upon parties listed below by mailing and faxing a copy on or before 5:00 p.m. on November 28, 2001.

Patrick T. Driscoll, Jr.  
Thomas Burnham  
Michael Jacobs  
Assistant State's Attorneys  
500 Richard J. Daley Center  
Chicago, IL 60602  
(312) 603-3000 (F)



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Thomas G. Morrissey