

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	10/22/2002
CASE TITLE	GARY vs. SHEAHAN, ET AL		

[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:

[Empty box for motion details]

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)  Local Rule 41.1  FRCP41(a)(1)  FRCP41(a)(2).
- (10)  [Other docket entry] The County of Cook is ordered to retain \$44,220.00 of the settlement funds until December 31, 2002 for the purpose of distributing the checks to the class members listed in Exhibit "C" only. If the checks are not claimed by the respective class members by 12/31/02, the balance remaining in the settlement fund shall be distributed pro rata to the cy pres. The court orders the cy pres distributions be made as follows 50% in the sum of \$130,509.32 to each Jane Adams Hull House and The McDermott Center dba Haymarket Center. Enter order approving distribution.
- (11)  [For further detail see order attached to the original minute order.]

*David H. Coar*

<input type="checkbox"/> No notices required, advised in open court.	INCL 10/22/02	3 number of notices	Document Number 618
<input type="checkbox"/> No notices required.		OCT 23 2002 date docketed	
<input type="checkbox"/> Notices mailed by judge's staff.		<i>DM</i> docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		OCT 23 2002 date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		<i>DM</i> mailing deputy initials	
<input type="checkbox"/> Mail AO 450 form.		Date/time received in central Clerk's Office	
<input type="checkbox"/> Copy to judge/magistrate judge.			
PAMF	courtroom deputy's initials		



accordance with the Settlement Agreement.

WHEREAS pursuant to the Joint Stipulation of Settlement and Notice to the Class, putative class members were required to have submitted a completed claim form by June 1,2001 and meet the eligibility requirements of the class.

WHEREAS, due to the fact that many of the putative class members did not have permanent addresses and or/moved frequently, the Court ordered the defendant to provide extensive notice of the settlement and the requirement to file a claim card by 6/1/2001 in newspapers with general circulations throughout the metropolitan area and by posting notices in County Buildings and at the Cook County Jail. Additionally the defendant provided notice of the settlement by first class mail to the last known addresses of the putative class members. .

WHEREAS on November 7, 2001 an order was entered by the Court approving the disbursement of the settlement funds by the County of Cook to a list of claimants found by the Court to be eligible to share in the settlement as members of the class. (Exhibit A).

WHEREAS, after the entry of the Court's Order of November 7, 2001 and through October 10,2002 , the Court permitted woman who had not filed a timely claim card and therefore were not included on the list of eligible class members, to file motions, supported by affidavits, stating the reason why they had not complied with the requirement of mailing a claim form by June 1,2001. The Court for good cause found that the following individuals should be added to the November 7, 2001 list of eligible class members.

Sasha Long  
Marie Williams  
Vonda Wallace  
Denise Dailey  
Patrice Moore

WHEREAS, the settlement agreement provided for a cy pres distribution in the event there remains undistributed money in the Settlement Funds.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This Court finds that the Notice provided to the class of the settlement and requirements for filing a claim was the best notice practicable under the circumstances and provided due and adequate notice to all putative class members of the requirement to submit a claim.
2. This Court further finds that putative class members who failed to comply with the mandatory requirement of submitting a claim card by June 1, 2001, were provided sufficient opportunity to petition this Court and present evidence why they should be found to be eligible to participate in the settlement of this case. That in the interest of justice, finality and in accordance with the Joint Settlement Agreement, this Court finds that there is no reason to delay the distribution of the unclaimed settlement funds.
3. This Court finds that all claims by the putative class members who are not included on the amended list of November 7, 2001 of eligible class members against the County of Cook, the Office of the State's Attorney, the defendant and Class Counsel are barred .
4. This Court finds that the County of Cook and Class Counsel have caused settlement checks to be sent by first class mail to the last known addresses of all class members found eligible by this Court. The Court further finds that any and all claims against the County of Cook, the Office of the State's Attorney, the defendant and Class Counsel by class members arising after the checks were placed in the mail by the County of Cook including but not limited to checks lost in the mail, stolen, sent to a prior address of an eligible claimant, cashed by other

than the claimant, misplaced or which remain uncashed by the claimants as of the date of this order are barred .

5. The Court finds that the Office of the State's Attorney , and Class Counsel shall not be liable for anything done or omitted in connection with this litigation, including but not limited to the sending Notices of Settlement to putative class members, and the administration of the payments to eligible class members.

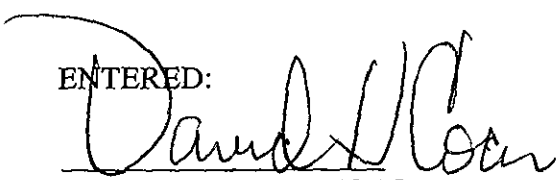
6. That the County of Cook is ordered to retain \$44,220 of the settlement funds until December 31,2002 for the purpose of distributing the checks to the class members listed in Exhibit C only. If the checks are not claimed by the respective class members by December 31,2002, the balance remaining in the settlement fund shall be distributed pro rata to the cy pres.

7. This Court has reviewed the accounting by the County of Cook in regards to the distribution of the settlement funds and finds that there remains \$ 305,238.64 available for cy pres distribution. The Court therefore orders that cy pres distributions shall be made as follows:

- |  |              |
|--|--------------|
| A. 50% to the Jane Adams Hull House Association        | \$130,509.32 |
| B. 50% to the McDermott Center, d/b/a Haymarket Center | \$130,509.32 |

DATED: 10/22/02

ENTERED:

  
JUDGE DAVID H. COAR

SEE CASE  
FILE FOR  
EXHIBITS