

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

Dennis Smentek, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	No. 09-cv-529
-vs-)	
)	<i>(Judge Lefkow)</i>
Sheriff of Cook County and Cook)	
County, Illinois)	<i>(Magistrate Judge Weisman)</i>
)	
<i>Defendants.</i>)	

ORDER APPROVING CLASS ACTION SETTLEMENT

This matter is before the Court for final approval of the Settlement Agreement in this class action. The Court is familiar with the history of this case, the issues raised, and the decision of the Court of Appeals. The Court has reviewed and considered the Settlement Agreement and Plaintiffs’ Memorandum in Support of Approval of Class Action Settlement, and provided the parties and any class member with an opportunity to be heard at a hearing on August 21, 2018. No one has objected to the proposed settlement. Accordingly,

IT IS ORDERED:

1. The Court has considered the strength of plaintiffs’ case compared to the amount of defendants’ settlement offer, and assessed the complexity, length, risk, uncertainty, and expense of the litigation, and finds that the settlement is fair, reasonable, and adequate in accordance with Rule 23(e)(2) of the Federal Rules of Civil Procedure.

2. The Court has considered the affidavit from Christopher Longley, the Chief Executive Officer of the administrator (Atticus Administration LLC) submitted with Plaintiffs' Memorandum in Support of Approval of Class Action Settlement, ECF No. 577, and has reviewed the actual forms used to provide class notice and an opportunity to opt-out and finds that the class has received appropriate notice in accordance with Rule 23(e)(1) of the Federal Rules of Civil Procedure.

3. Class counsel has informed the Court that 18,388 claims were filed by August 15, 2018. Counsel for the parties have agreed to a rolling payment of claims, i.e., all claims will be paid on a "first in-first out" basis until the sooner of May 21, 2019 (the nine month period following the final approval date agreed to in the settlement agreement) or the date funds are exhausted. Because of the higher than expected number of claims filed, Counsel for the parties have also agreed that the settlement will be paid at the rate of \$50 "per point," as defined in paragraph 13 of the settlement agreement. This means that the average award will be \$100 per class member (most class members will be paid for two "points"), rather than the \$200 previously estimated by class counsel. The Court hereby approves this agreement.

4. The Court approves the payment of an incentive award of \$25,000 (twenty five thousand dollars) to Dennis Smentek to be paid to the next of kin of John Smentek. The Court also approves the payment to each of the additional plaintiffs Malcolm Patton, Melvin Phillips, Rodell Sanders, and Frank Powicki, in


the amount of \$15,000 (fifteen thousand dollars). In addition, the Court approves the payment of an incentive award in the amount of \$3,000 (three thousand dollars) to class member Tom Tuduj. Finally, the Court approves the payment of \$15,000 (fifteen thousand dollars) to each of the following: James Curtin, the plaintiff in 11-cv-933, Kenneth Morris, the plaintiff in 11-cv-934, and Percy Rounds, the plaintiff in 11-cv-4247. These sums will be paid by without any deduction for fees or costs.

5. The payment of fees to Plaintiffs' counsel in the amount of \$2,000,000 and expenses in the amount of \$220,000 (with any surplus not expended after the final disbursement of checks to be returned to Cook County) is hereby approved as fair and reasonable.

6. The Court grants final approval of the Settlement. This matter is dismissed with prejudice; the Court retains jurisdiction to May 21, 2019 to implement the terms of the Settlement Agreement.

Dated: August 22, 2018

Enter:



Joan H. Lefkow
United States District Judge