

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

R.J., B.W., D.F., D.G., and M.D., on)
behalf of themselves and all others)
similarly situated, by their next friend)
Jeffrey Shaman,)

Plaintiffs,)

v.)

ARTHUR D. BISHOP, in his official)
capacity as Director of the Illinois)
Department of Juvenile Justice,)

Defendant.)

Case No. 1:12-CV-07289

Hon. Matthew F. Kennelly

**ORDER CERTIFYING CLASS AND
PRELIMINARILY APPROVING PROPOSED CONSENT DECREE**

This matter comes to the Court on the parties’ Joint Motion for Class Certification and Approval and Entry of Consent Decree. Having reviewed the joint motion, the proposed consent decree, and all other appropriate materials:

1. Pursuant to Rules 23(a) and 23(b)(2), the Court certifies a plaintiff class consisting of all youth who now are, and/or in the future will be, confined by the Illinois Department of Juvenile Justice.

2. Pursuant to Rules 23(a) and 23(b)(2), the Court certifies a plaintiff sub-class consisting of all members of the plaintiff class who have special education needs.

3. Pursuant to Rule 23(g), the Court appoints, as counsel for the plaintiff class and sub-class, Adam Schwartz of the Roger Baldwin Foundation of ACLU Inc. and Maja Eaton of Sidley Austin LLP.

4. Pursuant to Rule 23(e), the Court makes a preliminary finding that resolution of this lawsuit as set forth in the proposed consent decree falls within the range of fair, adequate, and reasonable settlements.

5. Pursuant to Rule 23(e)(1), the Court orders notice to the plaintiff class of this suit, the class certification, the proposed consent decree, the opportunity to object, and the fairness hearing. Specifically, the Court orders notice in the form attached as Exhibit 2 to the parties' joint motion, as amended per this Court's instruction in open court on September 26. The Court finds that this document adequately advises class members of their rights under the terms of the settlement and therefore meets the requirements of due process and the Federal Rules of Civil Procedure. Defendant forthwith shall distribute the notice to the plaintiff class by means of: (a) posting it in a prominent location in the day and visitation rooms in all IDJJ youth centers; (b) placing it in the mailbox of each youth committed to the IDJJ at the time of notice; (c) mailing it first class to each parent or guardian whose address is known to the IDJJ and whose child is committed to the IDJJ at the time of notice; and (d) mailing it to the Illinois Department of Children and Family Services.

6. The Court will hold a fairness hearing regarding, *inter alia*, the ultimate fairness, adequacy, and reasonableness of the proposed consent decree on December 6, 2012. Any objections to the proposed consent decree shall be filed by November 5, 2012, and the parties may file responses to such objections by November 19, 2012.

DATED: October 2, 2012

A handwritten signature in cursive script, appearing to read "Matthew R. ...", is written above a horizontal line. Below the line, the text "United States District Judge" is printed.

United States District Judge