

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

SA'DA AND TYJUAN JOHNSON,	)	
minors, by their parent and next friend	)	
FELICIA JOHNSON, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 00-1349
	)	
BOARD OF EDUCATION OF	)	Chief Judge Joe B. McDade
CHAMPAIGN COMMUNITY	)	
UNIT SCHOOL DISTRICT #4,	)	Magistrate John Gorman
	)	
Defendant.	)	

**JOINT MOTION FOR APPROVAL OF PROPOSED SETTLEMENT AGREEMENT**

Defendant Board of Education of Champaign Community Unit School District No. 4, by its attorneys Franczek Radelet P.C., jointly with Plaintiffs, by their attorneys Futterman Howard Ashley & Weltman, P.C. (collectively, "Parties"), pursuant to Federal Rule of Civil Procedure 23(e), move this Court to approve the parties' proposed settlement agreement (Doc. 368-1). In support of this Motion, the Parties state as follows:

1. This case is a certified class action wherein the Parties entered into a settlement agreement on July 29, 2009, which was approved by this Court on November 4, 2009. The 2009 settlement agreement resolved all issues in this litigation except for Plaintiffs' claim for fees and costs. Plaintiffs set forth their claims for fees and costs in their resubmitted motion on September 15, 2009, which incorporated or replaced previous filings on June 30, 2009 and August 14, 2009, and which was later supplemented and supported through filings on November 19, 2009; December 15, 2009; October 15, 2010; and January 7, 2011.

2. By order dated June 1, 2011, this Court granted in part and denied in part Plaintiffs' motion by awarding \$701,159.03 in fees and costs.

3. On July 14, 2011, the School District paid to Plaintiffs \$371,290.24 in partial satisfaction of the Court's June 1, 2011 order.

4. On June 30, 2011, the School District filed a notice of appeal regarding the award of attorneys' fees and costs for Plaintiffs' post-Consent Decree efforts to modify or extend the Consent Decree.

5. On July 14, 2011, Plaintiffs filed a notice of cross appeal regarding the denial of attorneys' fees and costs for Plaintiffs' post-Consent Decree efforts to modify or extend the Consent Decree.

6. The School District's appeal and Plaintiffs' cross appeal were consolidated into one appeal entitled *Johnson, et al. v. Board of Education of Champaign Community Unit School District No. 4*, Doc. No. 11-2485 consolidated with Doc. No. 11-2601.

7. The Seventh Circuit directed the parties to its Settlement Conference Office for mediation presided over by Conference Attorney Rocco J. Spagna. Briefing on the appeal was suspended in light of the mediation. After a mediation session and negotiations, the Parties reached a proposed settlement. The proposed settlement has been memorialized in an executed settlement agreement between the parties (Doc. 368-1).

8. The 2012 Agreement proposes resolution of the remaining issues regarding fees and cost according to the terms of the agreement. In sum, the School District agrees to pay Plaintiffs \$125,000.00 in consideration for the full and complete settlement of the cross appeal and any remaining issues related to fees and costs.

9. Federal Rule of Civil Procedure 23(e) requires court approval of any settlement that effects the dismissal of a class action. In order to approve a settlement, a district court must

determine that the settlement is fair, adequate and reasonable, and not a product of collusion. *Reynolds v. Beneficial Nat'l Bank*, 288 F.3d 277, 279 (7th Cir. 2002).

10. The Parties believe that the proposed settlement is fair, adequate and reasonable and not a product of collusion.

WHEREFORE, the Parties respectfully request that this Court approve the parties' proposed settlement agreement (Doc. 368-1) pursuant to Federal Rule of Civil Procedure 23(e).

Respectfully Submitted,

PLAINTIFFS

By: s/ Carol R. Ashley  
One of Its Attorneys

Carol R. Ashley – 06224404  
Kate Mangold-Spoto – 6194098  
William Woods Thomas – 6276045  
Rafael Vargus – 6294995  
Attorneys for Plaintiffs  
Futterman Howard Watkins  
Wylie & Ashley, Chtd.  
122 South Michigan Avenue, Suite 1850  
Chicago, Illinois 60603  
(312) 427-3600  
CAshley@futtermanhoward.com

Venita Hervey  
Law Office of Venita Hervey  
P.O. Box 157  
Rockford, IL 61105  
815-968-7682  
venita@vherveylaw.com

DATED: May 29, 2012

Respectfully Submitted,

CHAMPAIGN COMMUNITY  
UNIT SCHOOL DISTRICT #4

By: s/Jennifer A. Smith  
One of Its Attorneys

Sally J. Scott – 6204350  
John A. Relias – 02313081  
Jennifer A. Smith – 6216484  
Attorneys for the Defendant  
Franczek Radelet P.C.  
300 South Wacker Drive, Suite 3400  
Chicago, Illinois 60606  
(312) 986-0300  
sjs@franczek.com  
jar@franczek.com  
jas@franczek.com

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she electronically filed the foregoing **JOINT MOTION FOR APPROVAL OF PROPOSED SETTLEMENT AGREEMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this 29<sup>th</sup> day of May, 2012:

Carol R. Ashley  
Futterman Howard Ashley & Weltman, P.C.  
122 South Michigan Avenue  
Suite 1850  
Chicago, IL 60603

Venita Hervey  
Law Office of Venita Hervey  
P.O. Box 157  
Rockford, IL 61105

\_\_\_\_\_  
s/Jennifer A. Smith  
Jennifer A. Smith

Sally J. Scott – 6204350  
John A. Relias – 02313081  
Jennifer A. Smith – 6216484  
Franczek Radelet P.C.  
300 South Wacker Drive  
Suite 3400  
Chicago, IL 60606  
(312) 986-0300  
(312) 986-9192 *fax*