

**NOTICE OF HEARING ON APPROVAL OF
SUPPLEMENTAL RELIEF ORDER
FOR THE SHERIFF OF COOK COUNTY
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MICHAEL L. SHAKMAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 69 C 2145
)	
SHERIFF OF COOK COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

TO: PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES OF THE SHERIFF OF COOK COUNTY, PAST, PRESENT AND FUTURE APPLICANTS FOR EMPLOYMENT WITH THE SHERIFF OF COOK COUNTY AND CANDIDATES AND VOTERS OF COOK COUNTY, ILLINOIS

THIS NOTICE IS TO INFORM YOU THAT THE PARTIES HAVE PROPOSED A SETTLEMENT OF A CLASS ACTION LAWSUIT INVOLVING ALLEGATIONS OF POLITICAL DISCRIMINATION IN CONNECTION WITH HIRING AND OTHER ASPECTS OF EMPLOYMENT WITH THE SHERIFF OF COOK COUNTY. IF THE COURT GIVES FINAL APPROVAL TO THE SETTLEMENT, CERTAIN MEMBERS OF THE CLASSES MAY BE ELIGIBLE TO RECEIVE CERTAIN BENEFITS IF THEY TAKE PROMPT ACTION DESCRIBED BELOW.

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY. IF YOU ARE A MEMBER OF ANY OF THESE CLASSES, THE NOTICE CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS.

YOU ARE NOTIFIED:

- The Court in charge of this case has certified plaintiff classes consisting of (1) all past employees and applicants for employment with the Sheriff to the date of final approval of the Supplemental Relief Order for the Sheriff of Cook County; (2) all current and future employees and applicants for employment with the Sheriff for the life of the Supplemental Relief Order; (3) all registered voters; and (4) all candidates for public office to whom this Notice is directed (the "Settlement Classes"). You may be a Member of one of the Settlement Classes.
- The Court has given **preliminary** approval, subject to presentment to the Cook County Board of Commissioners, to a proposed SUPPLEMENTAL RELIEF ORDER FOR THE SHERIFF OF COOK COUNTY ("SRO") under which **people who applied for jobs with the Sheriff or who were employed by the Sheriff may be eligible to receive cash payments.**
- The Court will hold a settlement approval hearing on October 30, 2008, at 8:45 a.m. to decide whether to give final approval to the proposed SRO.
- If you are a member of the Settlement Classes, your legal rights will be affected if the Court gives final approval to the SRO.

This Notice explains the lawsuit, the proposed SRO, the benefits available pursuant to the SRO, and who is eligible for those benefits. This Notice explains how you can participate in, object to, or exclude yourself from, the remedy provided by the proposed SRO. Full details of the

proposed SRO are contained in the SRO. You may obtain a copy of the SRO from the Cook County Sheriff's website at www.cookcountysheriff.org. You can also obtain copies from the Sheriff's Office of Personnel, 50 West Washington Street, Room 702, Chicago, Illinois 60602, and from counsel for the plaintiff classes, Brian Hays, Locke Lord Bissell & Liddell LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606.

The Lawsuit

On October 28, 1969, Michael L. Shakman and Paul M. Lurie filed suit on behalf of themselves and all candidates for public office and registered voters asking the Court to prohibit the Cook County Sheriff, among other defendants, from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor in a case captioned Shakman v. Democratic Organization of Cook County, No. 69 C 2145. On June 27, 1980 and June 29, 1984, the United States District Court for the Northern District of Illinois entered Consent Judgments with respect to the Cook County Sheriff, prohibiting the Sheriff from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor. Those Judgments provided that the Court retained jurisdiction with respect to, among other matters, issues of political hiring and identified the positions which should be exempt from its injunctive provisions.

The Settlement SRO

The parties have filed with the Court a proposed SRO. The SRO would:

- supplement the original Sheriff's Consent Decrees,
- add various reporting, monitoring and enforcement provisions,
- provide for injunctive relief,
- provide for the preparation of a new hiring plan for the Sheriff,
- provide for a procedure for designating certain Sheriff positions as exempt from the provisions of the SRO,
- provide for a procedure for deciding whether to terminate the Sheriff's Consent Decrees and the SRO if the Sheriff is in substantial compliance with the Sheriff's Consent Decrees and the SRO,
- **create procedures summarized below for claimants of prior unlawful political discrimination in any term or aspect of employment with the Sheriff between June 1, 2006 and the date of final approval of the SRO to apply for compensation, for a determination of the merits of such claims, and for payment in appropriate circumstances**

The SRO also provides a procedure for reporting and arbitrating claims of future political discrimination against applicants for employment with the Sheriff and Sheriff employees. The SRO also designates an independent Compliance Administrator to administer the Pre-SRO claims process and monitor future Sheriff compliance with the Sheriff's Consent Decrees and the SRO. Finally, the SRO also preserves the rights of candidates for public office and voters to enforce the terms of the SRO.

Submitting a Claim

The remedy provided in the SRO shall be the exclusive remedy for Class Members who fail to opt out seeking remedies for claims of political discrimination based on events occurring prior to the final approval of the SRO. Any member of the Settlement Classes who believes that she or he was subjected to unlawful political discrimination in connection with hiring or for any term or aspect of government employment with the Sheriff, including but not limited to promotion, job assignments, termination, other disciplinary action and overtime, between June 1, 2006 and the date of final approval of the SRO who would like to be considered for a damage award provided by the SRO must mail a completed, notarized SRO Claim Form and signed, notarized Release to the Sheriff's Compliance Administrator, c/o Brian Hays, Locke Lord Bissell & Brook, LLP, 111 S. Wacker Drive, Chicago, Illinois 60606 or to the address of the Sheriff's Compliance Administrator given after final approval. After final approval of the SRO, Claim Forms can be obtained from the Sheriff's Office of Personnel and Mr. Hays at the addresses listed above and from the Sheriff's website, www.cookcountysheriff.org. **Completed and notarized Claim Forms and Releases must be received by the Sheriff's Compliance Administrator no later than February 27, 2009.** Class Counsel recommends that Class Members send their completed and notarized Claim Form and Release to the Sheriff's Compliance Administrator via certified mail, return receipt requested.

Exclusion from the Classes

The Court will exclude from the Settlement Classes any member who requests exclusion. The remedy provided in the SRO shall be the exclusive remedy for claims of political discrimination, pursuant to any theory, prior to final approval of the SRO for members of the Settlement Classes who fail to opt out. **A member of the Settlement Classes who wants to be excluded from the classes must give written notice of her or his intent to opt-out of the classes no later than February 27, 2009.** The Opt-Out Request must be received by the Sheriff's Compliance Administrator, c/o Brian Hays, Locke Lord Bissell & Liddell LLP, 111 S. Wacker Drive, Chicago, Illinois 60606 or may be sent to the address of the Sheriff's Compliance Administrator given after final approval, by **February 27, 2009**. After October 30, 2008, an Opt-Out Request Form can be obtained from the Sheriff's website at www.cookcountysheriff.org or from the Sheriff's Office of Personnel or Mr. Hays at the addresses listed above. The Opt-Out Request must state: (a) the name and docket number of this case; (b) the member of the Settlement Class's legal name, address, and telephone number and (c) that the member of the Settlement Member wishes to be excluded from membership in the Classes.

The SRO does not provide for any cash payment to anyone who alleges that she or he was subjected to unlawful political discrimination occurring prior to June 1, 2006. **Any member of the Settlement Classes who believes that she or he was subjected to unlawful political discrimination in connection with hiring for or any term or aspect of government employment with the Sheriff prior to June 1, 2006 and who would like to assert a claim against the Sheriff must provide an Opt-Out Request to the Sheriff Compliance Administrator no later than February 27, 2009 to preserve any claims or rights she or he may have against the Sheriff.**

Members of the Settlement Classes who elect to opt out of the SRO and who wish to pursue any claim they may have against the Sheriff must opt-out of the SRO and file their own separate lawsuit. Individuals who opt out of the SRO may not pursue claims based on the SRO or the Sheriff's Consent Decrees for political discrimination occurring prior to final approval of the SRO. Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods and all other legal or equitable time-based defenses and doctrines for violations of federal and state law and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the Sheriff or defenses thereto were stayed and tolled as of December 13, 2006. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. A member of the Settlement Classes who elects to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

Objecting to the SRO

Any member of the Settlement Classes may file a written objection to the SRO with the Court. The objection must state its substance, the nature of the objector's interest in the case and the name and address of the objector. Written objections must be filed with the Court prior to 3:00 p.m. on October 23, 2008, showing copies of the objection were mailed to outside counsel for the Sheriff, Mr. Robert Shannon, Hinshaw & Culbertson LLP, 222 N. LaSalle, Suite 300, Chicago, Illinois 60601 and Mr. Hays and at the address above.

Settlement Approval Hearing

A hearing will be held in Room 1403 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 8:45 a.m. on October 30, 2008, for determining whether the Court should give its final approval to the SRO.

Members of the Settlement Classes are welcome to attend the hearing, at their own expense, and they may request permission to speak to the Court. Members of the Settlement Classes may also hire their own lawyers at their own expense to speak on their behalf. If members of the Settlement Classes have sent a written objection, they do not need to come to Court. If the objection from any member of the Settlement Classes was postmarked on time, the Court will consider it.

If a member of the Settlement Classes wants to speak at the hearing, she or he must ask the Court for permission. To do so, a member of the Settlement Class must file a request with the Court, and mail copies to Mr. Hays and Mr. Shannon at the addresses listed above, requesting permission to speak at the settlement approval hearing in the case of **Shakman v. Sheriff of Cook County, 69 C 2145**. The request should state the member of the Settlement Classes' position and the basis for that position. The request for permission to speak must be filed with the Court prior to 3:00 p.m. on October 23, 2008. The Court may, or may not, grant the request.

The Parties have not agreed to or discussed the amount of attorneys' fees awardable to Plaintiffs' Counsel or costs prior to entry of this SRO, but shall attempt to reach agreement as to such amount within forty-five (45) days of entry of the SRO for presentation to the Court for its review and approval. If no Agreement is reached, the Plaintiffs' Counsel shall file a fee petition with the Court. Members of the Settlement Classes may file objections to the fee petition.

Final approval of the SRO will be binding on all members of the Settlement Classes who do not serve a timely written notice of their intent to opt-out of the settlement.

DO NOT CALL OR WRITE THE COURT TO OBTAIN COPIES OF DOCUMENTS OR TO ASK QUESTIONS ABOUT THE SETTLEMENT.

Dated:

Honorable Wayne R. Andersen, United States District Court Judge

October 3, 2008


