

**NOTICE OF HEARING ON APPROVAL OF
SUPPLEMENTAL RELIEF ORDER
FOR THE CLERK OF THE CIRCUIT COURT 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
)	
CLERK OF THE CIRCUIT COURT OF)	
COOK COUNTY, <i>et al.</i> ,)	

TO: PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY, PAST, PRESENT AND FUTURE APPLICANTS FOR EMPLOYMENT WITH THE CLERK OF THE CIRCUIT COURT 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 POSSIBLE POLITICAL DISCRIMINATION IN CONNECTION WITH HIRING AND OTHER ASPECTS OF EMPLOYMENT WITH THE CLERK OF THE CIRCUIT COURT 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 Clerk of the Circuit Court of Cook County (“Clerk of Court”) to the date of final approval of the Supplemental Relief Order for the Clerk of the Circuit Court of Cook County; (2) all current and future employees and applicants for employment with the Clerk of Court 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 to a proposed SUPPLEMENTAL RELIEF ORDER FOR THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY (“SRO”).
- The Court will hold a settlement approval hearing on August 9, 2018, at 8:30 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 Clerk of Court’s website at www.cookcountyclerkofcourt.org. You can also obtain copies from the Clerk of Court’s Compliance Administrator, 69 W. Washington Street, Suite 830, Chicago, Illinois 60602, from counsel for the plaintiff classes, Brian Hays, Locke Lord LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606, and counsel for the Clerk of Court, Joseph Gagliardo, Laner Muchin, Ltd., 515 North State Street, Suite 2800, Chicago, Illinois 60654.

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 Clerk of Court, 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. In 1972 and 1983, the court entered judgments against Defendant Clerk of Court (“Clerk of Court’s Decrees”) which, among other things, prohibited the Clerk of Court from “conditioning, basing or knowingly prejudicing or affecting any term or aspect of Governmental Employment including, without limitation, hiring, promotion, demotion, transfer and discharge (other than for Exempt Positions), upon or because of any political reason or factor.” That Clerk of Court’s Decrees 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 Clerk of Court’s Decrees,
- add various reporting, monitoring and enforcement provisions,
- provide for injunctive relief,
- provide for the preparation of a new employment plan for the Clerk of Court,

- provide for a procedure for designating certain Clerk of Court positions as exempt from the provisions of the SRO,
- provide for a procedure for deciding whether to terminate the Clerk of Court's Decrees and the SRO if the Clerk of Court is in substantial compliance with the Clerk of Court's Decrees and the SRO,

The SRO also provides a procedure for reporting and investigating claims of future political discrimination against the Clerk of Court. The SRO also designates an independent Compliance Administrator to audit the Clerk of Court's prior hiring and monitor future Clerk of Court compliance with the Clerk of Court's 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.

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 July 20, 2018.** The Opt-Out Request must be received by the Clerk of Court's Compliance Administrator or be post-marked by a United States Post Office by July 20, 2018. An Opt-Out Request Form can be obtained from the Clerk of Court's website at www.cookcountyclerkofcourt.org or from the Clerk of Court Compliance Administrator 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. **Any member of the Settlement Classes who believes that she or he was subjected to unlawful political discrimination in connection with hiring or any other term or aspect of government employment with the Clerk of Court prior to May 15, 2018 and who would like to assert a claim against the Clerk of Court must provide an Opt-Out Request to the Clerk of Court's Compliance Administrator no later than July 20, 2018 to preserve any claims or rights she or he may have against the Clerk of Court.** 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 **Clerk of Court** must opt-out of the SRO and file their own separate lawsuit. Claims based on alleged political discrimination may be subject to a statute of limitations. Class Members who elect to pursue a remedy outside of the SRO should act quickly to protect whatever rights they 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

4:00 p.m. on July 20, 2018, showing copies of the objection were mailed to Mr. Gagliardo and Mr. Hays at the addresses above.

Settlement Approval Hearing

A hearing will be held in Room 1843 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 8:30 a.m. on August 9, 2018, 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. Gagliardo at the addresses listed above, requesting permission to speak at the settlement approval hearing in the case of **Shakman v. Clerk of the Circuit Court of Cook County, 69 C 2145**. The request should state the member of the Settlement Classes' position and the basis for that position. The member of the Settlement Classes need not appear at the hearing. The Court will consider all written submissions prior to deciding whether to approve the SRO. The request for permission to speak must be filed with the Court prior to 4:00 p.m. on July 20, 2018. 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 after final approval of the SRO by the Court. 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. No additional notice of the request for attorneys' fees and costs will be given.

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.

TIMELINE OF EVENTS:

<u>Event</u>	<u>Date</u>
Present Motion for Preliminary Approval	May 24, 2018
Publication of Notice final date	June 1, 2018
Distributing/ mailing Notice to applicants and Employees	June 22, 2018
Objections filing date	July 20, 2018
Request to speaking at hearing deadline	July 20, 2018
Opt-out notice filing date	July 20, 2018
Memorandum in support of Final Approval filing date	August 3, 2018

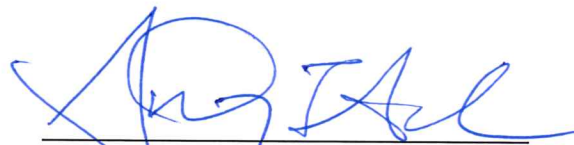
Final Approval hearing date

August 9, 2018

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

Dated: Chicago, Illinois

May 24, 2018



SIDNEY I. SCHENKIER
United States Magistrate Judge