

**NOTICE OF HEARING ON APPROVAL OF
SUPPLEMENTAL RELIEF ORDER FOR 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
)	
DEMOCRATIC ORGANIZATION OF)	
COOK COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

TO: ALL PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES OF COOK COUNTY, AND PAST, PRESENT AND FUTURE APPLICANTS FOR EMPLOYMENT WITH COOK COUNTY AND INDEPENDENT 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 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 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 County, (2) all current and future employees and applicants for employment with the County, (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 COOK COUNTY ("SRO") under which people who applied for jobs with the County or who were employed by Cook County may be eligible to receive cash payments if they take prompt action.

- The Court will hold a settlement approval hearing on February 2, 2007, at 8:30 a.m. to decide whether to give final approval to the proposed SRO.
- **If you are a Class Member, 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 and other related forms from the County website at www.co.cook.il.us and from the Shakman Compliance Administrator's website at www.countyshakman.com. You can also obtain copies from Patrick Blanchard, Office of the Cook County State's Attorney, 500 Richard J. Daley Center, Chicago, IL 60602, Roger Fross, counsel for the plaintiff classes, Lord, Bissell & Brook LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606, and from Julie M. Nowicki, Shakman Compliance Administrator, 300 South Wacker Drive, Suite 1700 B, Chicago, IL 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 County and the Board of Commissioners of Cook County ("County Board"), 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 May 5, 1972 and January 7, 1994, the United States District Court for the Northern District of Illinois entered Consent Judgments with respect to, among others, the County and County Board, prohibiting the 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 designate a number of positions which should be exempt from its injunctive provisions.

On August 28, 2006, the Plaintiffs filed an Application to Hold Cook County and Certain Individuals in Civil Contempt for alleged past violations of the 1972 and 1994 Consent Decrees.

The Settlement SRO

The parties have filed with the Court an SRO. The SRO would:

- add various reporting, monitoring and enforcement provisions,
- provide for the development of a new hiring plan for the County,
- provide for designation of a new list of positions with the County as exempt from the provisions of the 1972 and 1994 Consent Decrees and the SRO,

- provide a procedure for the termination of the 1994 Consent Judgment and the SRO on or after March 1, 2009 if the County is in substantial compliance with the SRO and hiring plan, and
- **creates procedures summarized below for claimants of prior unlawful political discrimination 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 County employment and County employees in any aspect of employment with the County. The SRO also designates an independent Compliance Administrator, Julie M. Nowicki, to administer the claims process and monitor future County compliance with the 1972 and 1994 Consent Decrees and the SRO. Finally, the SRO preserves the rights of candidates for public office and voters to enforce the terms of the SRO.

Submitting a Claim

Any Class Member who believes that she or he was a victim of unlawful political discrimination in connection with hiring for or for any aspect of government employment with the County, including but not limited to promotion, job assignment, termination, other disciplinary action and overtime, prior to the date of final approval of the SRO who would like to be considered for a damage award as provided by the SRO must mail a completed Claim Form to the Shakman Compliance Administrator, Julia M. Nowicki, 300 South Wacker Drive, Suite 1700, Chicago, IL 60606. Claim Forms are available on the County website, www.co.cook.il.us and the Shakman Compliance Administrator's website at www.countyshakman.com. Claim Forms can also be obtained in Room 500 of the Richard J. Daley Center, Chicago, Illinois and from the Shakman Compliance Administrator, Julia M Nowicki, 300 South Wacker Drive, Suite 1700, Chicago, IL 60606. Completed Claim Forms must be received by the Shakman Compliance Administrator no later than June 1, 2007. Class Counsel recommends that Class Members send their completed Claim Form to the Shakman Compliance Administrator via certified mail, return receipt requested.

Under normal circumstances, a two (2) year limitation period applies to civil rights claims against the County. However, the two year period can be extended if certain conditions are met. Any Class Member who believes that she or he was discriminated against on the basis of unlawful political discrimination prior to August 28, 2004, in addition to setting forth the facts and evidence supporting her or his claim, must also allege facts showing one of the following: (1) facts showing why the Class Member could not have discovered her or his claim before August 28, 2004, (2) facts that would support a claim for fraudulent concealment, or (3) facts that would support a claim for equitable tolling of the limitations period.

Exclusion from the Classes

The Court will exclude from the classes any Class Member who requests exclusion. **A Class Member 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 June 1, 2007.** The Opt-Out Request must be mailed to the Shakman Compliance Administrator, Julia M. Nowicki, 300 South Wacker Drive,

Suite 1700, Chicago, IL 60606. The Opt-Out Request must be received by the Shakman Compliance Administrator by June 1, 2007. A form Opt-Out Request can be obtained from the County's website at www.co.cook.il.us and the Compliance Administrator's website at www.countyshakman.com, or from Ms. Nowicki, at the above address, Mr. Blanchard, and Mr. Fross at the above addresses. The Opt-Out Request must state: (a) the name and docket number of this case; (b) the Class Member's legal name, address, and telephone number; and (c) that the Class Member wishes to be excluded from membership in the Classes.

Class Members who elect to opt-out of the SRO and who wish to pursue any claim they may have against the County must opt-out of the SRO and file their own enforcement action or a separate lawsuit. Claims based on alleged political discrimination in employment in violation of the 1994 Consent Decree may be subject to a limitations period. See *Smith v. County of Chicago*, 769 F.2d 408 (7th Cir. 1985). Furthermore, a two year statute of limitations applies to claims brought under 42 U.S.C. § 1983, and related provisions of civil rights legislation. Additional time may be afforded to bring claims where the basis therefore has been concealed. A Class Member 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 plaintiff classes of past, present and future applicants for employment with the County, past, present and future employees of the County, registered voters, and candidates for public office 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 January 26, 2007, showing receipt of copies of the objection by Mr. Fross and Mr. Blanchard at the addresses above.

Settlement Approval Hearing

Under an order of the Court, a hearing will be held in Room 1403 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 8:30 a.m. on February 2, 2007, for determining whether the Court should approve the SRO.

Class Members are welcome to attend the hearing, at their own expense, and they may request permission to speak to the Court. Class Members may also hire their own lawyers at their own expense to speak on their behalf. If Class Members have sent a written objection, they do not need to come to Court. If the Class Member's objection was postmarked on time, the Court will consider it.

If a Class Member wants to speak at the hearing, she or he must ask the Court for permission. To do so, file a request with the Court, showing copies to Mr. Fross and Mr. Blanchard at the addresses listed above, requesting permission to speak at the settlement approval hearing in the case of **Shakman v. Democratic Organization of Cook County, 69 C 2145**. The request should state the Class Member's 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 January 26, 2007. The Court may, or may not, grant the request.

Final approval of the SRO will be binding on all Class Members who do not serve a timely written notice of her or his 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: Chicago, Illinois

_____, 2006

Hon. Wayne R. Andersen
United States District Judge