

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

MICHAEL L. SHAKMAN, et al.,)	
)	No. 69 C 2145
Plaintiffs,)	
)	
v.)	
)	Hon. Sidney Schenkier
COUNTY OF COOK, et al.,)	
)	
Defendants.)	

AGREED ORDER SETTING A HEARING DATE

This matter comes to be heard on a Joint Motion for Setting a Hearing Date for a Finding of Substantial Compliance and Dismissal of the County of Cook ("Joint Motion"). The Court orders as follows:

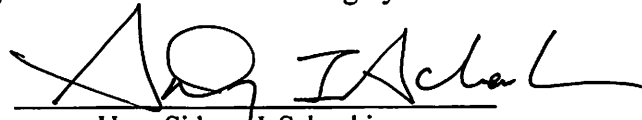
1. A hearing (the "Hearing") shall be held at 10:00 a.m. on October 31, 2018 for the purpose of determining whether the Court should enter an order (i) finding the County of Cook ("Cook") to be in Substantial Compliance with the Supplemental Relief Order and the 1994 Consent Decree and (ii) dismissing the County from this case, all as set forth in the attached form of Notice of Hearing (the "Notice"), Exhibit I.A attached hereto. The form of the Notice is approved.
2. On or before September 21, 2018, the Notice shall be published as a display advertisement in one daily edition of each of the Chicago Tribune and the Chicago Sun Times . For the purpose of such publication, the Notice shall not include as an exhibit the text of the SRO or the submissions filed in support of the Joint Motion, but shall state that the text of these documents are available on the County's website at www.cookcountyil.gov and the *Shakman* Decree Compliance Administrator's website at www.countyshakman.com. Notice of the Hearing shall also be delivered to each employee in the Offices under the jurisdiction of the President, the Public Defender, the Cook County Health and Hospitals System and the Office of the Independent Inspector General in the form attached hereto as Exhibit I.A by providing such notice via County email and posting a copy of the Notice on the County's website at www.cookcountyil.gov on a date no later than September 21, 2018. Appropriate affidavits showing that the Notice has been given as provided shall be filed with the Court no later than the hearing.

3. The Court finds that the Notice of Hearing as prescribed by paragraph 2 constitutes the best notice practicable under the circumstances and constitutes due and sufficient notice of the Hearing to all persons affected by and/or entitled to participate in the Hearing.

4. Any Class Member may file a written objection to the Joint Motion 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 3:00p.m. on October 12, 2018 showing that copies of the objection were mailed to Daniel Brennan, Jr., Assistant State's Attorney of the County of Cook, Cook County State's Attorney's Office, 50 W. Washington, Room 500, Chicago, Illinois 60602, Brian Hays, counsel for the plaintiff classes, Locke Lord LLP, 111 South Wacker Drive, Suite 4100, Chicago, Illinois 60606, and Mary Robinson, *Shakman* Compliance Administrator ("CA"), 69 W. Washington Blvd., Suite 840, Chicago, Illinois 60602. A Class Member who files a written objection is not required to appear in person at the hearing in order for the Court to consider the objection.

5. If a Class Member wishes to speak at the hearing, she or he must submit a written request to the Court for permission by filing the request with the Court and expressly stating that the individual seeks permission to speak at the settlement approval hearing in the case of *Shakman v. Democratic Organization of Cook County*, et. al., No. 69 C 2145, to be held on October 31, 2018. The request must show that copies were mailed to Mr. Brennan, Mr. Hays and Ms. Robinson at the addresses listed above. The Class Member seeking to speak at the hearing should state her or his position and the basis for that position in the request. The request for permission to speak must be filed with the Court prior to 3:00p.m. on October 12, 2018. The Court may, or may not, grant the request. All filings with the Court shall be made by filing a paper copy with the Clerk of the Court stating that the filing relates to *Shakman v. Democratic Organization of Cook County* et. al., No. 69 C 2145, or by filing using the Court's electronic filing system.

Dated: Chicago, Illinois
September 4, 2018



Hon. Sidney I. Schenkier
United States Magistrate Judge

EXHIBIT 1.A.

**IMPORTANT NOTICE OF HEARING
ON JOINT MOTION TO SET A HEARING DATE FOR
SUBSTANTIAL COMPLIANCE AND DISMISSAL OF THE COUNTY OF COOK**

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

MICHAEL L. SHAKMAN, et al.,)	
)	No. 69 C 2145
Plaintiffs,)	
)	
v.)	
)	Hon. Sidney Schenkier
COUNTY OF COOK, et al.,)	
)	
Defendants.)	

TO: ALL PAST, PRESENT AND FUTURE PERMANENT AND TEMPORARY EMPLOYEES OF THE COUNTY OF COOK IN THE OFFICES UNDER THE JURISDICTION OF THE PRESIDENT, COOK COUNTY HEALTH AND HOSPITALS SYSTEM, OFFICE OF THE INDEPENDENT INSPECTOR GENERAL AND PUBLIC DEFENDER, PAST, PRESENT AND FUTURE APPLICANTS FOR EMPLOYMENT WITH THE COUNTY OF COOK AND CANDIDATES AND VOTERS OF COOK COUNTY, ILLINOIS.

THIS NOTICE IS TO INFORM YOU THAT THE PARTIES IN THE SHAKMAN CASE HAVE FILED A JOINT MOTION TO SET A HEARING DATE AND FOR A FINDING OF SUBSTANTIAL COMPLIANCE AND DISMISSAL OF THE COUNTY OF COOK (“COUNTY”). IF THE COURT FINDS THE COUNTY IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF A PRIOR COURT ORDER AND 1994 CONSENT DECREE, DESCRIBED BELOW, FEDERAL COURT OVERSIGHT OF THE COUNTY IN THIS CASE WILL END.

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY.

YOU ARE NOTIFIED:

- On August 31, 2018, the parties filed a Joint Motion to Set a Hearing Date and for a Finding of Substantial Compliance and Dismissal of the County of Cook from the *Shakman* lawsuit. As required by a prior Court order and the 1994 Consent Decree (referred to as the "SRO" and "1994 Consent Decree") more fully described below), the County has taken steps that the parties and the Court-Appointed *Shakman* Decree Compliance Administrator (“CA”) believe constitute Substantial Compliance with the prior order and agreement.

- The Court will hold a hearing on October 31, 2018, at 10:00 a.m., to decide whether to dismiss the County of Cook from the *Shakman* lawsuit.

This Notice explains how you can participate in or object to the Joint Motion. Full details and copies of the Joint Motion, the Compliance Administrator's Final Report concluding that the County has met the requirements to be dismissed from this case, the County's Memorandum in Support of the Joint Motion for Entry of an Order of Substantial Compliance, and other relevant documents can be found on the Compliance Administrator's website, www.countyshakman.com and the County's website at www.cookcountyil.gov.

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 of Cook and its President, 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, Defendant, County entered a Consent Decree ("1972 Consent Decree") which, among other things, prohibited the County from conditioning, basing or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor. On January 7, 1994, the County entered a second Consent Decree which incorporated the 1972 Consent Decree's prohibitions and extended those prohibitions to include the County's hiring practices, with certain exclusions. On November 30, 2006, the County and the Plaintiffs Class Members agreed to enter a Supplemental Relief Order ("SRO"). The SRO provided that the County would create a new, revised hiring plan to be filed with and approved by the Court. This new plan would also include a new list of proposed exempt positions that would be presented to the Plaintiffs for comment and discussion in a good faith effort to reach an agreement on the list. The SRO also contained a provision stating that the remaining applicable parts of the 1994 Consent Decree would remain in full force and effect. The SRO was ultimately approved by the Court on February 2, 2007 and resulted in the appointment of the CA to oversee the County's compliance.

Standard for Substantial Compliance with the SRO

The SRO required the County to develop and implement new policies and procedures governing hiring and other employment actions. The SRO also included a definition of Substantial Compliance and a procedure for ending federal court oversight of the County's employment actions. The SRO included the following standard for determining whether the County has achieved Substantial Compliance:

- (1) The County has implemented a new Employment Plan, including procedures to ensure compliance with the new Employment Plan and identify instances of non-compliance;
- (2) the County has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
- (3) the County does not have a policy, custom or practice of making employment decisions based on political factors except for Exempt Positions;
- (4) the absence of material noncompliance; and

(5) County has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the County.

Over the last several years, the County has worked to achieve Substantial Compliance. Among other things, the County has adopted and implemented an Employment Plan for all County' departments (inclusive of the Office of the Public Defender) and Employment Plans for the Cook County Health and Hospitals System and the Office of the Independent Inspector General. The County has also implemented policies and procedures governing other employment actions. The County has also authorized the Office of the Independent Inspector General and various County Compliance Officers to monitor, investigate and audit the County's compliance with the Employment Plans and the new policies and procedures. The parties and the CA agree that the County has met the requirements for a finding of Substantial Compliance under the SRO and 1994 Consent Decree. For a more detailed statement on the steps taken by the County and the basis for the CA's conclusion that the County has achieved Substantial Compliance, see the CA's Report, which is available on the CA's website, at www.countyshakman.com.

Objecting to the Motion for a Finding of Substantial Compliance

Any member of the plaintiff classes – who consist of 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 Motion 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 12, 2018,** showing copies of the objection were mailed to Daniel Brennan, Jr., Assistant State's Attorney of the County of Cook, Cook County State's Attorney's Office, 50 W. Washington, Room 500, Chicago, Illinois 60602, Brian Hays, counsel for the plaintiff classes, Locke Lord LLP, 111South Wacker Drive, Suite 4100, Chicago, Illinois 60606, and Mary Robinson, Shakman Compliance Administrator, 69 W. Washington Blvd., Suite 840, Chicago, Illinois 60602 and indicate on the first page that it relates to Case No. 69 C 2145. A Class Member who files a written objection is not required to appear in person at the hearing for the Court to consider the objection.

Public Hearing on Joint Motion

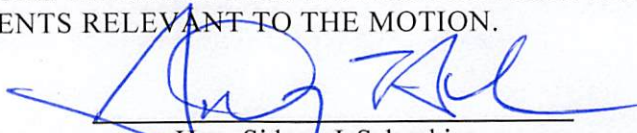
A hearing will be held in Room 1843 of the United States Courthouse, 219 South Dearborn Street, Chicago Illinois, at 10:00 a.m. on October 31, 2018, to determine whether the Court should dismiss the County of Cook from the lawsuit.

Class Members are welcome to attend the hearing, at their own time and expense, and they may request permission to speak to the Court by following the procedure described below. 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 or delivered on time, the Court will consider it.

If a Class Member wishes to speak at the hearing, she or he must ask the Court for permission. To do so, a Class Member must submit a written request to the Clerk of the Court at the address listed above, and mail copies to Mr. Hays, Mr. Brennan and Ms. Robinson at their addresses listed above, requesting permission to speak at the hearing in the case of *Shakman v. Democratic Organization of Cook County*, No. 69 C 2145, scheduled for October 31, 2018. The request should summarize the Class Member's position and the basis for that position. The request for permission to speak must be received by the Clerk of the Court prior to 3:00 p.m. on October 12, 2018. The Court may, or may not, grant the request to be heard.

DO NOT CALL OR WRITE THE COURT TO OBTAIN COPIES OF DOCUMENTS OR TO ASK QUESTIONS ABOUT THE HEARING. THIS NOTICE PROVIDES INFORMATION ON HOW TO OBTAIN DOCUMENTS RELEVANT TO THE MOTION.

Dated: Chicago, Illinois
September 4, 2018



Hon. Sidney I. Schenkier
United States Magistrate Judge