

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

<b>B.H., et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 88 C 5599</b>
	)	<b>Hon. John F. Grady</b>
<b>ERWIN McEWEN, Director, Illinois</b>	)	<b>Judge Presiding</b>
<b>Department of Children and Family</b>	)	
<b>Services,</b>	)	
	)	
<b>Defendant.</b>	)	

**SETTLEMENT AGREEMENT**

It is hereby agreed by and between the Plaintiffs, by their attorneys Benjamin Wolf, Roger Baldwin Foundation of the ACLU, Inc., and Heidi Dalenberg, Schiff Hardin LLP, and the Defendant Erwin McEwen, Director of the Illinois Department of Children and Family Services, by his attorney, Lisa Madigan, Attorney General for the State of Illinois, that the Plaintiffs' claim for an award of attorneys' fees, costs and expenses pursuant to 42 U.S.C. §1988 for the eight year period January 1, 1998 through October 15, 2006 be resolved as follows:

1. That the Plaintiffs and the Defendant agree to and hereby do resolve Plaintiffs' claim for attorneys' fees, costs and expenses for the period January 1, 1998 through October 15, 2006 for the amount of \$250,000.00.
2. That the Plaintiffs agree that the amount of \$250,000.00 is a final and total settlement of any and all claims for attorneys' fees, costs, and expenses sought by Plaintiffs for the period January 1, 1998 through October 15, 2006 and upon payment, forever discharge the State of Illinois, the Illinois Department of Children and Family Services, Director Erwin McEwen, their current, future or former officers, agents and employees from any and all claims, demands, or actions for attorneys' fees, costs and expenses relating to the claim for attorneys'

fees, costs, and expenses for the period January 1, 1998 through October 15, 2006. It is further agreed that the full payment shall be made payable to the Roger Baldwin Foundation of the ACLU, Inc.

3. That the Department shall use its best efforts to make the settlement payment as set forth herein within ninety (90) days of the entry of this Order, and that the ACLU agrees to forego any claim for interest on account of a late payment unless DCFS has failed to make full payment within ninety (90) days of the date the Order is entered. In that event, Plaintiffs shall be entitled to seek interest which, in the event that it is successful on such motion, will begin to accrue on the date that Plaintiffs' motion for interest is filed.

4. That this settlement is entered into for reasons of judicial economy and to avoid the risks of litigation, with the understanding by Plaintiffs and Defendant that this Settlement Agreement does not constitute an admission as to the entitlement to or the amount of attorneys' fees, costs and expenses.

AGREED:

/s Benjamin S. Wolf  
Counsel for Plaintiffs  
Benjamin S. Wolf  
Roger Baldwin Foundation of the ACLU, Inc.  
180 N. Michigan  
Suite 2300  
Chicago, Illinois 60601

Date: June 3, 2008

/s Heidi Dalenberg  
Counsel for Plaintiffs  
Heidi Dalenberg  
Schiff Hardin LLP  
233 S. Wacker Drive  
Suite 7200  
Chicago, Illinois 60606

Date: June 3, 2008



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Erwin McEwen  
Director, Illinois Department of  
Children and Family Services

Date: 6/13/2008

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