

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

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SELMA S. BUYCKS-ROBERSON; CALVIN R.)
ROBERSON; and RENEE BROOKS, on behalf)
of themselves and others similarly situated,)

Plaintiffs,)

vs.)

CITIBANK FEDERAL SAVINGS BANK,)

Defendant.)

No. 94 C 4094
Judge Castillo

Magistrate Judge Lefkow

PRELIMINARY APPROVAL ORDER

This cause having come before the Court to be heard on the parties' Joint Motion for Preliminary Approval of Settlement Agreement, and the Court being duly advised in the premises,

IT IS HEREBY ORDERED THAT:

1. The proposed settlement that is contained in the Settlement Agreement dated January 9, 1998 is preliminarily approved and a hearing to consider final approval, upon notice, shall be held as set forth herein.

2. For purposes of settlement only, the following Settlement Class is hereby certified:

All persons: (i) who are African-American; and (ii) who applied for a first mortgage home purchase or refinance loan with Citibank for property located in Cook, DuPage, Lake or McHenry County, Illinois; and (iii) whose request for such a loan was turned down by Citibank at any time during the period from July 6, 1992 to December 31, 1995.

3. Plaintiffs Selma Buycks-Roberson, Renee Brooks and Calvin Roberson are deemed adequate representatives and are appointed as Class Representatives.

4. The Court approves Judson Miner, Fay Clayton and John Wickert as counsel for the Settlement Class ("Class Counsel").

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5. There has been no finding of a pattern or practice of discrimination at Citibank.

6. A hearing (the "Settlement Hearing") will be held before this Court on April 20, 1998 at 1:00 p.m., in Courtroom 2319 in the Federal Building, 219 South Dearborn, Chicago, Illinois 60604, for the purpose of determining whether the proposed settlement on the terms and conditions provided for in the Settlement Agreement is fair, reasonable, adequate and in the best interests of the Settlement Class and should be approved by the Court and whether a final judgment should be entered thereon. The Court shall also consider an application by Class Counsel for an award of attorneys' fees and expenses at that time. Class Counsel shall submit their fee petition to the Court on or before May 4, 1998, and, as provided in the Settlement Agreement, the fee petition will not exceed \$950,000.00. The Settlement Hearing may be adjourned by the Court from time to time without further notice to the Settlement Class.

7. The Court approves the proposed Class Notice and finds that the Notice substantially in the form set forth in the Settlement Agreement and Exhibit A to this Order meets the requirements of Federal Rule of Civil Procedure 23, due process and federal law and shall constitute due and sufficient notice to all persons entitled thereto.

8. Defendant shall cause the Notice to be sent as follows:

a. On or before February 14, 1998, Defendant shall cause copies of the Notice of Pendency of Class Action and Proposed Settlement and Hearing (the "Notice") substantially in the form set forth in Exhibit A to this Order to be mailed to all Class Members at their last known addresses as on file with Citibank. Such notice is the only notice required to be given to members of the Class, and this notice satisfies the requirement of due process and federal law.

b. At or prior to the Settlement Hearing, counsel for Defendant shall file an affidavit confirming that Defendant has mailed the Notice in accordance with subparagraph 8(a) above. All expenses of such Notice shall be paid by the Defendant.

9. Members of the Settlement Class shall be bound by all determinations and judgments entered in this Action, whether favorable or unfavorable, unless such persons shall mail by first class a written request for exclusion from the Settlement Class to Michael W. Dobbins, the Clerk of the Court, at a post office box to be obtained by Class Counsel. Exclusion requests must be postmarked by no later than March 16, 1998. Plaintiffs' Counsel shall obtain all exclusions and objections from the post office box at 5:00 p.m. on March 18, 1998 and again on March 23, 1998 and respectively file them with the Court and serve them on counsel for the defendant, Alan N. Salpeter, Robert J. Kriss, and Lucia Nale, Mayer, Brown & Platt, 190 South LaSalle Street, Chicago, Illinois 60603.

10. Any Class Member who has not requested exclusion in the manner provided in Paragraph 9 of this Order may appear and show cause why the settlement should not be approved as fair, reasonable and in the best interests of the Settlement Class, why a judgment should not be entered thereon or why attorneys' fees should not be paid; provided that no Settlement Class Member or any other person shall be heard or be entitled to contest the approval of the terms and conditions of the proposed settlement or, if approved, the judgment to be entered thereon approving the same, unless by no later than March 16, 1998 that person has delivered (a) a notice of intention to appear; (b) evidence of membership in the Settlement Class (such as a copy of his or her loan application or loan declination letter); (c) a detailed written statement of such person's specific objection(s) to such matter(s); and (d) the grounds therefor and the reasons for such

person desiring to appear and be heard, as well as all documents and writings which such person desires the Court to consider, and caused said materials to be delivered by March 16, 1998 with due proof of service, to the post office box to be obtained by Plaintiffs' Counsel who shall then file said materials with the Court and serve them on counsel for the Defendant, listed in Paragraph 9 above.

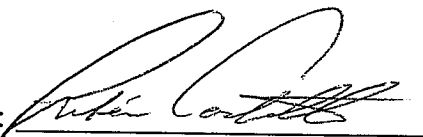
11. Any member of the Settlement Class who does not object in the manner provided in Paragraph 10 shall forever be foreclosed from making any objection to the fairness or adequacy of the proposed Settlement as incorporated in the Settlement Agreement and to the award to Class Counsel of fees, expenses and costs, and shall be bound by any judgment or order entered herein. The Clerk of the Court shall make available for review by all Settlement Class Members and/or their counsel a copy of the Court file containing all documents that have been filed in this Action to date.

12. All pretrial proceedings in this Action are stayed and suspended until further order of the Court. Pending the final determination of the fairness, reasonableness and adequacy of the proposed settlement, no Member of the Settlement Class (or any of their present or former agents, attorneys, representatives, trustees, heirs, executors, administrators, predecessors, successors or assigns) or any other person may institute, commence, or prosecute any action or proceeding involving any claim which has been or could have been asserted in this Action, that relates in any way to applications by Class Members or any African-American for a first mortgage home purchase or refinance loan, or that arises out of or is in any way related to any acts, facts, transactions, representations, omissions or other subject matter set forth, alleged, embraced or otherwise referred to in the Complaint or the Settlement.

13. In the event that the proposed Settlement as provided in the Settlement Agreement is not approved by the Court, or if for any other reason the proposed settlement shall not become final and unappealable, the Settlement shall, without any further act by any party thereto, become null and void and of no further force and effect, and shall not be used or referred to for any purpose whatsoever. In such event, the Settlement and all negotiations and proceedings relating thereto shall be withdrawn without prejudice as to the rights of any and all parties thereto, who shall be restored to their respective positions existing prior to the date of the Settlement.

14. The Court retains jurisdiction over this Action to consider all further applications arising out of or connected with the proposed Settlement, including enforcement of the Settlement.

Dated: January 15, 1998

ENTER: 
Judge Ruben Castillo

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CITIBANK FEDERAL SAVINGS BANK,)

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**NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED CLASS SETTLEMENT AND HEARING**)

**IF YOU APPLIED FOR A HOME PURCHASE OR REFINANCE FIRST MORTGAGE
LOAN WITH CITIBANK FEDERAL SAVINGS BANK, AND CITIBANK TURNED
DOWN YOUR LOAN REQUEST AT ANY TIME DURING THE PERIOD FROM JULY
6, 1992 THROUGH DECEMBER 31, 1995, PLEASE READ THIS NOTICE CAREFULLY.
IT MAY AFFECT YOUR RIGHTS.**

**IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE OR THE SETTLEMENT,
PLEASE CONTACT CLASS COUNSEL LISTED IMMEDIATELY BELOW:**

Judson H. Miner
Miner, Barnhill & Galland
14 West Erie Street
Chicago, IL 60610
(312) 751-1170

Fay Clayton
John Wickert
Robinson, Curley & Clayton, P.C.
300 South Wacker Drive
Suite 1700
Chicago, IL 60610
(312) 663-3100

* * * *

This Notice is a notification that you may be a member of a plaintiff class in a lawsuit brought by Selma Buycks-Roberson, Renee Brooks and Calvin Roberson ("Plaintiffs") on behalf of a plaintiff class against Citibank, Federal Savings Bank ("Citibank"). This is not a notification that you have been sued.

