

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

**FILED**

OCT - 2 2002

JOHN A. NORDBERG, JUDGE  
UNITED STATES DISTRICT COURT

JIMMY DOE, WILLIE ROE, JOHNNY )  
WOE and DANNY ZOE, CHARLIE ROE )  
and ANDREW LOE on behalf of )  
themselves and all others similarly situated, )  
by their next friend, )  
THOMAS GERAGHTY, )

Plaintiffs, )

v. )

COOK COUNTY and CLARA COLLINS, )  
Superintendent, Cook County Juvenile )  
Detention Center, )

Defendants. )

No. 99 C 3945

Hon. John A. Nordberg

Magistrate Judge Martin C. Ashman

**DOCKETED**  
OCT 03 2002

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT**

Plaintiffs Jimmy Doe, Willie Roe, Johnny Woe, Danny Zoe, Charlie Roe, and Andrew Loe, individually and as representatives of the Plaintiff Class, by the next friend Thomas Geraghty, and Defendants Cook County and Clara Collins, the current Superintendent of the Cook County Juvenile Temporary Detention Center ("JTCD"), through their attorneys, jointly move this Court pursuant to Rule 23(3) of the Federal Rules of Civil Procedure, to approve the Memorandum of Agreement attached hereto as Exhibit 1 ("Agreement").

Specifically, the parties request that this Court: (1) make a preliminary determination that the resolution of this case as embodied in the Agreement is within the range of fair, adequate and reasonable settlements; (2) approve the form of proposed notice to the Plaintiff Class of the hearing on the adequacy of the proposed settlement.

attached as Exhibit 2; (3) enter the proposed Order, attached as Exhibit 3, scheduling a hearing at which the Court may determine the adequacy of the proposed settlement and setting the requirements for comments; and (4) after the hearing, enter the proposed Order, attached as Exhibit 4.

In support of this motion, the parties state the following:

1. Plaintiffs commenced this civil rights action in the District Court for the Northern District of Illinois Eastern Division on June 15, 1999, seeking declaratory and injunctive relief under 42 U.S.C. § 1983 to redress alleged violations of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Plaintiffs alleged that practices and conditions at JTDC deprived them of adequate medical, dental, and mental health care services, denied them sufficient access to educational programs, and subjected them to violence, abuse, neglect, and unfair discipline. The defendants deny that they have violated plaintiffs' constitutional rights.

2. On December 22, 1999, this Court certified a plaintiff class in this case consisting of all persons who have been, are, or will be confined at the JTDC.

3. The parties engaged in substantial discovery, including the production of thousands of documents, depositions of JTDC staff members and County officials, and inspections of the JTDC by plaintiffs' retained experts in medical care, mental health services, sanitation and environmental health, education and institutional management. These inspections included interviews with juveniles and staff, examination of hundreds of pages of policies, procedures and records, and observation of the physical condition of the JTDC. Copies of the reports of two of the experts, relating to medical services and

environmental health, are attached hereto as Exhibits 5 and 6. The parties reached a tentative settlement before the remaining experts' reports were completed.

4. The parties spent several months negotiating the proposed resolution of this case under the supervision of Magistrate Judge Ashmann. Those negotiations have resulted in the parties' execution of the Agreement, attached as Exhibit 1.

5. The Agreement addresses all of the major issues in the Complaint, requiring that defendants house residents in an environment that is safe, clean, and free from excessive and unfair discipline, and that defendants provide plaintiffs with adequate care and services, including adequate food, medical services, mental health care, and reasonable access to educational services. The Agreement mandates that defendants develop an Implementation Plan detailing the specific actions necessary to comply with each provision of the Agreement. The Agreement also provides for the selection of one or more independent and impartial monitors to evaluate compliance and assist in resolving disputes between the parties. The Court will retain jurisdiction of this case to enforce the terms of the Agreement. In addition, the Agreement provides that defendants will pay plaintiffs' counsel for reasonable attorneys' fees, costs, and expenses, but it leaves the specific amount of those fees, costs, and expenses to be agreed to by the parties or determined by the Court.

6. The parties and their counsel believe that the proposed resolution of this case is within the range of fair, reasonable and adequate resolutions.

7. The parties agree that the Agreement extends no further than necessary to address the constitutional violations that plaintiffs have alleged and fully complies with the requirements of 18 U.S.C. § 3626.

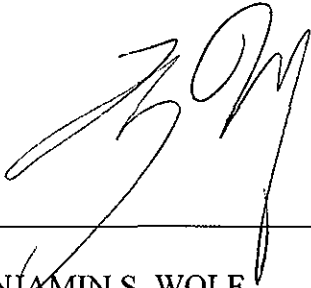
8. Pursuant to Fed. R. Civ. P. 23(e), the parties ask this Court to set a fairness hearing, direct that notice of the hearing be given to the class, and establish a schedule for submission of any written objections. A proposed Order for these purposes is attached as Exhibit 3.

9. The parties propose that the form of the notice attached as Exhibit 2 be used and that the class be notified as follows: Defendants will post this notice conspicuously in all of the sections at the JTDS where class members are housed. Defendants will give notice individually to juveniles whose access to these locations is restricted. The notice shall be posted for at least four weeks beginning one week after the Court grants preliminary approval of the proposed settlement or such other time as set by the Court. Defendants will provide pens, paper, stamps, and envelopes for any juvenile at the JTDC who wishes to write the Court or plaintiffs' counsel concerning the settlement. Defendants also will mail or hand deliver notice to the parent or guardian of every juvenile housed at the JTDC between October 9 and November 6, 2002. Parties will mail a copy of the notice to the advocacy groups and interested listed in Exhibit 7. In addition, a shorter version of the notice appropriate for publication will be published, at defendants expense, in the Chicago Tribune, the Chicago Sun-Times, the Chicago Defender, and the Daily Law Bulletin.

10. The parties further proposed that persons wishing to participate in the fairness hearing, or to comment on the proposed resolution, be requested to file written submissions with the Court at least two weeks prior to the fairness hearing and to serve such documents on counsel for the parties.

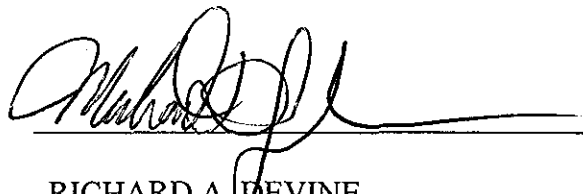
11. After notice has been given and the time for comment on the proposed settlement agreement has expired, the parties ask that the Court hold a fairness hearing pursuant to Fed. R. Civ. P. 23(e) to evaluate whether the Court should approve the settlement.

WHEREFORE, the parties request that this Court enter an Order: (1) making a preliminary determination that the settlement as embodied in the Agreement, attached as Exhibit 1, is within the range of fair, adequate and reasonable settlements; (2) approving the form of proposed notice to the Plaintiff class of the hearing on the adequacy of the proposed settlement, attached as Exhibit 2; (3) enter the proposed Order attached as Exhibit 3, setting a hearing at which the Court may determine the adequacy of the proposed settlement and setting the requirement for written comments; and (4) after the hearing, enter the proposed Order, attached as Exhibit 4.



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Respectfully submitted,



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Dated: 10/11, 2002

See Case  
File For  
Exhibits