

## **PRE-SRO CLAIM PROCESS**

Pursuant to the

**SUPPLEMENTAL RELIEF ORDER**  
**FOR THE COOK COUNTY RECORDER OF DEEDS (“SRO”)**  
Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*  
(the “Shakman Case”)

**COMPLETED PRE-SRO CLAIM FORMS AND RELEASE OF CLAIMS  
AGAINST THE COOK COUNTY RECORDER OF DEEDS FORMS  
MUST RECEIVED BY THE RECORDER’S COMPLIANCE ADMINISTRATOR  
OR POSTMARKED BY A US POST OFFICE  
BY APRIL 8, 2011**

If you believe you were subjected to **unlawful political discrimination** in connection with hiring, promotion, overtime or for any other aspect of employment with the Cook County Recorder of Deeds (“Recorder”) prior to **September 14, 2010**, you may submit a completed and notarized Pre-SRO Claim Form and Release (Form 1) to the Recorder Compliance Administrator that must be received by the Recorder Compliance Administrator or postmarked by a U.S. Post Office by **April 8, 2011** to be considered for possible money damages. Time is of the essence.

**This Pre-SRO Claim Form and Release must be notarized. Please send completed and notarized Pre-SRO Claim Forms and Releases to the Recorder Compliance Administrator:**

**Recorder Compliance Administrator  
Ms. Cardelle Spangler  
Recorder Compliance Administrator  
69 W. Washington Street  
Suite 840  
Chicago, Illinois 60602**

### **Do You Have a Claim?**

If you have ever applied for a job, had a job, or currently have a job with the Recorder, or are a registered voter and candidate for public office, and you believe that you were a victim of unlawful political discrimination in connection with any employment decision by the Recorder that occurred **prior to September 14, 2010**, you may be eligible to receive a monetary award under a settlement agreement in *Shakman, et al. v. Democratic Organization of Cook County, et al. No. 69 C 2145*.

“Employment decision” includes, but is not limited to, any decision involving hiring, firing, promotion, job assignment, transfer, disciplinary action and overtime.

“Unlawful political discrimination” means the making of any employment decision by the Recorder because of any political reason or factor such as an individual’s political affiliation,

political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or political sponsorship or recommendations.

If you believe that you were a victim of unlawful discrimination in connection with any employment decision by the Recorder, you may submit a Pre-SRO Claim Form and Release.

Under federal law, certain limitations periods apply to claims that a person was the victim of unlawful political discrimination. These limitations periods can be extended under certain circumstances. If you either submit a Pre-SRO Claim and Release to the Recorder Compliance Administrator or file a federal lawsuit based on events that occurred before May 25, 2005, you **must** show one of the following to justify extending the limitations period:

1. Facts showing why you could not have discovered your claim before May 25, 2005;
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.

SRO Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods were stayed and tolled as of May 25, 2007. The tolling applies to all legal or equitable time-based defenses and doctrines for violations of federal and state law, and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the Recorder or defenses thereto. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. Class members who elect to pursue a remedy outside of the SRO should act quickly to protect whatever rights they may have.

If you have already released any claims(s) against the Cook County Recorder of Deeds for alleged violations that occurred prior to September 14, 2010, through either litigation or settlement, then you are not eligible for relief through this process for any released claim.

If your claim involves alleged unlawful political discrimination that took place after September 14, 2010, do not use this Claim Form. Please consult the Post-SRO Complaint Procedures and Section V of the SRO for further information about your rights under the SRO for violations occurring after final approval of the SRO.

Relief under the Claim Process is limited to monetary awards. No injunctive relief, such as reinstatement or promotion, is available through the Claim Process. Such injunctive relief may be available through a legal action filed in a court of law. If you would like to pursue injunctive relief, you must submit an Opt-Out Request Form to the Recorder's Compliance Administrator before April 8, 2011.

**Please Note that Submitting a Pre-SRO Claim Form does not guarantee a monetary award.**

#### **Instructions for Completing the Claim Form**

If you would like to submit a claim and be considered for a monetary award, you must complete and notarize the Pre-SRO Claim Form and Release (Form 1). The Recorder's Compliance Administrator will deny your claim if you do not submit and notarize this form.

You should include in the Pre-SRO Claim Form and Release as much detail as possible showing the evidence supporting your claim that you were subjected to unlawful political discrimination in connection with any aspect of employment with the Recorder.

If you submit a Pre-SRO Claim Form and Release, you must attach any supporting documentation in your possession. This includes documentation supporting any damages claim. If you do not have any documents in your possession, your pre-SRO Claim will still be evaluated on its merits. The Recorder Compliance Administrator may request additional documents or details regarding your claims if necessary.

You may only submit one Pre-SRO Claim Form and Release, but you may allege facts supporting more than one claim on your Pre-SRO Claim Form and Release. The Recorder Compliance Administrator will evaluate all of the claims included in the SRO Claim Form.

This document should not be construed as legal advice. The Recorder Compliance Administrator is not able to provide legal advice about whether you should remain a member of the class or about whether you have an SRO Claim. If you are considering submitting a Pre-SRO Claim Form, you may consult with a lawyer of your choosing at your own expense.

Class Counsel in the Shakman Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are not able to provide you with legal advice about claims if you wish to file a claim. If you wish to file a Claim, you may consult with a lawyer of your choice, at your own expense, about whether to file a Claim or whether to "opt-out" of the settlement procedures described in this document and, by doing so, retain your right to file a lawsuit or pursue whatever rights you may have.

Class Counsel recommend that you send your completed pre-SRO Claim Form and Release to the Recorder Compliance Administrator via certified mail, return receipt requested, and keep a copy of the Form and a copy of any documents you send with this Form.

### **Claim Review Process**

The Recorder Compliance Administrator and her staff will review timely Pre-SRO Claim Forms and Releases to determine whether you are entitled to a damage award. As part of the review, the Recorder Compliance Administrator may request additional information from you to help identify valid claims and eliminate those that are invalid. During the claims review process, you must provide any information and documents reasonably requested by the Recorder Compliance Administrator.

Within 90 days of **April 8, 2011**, the Claim Deadline (the "Claim Review Period"), the Recorder Compliance Administrator, in her sole discretion and after consideration of all of the evidence, will determine whether you are eligible for recovery and, if so, will assign a monetary award to you based on the relevant information presented to the Recorder Compliance Administrator. You should provide all evidence, information, and documents known to you in as much detail as

possible in your SRO Claim Forms to assist the Recorder Compliance Administrator in assessing claims.

If the Recorder Compliance Administrator needs additional time beyond 90 days to evaluate the merits of a claim, the Recorder Compliance Administrator will inform you of the need for additional time and the date by which the review will be completed.

The Recorder Compliance Administrator will notify you of the decision with respect to your claim by sending a Notice of Determination to you by 90 days following the Claim Deadline. The Notice of Determination will inform you whether you are entitled to a damage award and, if so, the amount of the award.

**The Recorder Compliance Administrator's decision is final and not subject to appeal.**

Within 30 days following the Recorder Compliance Administrator's determination of all claims, the Recorder Compliance Administrator shall provide the State's Attorney's Office-Civil Actions Bureau with a list of claimants eligible for an award, each claimant's last known mailing address, social security number, and the amount of each award.

Upon receipt of the Recorder Compliance Administrator's list of claimants and awards, Cook County shall process for payment the awards and tender to the RCA for disbursement the checks payable to each Claimant who has received an award in the amount of the award. The RCA will send those checks to each Claimant who has received an award at her or his last known mailing address.

If you submit a Pre-SRO Claim Form and Release, you thereby agree to have your claim for damages resulting from alleged political discrimination in connection with employment with the Recorder decided by the Recorder Compliance Administrator and agree to waive your right to file your own lawsuit and to have your claims decided by a court.

**Submitting a Pre-SRO Complaint Form does not guarantee you any relief.**

**Important Dates:**

September 14, 2010	Court Hearing for Final Approval of the Supplemental Relief Order for the Cook County Recorder of Deeds
April 8, 2011	Opt-Out Deadline (The "Opt-Out Deadline" is the date by which a person who believes she or he has a claim against the Recorder for political discrimination must inform the Court in the Shakman Case in writing that she or he elects to be excluded from the settlement and claims procedure described in this document.)
April 8, 2011	Pre-SRO Claim Form and Release Deadline
July 7, 2011	Recorder Compliance Administrator Sends Notice of Determination to Claimants

**FORM 1**

**PRE-SRO CLAIM FORM and RELEASE**

**SUPPLEMENTAL RELIEF ORDER  
FOR THE COOK COUNTY RECORDER OF DEEDS ("SRO")  
Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*  
(the "Shakman Case")**

**COMPLETED PRE-SRO CLAIM FORMS AND RELEASES MUST BE RECEIVED BY  
THE RECORDER'S COMPLIANCE ADMINISTRATOR OR POSTMARKED BY A US  
POST OFFICE BY APRIL 8, 2011**

**Date:** \_\_\_\_\_

**To:** Recorder Compliance Administrator  
Ms. Cardelle Spangler  
Recorder Compliance Administrator  
69 W. Washington Street  
Suite 840  
Chicago, Illinois 60602

I, \_\_\_\_\_, hereby declare, under penalty of  
perjury pursuant to the laws of the United States, as follows:

**1. Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Telephone:** \_\_\_\_\_

**3. Social Security Number:** \_\_\_\_\_

**4. Current Position with the Recorder:** \_\_\_\_\_

**5. If Not Employed with the Recorder, State Last Position with the Recorder and Last Day of  
Employment with the Recorder, or Dates Applied for Employment with the Recorder:**  
\_\_\_\_\_

**6. Date(s) of Alleged Violation(s):**  
\_\_\_\_\_

**7. What Job(s) or Job-Related Benefit(s) Were You Seeking When You Believe You Were Subjected to Political Discrimination:** (For example, the job title of the position you applied for, the number of overtime hours you should have received but for the alleged discrimination, job assignment, suspension, bad review, etc.)

**8. Recorder Department or Agency Involved:**

**9. Facts Supporting Claim(s):** (Provide a narrative description of your claim of political discrimination in connection with your employment or application for employment with the Cook County Recorder of Deeds. Include as much detail as possible. The following are examples of the kind of detail you should include if applicable: when you applied for a job or promotion, whether you were interviewed for the job, the names of the interviewers, the date of the interview, conversations you had with people about political sponsorship of the successful applicant, the name of any person who asked you to perform political work in exchange for favorable treatment at work, the name of any person who threatened to retaliate against you if you did not perform political work, etc. Please copy this page and attach additional pages if necessary.)

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**10. What Damages Did You Suffer and What Relief Are You Seeking:** (Include as much detail as possible about your damages and the amount you believe you are entitled to recover. For example, the following are examples of the sort of damages that might be applicable: lost wages, lost overtime, increased time and expense caused by being reassigned to a new location, etc.)

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**11. Amount of Money Damages Sought:** \$\_\_\_\_\_

**12. Documents that Support Your Claim:** (Identify any documents you believe support your claim of political discrimination and attach copies if the documents are in your possession. You do not need to have documents to be considered for an award. Additional documents may be submitted at a later date, but only with permission from the Recorder Compliance Administrator for good cause.)

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### **13. Political Discrimination Based on Conduct Occurring Before May 25, 2005:**

If you are seeking money damages for political discrimination that occurred before May 25, 2005, you must explain why you did not file a lawsuit against the Recorder before May 25, 2005.

Claims based on alleged political discrimination may be subject to a statute of limitations. To facilitate negotiations, the parties agreed that the running of any statutory time limitations periods were stayed and tolled as of May 25, 2007. The tolling applies to all legal or equitable time-based defenses and doctrines for violations of federal and state law, and court orders entered in this case based on claims of political discrimination in connection with any term or aspect of governmental employment with the Recorder or defenses thereto. The tolling will be lifted at Final Approval but will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. Class members who elect to pursue a remedy outside of the SRO should act quickly to protect whatever rights she or he may have.

Normally, a two (2) year statute of limitations period applies to employment discrimination claims and other civil rights claims against the Recorder. That means that if you fail to file a lawsuit within two (2) years after the date you knew or should have known of the discrimination, your claims would be barred by the statutes of limitations and you could not bring a lawsuit to recover damages. However, the two year statute of limitations can be extended if the Recorder took steps to hide the discrimination from you or if, despite your best efforts, you were not able to learn facts you needed to file a lawsuit.

If your claim(s) is based on events that occurred before May 25, 2005, you must describe all of the facts that explain why you did not have enough information to file a lawsuit before May 25, 2005, or show that the Recorder or its employees did something to hide the discrimination from you or to convince you not to file suit.

(Attach additional pages if necessary)

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(Signature of Claimant)

SUBSCRIBED AND SWORN to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

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Notary

**RELEASE OF CLAIMS  
AGAINST THE COOK COUNTY RECORDER OF DEEDS FORM**

By submitting this claim, I, \_\_\_\_\_, hereby agree to have my claim(s) for political discrimination in connection with any term or aspect of governmental employment with the Cook County Recorder of Deeds decided by the Recorder Compliance Administrator as part of the Claim Procedure for Alleged Pre-SRO Violations contained in the Supplemental Relief Order for the Cook County Recorder of Deeds. Subject to the terms of the Supplemental Relief Order for the Cook County Recorder of Deeds, I hereby release the Cook County Recorder of Deeds and all of its employees, agents, advisors, and attorneys, and their heirs, executors, administrators, personal or legal representatives, successors, transferees and assigns from all claims of political discrimination, including any and all claims, causes of action, rights, actions, suits, obligations, debts, demands, judgments, agreements, promises, liabilities, controversies, costs, expenses or attorneys' fees, of every nature and description whatsoever that have been or could have been asserted in this *Shakman, et al. v. Democratic Organization of Cook County, et al.*, 69 C 2145, and whether now known or unknown, suspected or unsuspected, arising out of employment decisions of any kind (including, but not limited to, violations of the Recorder's Consent Decrees and First Amendment political discrimination lawsuits) made by the Cook County Recorder of Deeds with respect to Class Members prior to the final approval of the Supplemental Relief Order for the Cook County Recorder of Deeds by the Court and based on the claim that those employment decisions were impermissibly motivated by political considerations. I understand and agree that these claims are released regardless of whether I receive a cash award through the Claim Procedure.

\_\_\_\_\_  
(Signature of Claimant)

Dated: \_\_\_\_\_

SUBSCRIBED AND SWORN to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary