

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

MICHAEL L. SHAKMAN, et al.,)
)
 Plaintiffs,)
) Case Number: 69 C 2145
 v.)
) Magistrate Judge Schenkier
 COOK COUNTY RECORDER OF DEEDS, et al.,)
)
)
 Defendants.)

**SUPPLEMENTAL RELIEF ORDER
FOR THE COOK COUNTY RECORDER OF DEEDS**

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On May 22, 1992, Defendant Cook County Recorder of Deeds, on behalf of herself and her successors in office (the “Recorder”), entered into a Consent Decree (“Recorder’s Consent Decree”) which, among other things, prohibited the Recorder from “conditioning, basing or knowingly prejudicing or affecting any term or aspect of Governmental Employment including, without limitation, hiring, promotion, demotion, transfer and discharge (other than for Exempt Positions), upon or because of any political reason or factor” On May 25, 2007, Plaintiffs filed an Application to Hold Cook County Recorder of Deeds and Certain Named Individuals in Civil Contempt for Violation of Court Orders (“Contempt Application”) for violations of the Recorder’s Consent Decree.

The Recorder and the Plaintiffs on behalf of classes of past, present, and future (i) candidates, (ii) voters, (iii) applicants for employment with the Recorder, and (iv) employees of the Recorder (the “Class Members”) (collectively “the Parties”) agree to the entry of this Supplemental Relief Order (“SRO”) as follows:

1. Rule 23 Approval. For the reasons stated on the record in open court and as set forth herein, the SRO is approved. The Court previously certified the IVI-IPO, on behalf of its members who are past, present or future employees or applicants for employment with the Recorder, as class representatives of two additional classes of Plaintiffs. The Court also previously certified the following additional classes of plaintiffs: (i) all past employees and applicants for employment with the Recorder to the date of the entry of this SRO, pursuant to Federal Rule of Civil Procedure 23(b)(2) and (b)(3) and (ii) all employees or applicants for employment with the Recorder during the life of the SRO. Collectively, the Plaintiff classes of Cook County registered voters, candidates for public office, applicants and employees of the Recorder shall be referred to as the “Class Members”. The Court finds that the Notice of Public

Hearing has been given as required under the Preliminary Approval Order and that such notice constitutes the best notice practicable under the circumstances and is due and sufficient notice of the Settlement and proposed SRO to all persons affected by and/or entitled to participate in the Settlement. The Court finds that extensive and substantial newspaper, television, and radio publicity has been given to this case and the SRO. The Court finds that the SRO is fair reasonable and adequate.

2. Conditions Precedent to Final Approval. The Court finds that the conditions precedent for final approval of the SRO have been met:

A. The Recorder has promulgated an executive order forbidding unlawful political discrimination in all aspects of employment with the Recorder, except with respect to positions that are Exempt Positions under the Recorder's Consent Decree as modified from time to time, and (ii) adopting the provisions of the SRO.

B. The Recorder has promulgated an executive order making it a condition of employment, including but not limited to hiring, that any employee of the Recorder who learns of any unlawful political discrimination in connection with any aspect of government employment with the Recorder or seeking employment with the Recorder, except with respect to Exempt Positions, or who believes that such unlawful political discrimination has occurred or is occurring, must report this information to the Office of the Cook County Inspector General ("Inspector General") directly and without undue delay. The Inspector General shall provide all reports to the Recorder Compliance Administrator ("RCA") appointed pursuant to Section I of this SRO. No person shall be compelled to report

unlawful political discrimination in violation of her or his constitutional rights.

No person shall be subject to any negative employment action as a result of filing any such report in good faith.

C. The Recorder has approved and consented to the terms of this SRO.

D. The Recorder has adopted a written, effective whistleblower policy that forbids retribution for reporting any suspected violations of the Recorder's Consent Decree or this SRO, so as to be fully protective of anyone who in good faith makes any complaint of any employment practice which the person may believe violates the Recorder's Consent Decree or this SRO.

E. The Cook County Board of Commissioners has approved the terms of this SRO.

3. No Effect on Other Parties to the Shakman Litigation. This SRO shall have no effect on any judgments or orders in this case as to defendants other than the Recorder (collectively, "Other Parties"), or individuals who opt out of the SRO to file their own lawsuits. This Court retains jurisdiction to hear and determine all claims and issues involving the validity of the Consent Judgments or the SRO.

4. Recorder's Consent Decree. The Recorder's Consent Decree shall remain in full force and effect after the Court's approval of this SRO. However, the remedy provided in this SRO shall be the exclusive remedy for Class Members seeking remedies for claims of political discrimination under the Consent Decree based on events occurring prior to the final approval of this SRO who fail to opt out as provided in Section IV.B.

The Parties further agree and the Court orders the following:

I. RECORDER COMPLIANCE ADMINISTRATOR

The Court appointed a Recorder Compliance Administrator (“RCA”) to ensure future compliance with the Consent Decree and the SRO.

- A. RCA Powers. The RCA shall be an agent of the Court and shall have only the duties, responsibilities and authority conferred herein by the Court and by subsequent Court Orders regarding such duties. The RCA, subject to the supervision and orders of the Court, shall study the Recorder’s existing employment practices, policies and procedures for hiring, promotion, transfer, discipline and discharge. The RCA and the RCA’s staff members (including independent contractors, attorneys, non-attorneys, and their employees and agents) shall possess the same immunity from suit as the Court.
- B. Initial Report. Within 60 days of being appointed, the RCA shall file a report with the Court recommending: (i) additional powers the RCA should be given to carry out the RCA’s duties, (ii) appropriate staff for the RCA, and (iii) mechanisms for ensuring employment actions are in compliance with the orders of this Court in this case.
- C. Compensation of RCA. The RCA and the RCA’s counsel shall be compensated at a rate of \$250 per hour and the RCA’s staff at reasonable hourly rates which the Court shall set or by agreement between the RCA and the Recorder. These rates may periodically be adjusted with Court approval or by agreement between the Recorder and the RCA. Cook County (the “County”) shall promptly pay any and all reasonable fees and costs necessary to fulfill the work of the RCA.

- D. Ex Parte Communications. The RCA and the RCA's counsel and staff shall be permitted to conduct *ex parte* communications with the Court, the Parties and their counsel, the Inspector General and employees of the Recorder's Office.
- E. Recorder's Cooperation. The Recorder shall cooperate with the RCA in connection with the RCA's efforts to adjudicate claims and to oversee and ensure implementation of the remaining portions of the Recorder's Consent Decree and this SRO, including providing reasonable access to all relevant non-privileged documents and to current employees at all levels. The RCA shall attempt to minimize disruption to the workplace during the course of the RCA's activity. The Recorder will designate an executive employee to act as a liaison with the RCA and the Inspector General to ensure that they receive cooperation from all Recorder employees.
- F. Confidentiality. Given the need of the RCA to review confidential business information maintained by the Recorder, the RCA, and anyone working in conjunction with the RCA, shall sign a confidentiality agreement. The language of the confidentiality agreement will be agreed to by the Parties. The confidentiality agreement will not prohibit or interfere with the RCA's obligation to perform the duties provided in this SRO. Within two weeks of receiving a request from the RCA, the Recorder shall either produce all requested documents or provide a time frame for when documents will be produced. Documents produced to the RCA may be subject to the confidentiality agreement. In addition, the RCA, the Recorder and the Plaintiffs shall agree to a Protective

Order to be entered by the Court to address disclosure of relevant employee information or documents absent authorization from the employee.

- G. Review Employment Practices and Recommend Changes. The RCA shall review the Recorder's employment practices including observing actual hiring sequences to determine whether the Recorder is complying with the Recorder's Consent Decree and hiring procedures. The RCA shall make recommendations for changes, if warranted to the Recorder's hiring procedures. The RCA shall work with the Recorder's employees to observe current employment practices and answer questions and provide guidance as deemed necessary.
- H. Training Trainers. The RCA shall assist in establishing a "train the trainer" program for supervisors to educate and train employees on appropriate politics-free employment practices.

The Court appointed Cardelle B. Spangler as RCA.

II. NEW EMPLOYMENT PLAN.

- A. Review of Current Employment Practices.
 - 1. The Recorder and the RCA shall review the Recorder's employment practices for non-Exempt employees and shall make recommendations for change as warranted.
 - 2. The Recorder and the RCA shall define appropriate and inappropriate employment practices, consistent with law, the Recorder's Consent Decree and this SRO.
- B. Notification to Current and Potential Employees; Training Employees.
 - 1. The Recorder and the RCA shall train the Recorder's employees in order to effectuate a culture free of political consideration in all aspects of

governmental employment for non-Exempt Positions, including but not limited to, hiring, promotion, discharge, overtime and transfers of the Recorder's employees.

2. The Recorder shall provide notification to job applicants regarding the Recorder's employment practices and prohibitions as well as how to report allegations of non-compliance.

C. New Employment Plan Development. After the RCA has actively monitored the Recorder's employment practices for at least three (3) months, the RCA and the Parties shall negotiate, in good faith, a new employment plan ("New Employment Plan") that will govern the Recorder's employment practices, policies and procedures, including, but not limited to, nonpolitical hiring, promotion, transfer, assignment of overtime, discipline and discharge. This negotiation obligation may be met by preparation of a proposed plan by the Recorder and the RCA, so long as Plaintiffs have a meaningful opportunity for input before the plan is presented to the Court for approval. The New Employment Plan shall be presented to the Court for approval. When adopted and approved by the Court, the New Employment Plan shall be fully incorporated into the Recorder's Consent Decree and SRO.

D. Application Tracking System. The Recorder, with the input of the RCA and Plaintiffs, shall implement an application tracking system that is user friendly and available through web-based access to applicants, to determine their current status in the hiring process in order to enhance the availability of information about the hiring process.

- E. Senior Manager Hiring Process. The New Employment Plan shall provide for a Senior Manager Hiring Process for certain listed non-Exempt positions. The Recorder shall present a list of Senior Manager Positions to Plaintiffs' Class Counsel for comment and discussion in a good faith effort to reach agreement on the list. Any disagreements shall be presented to the Court for resolution. A final Senior Manager List shall be approved by the Court and incorporated into this SRO. The New Employment Plan shall include a procedure for amending the list of Senior Manager positions agreed to by the parties.
- F. Executive Assistant Hiring Process. The New Employment Plan shall provide for an Executive Assistant Hiring Process for non-Exempt private secretary positions. The Recorder shall present a list of Executive Assistant Positions to Plaintiffs' Class Counsel for comment and discussion in a good faith effort to reach agreement on the list. Any disagreements shall be presented to the Court for resolution. A final Executive Assistant List shall be approved by the Court and incorporated into this SRO. The New Employment Plan shall include a procedure for amending the list of Executive Assistant positions agreed to by the parties.
- G. Exemptions. A list of Exempt Positions, those positions that, consistent with federal court guidance thereon, are exempt from the hiring procedures provided for in the Recorder's Consent Decree and this SRO, shall be filed with the Court for approval. The Recorder shall present the new list of Exempt Positions to Plaintiffs' Class Counsel for comment and discussion in a good faith effort to reach agreement on the list. Any disagreements shall be presented to the Court for resolution. The Parties may amend the Exempt List from time to time. Prior

to submitting any such amendments to the Court for approval, the party proposing the amendment shall present the amendment to the other party for comment and discussion in a good faith effort to reach agreement on the amendment.

- H. Impasse Resolution. If, at any time prior to the adoption of the New Employment Plan, the RCA, the Recorder, and Plaintiffs reach an impasse regarding any component of the New Employment Plan, the RCA shall report to the Court the nature of the unresolved issue(s) and may make a written recommendation as how to resolve such issue(s) for the Court's determination. The Parties shall have the right to be heard and make submissions concerning the resolution of any unresolved issue(s), and the Court shall then rule on the unresolved issue(s). Provisions directed by the Court pursuant to such ruling(s) shall become part of the New Employment Plan.

III. MONITORING AND ENFORCEMENT.

- A. Covered Employees. The prohibitions of the Recorder's Consent Decree cover all employment by or for the Recorder, or by or for any person or entity under the direction and control of the Recorder, except for Exempt Positions. For this purpose "employment" means the relationship that constitutes employment at common law by the Recorder or by or for any person or entity under the direction and control of the Recorder except for Exempt Positions and includes probationary, temporary, part time and permanent employment, whether pursuant to a written contract or otherwise. The prohibitions do not apply to the retention of independent contractors by the Recorder. Nothing in this SRO shall have any effect on any other consent decree applying to any other governmental body or public office.

- B. Continued Jurisdiction of the Court. The Court retains jurisdiction for purposes of enforcement and ongoing monitoring of the Recorder's compliance with the Recorder's Consent Decree and the SRO, including monitoring by the RCA and the RCA's counsel and staff, until such time as the Recorder's Consent Decree and the SRO terminate.
- C. RCA Reports. The RCA shall prepare and file reports with the Court on the fifteenth day of April, August, and December providing an update regarding the Recorder's compliance with the SRO and progress made toward substantial compliance. The Parties may provide input to the Court regarding information contained in the RCA's reports.
- D. Continued RCA Monitoring. The RCA, with the RCA's counsel and staff, shall continue to actively monitor the Recorder's compliance with the Recorder's Consent Decree, the SRO, and the New Employment Plan until their termination.
- E. Monitoring by Plaintiffs. Plaintiffs shall monitor the Recorder's performance under the Recorder's Consent Decree, the SRO (including Pre-SRO Claims adjudication, Post-SRO Complaint Procedures and Arbitration), and the New Employment Plan through counsel of their choice, may present matters to the Court including enforcement actions, and may petition the Court for payment of costs and attorneys' fees incurred as part of their reasonable, appropriate, non-duplicative monitoring and enforcement and for carrying out any of their obligations under this SRO.

F. Sunset Procedures.

1. Motion to Dissolve. No sooner than one year after the New Employment Plan is implemented or at any time that the Court shall order, the Recorder may file a Motion to Dissolve the Recorder's Consent Decree and this SRO. The Recorder shall provide a copy of the Motion to Dissolve to Plaintiffs' Class Counsel and the RCA thirty (30) days prior to filing the Motion to Dissolve. The Recorder has the burden of showing that it is in Substantial Compliance (as defined below).
2. Certification of Substantial Compliance. As a condition precedent to filing a Motion to Dissolve, the Recorder and the Recorder's chief of Human Resources must each certify in writing in the form that is attached as Exhibit III.E.2, that, after appropriate review and inquiry, each believes that the Recorder is in Substantial Compliance with the Recorder's Consent Decree and this SRO and that there is no material non-compliance (together, the "Certifications of Substantial Compliance"). The Certifications of Substantial Compliance must be attached as exhibits to the Motion to Dissolve.
3. RCA's Opinion. Within fourteen (14) days after the Motion to Dissolve is filed with the Court, the RCA shall advise the Court whether, in the opinion of the RCA ("RCA's Opinion"), the Recorder is or is not in Substantial Compliance with the Recorder's Consent Decree and the SRO. The Recorder and Plaintiffs' Counsel have the right to challenge the RCA's Opinion and to request a hearing from the Court.

4. Plaintiffs' Response. Within fourteen (14) days of service of the RCA's Opinion, Plaintiffs may file a response to the Motion to Dissolve.
5. Conditions to Termination of the Recorder's Consent Decree and the SRO. The Recorder's Consent Decree and the SRO shall terminate if (i) the Certifications of Substantial Compliance have certified that the Recorder is in Substantial Compliance, (ii) the RCA has advised the Court of the RCA's Opinion, and (iii) the Court has determined, after such procedures as the Court deems appropriate, that the Recorder is in Substantial Compliance.
6. Effective Date of Termination; Pending Arbitration Requests. The effective date of termination shall be the date upon which all judicial proceedings, and expiration of rights to appeal, have concluded following a final judicial decision that Substantial Compliance has been achieved. Termination of the Recorder's Consent Decree and the SRO shall have no effect on any claim, complaint or written demand for arbitration under the terms of the Recorder's Consent Decree or the SRO filed within one hundred eighty (180) days after the date the SRO and Recorder's Consent Decree are terminated if based on alleged conduct occurring prior to termination.
7. Reinitiating Substantial Compliance Process. If the Recorder's Consent Decree and SRO are not terminated after the filing of a Motion to Dissolve by the Recorder, they shall remain in effect. In its order denying the Motion to Dissolve, the Court, with the input of the Parties, shall set a new

date after which the Recorder may reinitiate the above Substantial Compliance certification and RCA Opinion process.

8. Substantial Compliance Definition. Substantial Compliance means:
- (1) the Recorder has implemented the New Employment Plan, including procedures to ensure compliance with the New Employment Plan and identify instances of non-compliance;
 - (2) the Recorder has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
 - (3) the Recorder does not have a policy, custom or practice of making employment decisions based on political reasons or factors except for Exempt Positions;
 - (4) the absence of material noncompliance which frustrates the Recorder's Consent Decree and the SRO's essential purpose. The RCA and the Court may consider the number of post-SRO complaints that have been found to be valid. However, technical violations or isolated incidents of noncompliance shall not be a basis for a finding that the Recorder is not in substantial compliance; and
 - (5) the Recorder has implemented procedures that will effect long-term prevention of the use of impermissible political considerations in connection with employment with the Recorder.

9. Recommendations and Definition of Political Reasons and Factors.
Nothing in the SRO shall limit the right of any citizen, including elected

officials, to make recommendations not based on political reasons or factors, to personnel involved in making employment decisions on behalf of the Recorder. In the case of hiring for positions that are not exempt from the requirement that political reasons or factors be excluded from consideration, recommendations from public office holders or political party officials that are based on their personal knowledge of the person's work skill, work experience or other job-related qualifications are permitted and may be considered. Recommendations based on political reasons or factors shall not be given any effect, and shall be reported as provided in the New Employment Plan. As used herein, "political reasons or factors" include:

- (1) Recommendations for hiring, promotion or other employment terms for specific persons from public office holders or political party officials that are not based on personal knowledge of the person's work skills, work experience or other job-related qualifications.
- (2) The fact that the person worked in a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party. The mere fact that a person worked for a political campaign for elective office does not prohibit consideration of a recommendation related to that person

insofar as the basis for that recommendation relates to the person's relevant work experience.

- (3) The fact that the person contributed money, raised money or provided something else of value to a candidate for public office or a political organization, or the fact that the person chose not to contribute or raise money for a candidate for public office or a political organization.
- (4) The fact that the person is a Democrat or a Republican or a member of any other political party or group. Or the fact that the applicant is not a member.
- (5) The fact that the person expressed views or beliefs on political matters such as which candidates or elected officials he or she favored or opposed, which public policy issue he or she favored or opposed, or which views on government actions or failures to act he or she expressed.

G. Waiver of Challenge to Recorder's Consent Decree and SRO Validity and Class Member Standing; Preservation of Other Defenses. The Recorder shall not seek to vacate, appeal or otherwise challenge the validity of the Recorder's Consent Decree or the SRO. The Recorder expressly waives, covenants and agrees not to assert any argument or claim that any Class Member who seeks relief under the pre or post-SRO claim procedure lacks standing to enforce the Recorder's Consent Decree or this SRO or to seek relief under the Recorder's Consent Decree or the SRO. However, the Recorder is not precluded from defending a

claim brought under the Recorder's Consent Decree or the SRO on the basis that the individual is not entitled to relief on grounds other than standing. If any individual opts out of this SRO to pursue her or his claims, the Recorder reserves the right to raise any and all defenses to such claims.

IV. CLAIMS PROCEDURE FOR ALLEGED PRE-SRO VIOLATIONS

- A. Notice. The Recorder provided notice of the Claims Procedure and Opt-Out Rights as part of the Preliminary Approval Order. No later than 30 days following final approval of the SRO by the Court, the Recorder shall provide Claim Forms and Opt-Out Request Forms in the form attached as Form 1 and Form 2 to anyone who was employed by the Recorder, or applied for a position with the Recorder between, May 25, 2005 and the date of final approval of the SRO.
- B. Opt-Out Rights. The SRO Claims Procedure is the sole recourse for individuals seeking to enforce the Recorder's Consent Decree for violations occurring prior to final approval of this SRO. Any Class Member may opt out of the SRO and file a separate lawsuit under a theory of relief other than a violation of the Recorder's Consent Decree by submitting a written Opt-Out Request Form (Form 2) to the RCA. The Opt-Out Request Form must be received by the RCA or be postmarked by a United States Post Office by the date specified in the Notice which shall be approximately one hundred twenty (120) days after the final approval of the SRO (the "Opt-Out Date"). Class Members who opt out would be free to file suit to pursue any claim for political discrimination other than one alleging a violation of the Recorder's Consent Decree. Unless a Class Member opts out of the SRO in the manner provided herein, his or her rights regarding any

such claim shall be governed solely by the Claims Procedures set forth in the SRO. Within seven (7) days of the Opt-Out Date, the RCA shall provide copies of all Opt-Out Request Forms to the Parties.

- C. Eligible Claimants. Any past or present employee or applicant for employment with the Recorder, registered voter and candidate for public office who alleges that she or he suffered injury as a result of unlawful political discrimination in connection with any aspect of employment with the Recorder prior to the final approval of this SRO (“Claimants”) may file a Pre-SRO Claim under Section IV. Any Claimant who alleges a violation of the Recorder’s Consent Decree arising prior to May 25, 2005, must set forth facts in her or his Claim Form showing why the Claimant could not have discovered and/or raised his or her claim before May 25, 2005, or facts that would support a claim for fraudulent concealment or equitable tolling. The RCA may consider allowing any claims arising before May 25, 2005, if she or he determines that the Claimant reasonably could not have discovered the claim prior to May 25, 2005, the claim was not discovered by the Claimant due to fraudulent concealment by the Recorder, or the limitations period should be equitably tolled. The RCA shall reject or dismiss all claims not meeting the requirements for the discovery rule, fraudulent concealment or equitable tolling.
- D. Claim Forms. A Claimant who wishes to file a claim against the Recorder must submit a notarized Pre-SRO Claim Form and Release (Form 1) to the RCA. All Pre-SRO Claim Forms must be received by the RCA or be postmarked by a United States Post Office by the date specified in the Notice which shall be

approximately one hundred twenty (120) days after the final approval of the SRO (the "Claim Deadline").

1. Contents. The Pre-SRO Claim Form shall consist of sworn statements setting forth individual claims including: the date of the alleged violation; a narrative description of the alleged violation; a description of alleged damages; identifying information including the Claimant's full name, address and telephone number; and a release of certain claims as defined below. A Claimant must attach any documentation supporting his or her Claim to the Pre-SRO Claim Form. A Claimant may only submit one Pre-SRO Claim Form, but may allege facts supporting more than one claim on his or her Claim Form.
2. Interpretation. The RCA shall interpret the Pre-SRO Claim Forms in a liberal, non-technical manner, and may request amplification or clarification of claims to facilitate identifying valid claims and eliminating those that are not valid. Subsequent amplification and clarification shall be deemed part of the Pre-SRO Claim Form as of the date filed.
3. Cooperation of Recorder and Claimants. During the claims review process the Recorder and/or the Claimant will provide any and all information and documents reasonably requested by the RCA. No person shall be compelled to provide privileged information or information in violation of her or his constitutional rights. The RCA will provide the Recorder with copies of all Pre-SRO Claim Forms and supporting documentation filed. The Recorder will be afforded the opportunity to

investigate the claims and provide the RCA with information and documentation relative to the claims. The Recorder will provide the RCA with the names of any present or former employee of the Recorder with whom the Recorder intends to discuss a claim at least 48 hours prior to the discussion/interview. At the RCA's requests, the Recorder shall delay any discussion/interview until after the RCA has completed his or her interview of the individual or until the RCA gives his or her consent. The intent is to create a cooperative and collaborative relationship between the RCA and the Recorder for the purpose of investigating and resolving alleged violations of the Recorder's Consent Decree.

4. Availability of Claim Forms. Pre-SRO Claim Forms shall be available from the RCA, the Recorder, and Plaintiffs' Class Counsel. Pre-SRO Claim Forms shall also be available for printing from a website created by the RCA and from the Recorder's website. Copies of all Pre-SRO Claim Forms and supporting documentation filed with the RCA shall be made available to the Parties for review and copying.

E. Claim Determination.

1. Timing of Awards. Within ninety (90) days of the Claim Deadline, the RCA, in the RCA's sole discretion and after consideration of all of the evidence, shall determine whether the Claimant is eligible for recovery and, if so, shall assign a monetary award to the Claimant based on the relevant information presented to the RCA or otherwise in the RCA's

possession. The decision of the RCA shall be final and not subject to appeal.

2. Matters to Be Considered. In determining whether a claim is meritorious and the assigned award amount for any claim, the RCA may consider all relevant factors and evidence regarding the claim, including but not limited to the following, to the extent applicable: (a) the ratio of applicants to the actual number of positions filled; (b) the facts presented regarding the alleged violation; (c) the salary of the position sought or held; (d) the economic benefit of the action at issue and the number of eligible recipients; and (e) the strength of the evidence. In the event additional time is required by the RCA to assess a claim, the RCA shall so inform the Claimant and the Recorder within such ninety (90) day period, and the time shall be extended for the period so specified.

3. Notice of RCA Decision. The RCA shall inform the Claimant and the Parties of the RCA's decision by sending a Notice of Determination to the Claimant, the State's Attorney's Office – Civil Actions Bureau and Plaintiffs' Class Counsel. The RCA's decision shall be final.

F. Disbursement of Awards. Within thirty (30) days following the RCA's determination on all claims, the RCA shall provide the State's Attorney's Office – Civil Actions Bureau with a list of Claimants eligible for an award, the Claimants' last known mailing address, social security number, and the amount of each award. Thereafter, the County shall pay 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 shall provide Plaintiffs' Class Counsel with a complete list of all amounts paid, the recipients and the dates of payment.

G. Attorneys' Liens. Claimants may retain counsel to represent them. Counsel may perfect an attorney's lien on any award by following the procedures set forth under the Illinois Attorney's Lien Act, 770 ILCS 5/0.01 et seq.

H. Release.

1. Released Claims. As used herein, the term "Released Claims" means 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 Action (including, but not limited to, violations of the Recorder's Consent Decree, and First Amendment political discrimination lawsuits) and whether now known or unknown, suspected or unsuspected, arising out of employment decisions of any kind (including, but not limited to, hiring, promotion, termination, assignments, disciplinary decisions, overtime and the like) made by the Recorder with respect to Claimants prior to the final approval of this SRO by the Court and based on the claim that those employment decisions were impermissibly motivated by political considerations.

2. Released Parties. As used herein, the term "Released Parties" means: the Recorder and all of the Recorder's employees, agents, advisors, and

attorneys, and their heirs, executors, administrators, personal or legal representatives, successors, transferees and assigns.

3. Final Settlement of Claims. The obligations incurred by the Recorder pursuant to this SRO, shall be in full and final disposition and settlement of all claims, actions, suits, causes of action, and liabilities relating to any of the facts, transactions, events, occurrences, acts or omissions which have been asserted or could have been asserted by the Plaintiff Classes against the Released Parties in this Action.
4. Effect of Release. Once this SRO has been finally approved by the Court, the time for appeal has run or all appeals have been finally exhausted and the SRO has not been modified or affected by any such appeal, and the Recorder has made the payments required by the SRO, all Released Claims that have been or could have been asserted by any member of the Classes against the Released Parties or any of them for allegations of political discrimination shall be forever extinguished and released, regardless of whether any claim has been filed pursuant to the Pre-SRO Claims provisions of this SRO.

V. PROCEDURES FOR ALLEGED VIOLATIONS OCCURRING AFTER FINAL APPROVAL OF THE SRO.

Any individual may make a complaint of unlawful political discrimination in connection with any aspect of government employment, including seeking employment with the Recorder, alleged to have occurred during the period that this SRO is in effect by submitting a complaint to the Inspector General. In order to elect to go to Arbitration under this SRO, the individual must first file a Post-SRO Complaint Form (Form 3) with the Inspector General. If an individual

elects to go to Arbitration under Section V.B of this SRO, that individual is barred from also filing a complaint in federal court. If an individual files a complaint in federal court for a violation that occurs during the period that this SRO is in effect, that individual cannot elect to go to Arbitration under Section V.B of this SRO. Pursuant to Local Rule 40.4, either party to a lawsuit alleging a violation of this SRO may file a motion to have the case reassigned to the judge presiding over 69 C 2145 case.

A. Post-SRO Complaint Process.

1. Making a Post-SRO Complaint. Any individual may submit a Post-SRO Complaint of unlawful political discrimination in connection with any aspect of government employment with the Recorder alleged to have occurred during the period that this SRO is in effect. Any individual who would like to have his or her claim based on a violation of this SRO submitted to the arbitration procedures in Section V.B or who would like to toll the running of the limitations period for filing a lawsuit based on a claim of unlawful political discrimination (“Post-SRO Complainants”) must submit a Post-SRO Complaint Form (Form 3) to the Inspector General. The Post-SRO Complaint Form must be received by the Inspector General or be postmarked by a United States Post Office within one hundred eighty (180) days after the Complainant knew or should have known of the alleged unlawful conduct. A Post-SRO Complainant who submits a Post-SRO Complaint Form to the Inspector General may not file a lawsuit in federal court until after the Inspector General issues a report

under Section V.A.9 and he/she participates in a mandatory settlement conference under Section V.A.10.

2. Requirements for Post-SRO Complaint Forms. Complaints submitted on Post-SRO Complaint Forms shall include a sworn statement setting forth the Post-SRO Complainant's claims, and should include:

- a. the date or dates of the alleged violation;
- b. narrative description of the alleged violation;
- c. a description of the alleged damages;
- d. identifying information including the Post-SRO Complainant's name, address, telephone number;
- e. copies of the appropriate supporting documentation, if in the possession of the Post-SRO Complainant; and
- f. a statement of the relief requested by the Post-SRO Complainant including the amount of any damages, if known, the Post-SRO Complainant seeks to recover or the nature of the injunctive relief.

Nothing in this SRO shall restrict the Inspector General's authority or ability to investigate any allegations of unlawful political discrimination in connection with employment with the Recorder received in any other manner established by the Inspector General, including through the Inspector General's complaint hotline, through a website complaint system, by fax, by phone or by letter. The filing of a Post-SRO Complaint Form (Form 3) shall toll an individual's federal statute of limitations as described in paragraph V.A.12 below.

3. Availability of Post-SRO Complaint Forms. Post-SRO Complaint Forms will be available from the RCA, the Recorder, the Inspector General, and Plaintiffs' Class Counsel. Post-SRO Complaint Forms can also be obtained from the RCA's website, the Recorder's website, and the Inspector General's website.
4. Inspector General Investigation. The Inspector General shall be responsible for conducting or directing the investigation of Post-SRO Complaints. Except as necessary to conduct an investigation or to confirm to the States Attorney's Office that a plaintiff in a lawsuit alleging political discrimination in connection with employment with the Recorder does not have a Post-SRO Complaint pending with the Inspector General's Office, the Inspector General and his or her agents shall not disclose the identities of Post-SRO Complainants to anyone other than the Court.
5. Distribution of Post-SRO Complaints to RCA. Within seven (7) days of receiving a Post-SRO Complaint, the Inspector General shall provide a copy of the Post-SRO Complaint to the RCA. The Post-SRO Complaint shall remain confidential and, except as provided herein, shall not be disclosed to anyone outside the Inspector General's Office except as provided for in the Cook County Inspector General Ordinance, § 2-281 *et seq.*, or in this SRO. The RCA and his or her agents shall not disclose the contents or existence of the Post-SRO Complaint to anyone other than the Court until (1) the Inspector General completes his or her investigation and issues his or her report, (2) the Post-SRO Complainant files a lawsuit

or (3) as provided in Section V.A.4. The Inspector General shall, within fourteen (14) days of receipt of a Post-SRO Complaint Form, send a "Notice of Rights," in the form that shall be attached to the final SRO as Exhibit V.A.5, to any Post-SRO Complainant who submitted a Post-SRO Complaint Form.

6. Cooperation with Inspector General. The Recorder, its departments and their employees and agents shall fully cooperate with the Inspector General's investigation of the Post-SRO Complaint, by, among other things, promptly providing all requested relevant, non-privileged documents and information to the Inspector General, in a manner that will preserve the confidentiality of the Inspector General's investigation. No person shall be compelled to respond to any request for information in violation of her or his constitutional rights.
7. Inspector General's Resources. The Recorder and the County shall provide the Inspector General with reasonable and fair resources to independently, effectively, and expeditiously investigate Post-SRO Complaints and shall maintain such resources until the Inspector General has completed its duties hereunder.
8. Timing of Inspector General Investigation. The Inspector General shall investigate Post-SRO Complaints expeditiously. The Inspector General shall attempt to complete its investigation within one-hundred eighty (180) days after its initiation. If any investigation is not completed within one-hundred eighty (180) days after its initiation, the Inspector General shall

notify the RCA, State's Attorney's Office - Civil Action Bureau, Plaintiffs' Class Counsel, and the Post-SRO Complainant of the general nature of the complaint and the reasons for its failure to complete the investigation within one hundred eighty (180) days.

9. Inspector General's Report. At the conclusion of its investigation, the Inspector General shall report in writing the results of its investigation to the Post-SRO Complainant, the RCA, the Recorder, Plaintiffs' Class Counsel, and the State's Attorney's Office - Civil Action Bureau. If the Inspector General finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Inspector General's Report shall include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Recorder and the names of any individuals responsible for such discrimination. The copy of the Inspector General's report sent to the Post-SRO Complainant shall be accompanied by a Notice of Rights and Request for Settlement Conference (Form 4).
10. Mandatory Settlement Conference. Any Post-SRO Complainant who would like to seek relief for any injury suffered as a result of political discrimination in connection with any aspect of government employment with the Recorder must first participate in a mandatory settlement conference. The Post-SRO Complainant initiates the settlement conference by submitting a Request for Settlement Conference (Form 4) to

the State's Attorney's Office – Civil Action Bureau within thirty (30) days of the date of the Inspector General's Report. Within sixty (60) days from the date upon which the State's Attorney's Office - Civil Action Bureau receives the Request for Settlement Conference, the State's Attorney's Office - Civil Action Bureau and Post-SRO Complainant shall hold an in person settlement conference for settlement purposes only and the statements made and the positions taken are subject to Rule 408 of the Federal Rules of Evidence and shall not be disclosed by the parties except as required under Cook County Ordinance to obtain settlement approval. The Post-SRO Complainant and the Recorder may agree in writing to an extension of this date. The Post-SRO Complainant may be represented at the settlement conference by counsel or any other representative of her or his choice. Settlement offers will be made at the discretion of the Recorder and the State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If accepted by the Post-SRO Complainant, copies of executed settlement agreements shall be provided to the Inspector General, the RCA and Plaintiffs' Class Counsel. The parties may agree to additional settlement conferences.

11. Inspector General Reports to the Court. No later than the fifteenth day of April, August, and December, the Inspector General shall file with the Court a report, accurate as of the last day of the preceding month, indicating: the number of Post-SRO Complaints received since the date of

the last report and the general nature of those Complaints; the number of investigations initiated since the date of the last report; the number of investigations concluded since the last report broken down by sustained and non-sustained cases and providing general information as to the nature of the concluded cases; and the number of investigations pending as of the reporting date.

12. Tolling During Inspector General Investigation and Settlement Conference. The filing of a Post-SRO Complaint Form (Form 3) shall toll an individual's statute of limitations on any claims while the SRO investigation and settlement conference procedures are pending. A Post-SRO Complainant shall have thirty (30) days after termination of the mandatory settlement conference procedures required under Section V.A.10 to file a complaint in federal court. If an individual elects to file a complaint in federal court, that individual cannot elect to participate in the Arbitration Procedure described below.
13. Electing Arbitration or Litigation. Following the completion of the mandatory settlement conference procedures, if a Post-SRO Complainant wishes to seek relief for any claim based on unlawful political discrimination in connection with government employment with the Recorder or a violation of this SRO, the Post-SRO Complainant must either file a lawsuit or submit an Arbitration Request Form (Form 5) within thirty (30) days of the termination of the settlement conference procedures. The Arbitration Request Form must be received by the State's

Attorney's Office – Civil Action Bureau or be postmarked by a United States Post Office within thirty (30) days after the settlement conference.

B. Arbitration Procedure.

1. Arbitration Request Form. Arbitration Requests are limited to the claims or facts alleged in the Post-SRO Complaint Form or uncovered during the Inspector General's investigation. The Arbitration Request Form shall include a sworn statement which shall briefly describe in plain terms the actions that are alleged to violate the SRO and the relief sought. Detailed pleadings shall not be required and any arbitration request may be amended with the permission of the Arbitrator, which shall be liberally granted, to the extent that the amendments are based on claims or facts alleged in the Post-SRO Complaint Form or uncovered during the Inspector General's investigation. The Post-SRO Complainant must include a copy of the Post-SRO Complaint Form submitted to the Inspector General and the Inspector General's Report with the Arbitration Request Form. The State's Attorney's Office - Civil Action Bureau shall provide a copy of any written Arbitration Request Form to the Inspector General, the RCA and Plaintiffs' Class Counsel within seven (7) days of its receipt. Upon receipt of the Arbitration Request Form and unless otherwise prohibited by law, the Inspector General will provide a copy of its investigation file for the Post-SRO Complaint that is the subject of the Arbitration Request to the State's Attorney's Office and the Post-SRO Complainant.

2. Timing for Arbitration. If the Recorder and the Post-SRO Complainant are not able to reach a settlement, the State's Attorney's Office – Civil Action Bureau shall, within fourteen (14) days of receipt of the Arbitration Request Form, notify the next arbitrator on the list of his or her selection by sending a copy of the Arbitration Request Form and accompanying documents to the arbitrator, the Post-SRO Complainant, the Inspector General, the RCA and Plaintiffs' Class Counsel. Within ten (10) days of being notified of her or his selection, the arbitrator shall provide confirmation of her or his selection and a proposed arbitration schedule. The proposed schedule shall provide for a pre-hearing conference at which other steps may be scheduled, including the production of documents and information, other discovery deemed necessary or helpful by the arbitrator, and a schedule for completion of the arbitration within one hundred twenty (120) days of the selection of the arbitrator. Failure to complete the arbitration within such period, however, shall not affect the validity of the arbitrator's award. The arbitration will be scheduled at a time mutually selected by the Post-SRO Complainant, the Recorder and the arbitrator. The Post-SRO Complainant, the Recorder, and the arbitrator may agree to extend the deadline for completing the arbitration.
3. Arbitrator's Fees; Representatives of Complainant. Within ten (10) days of the date the arbitrator issues his or her confirmation of selection as arbitrator, the Post-SRO Complainant must pay to the arbitrator a \$100 filing fee. The arbitrator will confirm receipt of the filing fee with the

Post-SRO Complainant and the State's Attorney's Office. The arbitrator's fees and any costs of administration in excess of the \$100 filing fee paid by the Post-SRO Complainant shall be paid by the Recorder. The proceeding may be electronically recorded at the request of either party, the cost of which will be paid by the requestor. Either party may order a copy of the transcripts at its own expense. Each party is responsible for the costs of compensating its own witnesses. A Post-SRO Complainant may appear on his or her own behalf, be represented by an attorney, or be represented by any other representative of his or her choice.

4. Selection of Arbitrator. The Court will establish a panel of six (6) arbitrators. The Recorder and Plaintiffs' Class Counsel will submit a list of suggested arbitrators. The approved arbitrators will serve on a rotating basis. Except as provided in Section V.B.3, neither the Post-SRO Complainant, the Recorder, nor anyone acting on behalf of either party shall communicate ex parte with an arbitrator concerning the arbitration.
5. Governing Rules. Except as expressly provided otherwise herein, the arbitration shall be conducted in accordance with the Illinois Arbitration Act, 710 ILCS 5/1, *et seq.*, and the arbitrator shall have all powers conferred by that Act. The arbitrator shall have the authority to order any discovery the arbitrator determines may be necessary or helpful to a full and fair exploration of the Post-SRO Complaint. The arbitrator shall order the production of any relevant and material evidence the arbitrator judges to be necessary to understand and resolve the dispute. The arbitrator may

subpoena witnesses or documents upon the request of any party. The Post-SRO Complainant bears the burden of proving his or her claim(s) by a preponderance of the evidence. The parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the arbitrator deems necessary to an understanding and determination of the dispute. All evidence shall be taken in the presence of the arbitrator and all of the parties. The arbitrator shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. The arbitrator may in his or her discretion direct the order of proof, bifurcate proceedings, exclude cumulative or irrelevant testimony or other evidence, and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

6. Arbitrator's Decision. The arbitrator must issue a written decision, including written findings of fact, within thirty (30) days of the completion of the arbitration hearing. Copies of the decision shall be provided to the Post-SRO Complainant, the State's Attorney's Office, the RCA, the Inspector General, and Plaintiffs' Class Counsel. The decision shall determine (i) whether the SRO has been violated; (ii) whether the Post-SRO Complainant has met the burden of proof which is a preponderance of the evidence standard as set forth in applicable law; and (iii) the appropriate remedy. The arbitrator will have no authority to modify any

provision of the New Employment Plan, the Recorder's Consent Decree or this SRO.

7. Attorney's Fees and Costs. If the Post-SRO Complainant is the prevailing party, the arbitrator shall award the Post-SRO Complainant the \$100 filing fee along with any other relief provided herein. Prevailing Post-SRO Complainants shall be entitled to reasonable attorneys' fees and costs, including any cost for electronically recording and transcribing the hearing. Attorneys shall be compensated at the rates set forth in the Cook County Resolution for the appointment of Special State's Attorneys in effect at the time of the arbitrator's decision. Fee petitions submitted to the arbitrator shall follow the procedures for Attorney's Fees and Related Non-Taxable Expenses in the Local Rules for the United States District Court for the Northern District of Illinois. Any award of attorney's fees and costs shall be based on applicable law under 42 U.S.C. § 1988. Post-SRO Complainants may petition the Court for additional attorneys' fees in special circumstances, such as where the issues presented were complex justifying compensating the Post-SRO Complainant's attorneys at a higher rate. Awards shall be paid by Cook County.
8. Finality of Decision. The Arbitrator's award shall be final and binding upon all parties. The award may be reviewed and enforced, and judgment entered in conformity therewith, solely and exclusively by and in this Court, which shall apply the procedures and standards set forth in Sections 5/11-5/15 of the Illinois Uniform Arbitration Act, 710 ILCS 5/11-5/15,

inclusive, and applicable court decisions under those provisions of that Act.

9. Waiver. Any Post-SRO Complainant who proceeds under the Recorder's Arbitration Procedure described in Section V.B, shall waive any and all rights she or he may otherwise have to bring suit to assert claims arising from the alleged violations of the SRO set forth in his or her written Arbitration Request Form.
10. Audit Documentation. The Recorder shall maintain all documentation related to complaints, investigations, and arbitrations arising under Section V until two years after the SRO has terminated.

VI. NO RETALIATION

No person shall take any unlawful retaliatory action against any individual who exercises any rights provided by, or who reports violations of, the Recorder's Consent Decree or the SRO. The Recorder has adopted a written, effective whistleblower policy that forbids retribution for reporting any suspected violations of the SRO and shall keep it in effect during the term of the SRO. Any individual who believes retaliation has occurred may seek relief under the post-SRO process.

VII. ATTORNEYS' FEES.

The Parties have not agreed to or discussed the amount of attorneys' fees awardable to Plaintiffs' Class Counsel or their reimbursable costs prior to entry of this SRO, but shall attempt to reach agreement as to such amount within forty-five (45) days of entry of the SRO for presentation to the Court for its review and approval. If the Parties are unable to reach agreement, the Plaintiffs' Class Counsel shall be entitled to petition for an award of fees and the Recorder shall be entitled to assert objections thereto.

VIII. TERMINATION OF THE SRO.

- A. Effect of Non-Approval. If, for any reason, the SRO does not become final (that is, is finally approved and the time for appeal expires with no appeal being filed or all appellate review has been exhausted and the SRO remains in effect and unmodified), the Parties shall revert to their respective positions immediately prior to the execution of the SRO.
- B. Effect of Termination. If the SRO is terminated as provided for in Section VIII.A. above, the SRO shall have no further force and effect. All negotiations, proceedings and statements made in connection therewith shall be without prejudice to any person or party thereto, shall not be deemed or construed to be an admission by any Party of any act, matter or proposition, and shall not be used in any manner or for any purpose in any subsequent proceeding in the Action or in any other action or proceeding.

IX. ENTIRE AGREEMENT.

All prior negotiations and agreements between the parties hereto (other than the Recorder's Consent Decree), with respect to the SRO, shall be superseded by the SRO and no representation, warranties, understandings, or agreements of the parties relating to the subject matter thereof, other than those expressly set forth in the SRO shall be binding.

ENTER:

Hon. Sidney I. Schenkier
United States Magistrate Judge

EXHIBITS

Exhibit III.E.2	Certification of Substantial Compliance
Form 1	Pre-SRO Claim Form and Release
Form 2	Opt-Out Request Form
Form 3	Post-SRO Complaint Form
Exhibit V.A.5	Notice of Rights
Form 4	Request for Settlement Conference
Form 5	Arbitration Request Form

Exhibit III.E.2

CERTIFICATION OF SUBSTANTIAL COMPLIANCE

After due inquiry, based upon the information and documents that I have reviewed and the knowledge that I possess as the Recorder/Recorder's Chief of Human Resources, I believe that the Cook County Recorder of Deeds (the "Recorder") is in substantial compliance as required by the Recorder Consent Decree and Supplemental Relief Order as evidenced by the fact that I certify, under penalty of perjury as provided by law, that, to the best of my knowledge:

- 1. The Recorder has implemented a New Employment Plan, including procedures designed to ensure compliance with the New Employment Plan and identify instances of non-compliance;
- 2. The Recorder has acted in good faith to remedy instances of non-compliance that have been identified, and prevent a recurrence;
- 3. The Recorder does not have a policy, custom or practice of making employment decisions based on political reasons or factors except for Exempt Positions;
- 4. The Recorder does not have a record of material noncompliance which frustrates the Recorder's Consent Decree and the SRO's essential purpose; and
- 4. The Recorder has implemented procedures intended to effect long-term prevention of the use of impermissible political considerations in connection with employment with the Recorder.

Signature

Printed Name

Date

Form 1

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 JANUARY 12, 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 **January 12, 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 January 12, 2010.

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 **January 12, 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

January 12, 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.)

January 12, 2011 Pre-SRO Claim Form and Release Deadline

April 12, 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 JANUARY 12, 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):

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.)

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.)

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)

(Signature of Claimant)

SUBSCRIBED AND SWORN to
before me this _____ day
of _____, 2010.

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 _____, 2010.

Notary

Form 2

SRO OPT-OUT PROCEDURES

Pursuant to the

SUPPLEMENTAL RELIEF ORDER **FOR THE COOK COUNTY RECORDER OF DEEDS**

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al.*
(the "Shakman Case")

OPT-OUT REQUEST FORMS (Form 2) MUST BE POSTMARKED BY A US POST OFFICE BY JANUARY 12, 2011

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other aspect of employment with the Cook County Recorder of Deeds ("Recorder") prior to September 14, 2010, you may have a claim for damages and/or injunctive relief against the Recorder.

The SRO creates a new claim process for anyone who believes that s/he was subjected to unlawful political discrimination prior to September 14, 2010. For details regarding the SRO Claim process, please review Section IV of the SRO and the Pre-SRO Claim Form and Release Procedures which are posted on the Cook County Recorder of Deeds' website at www.ccrd.info.

Not all class members are eligible to submit a Pre-SRO Claim under Section IV of the SRO. The remedy provided in the SRO shall be the exclusive remedy for Class Members who fail to opt out seeking remedies for claims of political discrimination based on events occurring prior to the final approval of this SRO. Individuals who opt out of the SRO may not pursue claims based on the SRO or the Recorder's Consent Decrees for political discrimination occurring prior to the 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 SRO Claim Process. Such injunctive relief may be available through legal action filed in a court of law. If you would like to pursue injunctive relief for any claim of unlawful political discrimination you may have against the Cook County Recorder of Deeds, you must submit an Opt-Out Request Form (Form 2) or your claim will be waived.

The Court will exclude you from the classes if you request exclusion. If you want to be excluded from the classes, you must send an Opt-Out Request Form (Form 2) of your intent to opt-out of the classes, which must be received by the Recorder Compliance Administrator or be postmarked by a United States Post Office by January 12, 2011. The Opt-Out Request must be mailed to Ms. Cardelle Spangler, the Recorder Compliance Administrator, 69 W. Washington Street, Suite 840, Chicago, Illinois 60602.

If your claim involves alleged unlawful political discrimination that took place after September 14, 2010, you do not need to submit an Opt-Out Request Form to preserve your rights. Complaints based on conduct occurring after September 14, 2010 are addressed in Section V of

the SRO. Please review Section V of the SRO and the Post-SRO Complaint Procedures for further information about your rights under the SRO for violations occurring after (date of final approval of the SRO).

If you wish to file your own enforcement action or a separate lawsuit, you must opt-out of the SRO and pursue any claim that you may have against the Recorder. ***There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in employment with the Recorder.*** Many such federal lawsuits must be filed within ***180 days*** of the alleged discrimination. Furthermore, a two year statute of limitations applies to claims brought under 42 U.S.C. § 1983 and related provisions of civil rights legislation. 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 it will not affect any claims which may have expired between the date of Final Approval and the date of Opt Out. You should consult an attorney right away if you intend to file any legal action in a court of law.

“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.

You should not take the Opt-Out Request Form as legal advice. The Recorder Compliance Administrator is not able to provide legal advice to you about whether you should opt-out of the SRO. If you are considering opting out, you may consult with a lawyer of your choosing.

Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in that case) are not able to provide you with legal advice about claims if you wish to submit an Opt-Out Request Form. If you wish to submit an Opt-Out Request Form, you may consult with a lawyer of your choice.

Class Counsel recommend that you send your completed Opt-Out Request Form to the Recorder Compliance Administrator via certified mail, return receipt requested, and keep a copy of the Opt-Out Request Form.

FORM 2

OPT-OUT REQUEST FORM

**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")**

Date: _____

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

Name: _____

Address: _____

Telephone: _____

Current Position with the Recorder: _____

If Not Employed by the Recorder, State Last Position with the Recorder and Last Day of Employment or Dates Applied for Employment:

I wish to be excluded from membership in the settlement classes in this case.

(Signature)

Form 3

POST-SRO COMPLAINT PROCESS

Pursuant to the

SUPPLEMENTAL RELIEF ORDER FOR THE COOK COUNTY RECORDER OF DEEDS (“SRO”)

Entered in *Shakman, et al. v. Cook County Recorder of Deeds, et al.*
(the “Shakman Case”)

If you believe that you have been subjected to unlawful political discrimination in connection with an employment decision with the Cook County Recorder of Deeds (“Recorder”) **on or after September 14, 2010**, you may seek relief for the alleged unlawful political discrimination as described below:

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

1. You may elect to use the specific Post-SRO Complaint Process and the Post-SRO Arbitration Procedure established by the SRO in order to pursue possible remedies for alleged political discrimination. You **must** submit a Post-SRO Complaint Form (Form 3) to the Inspector General to participate in the Post-SRO Arbitration Procedure. The Post-SRO Complaint Form must be received by the Inspector General or be post-marked by a United States Post Office within **180 days** after you knew or should have known of the alleged unlawful conduct. The Inspector General will investigate all timely submitted Post-SRO Complaints.

2. You may pursue whatever rights or remedies that may be available to you under state or federal law without submitting a Post-SRO Complaint to the Inspector General. ***There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in employment with the Recorder.*** For example, lawsuits seeking to enforce the SRO without first submitting a post-SRO Complaint Form to the Inspector General must be filed within **180 days** after the alleged victim knew or should have known of the alleged unlawful conduct. You should consult an attorney right away if you intend to file any legal action in a court of law.

3. You may also submit a Post-SRO Complaint Form to the Inspector General to conduct an investigation before deciding whether to submit the complaint to arbitration under the SRO Arbitration Procedure or to file a lawsuit in a court of law. However, once you submit a Post-SRO Complaint Form, you must (1) wait for the Inspector General to complete its investigation and (2) participate in a settlement conference prior to seeking arbitration or filing a federal lawsuit.

Please note that if you are seeking to pursue a claim against the Recorder based on alleged unlawful conduct occurring **on or before September 14, 2010**, then you should not submit a

Post-SRO Complaint Form. Instead, you may submit to the Recorder Compliance Administrator, Cardelle Spangler, either: (i) a notarized Pre-SRO Claim Form and Release (Form 1) or (ii) an Opt-Out Request Form (Form 2). These Forms are available from the Recorder Compliance Administrator, the Recorder, Plaintiffs' Class Counsel, and the Inspector General. These Forms can also be obtained from the websites of the Recorder Compliance Administrator and Recorder.

Eligibility for Filing a Post-SRO Complaint

An individual may submit a Post-SRO Complaint of unlawful political discrimination in connection with any aspect of government employment with the Recorder alleged to have occurred **after September 14, 2010** and during the period that this SRO is in effect.

If you would like to have the Inspector General conduct an investigation of your unlawful political discrimination complaint you must file a Post-SRO Complaint Form (Form 3) with the Inspector General. If so, please use and follow the rest of the instructions and forms.

The Inspector General's Investigation

The Inspector General is responsible for conducting or directing the investigation of all timely Post-SRO Complaints. Post-SRO Complaints are confidential and will not be disclosed to anyone outside the Inspector General except as provided in the SRO.

The Inspector General will investigate Post-SRO Complaints expeditiously and will attempt to complete its investigation within 180 days. If any investigation is not completed within 180 days, the Inspector General will notify you, the Recorder Compliance Administrator, the State's Attorney's Office-Civil Action Bureau, and Plaintiffs' Class Counsel, of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of its investigation, the Inspector General will provide you with a written report. A copy of the investigative report will also be provided to the Recorder Compliance Administrator, Plaintiffs' Class Counsel, and the State's Attorney's Office-Civil Action Bureau. If the Inspector General finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Inspector General's report will include the names of all individuals who were victims of the unlawful political discrimination and the names of the individuals responsible for such political discrimination. The Inspector General will send a Notice of Rights and Settlement Conference Demand Form (Form 4) along with this report.

Mandatory Settlement Conference

If you file a Post-SRO Complaint Form with the Inspector General, you must participate in a mandatory settlement conference before you can seek relief through arbitration or a federal lawsuit. Within **30 days** of receiving the Inspector General's Report, you must submit a Settlement Conference Demand Form (Form 4) to the States-Attorney's Office-Civil Action Bureau.

Within **60 days** from the date upon which the State's Attorney's Office receives a Request for Settlement Conference, the State's Attorney's Office and you must hold an in-person Settlement

Conference. The time period for conducting this settlement conference can be extended by agreement between you and the State's Attorney's Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Recorder or State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Inspector General, Recorder Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the State's Attorney's Office can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse and you still wish to proceed with your claim, you must either submit an Arbitration Request Form (Form 5) or file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

You must choose between arbitration and filing a lawsuit, you cannot do both.

Arbitration Process

If you submit an Arbitration Request Form, you must also include a copy of the Post-SRO Complaint Form that you previously submitted to the Inspector General and the Inspector General's Report.

Within 7 days of receiving an Arbitration Request Form, the State's Attorney's Office shall provide a copy of the Arbitration Request to the Inspector General, Recorder Compliance Administrator, and Plaintiffs' Class counsel.

The State's Attorney's Office-Civil Action Bureau shall notify one of the arbitrators on the Arbitration Panel of his or her selection within 14 days of receipt of your Arbitration Demand Form by sending a copy of the Arbitration Demand Form and accompanying documents. Arbitrators shall be selected on a rotating basis from an established panel of arbitrators approved by the Court.

The Arbitrator will send written notice of his or her selection and a proposed arbitration schedule within ten (10) days of being notified of her or his selection. The exchange of information by the parties through discovery and the arbitration should be completed within 120 days of the selection of the Arbitrator. You and the Recorder, with the Arbitrator's approval, can agree to extend the time for completing the arbitration.

You must pay a \$100 filing fee to the arbitrator within **ten days** of the date that the arbitrator issues his or her confirmation of selection as arbitrator. You and the State's Attorney's Office will receive a confirmation receipt of the filing fee. If you are found to be the prevailing party, the arbitrator shall award you the \$100 filing fee along with any other reasonable relief.

The arbitrator's fees and any costs of administration in excess of \$100 shall be paid by the Recorder. The proceedings may be electronically recorded at the request of either party, the cost of which will be paid by the requestor. Either party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own

behalf, be represented by an attorney, or be represented by any other representative of your choice.

The Arbitrator must issue a written decision within **30 days** of completing the arbitration hearing.

You or the Recorder may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 701 ILCS 5/11-5/15, before the judge whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after delivery of a copy of the award to you.

If you proceed under the Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the Consent Decrees or the SRO set forth in your written Arbitration Request Form.

Instructions for Completing the Post-SRO Complaint Form

Post-SRO Complaint Forms should include as much detail as possible about your claim that you were a victim of unlawful political discrimination in connection with any aspect of employment with the Recorder.

If you submit a Post-SRO Complaint Form, you must attach any supporting documentation in your possession to the Post-SRO Complaint Form. This includes documentation supporting any damages claim. However, a lack of documentation will not bar a claim.

The Post-SRO Complaint Form and these instructions should not be construed as legal advice. The Recorder Compliance Administrator is not able to provide legal advice about whether you should pursue any remedies under the SRO or in a court of law. Class Counsel are not able to provide you with legal advice about whether you should file a claim. If you wish to file a Post-SRO Complaint, you may consult with a lawyer of your choice about whether to submit a Post-SRO Complaint to the Inspector General.

Class Counsel recommend that you send your completed Post-SRO Complaint Form to the Inspector General via certified mail, return receipt requested, and keep a copy of the Form and of any documents that are sent with them.

Send completed SRO Complaint Forms to: Cook County Office of the Independent Inspector General, 69 W. Washington Suite 1160, Chicago, IL 60602-3007.

FORM 3

POST-SRO COMPLAINT FORM

SUPPLEMENTAL RELIEF ORDER FOR COOK COUNTY RECORDER OF DEEDS ("SRO")

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et. Al*
(the "Shakman Case")

Date: _____

To: Cook County Office of the Cook County Independent Inspector General
69 W. Washington
Suite 1160
Chicago, Illinois 60602-3007

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. **Date(s) of Violation(s):** _____

5. **Current Position with the Recorder:** _____

6. **If Not Employed with the Recorder, State Last Position with the Recorder and Last Date of Employment, or Dates Applied for Employment:**

7. **Recorder Department or Agency Involved:** _____

9. **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.)

10. **Total Amount of Money Damages Sought:** \$ _____

11. **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.)

12. **Have you filed a grievance or lawsuit about any of the events listed in your Post-SRO Complaint in any court, administrative agency or before any other entity?** If yes, please explain, including case number, court or agency. Also, state the status or outcome of the claim, grievance, or lawsuit.

(Signature of SRO Complainant)

SUBSCRIBED AND SWORN to

before me this ____ day of _____, 20__.

Notary

Exhibit V.A.5

**NOTICE OF RIGHTS
POST-SRO COMPLAINTS AND ARBITRATION**

Pursuant to the

SUPPLEMENTAL RELIEF ORDER (“SRO”)

**Entered in *Shakman, et al v. Cook County Recorder of Deeds, et al*
(the “*Shakman Case*”)**

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other aspect of employment with the Cook County Recorder of Deeds *after September 14, 2010*, you may seek relief for the alleged unlawful political discrimination as described below.

This Notice of Rights document should not be construed as legal advice. The Recorder Compliance Administrator is not able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law. 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 individual legal advice about claims to persons who may wish to file claims.

You may consult with a lawyer of your choice and at your own expense about whether you should pursue any remedies under the SRO or any other rights you may have either through the SRO or in court.

I. What Happens Now that I Have Filed a Post-SRO Complaint (Form 3)?

For details regarding the Post-SRO Complaint process, please review Section V of the SRO, which is posted on the Recorder’s website, www.ccrd.info. A summary of the Post-SRO Complaint process is set out below.

The Inspector General is responsible for investigating all timely SRO Complaints (within 180 days that you knew or should have known of the alleged unlawful conduct). Once you submit a Post-SRO Complaint Form to the Inspector General, a copy will be provided to the Recorder Compliance Administrator. All Post-SRO Complaints are otherwise confidential and will not be disclosed to anyone other than the Court except as provided for in the SRO.

The Inspector General will investigate Post-SRO Complaints expeditiously. The Inspector General will attempt to complete its investigation within 180 days after it receives a Post-SRO Complaint. If any investigation is not completed within 180 days after its receipt, the Inspector General will notify you of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of the investigation, the Inspector General will report in writing the results of its investigation to you, the Recorder’s Compliance Administrator, Class Counsel, and the State’s Attorney’s Office. If the Inspector General finds that impermissible political factors were

considered in an employment decision, the Inspector General's report will include the names of all individuals who, according to its investigation, were victims of unlawful political discrimination in connection with any aspect of government employment with the Recorder and the individuals responsible for such discrimination. A copy of the Inspector General's report will be sent to you with an a Request for Settlement Conference Form (Form 4).

II. What Happens After the Inspector General Issues its Investigative Report?

You have 30 days after you receive the Inspector General's Report to submit a Request for Settlement Conference Form (Form 4) to the State's Attorney's Office-Civil Action Bureau. Please note that you **must** participate in a settlement if you would like to seek any form of relief for any claims of unlawful political discrimination. Said differently, you cannot file a lawsuit or an arbitration demand without first participating in a settlement conference.

III. Mandatory Settlement Conference

If you file a Post-SRO Complaint Form with the Inspector General, you must participate in a mandatory settlement conference before you can seek relief through arbitration or a federal lawsuit. Within **30 days** of receiving the Inspector General's Report, you must submit a Settlement Conference Demand Form (Form 4) to the States-Attorney's Office-Civil Action Bureau.

Within **60 days** from the date upon which the State's Attorney's Office receives a Request for Settlement Conference, the State's Attorney's Office and you must hold an in-person Settlement Conference. The time for conducting this settlement conference can be extended by agreement between you and the State's Attorney's Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Recorder or State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Inspector General, Recorder Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the State's Attorney's Office can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse, and you still wish to proceed with your claim, you must either submit an Arbitration Request Form (Form 5) or file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

IV. Choosing Arbitration or a Lawsuit

If you are unable to reach a settlement with the Recorder and State's Attorney and would still like to pursue a remedy for your claim of unlawful political discrimination, you may either submit your claim to arbitration under the Post-SRO Arbitration Procedures or file a lawsuit. If you submit a Post-SRO Complaint to the Inspector General, you may not file a federal lawsuit until after the Inspector General issues a report and you participate in a mandatory settlement conference. Once you submit a Post-SRO Complaint Form, however, this will toll the statute of

limitation on any claims up until the end of the settlement conference (which is explained in more detail below).

There are important statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in Recorder employment. For example, lawsuits seeking to enforce the SRO without first submitting a Post-SRO Complaint Form to the Inspector General must be filed within 180 days after the alleged victim knew or should have known of the alleged unlawful conduct. 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 of the SRO 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.

These statements should not be construed as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the Recorder Compliance Administrator nor Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law.

V. The Arbitration Procedure

For details regarding the Post-SRO Arbitration Process, please review Section V of the SRO, which is posted on the Inspector General's website, the Recorder Compliance Administrator's website, and the Recorder's website, www.ccrd.info. A summary of the Post-SRO Arbitration Process is set out below.

The Arbitration Request Form (Form 5) must be received by the State's Attorney's Office-Civil Action Bureau or be post-marked by a United States Post Office within **30 days** after the completion of the settlement conference process. Completed Arbitration Request Forms should be sent to:

State's Attorney's Office-Civil Action Bureau
500 Richard J. Daley Center
Chicago, Illinois 60602

The Arbitration Request should include as much detail as possible to inform the State's Attorney's Office of the claim being asserted and the conduct that is alleged to violate the SRO and the relief sought. The Arbitration Demand must also include:

- (1) a copy of the Post-SRO Complaint Form you submitted to the Inspector General to start the investigation **and**
- (2) a copy of the Inspector General's Report you received at the end of the investigation.

Timing of Arbitration. After you submit your Arbitration Demand Form, the State's Attorney's Office will notify the arbitrator within **14 days** of receipt of this form by sending the Arbitrator a copy of the Arbitration Demand and accompanying documents. Within **10 days** of receiving this notice, the Arbitrator will send you and the State's Attorney's Office confirmation of her or his selection and a proposed arbitration schedule. Arbitrators shall be selected on a rotating basis from an established panel of 6 arbitrators approved by the Court. The proposed arbitration schedule will provide time for the parties to exchange documents and information and the arbitration should be completed within **120 days** of the selection of the Arbitrator. The arbitration hearing will be scheduled at a time mutually selected by you, the Recorder and the Arbitrator. Failure to complete the arbitration within 120 days, however, will not affect the validity of the Arbitrator's award.

Arbitration Costs. You must pay a \$100 filing fee within ten (10) days of the date the Arbitrator issues his or her confirmation of selection as arbitrator. If you are found to be the prevailing party, the Arbitrator shall award you the \$100 filing fee along with any other relief. The Arbitrator's fees and any costs of administration in excess of \$100 will be paid by the Recorder. The proceeding may be electronically recorded at the request of either party, the cost of which will be paid by the requestor. Each party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own behalf, be represented by an attorney, or be represented by any other representative of your choice.

Governing Rules. The arbitration shall be governed by the Illinois Arbitration Act, 710 ILCS 5/1, *et seq.* and the Arbitrator shall have all powers conferred by the Act.

Arbitrator's Decision. The Arbitrator will issue a written decision within 30 days of the completion of the arbitration hearing. The Arbitrator has no authority to modify any provision of the Recorder's Hiring Plan or the SRO.

Attorney's Fees. If you are found to be the prevailing party, the Arbitrator's award will include your reasonable attorneys' fees and costs as determined by the Arbitrator. Attorneys shall be compensated at the rates set forth in the Cook County Resolution for the appointment of Special State's Attorneys in effect at the time of the arbitrator's decision. For additional information governing the award of attorney's fees, see Section V of the SRO. Post-SRO Complainants may petition the Court for additional attorneys' fees in special circumstances, such as where the issues presented were complex justifying compensating the Post-SRO Complainant's attorneys at a higher rate. Awards shall be paid by Cook County.

Finality of Decision. The Arbitrator's decision is final and binding upon all parties. You or the Recorder may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 710 ILCS 5/115/15, inclusive, before the judge to whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after the Arbitrator's decision is issued.

Waiver. If you participate in this Arbitration Process, you waive any and all rights you may otherwise have arising from the alleged violations of the SRO set forth in your written Arbitration Demand Form.

Form 4

FORM 4

REQUEST FOR SETTLEMENT CONFERENCE FORM

**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")

If you file a Post-SRO Complaint Form with the Inspector General, you must participate in a mandatory settlement conference before you can seek relief through arbitration or a federal lawsuit. Within **30 days** of receiving the Inspector General's Report, you must submit a Settlement Conference Demand Form (Form 4) to the States-Attorney's Office-Civil Action Bureau.

Within **60 days** from the date upon which the State's Attorney's Office receives a Request for Settlement Conference, the State's Attorney's Office and you must hold an in-person Settlement Conference. The time period for conducting this settlement conference can be extended by agreement between you and the State's Attorney's Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later arbitration or federal action. You may receive a settlement offer at the discretion of the Recorder or State's Attorney's Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept this offer, the Inspector General, Recorder Compliance Administrator and Plaintiffs' Class Counsel will receive copies of the executed settlement agreements. You and the State's Attorney's Office can continue settlement discussions by agreement.

If you do not accept the settlement offer or the settlement discussions have reached an impasse and you still wish to proceed with your claim, you must either submit an Arbitration Request Form (Form 5) or file a lawsuit **within thirty (30) days** of the termination of the settlement conference procedures.

Date: _____

To: State's Attorney's Office-Civil Action Bureau
500 Richard J. Daley Center
Chicago, Illinois 60602

Name: _____

Address: _____

Telephone: _____

Current Position with the Recorder: _____

If Not Employed by the Recorder, State Last Position with the Recorder and Last Day of Employment; or Dates Applied for Employment:

I request a settlement conference as permitted under Section V.A.10 of the SRO.

(Signature)

Required Supporting Documentation

_____ Post-SRO Complaint Form submitted to the Inspector General with supporting documentation

_____ Inspector General Report

Form 5

ARBITRATION REQUEST FORM 5

SUPPLEMENTAL RELIEF ORDER ("SRO")

Entered in *Shakman, et al. v. Democratic Organization of Cook County, et al*
(the "Shakman Case")

The Arbitration Request Form must be received by the State's Attorney's Office-Civil Actions Bureau or be post-marked by a United States Post Office within **30 days** after the completion of the settlement conference process. If you submit an Arbitration Request Form, you must also include a copy of the Post-SRO Complaint Form that you previously submitted to the Inspector General and the Inspector General's Report. Please note that you **must** first participate in a settlement conference if you would like to seek any form of relief for any claims of unlawful political discrimination, including arbitration. Also, please note that you must choose between arbitration and filing a lawsuit, you cannot do both.

Date: _____

To: State's Attorney's Office-Civil Action Bureau
500 Richard J. Daley Center
Chicago, Illinois 60602

1. **Name:** _____

2. **Address:** _____

3. **Telephone:** _____

4. **Date of Alleged Violation(s):** _____

5. **Current Position with the Recorder:** _____

6. **If Not Employed by the Recorder, State Last Position with the Recorder and Last Day of Employment; or Dates Applied for Employment:** _____

7. **Recorder Department or Agency Involved:** _____

8. Additional Facts Supporting Complaint: (Provide a narrative description of any additional facts not included in your SRO Complaint Form or in the Cook County Office of the Independent Inspector General's Report supporting your claim that you have been politically discriminated against in connection with your employment or application for employment with the Recorder. Please copy and attach additional pages if necessary.)

9. What Damages Did You Suffer and What Relief Are You Seeking: (Include any additional facts not included in your SRO Complaint Form 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.)

10. Total Amount of Money Damages Sought: \$ _____

11. **Additional Documents that Support Your Claim:** (Identify any additional documents not already identified in your SRO Complaint Form that 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.)

(Signature of SRO Complainant)

Required Supporting Documentation:

_____ Post-SRO Complaint Form submitted to the Inspector General with accompanying documentation

_____ Inspector General Case Report

_____ Request For Settlement Conference Form

SUBSCRIBED AND SWORN to

before me this _____ day

of _____, 20__

Notary