

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

FILED

FEB 20 2002

Judge David H. Coar
United States District Court

KENYA GARY, and TANYA HAYES)
Individually and on behalf of a class,)

Plaintiffs,)

v.)

MICHAEL SHEAHAN, Sheriff of Cook)
County, in his individual and)
official capacity,)

Defendant.)

No. 96 C 7294

JUDGE David Coar ✓
MAGISTRATE Guzman

DOCKETED

NOTICE OF MOTION

FEB 26 2002

To:	Thomas Morrissey, Esq.	Robert H. Farley, Jr., Esq.
	Attorney at Law	Attorney at Law
	10249 S. Western	1155 S. Washington St.
	Chicago, IL 60643	Naperville, IL 60540

PLEASE TAKE NOTICE that on February 25, 2002 at 9:15 a.m. or as soon thereafter as this motion can be heard, I shall appear before the Honorable David Coar of the United States District Court for the Northern District of Illinois, Eastern Division, in Room 1419, 219 S. Dearborn Street, Chicago, Illinois, or whomever may be sitting in his stead and then and there present the attached Motion of Defendant For Permission To Stop Payment On Certain Settlement Drafts, at which time and place you may appear.

Respectfully submitted,



One of the Attorney's for the
Defendant

NAME:	RICHARD A. DEVINE, State's Attorney of Cook County
BY:	THOMAS M. BURNHAM, Assistant State's Attorney
ATTORNEY FOR:	Defendant
ADDRESS:	301 Richard J. Daley Center
CITY:	Chicago, Illinois 60602
TELEPHONE:	(312) 603-7677

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**MOTION OF DEFENDANT FOR PERMISSION
TO STOP PAYMENT ON CERTAIN
SETTLEMENT DRAFTS**

DOCKETED

FEB 26 2002

Now comes the defendant, **MICHAEL SHEAHAN, SHERIFF OF COOK COUNTY** by his attorney, Richard A. Devine, State's Attorney of Cook County and through Assistant State's Attorney's Patrick T. Driscoll, Jr., Thomas M. Burnham and Michael D. Jacobs and submits this Motion of Defendant For Permission To Stop Payment On Certain Settlement Drafts, stating in support thereof as follows:

1. Since the final approval of the settlement reached in this class action lawsuit, in excess of 3,000 drafts have been mailed or hand delivered to class members.
2. The vast majority of these drafts have been cashed; a small number of drafts have been returned to the State's Attorney's Office as undeliverable.
3. One hundred and ninety-nine (199) drafts have neither been cashed nor returned to the State's Attorney's Office; those drafts are identified on the list attached to this motion.
4. Some class members have contacted the State's Attorney's Office regarding drafts that have neither been cashed nor returned to the State's Attorney's Office. Those class members have asked that new drafts be issued. Such class members are indicated on the attached list by *.
5. Replacement drafts cannot be issued to those class members while there is still a possibility that the original draft will be cashed.
6. As nearly two months have passed since the issuance of the original drafts, any checks not yet cashed or returned are either lost, in the hands of individuals other than the

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payees, or in the hands of payees who hope to have a "replacement check" issued, which will then be cashed along with the original.

7. Builder's Bank will place "stop orders" on the drafts identified on the attached list, but will charge a service fee of \$20.00 for each check for which a stop order is issued.
8. Therefore placing a stop order on each of the drafts on the attached list will cost \$3,980.00, which will come from the settlement fund. As the monies in the settlement fund are under the jurisdiction of the Court, it seemed prudent to seek an order from the Court authorizing the defendant to direct Builder's Bank to stop payment on the drafts identified on the attached list.

WHEREFORE, the defendant, MICHAEL SHEAHAN, SHERIFF OF COOK COUNTY requests the Court to enter an Order authorizing his attorney, RICHARD A. DEVINE, State's Attorney of Cook County to direct Builder's Bank to stop payment on the drafts identified on the attached list.

RICHARD A. DEVINE
State's Attorney of Cook County



Thomas M. Burnham
Assistant State's Attorney
301 Richard J. Daley Center
Chicago, IL 60602
312/603-7677

See Case
File for
Exhibits