

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

MICHAEL L. SHAKMAN and PAUL)	
M. LURIE, <u>et al.</u>)	
)	
Plaintiffs,)	No. 69 C 2145
)	
-vs-)	Hon. Nicholas J. Bua
)	
THE DEMOCRATIC ORGANIZATION)	
OF COOK COUNTY, <u>et al.</u> ,)	
)	
Defendants.)	

HIRING AND EXEMPTIONS JUDGMENT
ENTERED UPON CONSENT OF COOK COUNTY CLERK

Plaintiffs Michael L. Shakman, et al., have filed their First Amended Complaint on behalf of themselves and the classes they represent as determined by previous Order of Court. The First Amended Complaint alleges that defendants violated plaintiffs' rights by illegally conditioning, basing and affecting the obtaining and maintaining of governmental employment upon political sponsorship, affiliation and support.

On May 5, 1972, this Court entered a Consent Judgment with respect to the Cook County Clerk, among others, prohibiting the conditioning, basing or affecting any term or aspect of governmental employment (with respect to persons once hired) upon or because of any political reason or factor. That Consent Judgment retained jurisdiction for the parties to continue to litigate the question of whether political sponsorship or other political considerations may be taken into account in hiring employees. It also retained jurisdiction to enable the parties

to apply to the Court for further orders and directions for the carrying out of the provisions of that Consent Judgment and to enforce compliance with its provisions, as well as to determine which governmental employment positions should be exempt from its provisions.

This Judgment is entered upon the consent of the plaintiffs, and defendant David D. Orr, individually and as County Clerk of Cook County, Illinois. It is entered to settle all of the plaintiffs' claims in this case. This Judgment is also entered to carry out and implement the Consent Judgment.

The purpose of this Judgment is to eliminate the conditioning, basing or affecting of employment with the Cook County Clerk on political reasons or factors.

NOW, THEREFORE, it is Order, Adjudged and Decreed as follows:

A) Jurisdiction. This Court has jurisdiction of the parties to this Judgment and of the subject matter of this action under Sections 1331 and 1343(3) of Title 28 of the United States Code.

B) Definitions. As used in this Judgment (1) the term "Governmental Employment" means any employment (whether full-time or part-time, permanent or temporary, and regardless of whether the employment is paid for by Federal funds) by or for the County of Cook or any employment within the Northern District of Illinois by or for any other nonfederal governmental officer or entity; (2) the terms "Governmental Employee" and "Employee" mean a person employed in Governmental Employment; (3) the term

"Exempt Position" means a Governmental Employment job, which is determined to be exempt from the provisions of Paragraphs D and E of the Consent Judgment and Paragraphs D through M inclusive, of this Judgment, all as provided in Paragraph N below; (4) the term "Consent Judgment" means the Judgment previously entered in this case as to the Clerk on May 5, 1972; and (5) the term "Clerk" means David D. Orr, and his successors, in their capacity as County Clerk of Cook County, Illinois.

C) Persons Bound. The provisions of this Judgment apply to: (1) defendant David D. Orr, individually and as County Clerk of the County of Cook, Illinois; (2) his successors as Clerk; (3) the present and future officers, members, agents, servants, employees and attorneys of the Clerk and others named or referred to in this paragraph; and (4) all others in active concert or participation with the Clerk or others named or referred to in this paragraph who receive actual notice of this Judgment by personal service or otherwise.

D) Declaratory Relief. It is declared that the conditioning, basing, or affecting of the hiring of Governmental Employees (other than for Exempt Positions) upon or because of any political reason or factor including, without limitation, any Employee or prospective Employee's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions or such Employee or prospective Employee's political sponsorship or recommendation is prohibited.

E) Injunction. The Clerk and all others named or referred to in Paragraph C above are permanently enjoined from directly or indirectly, in whole or in part;

(1) conditioning, basing or knowingly prejudicing or affecting the hiring of any person as a Governmental Employee (other than for Exempt Positions), upon or because of any political reason or factor including, without limitation, any Employee or prospective Employee's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such Employee or prospective Employee's political sponsorship or recommendation; or

(2) knowingly inducing, aiding, abetting, participating in, cooperating with the commission of any act which is proscribed by this Paragraph E, or threatening to commit any act proscribed by this Paragraph E.

F) Plan of Compliance. The Clerk shall, within 60 days from the date this Judgment becomes effective, file with the Court, with copies to counsel for plaintiffs, a Plan of Compliance to implement this Judgment.

The Plan of Compliance shall set forth in detail a method or methods of hiring to be used for all Governmental Employment positions (other than Exempt Positions) with the Clerk. Each such method of hiring shall establish criteria for hiring which shall establish on an objective basis that the method complies

with Paragraphs D and E above. The method or methods of hiring set forth in the Plan of Compliance shall be within the discretion of the Clerk, as long as the method or methods comply with the requirements of this Judgment.

The Plan of Compliance shall also provide for the instruction of persons having responsibility for hiring as to the requirements of this Judgment and the Plan of Compliance. It shall provide for the monitoring of compliance with this Judgment and the Plan of Compliance.

Any party believing that the Plan of Compliance of the Clerk is not in compliance with this Judgment, or is inadequate to ensure compliance with this Judgment may apply to the Court for further orders to enforce compliance, including directing changes in the Plan of Compliance. Within nine months of the date this Judgment becomes effective, the Clerk shall implement the Plan of Compliance as so filed and as it may be so changed.

A Plan of Compliance may contain provisions providing for the means by which hiring methods may be changed, consistent with this Judgment, and shall provide for appropriate notice to be given the parties of such proposed changes.

G) Notices of Job Availability. The Clerk, and all others named or referred to in Paragraph C above, are permanently enjoined from hiring any person for any Governmental Employment position (except Exempt Positions and except, as provided below, for emergency hiring) unless prior public notice of the opportunity to apply for and be hired for the job has been given.

This requirement shall apply to hiring of persons after a date 60 days after this Judgment becomes effective.

During the period of ten years after this Judgment becomes effective, the method of giving notice shall be as provided by this paragraph, unless an alternative method is approved by the Court. The notice shall be given at least 14 days before the last date for which applications may be submitted for consideration for the job. The notice shall include a description of the nature of the job, the qualifications, the pay, and how and where to apply for the job. The notice shall be given in the following manner:

(1) by prominently posting the notice for inspection by the general public at each place where persons may make application for Governmental Employment with the Clerk. (A list of all such available job opportunities with the Clerk shall similarly be posted. The list must be updated at least monthly. Copies of the list and of all such notices shall be provided free of charge to each person who requests a copy in person); and

(2) by mailing copies of the list of available job opportunities to each person who shall have requested receiving such notices by mail. (The Clerk may provide in its Plan of Compliance for a charge to persons requesting notices by mail of a reasonable fee to cover postage costs.) In lieu of the manner set forth in Subparagraphs G(1) and G(2), notice may be given in the manner required by statute as to

any position which is to be filled by the highest ranking applicant on competitive examinations.

A Plan of Compliance may make provision for establishing reasonable limits on the period during which a person shall be entitled to continue to receive by mail notices of job opportunities after having most recently requested the notice.

A Plan of Compliance may make reasonable provisions for hiring persons in exceptional, emergency situations without prior notice having been given as provided in this paragraph. Any such provision shall contain rigorous limitations on the number of persons who may be so hired in a year. The Plan of Compliance shall also provide for regular reports to the Court of instances in which such emergency hiring was made, setting forth the reasons why it was an emergency situation, including why it was not possible to have made arrangements by which the hiring could have been made upon prior notice.

H) Notice of List of Jobs. The Clerk shall cause to be published, at least once each half calendar year for a period of ten years following the date this Judgment becomes effective, in the "help wanted" section of a Chicago daily newspaper having a circulation of greater than 200,000, a prominent notice of the existence and availability of the list described in Subparagraph G(1), stating where the list is available for public inspection, where copies may be obtained in person and how persons may receive copies of the list by mail.

I) Notice to Employees. The Clerk shall cause a copy of the Notice which is attached to this Judgment, together with a copy of this Judgment, to be delivered within 30 days of the date this Judgment becomes effective to each Governmental Employee of such Defendant.

J) Notice to Job Applicants. The Clerk is directed, for a period of ten years following the date this Judgment becomes effective, to cause copies of the Notice referred to in Paragraph I to be delivered to each applicant for Governmental Employment with the Clerk. The Notice shall be delivered to each applicant no later than the time the applicant is furnished a job application for the Governmental Employment position.

K) Posting of Judgment. A copy of this Judgment and a copy of the Notice referred to in Paragraph I shall be prominently posted at each place where persons may make applications for employment with the Clerk. Copies of this Judgment and such notice shall remain so posted for a period of ten years following the date this Judgment becomes effective. A notice similarly posted shall state that copies of the notice referred to in Paragraph I and of this Judgment are available to any person who requests them.

L) Affidavits of Compliance. The Clerk shall cause to be filed with the Clerk of this Court within 45 days of the date this Judgment becomes effective an affidavit showing compliance with Paragraph I. The Clerk shall cause to be filed with the Clerk of this Court prior to the last day of each calendar

quarter, beginning with the year in which this Judgment becomes effective and ending ten years after that year, an affidavit showing compliance with Paragraphs G, I, J and K, for the period since the last date covered by the most recent affidavit. Such quarterly affidavits shall list the name and position of all persons hired since the most recent such affidavit by the Clerk. The affidavits shall also disclose the name and party position of every person, reasonably known to the Clerk to be a political party official, employee or agent, who has recommended or sponsored the Employee for Governmental Employment. Nothing in this paragraph shall require any person to make any inquiry as to any person's political affiliation.

M) Annual Reports. In each of the years 1991 through 2001, inclusive, the Clerk shall file a verified report (prior to March 1 of the year), with copies to all parties to this Judgment, detailing all steps taken in the preceding year to implement the Plan of Compliance referred to in Paragraph F and otherwise to comply with this Judgment and also stating all changes in methods of hiring persons for Governmental Employment made since the last date covered by the last such report or, in the case of the first report, since the date this Judgment becomes effective. The annual report shall be accompanied by an audit of compliance with the provisions of this Judgment, conducted by an independent firm either of public accountants or experts in personnel or management matters, selected and paid for by the Clerk and reasonably acceptable to plaintiffs.

N) Exempt Positions. Each of the positions listed on the attached List of Exempt Positions is an Exempt Position. The Clerk may, from time to time, apply to the Court for a change in the List of Exempt Positions. The criteria for determining whether a position should be added to or deleted from the List is whether political party affiliation or activity are appropriate requirements for the effective performance of the Governmental Employment position and therefore that hiring for or discharge from such position should be exempt from inquiry under this Judgment and the Consent Judgment. However, the inclusion or exclusion of a position on the List shall not be deemed an admission or an acknowledgement by the Clerk in any other action or proceeding as to the degree of policy involvement or confidentiality of such position.

Should at any time the Clerk apply to the Court for an increase in the total number of Exempt Positions, plaintiffs may object to the continuation of any position which is then included in the List as an Exempt Position and, as to those objected to positions, the Clerk shall have the burden to establish that the position is properly exempt under the criteria specified in this paragraph. The determination by the first sentence of this paragraph of particular positions being exempt shall not be relevant to the issue of continuation of those positions as exempt upon such an application to increase the number of positions.

Prior to entry of an order of Court determining a position, other than one in the attached List, to be an Exempt Position, no such position shall be exempt from this Judgment and no action with respect to any such position shall be exempt from inquiry under this Judgment. No person who is, while this Judgment is in effect, hired for a position which is not exempt, shall be discharged or otherwise disadvantaged or affected in their employment for any political reason or factor, notwithstanding that the position has become an Exempt Position after the person was hired, unless the person consents in writing to the position becoming an Exempt Position as to him or her. The Clerk shall maintain, and provide copies for employees, of updated Lists of Exempt Positions.

O) Consent Judgment. This Judgment is in addition to the Consent Judgment and is issued pursuant to Paragraph H of the Consent Judgment.

P) Jurisdiction Retained. Jurisdiction is retained for the following purposes:

(1) To enable the parties to this Judgment to apply to this Court for orders determining which Governmental Employment positions are Exempt Positions as provided in Paragraph N;

(2) To enable the parties to this Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of the Consent Judgment and

this Judgment, for the enforcement of compliance with the provisions contained in the Consent Judgment and this Judgment, and for remedy for the violation of any of those provisions. Application to enforce those provisions or to remedy any violation may be presented to this Court by any party, aggrieved employee, aggrieved former employee or aggrieved applicant for employment with the Clerk's Office. Prior written notice of all such applications and other matters in this action shall be given to the named parties to this Judgment;

(3) To enable the parties to this Judgment to apply at any time for modifications to the requirements of Paragraphs E through M of this Judgment, which modifications shall be warranted by good cause and consistent with or necessary for the implementation of Paragraphs D and E; and

(4) To determine whether provisions of this Judgment which by their terms may expire upon a term of years should be extended for a further period.

Q) Attorneys' Fees and Costs. To determine the amount of plaintiffs' costs and attorneys' fees. Defendants shall pay plaintiffs' costs and attorneys' fees as so determined by Court order.

R) Effectiveness. The Court expressly finds and determines, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that there is no just reason for delay. It directs that this Judgment now be entered and be effective upon its entry.

IT IS SO ORDERED.

Nicholas J. Bua
Judge, United States District
Court

Dated: October __, 1991.

IMPORTANT NOTICE

TO: ALL EMPLOYEES OF THE COOK COUNTY CLERK AND
TO ALL APPLICANTS FOR JOBS WITH THE CLERK:

On _____, 1991, a Judgment was entered in the United States District Court for the Northern District of Illinois in the case of Michael L. Shakman, et al., v. The Democratic Organization of Cook County, etc., No. 69 C 2145.

The Judgment prohibits "conditioning, basing or affecting the hiring" of governmental employees (except certain Exempt Employees) upon or because of any political reason or factor. A copy of the Judgment is attached. Please read it carefully and abide by all its provisions. Key points of the Judgment are summarized below.

Prohibited Activity

The Judgment contains a permanent injunction against the Cook County Clerk and its employees from conditioning, basing or affecting the hiring of any governmental employee (except certain Exempt Positions) upon any political reason or factor. HIRING MUST NOT BE BASED UPON OR AFFECTED BY THE PROSPECTIVE EMPLOYEE'S POLITICAL AFFILIATION, POLITICAL SUPPORT OR ACTIVITY, POLITICAL FINANCIAL CONTRIBUTION, PROMISES OF SUCH POLITICAL SUPPORT, ACTIVITY OR FINANCIAL CONTRIBUTION. Nor may hiring be based upon or affected by the prospective employee's political sponsorship or recommendation.

The Judgment defines "governmental employee" as any full or part-time employee within the Northern District of Illinois by the County of Cook or any other non-federal governmental entity.

Applicability

The Judgment applies to the Cook County Clerk. It also applies to its agents and employees and to all others who receive notice of the Judgment and who are in active concert or participation with any of those persons.

Violations

VIOLATIONS OF THE JUDGMENT MAY CONSTITUTE CONTEMPT OF COURT AND MAY BE PUNISHABLE BY FINE OR IMPRISONMENT. The Judgment becomes effective upon its entry on _____, 1991. If you know of any violations of the Judgment, you may report them to your job supervisor or to the _____ or you may report them to the Court by letter addressed to the Clerk of the United States District Court, Northern District of Illinois, 219 S. Dearborn Street, Chicago, IL 60604.

Enforcement

Any party or aggrieved employee or applicant for employment with the Clerk's office is entitled to bring complaints concerning any violations of the Judgment before this United States District Court in accordance with the provisions of Paragraph P of the Judgment.

Any governmental employee seeking to bring an action for the violation of the _____, 1991 Judgment or the May 5, 1972 Judgment (described below) must observe a 180-day statute of limitations which was held applicable to such actions in the case of Smith v. City of Chicago, 769 F.2d 408 (7th Cir. 1985).

Exemptions

A number of positions have been exempted from the Judgment and from the prior Judgment in this case. A list of exemptions is attached hereto.

Notices of Job Openings

The Judgment requires that notice and a description of the availability of governmental employment positions (other than exempt positions) be made public in the following ways:

(1) By posting the notice at all employment offices of the Clerk. A list of all available job opportunities is similarly to be posted. Copies of notices and the list are to be available upon request. The existence and availability of such list is to be publicized semi-annually in a newspaper help wanted section.

(2) By mailing to any person who requests receiving such notice.

No person may be hired for such a non-exempt position, except in emergency situations, unless notice of the job has been given as specified in the Judgment.

Prior Judgments

A previous consent Judgment in the case as to the Clerk, entered May 5, 1972, remains in effect. It prohibits discharging or otherwise affecting or basing any term or aspect of governmental employment with regard to a person once hired upon any political reason or factor, except for Exempt Positions.

Nicholas J. Bua
Judge, United States District Court

Dated: _____

List of Exempt Positions

1. Executive Secretary to Clerk
2. Deputy Clerk
3. Administrative Asst. to Deputy
4. Director of Budget and Purchasing
5. Coordinator of Purchasing and Contracts
6. Director of Human Resources
7. Director of Policy, Information & Research
8. Deputy Clerk of the Board
9. Asst. Deputy Clerk of the Board
10. Director of Real Estate & Tax Services
11. Supervisor of Accounting
12. Supervisor of Redemption
13. Supervisor of Extension
14. Director of Elections
15. Deputy Director of Elections
16. Administrative Assistant to Director of Elections
17. Director of Vital Records
18. Deputy Director of Vital Records
19. Director of Operations
20. Public Info. Officer/Ex. Asst. to Clerk
21. Director of Ethics and Campaign Disclosures
22. Director of Investigations

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

MICHAEL L. SHAKMAN and PAUL)
M. LURIE, ET AL.,)
)
Plaintiffs,) No. 69 C 2145
)
vs.) Hon. Nicholas J. Bua
)
THE DEMOCRATIC ORGANIZATION OF)
COOK COUNTY, ET AL.,)
)
Defendants.)

AGREEMENT, CONSENT AND MOTION
OF PLAINTIFFS AND THE COOK COUNTY CLERK

On May 5, 1972, a Judgment in this case was entered as to various defendants, including the Clerk of Cook County, Illinois (the "Defendant Public Employer"). That Judgment retained for later resolution, among other matters, issues of political hiring and exemptions from its injunctive provisions.

Plaintiffs and the Defendant Public Employer have now agreed as to those positions which should be made exempt and for resolution of the other matters.

In respect of the various agreements and consents described in this document, the Defendant Public Employer, on behalf of itself individually and its successors in office, and Michael L. Shakman and Paul M. Lurie, individually and on behalf of the classes they represent under Counts I-VI of the First Amended Complaint agree as follows:

1. The plaintiffs and the Defendant Public Employer consent to the entry of the attached Judgment. The attached consent Judgment prohibits political hiring and determines which positions with the Clerk's office will be treated as Exempt Positions.

2. The Defendant Public Employer consents to, withdraws and waives all objections to, and agrees not to appeal from or seek a stay of, the entry and effectiveness of the attached form of Judgment.

3. A hearing should be held with respect to the entry of the Judgment. Notice of that hearing should be given by delivering a copy of the attached form of notice to each employee of the Clerk's office and causing the notice to be published once

in a newspaper of general circulation in Cook County, Illinois, the cost of the publication to be paid by the Defendant Public Employer.

The plaintiffs and the Defendant Public Employer jointly move the Court for entry of the form of consent Judgment, and the holding of a hearing on this motion, all pursuant to this Agreement.

Signed this October 16, 1991.

MICHAEL L. SHAKMAN AND PAUL M.
LURIE, ET AL.

By: 

One of Their Attorneys



DAVID D. ORR, individually and as
Clerk of Cook County, Illinois

NOTICE OF HEARING
ON PROPOSED CONSENT JUDGMENT AND EXEMPTIONS
FROM SHAKMAN JUDGMENT WITH RESPECT TO THE
CLERK OF COOK COUNTY, ILLINOIS

TO: ALL INDEPENDENT CANDIDATES AND VOTERS OF
COOK COUNTY, ILLINOIS

On May 5, 1972, the United States District Court for the Northern District of Illinois entered in the case of Shakman v. Democratic Organization of Cook County, No. 69 C 2145, consent Judgments with respect to, among others, the Clerk of Cook County, prohibiting the conditioning, basing or affecting any term or aspect of governmental employment (with respect to persons once hired) upon or because of any political reason or factor. That Judgment retained jurisdiction with respect to, among other matters, issues of political hiring and of which positions should be exempt from its injunctive provisions.

The case has been brought by the named plaintiffs in the case, Michael L. Shakman and Paul M. Lurie, on behalf of themselves and the classes of independent candidates and voters, in Cook County, Illinois. The Court has approved the maintaining of this case as a class action on behalf of those plaintiff classes.


Plaintiffs and the Clerk have filed with the Court an Agreement. Under the Agreement, the Court would enter a consent Judgment as to the Clerk. That Judgment would continue and expand the injunctive provisions of the earlier Judgment, would add various reporting, monitoring and enforcement provisions and would provide for the positions with the Clerk which would be exempt from the provisions of the Judgment. The proposed consent Judgment would exempt 22 of the 326 full-time equivalent positions with the Clerk's office.

A copy of the Agreement, and of the Judgment referred to above, are available for public examination at the office of Roger R. Fross, counsel for plaintiffs, 115 South LaSalle Street, Suite 3500, Chicago, Illinois 60603 and the office of Jack O'Malley, State's Attorney for Cook County, counsel for defendant, Room 500 Daley Center, Chicago, Illinois, 60602.

Under an order of the Court, a hearing will be held in Room 2503 of the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, at _____ a.m. on _____, 1991, for determining whether the Court should approve the Judgment and the exemptions provided for in it. Any member of the plaintiff classes may appear at the hearing and be heard with respect to that issue, but only if they shall first have filed a written objection with the Court prior to 3:00 p.m. on _____,

1991, showing receipt of copies of the statement by Mr. Fross, counsel for plaintiffs, and Karen J. Dimond, Assistant State's Attorney for Cook County, 500 Daley Center, Chicago, Illinois 60602. The objection must state its substance, the nature of the objector's interest in the case and the name and address of the objector.

Dated: Chicago, Illinois.
_____, 1991.



Nicholas J. Bua
United States District Judge

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

MICHAEL L. SHAKMAN and PAUL)	
M. LURIE, ET AL.,)	
)	
Plaintiffs,)	No. 69 C 2145
)	
vs.)	Hon. Nicholas J. Bua
)	
THE DEMOCRATIC ORGANIZATION OF)	
COOK COUNTY, ET AL.,)	
)	
Defendants.)	

ORDER

This case comes to be heard on the filing of an Agreement, Consent and Motion of Plaintiffs and the Cook County Clerk for approval of a proposed partial settlement and a determination of the procedure for notice, hearing and entry of the Hearing and Exemptions Judgment Entered Upon Consent of the Cook County Clerk. The Court, being advised in the premises, orders, adjudges and decrees as follows:

1. It is found and declared that the plaintiffs in this case, Michael L. Shakman and Paul M. Lurie, on behalf of themselves and the members of the classes they represent in this case (as previously determined by orders of this Court) have agreed with defendant Clerk, David D. Orr individually and as Clerk of Cook County, Illinois, to the entry of a Judgment in settlement of the remaining issues in this case between such parties. (The prior Judgment entered in this case on May 5, 1972, which remains in effect, settled part of this case between plaintiffs and the Cook County Clerk). Such parties have filed with this Court an Agreement, Consent, and Motion of Plaintiffs and the Cook County Clerk setting forth the terms of the settlement. The proposed settlement of part of the issues in the case as to such parties and entry of the proposed Judgment are subject to the approval of this Court pursuant to Rule 23(e) of the Federal Rules of Civil Procedure.

2. The settlement is preliminarily approved, subject to the holding of a hearing thereon as provided by this Order.

3. A hearing shall be held at _____ a.m. on _____, 1991, before this Court, for the purpose of determining whether the Court should approve the proposed

settlement and enter the hiring and exemptions Judgment, all as set forth in the "Notice of Hearing on Proposed Consent Judgment and Exemptions From Shakman Judgment with Respect to the Clerk of Cook County, Illinois" which is attached as an exhibit to the Agreement, Consent and Motion (the "Notice"). The Notice is approved in all respects. The Notice and the manner of giving the Notice set forth in Paragraph 4 of this Order fully comply with the requirements of Rule 23 of the Federal Rules of Civil Procedure as applied to the circumstances of this case.

4. Prior to _____, 1991, the Notice shall be published on one day in the Chicago Tribune, which newspaper has a circulation through the Northern District of Illinois in excess of 750,000. For the purpose of this Publication, the Notice shall not include as an exhibit the text of the proposed Judgment. The Notice shall also be delivered to each employee of the Clerk's office. Appropriate affidavits showing that the Notice has been given as provided in this Paragraph 4 shall be filed with the Court no later than the date of the hearing provided for in Paragraph 3.

The Court expressly finds that extensive and substantial newspaper, television and radio publicity has been given to this case.

5. The Cook County Clerk shall reimburse plaintiffs for all costs incurred by them for publishing the Notice.

DATED: _____, 1991

ENTER;

United States District Judge