

**FILED**

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Hello,

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

I'm Supporting of or  
in opposition to the proceeds, written  
claim to Administrator, This claim  
is past due, But still I'm requesting  
my Support or opposition of the  
Dates January 1, 2007 through  
October 31, 2013. defendants are  
Sheriff of Cook County and Cook  
County Illinois.

Dennis Smontek,  
etal, Plaintiffs  
vs

Sheriff of Cook  
County and  
Cook County, Illinois  
Defendants

written comment,  
objection.

Services Please  
needed.

Thank you.

(09-cv-529)  
Judge ~~LeFKow~~  
LeFKow

Konrad Tru.  
1112 Fulton St.  
Ottawa IL, 61350

K.T.

Sorry for Sending  
So late.

1-1-2007, 10-31, 2013

today Date

6-20-20.

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

Dennis Smentek, et al.,	)	
<i>Plaintiffs</i>	)	09-cv-529
-vs-	)	
Sheriff of Cook County and Cook County, Illinois,	)	<i>(Judge Lefkow)</i>
<i>Defendants</i>	)	

**NOTICE OF HEARING ON SETTLEMENT OF CLASS ACTION**

TO: All inmates housed at Cook County Department of Corrections from January 1, 2007 to October 31, 2013 who made a written request for dental care because of acute pain and who suffered prolonged and unnecessary pain because of lack of treatment

A proposed settlement of this case, *Smentek v. Sheriff of Cook County, et al*, 09-cv-529 has been submitted to the Court for approval. This document describes the proposed settlement and tells you what to do if you are a class member and (a) wish to participate in the settlement, or (b) wish to exclude yourself from this case, or (c) if you believe that the proposed settlement should not be approved.

**THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU  
YOU MAY BENEFIT FROM READING THIS NOTICE  
PLEASE READ THIS NOTICE CAREFULLY**

**WHAT THIS CASE IS ABOUT**

The plaintiffs in this case were detainees at the Cook County Jail from January 1, 2007 through October 31, 2013. The defendants are the Sheriff of Cook County, and Cook County, Illinois. The action is pending in the United States District Court for the Northern District of Illinois and alleges violations of rights secured by the United States Constitution. The Court ordered that the case may proceed as a class action on August 17, 2011 and modified the class definition on October 13, 2016. Each plaintiff made a written request for dental care because of acute pain and claims to have suffered prolonged and unnecessary pain because of lack of treatment. The Sheriff and the County deny that anyone suffered prolonged and unnecessary pain because of lack of treatment.

**THE PROPOSED SETTLEMENT**

With the assistance of the Court, the lawyers for the parties have agreed to a settlement of all claims in this case. Defendants have agreed to establish a settlement fund in the amount of \$5,563,000 (five million five hundred and sixty three thousand dollars) to cover damages for class members, incentive awards, fees and costs of counsel, resolution of three separate lawsuits, and administration of this settlement. A total of \$2,880,000 (two million eight hundred and eighty thousand) is available to pay class members.

If the Court approves the proposed settlement, each member of the class will receive an award based on the total number of claimants, length of time at the Jail, and the number of

grievances, if any, filed by the claimant. Class counsel expect that the average award will be about \$200; regardless of the number of claimants, the maximum award available is \$3,000. The estate of original plaintiff John Smentek will receive an incentive award of \$25,000; the additional plaintiffs Malcolm Patton, Melvin Phillips, Rodell Sanders, and Frank Powicki, will each receive \$15,000. Class member Tom Tuduj, who appeared for a deposition, will receive an incentive award of \$3,000. Each plaintiff in the three consolidated cases will receive \$15,000. Attorneys' fees, which were negotiated after an agreement had been reached on the monetary relief for the class, will be paid from the settlement fund in an amount not to exceed 36% of the fund, or \$2,000,000 as approved by the Court. Class counsel will also receive reimbursement for actual litigation costs up to \$250,000.

## **RELEASE**

If you want to participate in this settlement, you must complete the enclosed Claim Form and "release", which means that you cannot sue about anything that arises out of your incarceration related to dental care at the Cook County Jail. The release does not extend to any claim that has not yet accrued or that is already pending in Court.

## **CLASS COUNSEL'S OPINIONS**

The class is represented by attorneys Joel A. Flaxman and lead counsel Kenneth N. Flaxman, 200 South Michigan Avenue, Suite 201, Chicago, Illinois 60604, (312) 427-9245. The class is also represented by Thomas G. Morrissey and Patrick W. Morrissey. Class Counsel have investigated the facts and the applicable law and consider this settlement to be in the best interest of the class.

## **NO ADMISSION OF LIABILITY**

By settling this lawsuit, Defendants do not admit that they have done anything wrong. Defendants expressly deny any wrongdoing and/or violation of any individual's constitutional rights. Defendants, by agreeing to resolve this case, do not agree to resolve claims of detainees held at the Cook County Jail outside the time period of this class and will vigorously defend any such claims.

## **FINAL APPROVAL HEARING**

A hearing will be held on **August 21, 2018 at 10:30 a.m.** in Courtroom 2201, United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60602. The hearing will decide whether the proposed class settlement is fair, reasonable, and adequate, and whether the proposed settlement should be approved by the Court. The date and time of the hearing may be changed without further written notice to the class.

Any class member who wishes to be heard either in support of or in opposition to the proposed settlement must file a written objection or comment with the Clerk of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60602 on or before **July 31, 2018**. Written objections or comments will be considered whether or not the class member attends the hearing.

## **YOUR OPTIONS**

If you are an eligible class member and wish to receive a portion of the settlement proceeds, you **must** return the enclosed claim form to the Claims Administrator. A pre-paid pre-addressed return envelope is provided. **The claim form must be received by July 31, 2018.** If the settlement is finally approved by the Court, and if you are an eligible class

member, you will receive a check. YOU WILL NOT RECEIVE ANY MONEY IF YOU DO NOT SUBMIT A CLAIM FORM.

If you do not wish to participate in this settlement, you can opt-out, which means to exclude yourself from both the class action and the settlement. To opt-out, you **must** return the opt-out form to lead counsel for the class, Kenneth N. Flaxman, 200 South Michigan Avenue, Suite 201, Chicago, Illinois 60604. **The opt-out form must be received by July 31, 2018.** If you do **not** timely opt-out of the class, you will be a class member and bound by the terms of the settlement and the Court's orders. You will be bound by any judgment approving or disapproving the settlement, and you will receive the benefits of the settlement, if approved by the Court.

#### **MORE INFORMATION**

The settlement agreement and all other papers filed in this action may be examined and copied in the Office of the Clerk of the U.S. District Court for the Northern District of Illinois, 219 South Dearborn Street, 20th floor, Chicago, Illinois 60602 between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

Do not call either the Court or Office of the Clerk for information about the case.

For further information about this settlement, please contact the Settlement Administrator at 888-205-6166.

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

Dennis Smentek, et al.,	)	
<i>Plaintiffs</i>	)	09-cv-529
-vs-	)	
Sheriff of Cook County and Cook County,	)	<i>(Judge Lefkow)</i>
Illinois,	)	
<i>Defendants</i>	)	

**OPT-OUT FORM**

I have read the NOTICE OF HEARING ON SETTLEMENT OF CLASS ACTION in this case.

**I do not want to participate as a member of the class in this lawsuit.**

I understand that by signing this form, ***I will not*** be represented by class counsel, ***I will not*** share in the settlement in this case, but must proceed on my own.

**DO NOT FILL OUT THIS FORM  
IF YOU WANT TO PARTICIPATE  
IN THE SETTLEMENT OF THIS LAWSUIT**

If you choose *not* to participate in this case, please date and sign your name below.

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

\_\_\_\_\_  
*Signature*  
 KONRAD TRU  
 5010 S. KEDVALE APT GARDEN  
 CHICAGO, IL 60632-4513

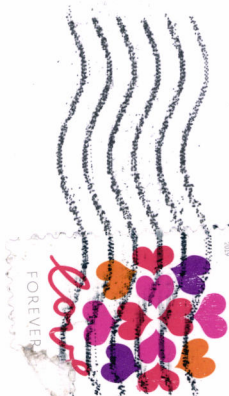
**If you do not wish to participate in this case, you must return this form to the law offices of Kenneth N. Flaxman, P.O. Box 2286, Chicago, Illinois 60690-2286 by July 31, 2018. This means that the form must be received at the office of class counsel by that date and not simply put in the mail by then.**



Conrad Tru  
1112 Fulton St.  
Ottawa Illinois  
61350

2020 JUL 16 AM 7:52AC

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19 JUN 2020 PM 2 L



07/16/2020-11

6060232911

Clerk of the United  
States District Court  
for the Northern District of  
Illinois, 219 South Dear  
born Street Chicago, Illinois  
60602