

Re: Smith check

Joel Flaxman <jaf@kenlaw.com>

Thu 5/28/2020 10:21 AM

To: Victoria Benson <Victoria.Benson@cityofchicago.org>

Cc: Allison Romelfanger <Allison.Romelfanger@cityofchicago.org>; Kenneth Flaxman <knf@kenlaw.com>

Victoria - Thank you for your willingness to send the check by mail, but we cannot accept the terms that you have demanded. Our modern banking system has ample protections that allow parties to regularly send checks through the mail without the waiver of responsibility you have demanded.

We will revise our motion to state your new position and ask the Court to resolve the matter.

Best,  
Joel

Joel Flaxman  
Law Offices of Kenneth N. Flaxman P.C.  
200 S Michigan Ave, Ste 201  
Chicago, IL 60604  
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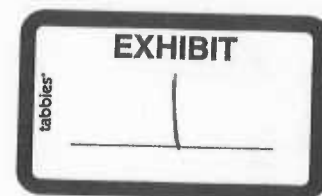
On Thu, May 28, 2020 at 8:52 AM Victoria Benson <[Victoria.Benson@cityofchicago.org](mailto:Victoria.Benson@cityofchicago.org)> wrote:

Dear Mr. Flaxman;

You have demanded, on threat of filing a motion to compel against the City, that we use the U.S. Mail to mail you the settlement check in Smith v. City of Chicago, et al., Case No 14 CV 7718, see attached. To avoid any further litigation costs and expenses, we will do so under the following circumstances only: Please email us the exact name and address to which the check is to be mailed and we will mail the check to that exact address via regular or certified mail. After that, our responsibility for providing the settlement amount to you and your client will be deemed ended. The City and all of its agents assume zero responsibility for whether you (or the addressee, if not you) receive the check, or if the check goes astray at any time after it is placed in a U.S. mailbox. We will pay the settlement amount only once. If the mailed check does not reach its proper destination, is stolen, or is diverted in any way, or if it is cashed in any allegedly unauthorized way, we assume no responsibility for those events and will not issue any additional checks. Finally, in providing us with the mailing address in response to this email, you and your client will be deemed to have agreed to these terms, and to have agreed to indemnify the City of Chicago and all its agents in the amount of the check to be mailed, for any and all reasons, including, without limitation, if the check is cashed in an unauthorized fashion. As a condition for mailing you the check as you demand, we accept no additional conditions proposed by you.

victoria

Victoria R. Benson  
Deputy Corporation Counsel  
Federal Civil Rights Litigation Division



City of Chicago, Department of Law  
30 N. LaSalle Street, Suite 900  
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**From:** Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)>  
**Sent:** Wednesday, May 27, 2020 3:02 PM  
**To:** Allison Romelfanger <[Allison.Romelfanger@cityofchicago.org](mailto:Allison.Romelfanger@cityofchicago.org)>  
**Cc:** Victoria Benson <[Victoria.Benson@cityofchicago.org](mailto:Victoria.Benson@cityofchicago.org)>; Kenneth Flaxman <[knf@kenlaw.com](mailto:knf@kenlaw.com)>  
**Subject:** Re: Smith check

Plaintiff's draft motion to compel payment of the settlement without face-to-face contact is attached. If the City is going to maintain its position about how the check must be transferred, please let us know what statement of your position you want us to include in paragraph 6. Thanks.

Joel Flaxman  
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(312) 427-3930 (fax)  
[www.kenlaw.com](http://www.kenlaw.com)

On Wed, May 20, 2020 at 10:25 AM Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)> wrote:

I'll get back to you next week. I'm quite surprised that with all the herculean efforts the City has made to protect everyone's health, it is impossible to do anything to modify what was already an antiquated practice of requiring in-person pick up of checks.

Joel Flaxman  
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On Mon, May 18, 2020 at 11:23 AM Allison Romelfanger

<[Allison.Romelfanger@cityofchicago.org](mailto:Allison.Romelfanger@cityofchicago.org)> wrote:

Hey Joel--

Just following up on the below e-mail. Let me know. Thank you!

*Allison L. Romelfanger*

Assistant Corporation Counsel Supervisor  
City of Chicago, Department of Law  
Federal Civil Rights Litigation Division (FCRL)  
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**From:** Allison Romelfanger  
**Sent:** Monday, May 11, 2020 12:33 PM  
**To:** Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)>  
**Subject:** Smith check

Hey Joel--

The settlement check is ready in Smith. However, they will not mail them. Someone from your office (with a card to identify who they are) will have to make arrangements to pick up the check from City Hall. Will this be feasible for you? If so I can arrange to have someone meet you at a date/time someone from your office is available.

*Allison L. Romelfanger*

Assistant Corporation Counsel Supervisor  
City of Chicago, Department of Law  
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Re: Smith v. Chicago, 14-cv-7718: Settlement Check

Joel Flaxman <jaf@kenlaw.com>

Wed 5/6/2020 1:57 PM

To: Allison Romelfanger <Allison.Romelfanger@cityofchicago.org>

Thanks.

Joel Flaxman

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On Wed, May 6, 2020 at 1:56 PM Allison Romelfanger <[Allison.Romelfanger@cityofchicago.org](mailto:Allison.Romelfanger@cityofchicago.org)> wrote:

Hi Joel-

We have been arranging for pick-up at City Hall. I am not sure they will allow for mail because I think it requires a signature. I will double check and get back with you asap.

*Allison L. Romelfanger*

Assistant Corporation Counsel Supervisor

City of Chicago, Department of Law

Federal Civil Rights Litigation Division (FCRL)

30 N. LaSalle, Suite 900

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**From:** Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)>

**Sent:** Wednesday, May 6, 2020 1:37 PM

**To:** Allison Romelfanger <[Allison.Romelfanger@cityofchicago.org](mailto:Allison.Romelfanger@cityofchicago.org)>

**Subject:** Smith v. Chicago, 14-cv-7718: Settlement Check

Hi Allison - I hope you are doing OK during this difficult time.



I believe the settlement check should be available in Mr. Smith's case, so I'm writing to ask about how we can retrieve it under current conditions. I'd love to get it sent in the mail if that's possible. Thanks.

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