

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

Keith Rogers, James Hill, and Wanda)	
Hollins, individually and for a class)	
)	
<i>Plaintiffs,</i>)	
)	(Judge Chang)
<i>-vs-</i>)	
)	15-cv-11632
Sheriff of Cook County and Cook)	
County, Illinois)	
)	
<i>Defendants</i>)	

MOTION TO APPROVE CLASS NOTICE

Plaintiffs, with the agreement of defendants, move the Court to approve the form of class notice and opt-out form attached to this motion.

1. The parties respectfully seek two changes in the class definitions set out in the Court's order of November 29, 2020. The first is to delete the references to the *Parish* litigation. That case has settled; the settlement in *Parish* resolved all claims of persons who entered the Jail through August 31, 2013, inclusive. The class in this case begins with persons who entered the Jail on December 23, 2013. The parties agree that there is no overlap between class membership in *Parish* and this case. Second, the parties seek to replace references to "antagonist" (injected into the case by plaintiffs as a typographical error) with the spelling of "agonist."

2. The parties agree that class notice should be sent by first class mail to the last known address of each class member. Plaintiffs have provided defense counsel with a list of class members. The Sheriff has not as yet informed counsel when it will produce the last known address and date of birth of the identified class members; counsel expects to receive this information by January 29, 2021.

3. Class counsel suggest that the Court permit the parties to include projected dates for mailing of class notice in the discovery scheduling report due on January 29, 2021.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Joel A. Flaxman
Kenneth N. Flaxman
200 S Michigan Ave Ste 201
Chicago, IL 60604-2430
(312) 427-3200
Attorneys for Plaintiff

/s/ Gerald M. Dombrowski
(with consent)
Gerald M. Dombrowski
Sanchez Daniels & Hoffman LLP
333 W Wacker Dr, Ste 500
Chicago, IL 60606
Attorneys for Defendant Sheriff

/s/ Lyle K. Henretty (with consent)
Assistant State's Attorney
2760 Daley Center
Chicago, IL 60602
Attorneys for Defendant
Cook County

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
219 S DEARBORN STREET
CHICAGO, ILLINOIS 60604

February 23, 2021¹

This notice is being sent to you because records show that you (1) entered the Cook County Jail between December 23, 2013 and October 7, 2019, inclusive; (2) were lawfully taking an opioid agonist, such as methadone; and (3) received more than one dose of that medication while detained. A lawsuit pending in federal court in Chicago may affect you. The name of the case is *Rogers et al. v. Sheriff of Cook County, et al.*, No. 15-cv-11632.

United States District Judge Edmond E. Chang has ordered that the case may proceed as a class action for:

Class 1 (Pre-trial Detainees) comprises all pre-trial detainees who entered the Cook County Jail between December 23, 2013 and October 7, 2019, inclusive and were, at the time of entry into the Jail, lawfully taking an opioid agonist, as defined in 42 C.F.R. 8.12(h)(2), who were not then on parole or held on a warrant from another jurisdiction, who were not pregnant, and who received more than one dose of methadone while detained;

Class 2 (Post-sentence Prisoners) comprises all post-sentencing prisoners who entered the Cook County Jail between December 23, 2013 and October 7, 2019, inclusive and were, at the time of entry into the Jail, lawfully taking an opioid agonist, as defined in 42 C.F.R. 8.12(h)(2), who were not then on parole or held on a warrant from another jurisdiction, who were not pregnant, and who received more than one dose of methadone while detained.

The class in the case is represented by attorneys Joel A. Flaxman and Kenneth N. Flaxman, 200 South Michigan Avenue, Suite 201, Chicago, Illinois 60604, phone (312) 427-3200. If you participate in the case, these attorneys (referred to as “class counsel”) will represent you unless you choose to retain your own attorney. If you desire, you may enter an appearance through an attorney other than class counsel or on your own without a lawyer. Class members will not have any obligation to pay for legal services to class counsel except out of any damage award as the Court may order. If you choose to retain your own attorney, you will be responsible for any fees.

The Court’s order allowing this case to proceed as a class action means that, as a member of the class, you may be eligible to receive money damages if the plaintiffs prove their claim. The Court has not made any ruling or determination about whether the defendant has an unlawful policy and it has not made any ruling or determination about whether class members are entitled to money damages. Nothing in this notice should be read as suggesting that the Court has ruled, or will rule, in favor of the class. No estimate of damages to be awarded if the class prevails can presently be made. If you participate in the case, and if the case is resolved through a settlement, you would have the opportunity to object to the terms of any proposed settlement of the class claim.

¹ This date will be updated to the actual date of mailing.

By participating in the case, however, you give up any rights to sue the defendants on your own about the same legal claims in this lawsuit and you will be bound by the decision of the Court.

If you do not wish to participate in this case, you must return the enclosed “opt out” form to the Law Office of Kenneth N. Flaxman, P.O. Box 2286, Chicago, Illinois 60690-2286 on or before _____, 2021.² ***The form must be received by class counsel by _____, 2021 (not simply put in the mail by that date).***

By returning the “opt out” form, you will exclude yourself from the case and give up the possibility of getting money or benefits that may come from a trial or a settlement. In that event, you will not be represented by class counsel and will be required to proceed on your own if you wish to pursue a claim.

Questions may be directed to class counsel. ***Do not call the Office of the Clerk or Judge Chang for information about the case.***

Thomas G. Bruton
Clerk, United States District Court

² The parties will agree on a date and seek the Court’s approval when a firm date has been set for the mailing of class notice.

Preprinted Name
Preprinted Address
Preprinted City State Zip
BARCODE IDNUMBER

OPT-OUT FORM

I have read the notice in *Rogers v. Sheriff*, 15-cv-11632 that came in the envelope with this form.

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, but must proceed on my own if I wish to pursue a claim against Defendants.

DO NOT FILL OUT THIS FORM IF YOU WANT TO STAY IN THIS LAWSUIT

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

Date: _____

signature

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 on or before ____ __, 2021. *This means that the form must be received by class counsel by ____ __, 2021 (not simply put in the mail by that date).*