

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)
Plaintiffs,)
No. 15-cv-11632)
-vs-)
(Judge Chang)
Sheriff of Cook County and)
Cook County, Illinois,)
)
Defendants.)

MOTION TO APPROVE FORM OF NOTICE

As required by *Culver v. City of Milwaukee*, 277 F.3d 908 (7th Cir. 2002), plaintiffs, by counsel, move the Court to approve a form of notice to be mailed to the last known address of the persons excluded from participation in this case by the Court's order amending the class definition.

Grounds for this motion are as follows:

1. The Seventh Circuit held in *Culver v. City of Milwaukee*, 277 F.3d 908, 913–14 (7th Cir. 2002) that, after decertifying a class, a district judge must “order notice unless the risk of prejudice to absent class members is nil and to review for adequacy the form of notice proposed by class counsel in response to the order [decertifying the class].” *Id.* at 915. The Court reaffirmed this rule in *Bell v. PNC Bank, Nat. Ass’n*, 800 F.3d 360, 379 (7th Cir. 2015). The vitality of the *Culver* rule is reflected in district

court cases applying its teaching. *See, e.g., Poland v. Springs Window Fashions, LLC*, No. 21-CV-165-JDP, 2022 WL 3138902, at *6 (W.D. Wis. Aug. 5, 2022); *Dawson v. Great Lakes Educ. Loan Servs., Inc.*, No. 15-CV-475-JDP, 2022 WL 2104121, at *1 (W.D. Wis. June 2, 2022); *Ligas v. Maram*, No. 05 C 4331, 2009 WL 9057733, at *3 (N.D. Ill. July 7, 2009).

2. The Court's order setting the closing date of the class as July 1, 2017 excluded 727 persons who had previously been included in class. (ECF No. 254 at 3-4.) The statute of limitations for these persons began to run on March 21, 2025, when the Court denied the motion to reconsider. (ECF No. 266.) *See American Pipe & Construction Co. v. Utah*, 414 U.S. 345, 354 (1974); *Culver v. City of Milwaukee*, 277 F.3d 908, 913–14 (7th Cir.2002).

3. To preserve their rights, each person excluded from the class must therefore file an individual action within the one-year period of the 735 ILCS 5/13-217. *Chardon v. Fumero Soto*, 462 U.S. 650 (1983).

4. Class counsel is in contact with about 30 of the 727 persons excluded from the class and counsel is prepared to fully assert their rights. *Culver* makes plain that the persons who are not in contact with class counsel are entitled to notice of the Court's decertification order.

5. A proposed form of notice is attached. Counsel propose to send the notice by first class mail, postage prepaid, to the current address of each

former class member as determined by a commercial mail forwarding database.

6. Subject to and without waiving any available defenses, including but not limited to those based on the statute of limitations, and without conceding the accuracy or validity of Plaintiff's counsel's representations in this matter or in any related proceeding arising from the factual allegations at issue, and bearing no costs associated with said notice, Defendants do not oppose the instant motion.

Respectfully submitted,

/s/ Kenneth N. Flaxman
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**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
219 S DEARBORN STREET
CHICAGO, ILLINOIS 60604**

May __, 2026

This notice is being sent to you because records show that you were formerly a member of the plaintiff class in *Rogers et al. v. Sheriff of Cook County, et al.*, No. 15-cv-11632, a case challenging the alleged methadone tapering policy at the Cook County Jail.

United States District Court Judge Chang recently changed the definition of the class and set the closing date for the class as July 1, 2017. This means that you are no longer in the class because you entered the Cook County Jail and received a tapering dose of methadone after that date.

To preserve any claim you may have about methadone tapering at the Cook County Jail after July 1, 2017, you must bring your own lawsuit by March 21, 2026.

You may contact the attorneys for class for further information. They are Joel A. Flaxman and Kenneth N. Flaxman, 200 South Michigan Avenue, Suite 201, Chicago, Illinois 60604, phone (312) 427-3200, email info@kenlaw.com.

Questions should 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