

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

SIDNEY PETERSON,)
)
Plaintiff,)
) Case no. 19-CV-415
)
v.)
) Honorable Charles P. Kocoras
SARAH MAYS,)
)
Defendant.)

STATUS REPORT ON SETTLEMENT

Per this Court's Order on January 24, 2024 [Dkt. #133], the Parties were directed to file a status report by February 27, 2025 regarding the status of settlement. Defendants tender the following Report on their own behalf:

1. On December 17, 2024, the Parties settled this case in open court. [See Minute Entry, Dkt. #130] (ordering dismissal papers be filed by date certain, or alternatively status report).
2. No progress can be made on either tendering payment or executing the formal written agreement until Plaintiff's payment information is tendered to Defendants' counsel.
3. Despite Defendants' repeated requests, Plaintiff's counsel has not provided necessary information for the completion of settlement paperwork.¹ Only complete settlement paperwork can be submitted for approval within the Office of the Attorney General and the Illinois Department of Corrections (both of whom approve use of the State's Employee Indemnification Fund), the Department of Central Management Services (who manages the

¹ Pursuant to the Parties' contemplated agreement (and as ultimately required by the Department of Central Management Services and the Illinois Comptroller, "Plaintiff shall submit W-9 forms and any other documents reasonably requested to effectuate the payment.")

Indemnification Fund), and the Illinois Comptroller (who processes and disburses *all* monies from the State of Illinois). Without the information requested from Plaintiff's counsel several times recently, settlement paperwork cannot be approved and completed.

4. Plaintiff's counsel informed the undersigned that he believes the facts from the foregoing paragraph are a basis for "voiding" the Parties' agreement.

5. The Parties have an enforceable settlement agreement, even if that agreement was not entirely reduced to formal, non-material terms, and even if the Parties had later intended to memorialize their settlement more formally at a later time.² Defendant respectfully request that this Honorable Court order Plaintiff to provide the requested payment information promptly so that completion of the settlement documents may proceed. Defendants also ask that this Court find, as a matter of fact and law, that the Parties' agreement is valid and enforceable.

6. On January 24, 2025, this honorable court ordered that dismissal papers shall be filed by February 24, 2025, but if no dismissal papers are filed by February 24, 2025, then a joint status report on the progress of settlement is due on that date. ECF 133.

7. The undersigned has requested (on January 27, February 3, and February 24) to request a mailing address for the settlement payee and his client's social security number for the purposes of completion of settlement documents, attaching a form for completion, and stating that a payee address is necessary in order to obtain administrative clearances to process the settlement documents.

² See, e.g., *Khan v. Khan (In re Estate of Khan)*, 2019 IL App (1st) 181875-U, ¶ 34 ("parties' inability to finalize a written settlement agreement [after conference] does not negate the existence of an oral contract"); *In re Haller*, 2012 IL App (5th) 110478, ¶¶ 29-30 (where parties confirmed before the court the material terms of the agreement, "it was the intent of the parties that the oral agreement was to be final and complete on the day of the hearing" and "[t]here [wa]s no evidence in the record that the parties intended that a signed written agreement was a condition precedent to the binding effect of the oral agreement"); *Jackson v. Lazzara*, 2021 IL App (1st) 191814-U, ¶ 32 (after court-ordered conference, "plaintiff's submission of the revised agreement was an attempt to reduce the oral agreement to writing, not to continue negotiations").

Dated: February 27, 2025

KWAME RAOUL

Attorney General of Illinois

Respectfully submitted,

By: /s/ Michael Norton
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