

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

Johnny Spencer, as Special)
Administrator of the Estate of) No. 19-cv-7711
Derrick Schaeffer,)
) (Judge Dow)
Plaintiff,)
) (Magistrate Judge Gilbert)
-vs-)
)
City of Chicago, et al.)
)
Defendants.)

**PLAINTIFF'S UNOPPOSED MOTION TO
APPROVE SETTLEMENT AND DISTRIBUTION**

Plaintiff, by counsel, moves the Court to approve the monetary settlement of \$65,000 and approve the following distribution of the settlement:

\$10,861.47 to Johnny Spencer as reimbursement for funeral and burial expenses;

\$26,361.09 to be divided evenly between decedent's parents and three siblings; and

\$27,777.44 to Kenneth N. Flaxman P.C. as fees and reimbursement of litigation costs.

Grounds for this request are as follows:

1. Following the death of the original plaintiff Derrick Schaeffer, the Court appointed Johnny Spencer, decedent's father, as the Special Administrator. (ECF No. 133.)

2. The parties have agreed to resolve all matters in controversy by payment of \$65,000.00.

3. Mr. Schaeffer died without a will and without any assets other than this lawsuit.

4. Mr. Schaeffer was unmarried. His mother and father are living. He had three siblings, all living. And he had no children.

5. Under Illinois law, decedent's parents and his siblings are entitled to equal shares of his estate. 755 ILCS 5/2-1(d).

6. Plaintiff's counsel is entitled to reimbursement for the costs of litigation (\$2,962.40) and seeks, pursuant to a written contingent fee agreement, 40% of the remaining recovery (\$24,815.04).

7. Illinois law, 755 ILCS 5/18-10, requires repayment of funeral and burial expenses paid by Johnny Spencer, which total \$10,861.47.

8. The balance of \$26,361.09 should be divided evenly among Mr. Schaeffer's parents and three siblings, with each receiving \$5,272.22.

9. Johnny Spencer has reviewed and approved this motion and has signed the attached verification of the facts set out above.

10. Defendants do not oppose this motion.

It is therefore respectfully requested that the Court approve the settlement and distribution and dismiss the case without prejudice, to be automatically converted to dismissal with prejudice 75 days from the entry of the Court's order, unless a party has moved to extend this date prior to the expiration of the 75 days.

Respectfully submitted,

/s/ Joel A. Flaxman
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Attorneys for Plaintiff

VERIFICATION OF JOHNNY SPENCER

The undersigned, under penalties of perjury as provided by law, certifies that he is the plaintiff above named, that he has reviewed and approved the foregoing motion, and that the facts stated therein are true.

Dated: June 11, 2021



Johnny Spencer