

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

**ANDREA DUNN, on behalf of herself and
all others similarly situated,**

Plaintiff,

v.

**COUNTY OF WILL and MIKE KELLEY,
Sheriff of Will County, individually and in
his official capacity.**

Defendants.

Case No. 18-CV-6304

**NOTICE OF PROPOSED CLASS
ACTION SETTLEMENT AND FINAL
APPROVAL HEARING**

This notice is to inform you that a proposed class action Settlement (“Settlement”) has been reached in the action *Dunn, et al. v. Kelley*, Case No. 18-CV-6304 (N.D.II) (the “Action”), and that your rights could be affected by the proposed Settlement. You are receiving this notice because you may be a member of the Settlement Classes, as defined under question 5 below. This Notice explains important rights you may have, including possible rights to receive money from the Settlement.

Visit the Settlement website at www.strategicclaims.net/Dunn for additional details about the Settlement. You may also get additional information by calling the Administrator toll-free at 1-866-274-4004 or by writing to:

Dunn v. Kelley Settlement
c/o Strategic Claims Services
600 N Jackson St., Suite 205
Media, PA 19063

Your legal rights are affected whether you act or don't act. Read this notice carefully.

Your Legal Rights and Options in this Settlement	
Please submit your Claim Form by May 12, 2020	In order to receive payment from the Settlement, you must submit a Claim Form.
Exclude Yourself from the Settlement Postmarked No Later than April 21, 2020.	In order to retain your right to sue the Defendants for any of the claims at issue in this Settlement, you must submit a request for exclusion. Excluding yourself will mean that you will not be bound by the Settlement or Final Judgment, and you will not be entitled to receive any monies from the Settlement Fund, but you will be able to start or continue your own lawsuit against the Defendants for the legal claims in this case.
Object to the Settlement No Later than April 21, 2020	If you do not exclude yourself, you may write to the Court and explain why you do not like the Settlement, any part of the Settlement, or Class Counsel’s request for attorneys’ fees and the award to Named Plaintiff. You will remain a member of the Settlement Class and may also submit a Claim Form, even if you object.
Go to the Final Approval Hearing on May 19, 2020 at 9:30 a.m.	If you object to the Settlement, you may ask to speak in Court about the fairness of the Settlement at the Hearing no later than April 21, 2020. You may still submit a Claim Form. If the Court approves the Settlement, you will be bound by it.
Do Nothing	You will not be eligible to receive money from the Settlement, but you will remain a member of Settlement Class and be bound by the Final Judgment. You will also give up your right to sue the Defendants for any of the legal claims in this case.

General Information

1. Why did I get this Notice?

The Court directed that this Notice be mailed to you because you or someone in your family may have been detained at the Will County Adult Detention Facility between September 14, 2016 and December 2, 2020.

2. What is this lawsuit about?

The Court in charge of this Litigation is the United States District Court for the Northern District of Illinois, Eastern Division, and the case is called *Dunn, et al. v. Kelley*, Case No. 18-CV-6304 (N.D.II). The people who sued are called the Named Plaintiff and Settlement Class Members, and Will County and Mike Kelley, as the Sheriff of Will County, are called the Defendants.

The Named Plaintiff and the Class Members in this lawsuit allege that Defendants violated the United States Constitution in connection with policies, procedures, or actions of the Sheriff’s Office regarding the processing and handling of certain persons during the period from September 14, 2016, through December 2, 2020. The Amended Class Action Complaint (“Complaint”) alleges that certain persons were arrested without a warrant and awaiting probable-cause hearings for unconstitutional lengths of time and under unreasonable conditions. Defendants have denied and continue to deny these claims, and further deny that they have engaged in any wrongdoing whatsoever. The Court has not made any ruling that any policies, procedures, or actions of any Defendant violated any constitutional rights.

3. Why is this a Class Action?

In a class action, one or more persons, known as plaintiffs, sues on behalf of all persons and/or entities who have similar claims, known as a class. A class action resolves the issues for all members of the class, except for those who exclude themselves from the class.

4. Why is there a Settlement?

The Court did not decide in favor of either the Settlement Class Members or Defendants. Instead, both sides agreed to a Settlement. The Settlement avoids the costs and risks of a trial, and it allows for the Class to receive both monetary recovery and non-monetary recovery, as explained in question 6 below. Named Plaintiff and Class Counsel think that the Settlement is the best available option for the Class, due to the possibility of lesser recovery or no recovery at all if the case were to go to trial.

5. How do I know if I am part of the Settlement?

The Settlement Classes are defined as all people who fit the following descriptions, and you are a member of the Settlement Class if one of the following descriptions applies to you:

All persons detained at the Will County Adult Detention Facility between September 14, 2016, and December 2, 2020, and who were detained in a booking cell for more than 24 hours or who were detained in a booking cell throughout the period of 10:00 p.m. on one day through 6:00 a.m. the following day. (“Settlement Class 1”)

All persons detained at the Will County Adult Detention Facility between September 14, 2016, and December 2, 2020, who were arrested without an arrest warrant or other judicial process, and who were not released within 48 hours of their arrest or who did not receive a judicial determination of probable cause within 48 hours of their arrest. (“Settlement Class 2”).

Excluded from the Settlement Classes are members of the Northern District of Illinois federal judiciary and their immediate families, along with all persons who timely exclude themselves from the Settlement in accordance with question 11 below.

6. What does the Settlement Provide?

Defendants have agreed to establish a Settlement Fund in the amount of \$2,000,000.00 (two million dollars) to pay claims arising from this Action. If the Settlement is approved, a portion of the Settlement Fund will be used to pay (1) any taxes related to the Settlement Fund; (2) the costs of notice and administration; (3) attorneys’ fees in the amount not to exceed 33% of the Settlement Fund, plus litigation expenses in an amount not to exceed \$20,000.00; and (4) a \$25,000.00 incentive award to Named Plaintiff. The remainder, after the amounts in (1) through (4) have been deducted from the Settlement Fund (the “Net Settlement Fund”) will be used to pay the claims of members of the Settlement Classes who submit Claim Forms that are accepted by the Court. Additionally, the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois will enact a rule requiring that all warrantless arrestees receive a judicial determination of the probable cause for their arrest within 48 hours of that arrest, except in emergency circumstances.

7. What can I get from the Settlement?

The Settlement provides that the Defendants will pay \$2,000,000.00 (two million dollars) into the Settlement Fund. Once the fees and expenses have been paid from the Settlement Fund, as described in question 6 above, the Net Settlement Fund will be allocated to members of the Settlement Classes who file valid Claim Forms that are accepted by the Court for payment (“Authorized Claimants”). One-third of the Net Settlement Fund will be initially allocated to Authorized Claimants from Settlement Class 2, up to a maximum payment of \$5,000 per eligible claim filed for Settlement Class 2, and two-thirds of the Net Settlement Fund will be initially allocated to Authorized Claimants from Settlement Class 1. In the event that there are funds remaining after all Authorized Claimants have been paid from Settlement Class 2, the remaining funds will be rolled over and distributed to Authorized Claimants from Settlement Class 1.

The amount of your individual payment will or may depend on (1) which Settlement Class you are part of;

(2) the number of Claim Forms that are filed for each of the Settlement Classes; and (3) the amount of the claims filed for each class. The amount of your individual payment will not be known until all Claim Forms received have been reviewed and calculated. No payments will be distributed to Authorized Claimants until the Court approves the Settlement and it becomes Final. We ask that you please be patient, since it will take time for all received Claim Forms to be reviewed.

8. How can I get a payment?

To qualify for a payment, you must fill out the Claim Form and submit it to the Administrator. The Claim Form is available for download at the Settlement website, www.strategicclaims.net/Dunn, or by calling or writing to the Administrator at the address below:

Dunn v. Kelley Settlement
c/o Strategic Claims Services
600 N Jackson St., Suite 205
Media, PA 19063
info@strategicclaims.net
Toll-Free: (866) 274-4004
Fax: (610) 565-7985

Please submit your Claim Form to the Administrator by May 12, 2020.

9. When would I get my payment?

The Court will hold a hearing on May 19, 2020, (the “Final Approval Hearing”) to decide whether to approve the Settlement. If the Settlement is approved, there still may be appeals to be resolved before payment may be made to members of the Settlement Classes. Please be patient.

10. What am I giving up to get a payment or stay in the Settlement Classes?

In exchange for the recovery offered by the Settlement, Named Plaintiff and members of the Settlement Classes will release the “Releasees” (as defined in the Settlement Agreement) on the terms specified in the Settlement Agreement. If you are a member of the Settlement Classes and you do not exclude yourself in the manner specified in question 11 below, you will not be able to sue the Defendants about the legal issues the case.

11. What if I do not want to be part of the Settlement? How do I opt-out of the settlement?

If you do not want a payment from this Settlement, but you want to keep the right to sue or continue to sue the Defendants on your own about the legal issues in this case, then you must exclude yourself, also known as “opting out” of the Settlement Class. To exclude yourself from the Settlement, you must send a letter by mail saying that you “wish to be excluded from the Settlement Classes in *Dunn, et al. v. Kelley*, Case No. 18-CV-6304.” Your letter must also include your name, address, telephone number, email address (if available), the Settlement Class that applies to you, and your signature. **You must mail your exclusion request postmarked no later than April 21, 2020 to the Administrator at the following address:**

EXCLUSIONS – Dunn v. Kelley Settlement
c/o Strategic Claims Services
600 N Jackson St., Suite 205
P.O. Box 230
Media, PA 19063

You may not exclude yourself by telephone or email.

If you are a member of the Settlement Classes, you may only exclude yourself individually; you may not request exclusion on behalf of other members of the Settlement Classes unless you are the legal representative of a member of the Settlement Classes.

The Lawyers Representing You

12. Do I have a lawyer in this case?

The Court approved and appointed Matthew Heffner of Heffner Hurst and Jordan Marsh of the Law Office of Jordan Marsh to represent you and other Settlement Class Members. These lawyers are known as “Class Counsel”. You will not be charged for these lawyers’ services. If you want to be represented by your own lawyer, you may hire one at your own expense. If you opt out, you will not be represented by Class Counsel and may retain your own attorney.

13. How will the lawyers and the named plaintiff be paid?

Class Counsel has worked on this case on a contingent-fee basis, as is customary with this type of litigation, with the expectation that they would be paid from the Settlement Fund. At the Final Approval Hearing, Class Counsel will ask the Court to award them reasonable attorneys’ fees and costs not to exceed 33% of the Settlement Fund, or \$660,000.00 (six hundred and sixty thousand dollars), plus litigation expenses in an amount not to exceed \$20,000.00. Members of the Settlement Classes are not personally responsible for paying any of Class Counsel’s attorneys’ fees or expenses; Class Counsel will be paid directly from the Settlement Fund for their work representing the Settlement Classes.

At the Final Approval Hearing, Class Counsel will also ask the Court to grant an incentive award in the amount of \$25,000.00 to Andrea Dunn for her work representing the Settlement Classes as Named Plaintiff, including as compensation for any lost wages she may have incurred for her efforts.

14. How do I tell the Court that I do not like the Settlement?

If you are a member of the Settlement Classes and do not exclude yourself, you may write to the Court to explain why you do not like the Settlement, any part of the Settlement, the Plan of Allocation, and/or the request for attorneys’ fees and expenses and the incentive award to Named Plaintiff. The Court will consider your views. To object, you must send a letter stating that you “object to the Settlement in *Dunn, et al. v. Kelley*, Case No. 18-CV-6304.” Your objection must include your name, address, telephone number, and your signature, as well as the legal and factual reasons for your objection, including any support for your objection or evidence you wish to bring to the Court’s attention. If you intend to present your objection in person at the Final Approval Hearing, you must include in your objection letter a statement that you intend to enter an appearance at the Final Approval Hearing and identifying whether you will be represented by counsel; if you will be appearing through counsel, your letter must also identify your counsel by name, bar number, address, and telephone number. **Your objection must be mailed to the Administrator at the following address postmarked no later than April 21, 2020:**

OBJECTIONS – Dunn v. Kelley Settlement
c/o Strategic Claims Services
600 N Jackson St., Suite 205
P.O. Box 230
Media, PA 19063

You may not object by telephone or email.

You do not need to appear at the Final Approval Hearing in person in order to object. The Court will consider any objections that are submitted in the format outlined above.

15. What is the difference between objecting and excluding myself?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you remain in the Settlement Classes. Excluding yourself is telling the Court that you do not want to be a part of the Settlement Classes. If you exclude yourself, you have no basis to object because the Action no longer legally affects you. If you exclude yourself, you must file your own lawsuit for any recovery. If you remain a member of the Settlement Class and object, and if the Court approves the Settlement, you will not be able to exclude yourself, and you will be bound by the terms of the Settlement.

The Court's Final Approval Hearing

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to do so.

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 9:30 a.m. on May 19, 2020, at the United States District Court for the Northern District of Illinois, Eastern Division, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604 in Courtroom 2325. At the Final Approval Hearing, the Court will determine whether the proposed Settlement is fair, reasonable, and adequate, and it may also decide how much to award Class Counsel for their attorneys' fees and expenses and to award Named Plaintiff for representing the Settlement Classes. The Court will also listen to people who have asked to speak at the Final Approval Hearing as outlined in question 14 above. You are welcome to attend, but your attendance is not necessary.

If You Do Nothing

17. What happens if I do nothing at all?

If you do nothing, you will get no money from the Settlement. However, unless you exclude yourself, you will also not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues in this Action. If you are a member of a Settlement Class and you do not exclude yourself, you need to complete and submit a claim form in accordance with question 8 above in order to be entitled to any possible money from the Settlement.

Getting More Information

18. Are there more details about the Settlement?

Copies of the Settlement Agreement, the Detailed Notice, the Claim Form, and other documents related to the Settlement are available at the Settlement website, www.strategicclaims.net or by emailing, phoning, or writing to the Administrator at the address below:

Dunn v. Kelley Settlement
c/o Strategic Claims Services
600 N Jackson St., Suite 205
P.O. Box 230
Media, PA 19063
info@strategicclaims.net
Toll-Free: (866) 274-4004

You may also contact the Administrator at the foregoing address for additional information about the Settlement.

Dated: February 21, 2020

By Order of the United States District
Court for the Northern District of Illinois, Eastern Division