

**NOTICE OF CLASS ACTION DETERMINATION, CLASS DESCRIPTION,  
PROPOSED SETTLEMENT, AND HEARING ON SETTLEMENT**

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

**TO: ALL CN1, CN2, LPN1 AND LPN2 NURSES EMPLOYED BY COOK COUNTY (A) AT STROGER HOSPITAL AS OF MARCH 15, 2003 TO THE PRESENT; AND (B) AT ANY OTHER HEALTH FACILITY OPERATED BY THE COOK COUNTY BUREAU OF HEALTH DURING THE PERIOD JUNE 10, 1999 TO JULY 1, 2008.**

Class action litigation against the County of Cook has been pending in the Federal District Court for the Northern District of Illinois (the "Court") captioned *Maria Belbis, et al. v. County of Cook*, Case no. 04 C 3940. The parties to that Action have reached a Proposed Settlement. The Court has previously authorized a collective action pursuant to § 216 of the Fair Labor Standards Act and the Parties have stipulated to class treatment for the Illinois Wage Payment and Collection Act claim. The Court has authorized the publication of this Notice concerning the Proposed Settlement.

In June 2004, class action litigation was commenced to recover unpaid overtime earned by nurses employed by Cook County from June of 1999. The plaintiffs allege that the County of Cook failed to pay nurses employed at by the Cook County Bureau of Health for pre-shift, meal periods, post-shift and other on and off the clock work related activities. The County of Cook has denied all allegations of wrongdoing, and contends it is not obligated to pay any of the damages alleged. Class Counsel and the County of Cook, after extensive and protracted litigation and negotiations, have agreed to enter into a settlement agreement so as to eliminate the risks, substantial expense, inconvenience, and distraction that further litigation creates for both sides in litigating this matter to final judgment, including any appeals.

**IF YOU WISH TO RECEIVE YOUR PRO RATA SHARE OF THE CLASS ACTION SETTLEMENT FUNDS, YOU MUST RETURN THE ENCLOSED CLAIM FORM OR YOU MAY OBTAIN A COPY OF THE CLAIM FORM ONLINE AT WWW.CPTGROUP\COOKCOUNTY.COM. YOU WILL NOT RECEIVE ANY MONEY FROM THIS SETTLEMENT IF YOU DO NOT RETURN A CLAIM FORM ON OR BEFORE April 1, 2009. COOK COUNTY WILL NOT BE INFORMED WHICH INDIVIDUALS FILE CLAIM FORMS.**

**Description of the Class.** The Court has preliminarily certified for settlement purposes a class of all CN1, CN2, LPN1, and LPN2 nurses (referred to collectively hereafter as "Nurses") employed: (a) at Stroger Hospital as of March 15, 2003 to the date settlement was agreed, July 1, 2008; and (b) for all other Nurses employed at any other health facility operated by the Cook County Bureau of Health during the period June 10, 1999 through the date settlement was agreed, July 1, 2008.

**Claim Form.** You are already within the description of the Class certified by the Court. **If you want to remain a part of the Class and receive a settlement payment, you must return a claim form on or before April 1, 2009 to receive any money from the class action settlement fund.** Any portion of the class action settlement fund that is not claimed by class members will be returned to Defendant Cook County. **To receive a portion of the class action settlement fund, you must fill out the enclosed claim form and mail to:**

**Cook County Nurses Claims Administrator  
c/o CPT Group, Inc.  
16630 Aston  
Irvine, California 92606  
www.cptgroup\cookcounty.com**

**Opt-Out Exclusions.** Any class member not desiring to participate in the settlement described herein and who wants to be excluded from the class action must request such exclusion, *i.e.*, "opt-out" of the class. If a person "opts-out" of the class, in order to protect their rights they must file a lawsuit on their individual behalf. You may request "exclusion" from the class, and thereby give up any right to participate in the settlement payments, by filing with the Clerk of U. S. District Court, Northern District of Illinois, Eastern Division, at 219 South Dearborn Street, Chicago, IL 60604 a written statement expressing your desire to be excluded from the Settlement in *Maria Belbis, et al. v. County of Cook*, Case no. 04 C 3940 on or before **November 20, 2008**. The request for exclusion must state the name, address and telephone number of the class member seeking exclusion. If you elect to seek to exclude yourself from the Class, a copy of your request should also be sent to Christopher N. Mammel, Childress Duffy Goldblatt, Ltd., 515 N. State Street, Suite 2200, Chicago, Illinois 60654. Class counsel will not represent any member who elects to "opt-out" of this Settlement Class and it is recommended that any

individual who considers electing to opt-out of this settlement consult legal counsel regarding representation, their rights, and the nature of their potential claims, including any applicable statutes of limitations. **You may file either a Claim Form or request exclusion, but not both.**

**No Retaliation.** If you still work for Cook County, you may have concerns about participating in this Settlement. Counsel for the Parties will not disclose to Cook County the identities of individual employees that return a claim form. The County has agreed unconditionally that neither it nor its agents shall take any action, directly or indirectly, to discourage any Class Member from participating in the settlement. The law prohibits Defendant from taking any action against you because you participate in this lawsuit. You cannot lawfully be fired or disciplined or otherwise treated differently because you choose to claim your portion of the class action settlement fund.

**Class Counsel.** The Court has approved the law firms of **Childress Duffy Goldblatt** and **The Billhorn Law Firm** as counsel for the class of plaintiffs (hereinafter Class Counsel). Class Counsel initially investigated, prepared, and filed the class complaint, conducted research regarding the claims and defenses at issue, engaged in discovery of the class claim, engaged in motion practice, and negotiated the proposed settlement herein. Class Counsel may be contacted by regular mail at 515 N. State Street, Suite 2200, Chicago, IL 60654, or by telephone at (312) 494-0200. Class Counsel recommends acceptance of the proposed settlement as being in the best interests of the class.

### **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

Under the Proposed Settlement:

(a) The County will pay the total settlement amount of Five Million Two Hundred Thousand Dollars and No Cents (\$5,200,000) (“Settlement Fund”), which shall include the following payments: (i) enhancement awards to the Plaintiffs who executed Consents to Sue, the Plaintiffs who agreed to act as Class Representatives and the individual Plaintiffs who were presented for deposition, as set forth in more detail below; (ii) allowed Plaintiffs’ attorneys’ fees and expenses, including expenses of administration of this Settlement; and (iii) the “net remaining settlement proceeds” (*i.e.* following deduction of enhancement awards and allowed attorneys’ fees and expenses) shall be allocated as 50% for alleged unpaid wages and 50% for liquidated damages thereon. Plaintiffs will be responsible for paying any federal, state or local taxes that may be attributable to or result from this Settlement. Estimated taxes shall be withheld from the distributions to Class Members by the Claim Administrator.

(b) The Parties jointly request that the Court certify the following class pursuant to Fed.R.Civ.P. 23(b)(3): all CN1, CN2, LPN1, and LPN2 nurses (referred to collectively hereafter as “Nurses”) employed: (a) at Stroger Hospital as of March 15, 2003 to the date settlement was agreed, July 1, 2008; and (b) all other Nurses employed at any other health facility operated by the Cook County Bureau of Health during the period June 10, 1999 through the date settlement was agreed, July 1, 2008. The County warrants that it will provide a listing of current and former employees falling within this class description that is true and accurate and on which Class counsel may rely in order to determine and make enhancement, wage and liquidated damage distributions to Class Members. A prospective claimant falling within the class description that is not identified in the listing of current and former employees provided by Cook County shall be foreclosed from recovery under this settlement upon his/her failure to notify class counsel of any inaccuracy in the list provided by Cook County within 30 days after the close of the six-month notice period.

(c) Each of the 467 plaintiffs who executed “consents” to “opt-in” to the collective action brought under the Fair Labor Standards Act in this lawsuit will receive \$1,000 each as an enhancement award, in addition to any other settlement payment. Class members who have executed consents are presumptively included in all aspects of this settlement and **shall not be required** to file a claim form to participate or receive their share of the class action settlement fund.

(d) The six individual Plaintiffs who were deposed in this lawsuit shall receive \$5000 each as an enhancement award, in addition to any other settlement payment.

(e) The seven Class Representative Plaintiffs shall receive a total of \$7,500 each as an enhancement award, in addition to any other settlement payment.

(f) All Class Members who have not opted out of the settlement and who have either timely returned a Claim Form or have already executed a Consent to Sue form shall receive a payment based on the following formula: “net remaining settlement proceeds” shall be paid to Class Members on a *pro rata* basis determined by the length of time a nurse was employed by County of Cook during the class period. For example, if a nurse were employed for the entire 471 week class period, that nurse would be entitled to a full share. If a nurse were employed for 52 weeks during the class

period, that nurse would be entitled to 11.04 % (52/471) of a full share and so on. Nurses employed at Stroger Hospital from and after the date of the settlement in *Belbis I*, 01 C 6119 shall only be able to participate for the period subsequent to March 15, 2003, when *Belbis I* settled.

(g) Class members shall have six months from the date Notice of preliminary approval of this Settlement is issued to claim their shares of the settlement proceeds. In the event any such class member shares remain unclaimed six months after this Notice, such unclaimed sums shall be returned to Defendant County of Cook. The identities of Class Members who submit Claim Forms shall be disclosed to the Cook County State's Attorney's Office but shall not be disclosed directly or indirectly to the County.

(h) Upon granting final approval of the Settlement, the Court shall dismiss this matter *with prejudice*, retaining jurisdiction solely for the purpose of interpreting, implementing, and enforcing the Settlement consistent with the terms set forth herein. Additionally, the National Nurses Organizing Committee ("NNOC") has acknowledged that the Grievance dated October 13, 2005 it has prosecuted to date on behalf of nurses asserting meal period wage payment violations is resolved upon performance of this Settlement, will be dismissed upon approval hereof, and any claim of any class member against NNOC with respect to prosecution or withdrawal of such Grievance shall be barred.

(i) Class Counsel will seek an award of attorneys' fees in an amount not exceeding one-third of the gross class action settlement fund and reimbursement of case-related costs and expenses of approximately \$50,000 from the class action Settlement Fund, subject to review and approval of the Court. Defendant shall take no position as to class counsel's fee petition.

(j) Class Counsel will receive \$115,000 from the class action settlement fund for payment of all time and expenses to administer notice of the class action and settlement by providing notice by mail and published as set forth above, and distribution of the class action settlement fund to class members, including by verifying addresses, accessing forwarding addresses, skip tracing as warranted, issuing checks in payment that must be negotiated within sixty (60) days of issuance or will be void, and issuing appropriate tax notices and making appropriate tax filings, including forms W-2 and 1099, and making appropriate withholding and Medicare deposits. The Parties propose that notice to the class members be accomplished by direct mail and publication in the Chicago Sun Times and the Daily Southtown weekly for three (3) weeks following preliminary approval of this settlement.

**Release of Claims.** If the Proposed Settlement is approved by the Court as fair and reasonable and you have submitted the **Claim Form** and received your settlement payment, any claims you may have relating to unpaid overtime against Cook County Bureau of Health during the relevant time period will be released and discharged, and you will be permanently barred and enjoined from pursuing such claims in any other forum or seeking any other payment.

**Objection.** Any written comments or objections to the approval or any term of the Proposed Settlement must be filed with the Clerk of the U. S. District Court, Northern District of Illinois, Eastern Division of Chicago at 219 South Dearborn Street, Chicago, IL 60604 by **November 20, 2008**. Such objections may be accompanied by documentation, supporting briefs, citations and other papers supporting the objection. Additionally, on or before **November 20, 2008**, a copy of the objection must also be sent to: Christopher N. Mammel, Childress Duffy Goldblatt, Ltd., 515 N. State Street, Suite 2200, Chicago, Illinois 60654. Failure to file timely written objections shall constitute a waiver of any objections and shall foreclose any of your objections to the Proposed Settlement unless the Court otherwise allows your objection to nevertheless be heard at the Fairness Hearing.

#### HEARING NOTICE

**PLEASE TAKE NOTICE** that the Court (Judge James B. Zagel) will hold a hearing on **December 4, 2008 at 12:00 p.m.** at the U. S. District Court, Northern District of Illinois, Eastern Division, at 219 South Dearborn Street, Chicago, IL 60604 to determine the fairness and reasonableness of the proposed settlement ("Fairness Hearing"). If you desire to participate in the class settlement, you **need not** appear at the Fairness Hearing. At the Fairness Hearing, the Court may in its discretion allow comments in support of or objections against the proposed settlement. Nothing in the content of this notice or the fact that this notice has been approved by the Court for publication should be taken as any indication of the fairness or reasonableness of the proposed settlement which will be determined at the Fairness Hearing.

**DO NOT TELEPHONE THE COURT OR THE CLERK OF THE COURT.**