

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

Jerry Williams and Larry Whitehead,)
Individually and on Behalf of All Others)
Similarly Situated; and Stewart F. Cooke, III,)
as Special Representative of the Estate of)
Stewart Cooke,)

Plaintiffs,)

v.)

Case No. 2011 CH 15446

Retirement Plan for Chicago)
Transit Authority Employees;)
Board of Trustees of the)
Retirement Plan for Chicago)
Transit Authority Employees;)
Retiree Health Care Trust; and)
Board of Trustees of the)
Retiree Health Care Trust,)

Defendants.)

**FINAL ORDER GRANTING CLASS COUNSEL'S APPLICATION
FOR AWARD OF ATTORNEYS' FEES AND COSTS AND
CLASS REPRESENTATIVE SERVICE AWARDS**

This matter came before the Court on October 23, 2023, for final hearing on, among other things, Class Counsel's Application for Award of Attorneys' Fees and Costs and Class Representative Service Awards ("Fee and Expense Application"). The Court having considered all papers filed and matters submitted to it at the hearing concerning the Fee and Expense Application, and no objection having been made by any Defendant or Class Member to the Fee and Expense Application, or to the attorneys' fees, expense reimbursements, or Service Awards requested therein, the Court hereby GRANTS the Fee and Expense Application and ORDERS as follows,

IT IS HEREBY ORDERED:

1. The Court has jurisdiction over the subject matter of this Litigation and all matters relating to the Settlement, including the Fee and Expense Application, and has personal jurisdiction over all of the Settling Parties and the Class Members.¹

¹ Capitalized terms not defined herein are used as defined in the Class Action Settlement Agreement ("Agreement").

2. Notice of the Fee and Expense Application was given to all Class Members who could be identified with reasonable effort. The Court finds that the form and method of notice to the Class: (a) were implemented in accordance with the Court's Order Preliminarily Approving Settlement dated May 25, 2023; (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was reasonably calculated, under the circumstances to apprise Class Members of (i) the effect of the proposed Settlement (including the releases to be provided thereunder); (ii) Class Counsel's Fee and Expense Application; (iii) their right to object to any aspect of the Settlement, the Plan of Distribution, and/or the Fee and Expense Application; and (iv) their right to appear at the Settlement hearing; (d) constituted due, adequate, and sufficient notice to all persons and entities entitled to receive notice of the proposed Settlement and the Fee and Expense Application; and (e) satisfied the requirements of the Illinois Code of Civil Procedure and all other applicable laws and rules.
3. The Fee and Expense Application was filed by Robinson Curley P.C. ("Class Counsel" or "RC"), which has written retainer agreements with Plaintiffs in this case and which was appointed sole Class Counsel by Order dated July 7, 2020. RC filed the Fee and Expense Application on behalf of itself and (1) Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich LLP ("Dowd"), (2) Klausner, Kaufman, Jensen & Levinson ("Klausner"), and (3) attorney Mark W. Solock ("Solock") (RC, Dowd, Klausner, and Solock are collectively referred to as "Counsel"), each of which also have written retainer agreements with and represented individual plaintiffs at different times prior to class certification and, along with Class Counsel, contributed substantially toward creation of the Settlement Fund in this case, and all of whom have entered into a written agreement, approved by Plaintiffs, concerning the allocation of any attorneys' fees and expenses that may be awarded in this case.
4. The Court hereby approves payment to Counsel of attorneys' fees collectively in the amount of 33 $\frac{1}{3}$ percent of the Settlement Amount (\$26,666,667) ("Fee Award"), together with interest earned thereon, until paid, at the same rate and for the same time period as earned on the Settlement Amount.
5. The Court, having considered the materials submitted by Class Counsel in support of the Fee Award, finds that the amount of Fee Award is fair and reasonable under the "percentage-of-the-recovery" method considering, among other things, the following factors that favor granting the Fee Award:
 - a. the Fee Award is in accord with authority in Illinois courts (both state and federal) and elsewhere, and consistent with awards in similar cases;

- b. the contingent nature of the Litigation;
 - c. the substantial risks of the Litigation, and the very real possibility that the Class could recover nothing and Counsel would go uncompensated;
 - d. the quality of legal services provided by Counsel resulting in the Settlement;
 - e. Counsel's expenditure of substantial time and resources over the fifteen years of this Litigation;
 - f. the substantial monetary and non-monetary benefits achieved for the Class; and
 - g. the Notice specifically and clearly advised the Class that Class Counsel would seek the Fee Award in the amount sought, and no objections have been made.
6. The Escrow Agent is hereby authorized and ordered to distribute to Class Counsel the Fee Award and interest thereon. Class Counsel is hereby authorized and ordered to distribute the Fee Award and interest thereon to Counsel in accordance with the written allocation agreement entered into among Counsel and approved by Plaintiffs.
7. The Court, having considered the materials submitted by Class Counsel in support of the request for reimbursement of Counsel's expenses, finds that the expenses incurred and paid by Counsel were reasonable, necessary, and directly related to the prosecution of the Litigation, and that proper notice was given to the Class and no objections have been made, such that the request for reimbursement is granted in the amount of \$485,682.42 ("Expense Amount"), together with interest earned thereon, until paid, at the same rate and for the same time period as earned on the Settlement Amount. The Escrow Agent is hereby authorized and ordered to distribute to Class Counsel the Expense Amount and interest thereon. Class Counsel is hereby authorized and ordered to distribute the Expense Reimbursement and interest thereon to Counsel in accordance with the written allocation agreement entered into among Counsel and approved by Plaintiffs.
8. The Court hereby approves service awards in the following amounts to the Class Representatives ("Service Awards"), together with interest earned thereon, until paid, at the same rate and for the same time period as earned on the Settlement Amount:
 - a. \$55,000 to Jerry Williams;
 - b. \$10,000 to Larry Whitehead; and

c. \$10,000 to the Estate of Stewart Cooke.

9. The Court, having considered the materials submitted by Class Counsel in support of the request for Service Awards, finds that proper notice was given to the Class and no objections have been made, and that the Service Awards are reasonable in light of the time, effort, burdens, and risks the Class Representatives committed to and undertook that benefitted the absent Class Members in this Litigation. The Escrow Agent is hereby authorized and ordered to distribute to Class Counsel the Service Awards and interest thereon. Class Counsel is hereby authorized and ordered to distribute the Service Awards and interest thereon to the Class Representatives as provided herein.
10. The Fee Award, Expense Amount, and Service Awards shall be paid from the Settlement Fund in accordance with the terms, conditions, and obligations of the Agreement, which terms, conditions, and obligations are incorporated herein.
11. Pursuant to Illinois Supreme Court Rule 304(a), the Court expressly finds that there is no just reason to delay enforcement or appeal of this final order.

ENTER:

/s/ Cecilia A. Horan Judge No. 2186
Meeting ID: 956 5899 1093
Password: 129359
Dial-in: 312-626-6799

Prepared by:

Philip Curley
Class Counsel
C. Philip Curley
ROBINSON CURLEY P.C.
Suite 1550
200 North LaSalle Street
Chicago, Illinois 60601
312/663-3100 ext. 202
312/663-0303 facsimile
pcurley@robinsoncurley.com
www.robinsoncurley.com

Judge Cecilia A. Horan
OCT 31 2023
Circuit Court - 2186