

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

WILLIAM R. HAMPE, by and through his mother / guardian Jill Hampe, **RICHARD L. WINFREY, III**, and **ADAM CALE, OLIVIA WELTER** by and through her parents/guardians John Welter and Tamara Welter, **PHILLIP BARON**, by and through his mother/guardian Barbara Baron, **JESSICA L. LYTLE**, by and through her mother/guardian Judith A. Lytle, **JACOB STRACKA**, by and through his parents/guardians, David Stracka and Nicole Stracka, and **CHARLES STOUT**, individually and on behalf of a class,

Plaintiffs,

vs.

JULIE HAMOS, in her official capacity as Director of the Illinois Department of Healthcare and Family Services,

Defendant.

No. 10 C 3121

Judge Ruben Castillo

Magistrate Judge Arlander Keys

AGREED ORDER

WHEREAS, the parties have reached an agreement to settle this lawsuit, subject to approval by the Court pursuant to Rule 23(e) of the Federal Rules of Civil Procedure; the Court has read and considered the Consent Decree signed by the parties (attached as Exhibit A to the Joint Motion for Preliminary Approval) setting forth the terms and conditions of the proposed settlement of the lawsuit; and the parties to the Consent Decree have agreed to the entry of this Order;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The terms of the Consent Decree are preliminarily approved. The Court will hold a Fairness Hearing pursuant to Rule 23(e) of the Federal Rules of Civil Procedure on October 3,

2013, at 1:30 p.m., in Room 2541, to determine whether the terms of the Consent Decree are fair, reasonable, and adequate, and should be approved by the Court, and to rule upon such other matters as the Court may deem appropriate.

2. The Court hereby approves, as to form and content, the Notice of Hearing of Proposed Settlement of Class Action Lawsuit (the "Notice"), attached as Exhibit B to the Joint Motion for Preliminary Approval.

3. The parties propose to distribute the Notice by presorted first class U.S. mail to individuals currently in the MF/TD waiver age 16 and older and those who have aged out of the MF/TD waiver. This mailing will be a special mailing to class members identified by case identification codes maintained by the Defendant of class members who are eligible for Medicaid are/were in the MF/TD waiver. The Notice will be placed in the U.S. mail on or about August 1, 2013. Cases that have been identified as Spanish-speaking will receive the Notice in Spanish. Defendants estimate that this mailing will reach approximately 200 Medicaid recipients, which constitute an overwhelming majority of the class.

4. The Court finds that distribution of the Notice in the manner set forth in paragraph 3 is reasonable and constitutes due and sufficient notice to the class.

5. Any class members, or their parents/guardians, may appear at the Fairness Hearing and show cause why the proposed Consent Decree should not be approved as fair, reasonable and adequate; provided, however, that no class members or parents/guardians shall be entitled to either contest the approval of the terms and conditions of the Consent Decree, or, if approved, the judgment to be entered thereon, unless they submit a written notice of objection, sent by first-class mail and received no later than September 19, 2013, 14 days prior to the Fairness Hearing, as provided in the Notice. Any class member or parents/guardians who do not

make their objections in the manner provided herein shall be deemed to have waived such objection and shall forever be foreclosed from appearing at the Fairness Hearing or making any objections to the fairness, reasonableness, or adequacy of the Consent Decree, unless otherwise ordered by the Court.

6. The Court will set the matter for status for the parties to report on the numbers and types of objections, if any, on September 23, 2013 at 10:00 a.m. The Court will also determine the procedures to apply for the Fairness Hearing.

7. The parties may submit any additional materials in support of final approval of the Consent Decree at least 7 days prior to the Fairness Hearing.

8. The Court may continue or adjourn the date of the Fairness Hearing without further notice to the class.

Dated and entered this 9th day of July, 2013.

A handwritten signature in black ink, appearing to read "Ruben Castillo", written in a cursive style.

The Honorable Ruben Castillo, Chief Judge
United States District Court