

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

**N.B.** by and through his mother, ANGELA )  
BUCHANAN, **R.F.** by and through his mother, )  
DANIELLE FRAVEL, **J.J.** by and through his )  
mother, PHOEBE JOHNSON, **M.Wa.** by and through )  
his mother, DEBORAH WALTERS, **M.Wh.** by and )  
through his mother, PATRICIA WHEATFILL, )  
**M.B.** by and through her mother, MARY BAILEY, )  
**S.B.** by and through his parents, WALLACE BUSCH )  
and DAWNE BUSCH, **I.D.** by and through his mother,)  
MAGEN DREW, **S.M.** by and through his parents, )  
THOMAS MARATHALER and ERIN MARATHALER, )  
individually and on behalf of class, )

No. 11 C 6866  
Judge Jorge L. Alonso  
Magistrate Judge Jeffrey Cole

Plaintiffs, )

vs. )

**FELICIA F. NORWOOD**, in her official capacity )  
as Director of the Illinois Department of )  
Healthcare and Family Services, )  
Defendant. )

**ORDER PRELIMINARY APPROVING SETTLEMENT AND NOTICE PLAN**

This matter is before the Court on the Joint Motion for Preliminary Approval of Settlement Agreement and Notice Plan. Having reviewed the Motion and supporting Memorandum, and being otherwise fully advised,

IT IS HEREBY ORDERED:

- I. The Court preliminarily finds that the Settlement Agreement attached as Exhibit A to the Motion is within the appropriate range of fairness, adequacy and reasonableness.
2. The Court approves the Notice Plan attached as Exhibit B to the Motion. Notice shall occur by publication, posting on the internet, and by sending written notice as follows:

(a) Defendant shall cause the notice set forth in Exhibit B-1 to the Motion to be published in the *Chicago Sun-Times*, *Chicago Defender*, *Daily Herald*, *Pioneer Press*, *Chicago Tribune*, *East St. Louis Monitor*, *Peoria Journal Star*, *Springfield State Journal-Register*, *Tinley Park Daily Southtown*, *Moline Dispatch/Rock Island Argus*, *Belleville News-Democrat*, *Champaign News Gazette*, *Rockford Register Star*, *Bloomington Pantagraph*, and *Carbondale Southern Illinoisan*. Publication shall occur on at least a single business day within 15 business days from the date of preliminary approval of the Settlement Agreement.

(b) Defendant shall post notice in the form attached as Exhibit B-2 to the Motion on the following website within 5 business days from the date of preliminary approval of the Settlement Agreement and maintain that posting through and including the date of the fairness hearing set by this Court:

<https://www.illinois.gov/hfs/info/legal/PublicNotices>.

(c) Plaintiffs' counsel shall post notice in the form attached as Exhibit B-2 to the Motion on the following websites within 5 business days from the date of preliminary approval of the Settlement Agreement and maintain that posting through and including the date of the fairness hearing: [www.farley1.com](http://www.farley1.com) and [www.nbclassaction.org](http://www.nbclassaction.org).

(d) Defendant shall arrange and pay for notice to be sent in the form attached as Exhibit B-2 to the Motion as follows:

(1) Defendant will utilize the Department of Healthcare and Family Services' (HFS) electronic provider notification system to send electronic notice to providers and other individuals or entities registered to receive notifications electronically through the notification system in the following categories:

Community Mental Health Providers  
Department of Alcohol and Substance Abuse Providers  
Early Intervention Services  
Federally Qualified Health Centers  
Hospitals  
Local Health Departments  
Long Term Care Providers  
Physicians  
Rural Health Clinics  
School Based Health Services  
School Based/Linked Health Center Services  
Waiver Providers

(2) Defendant will collaborate with the Illinois Department of Human Services, Division of Developmental Disabilities (DMH-DDD), to cause notice to be sent to Illinois Independent Service Coordination Agencies by electronic means;

(3) Defendant will collaborate with the Illinois Department of Children and Family Services (DCFS) to cause notice to be sent to all Illinois entities licensed by DCFS as Child Care Institutions by electronic means, or by U.S. Mail if electronic means is not available; and

(4) Defendant will send notice to all providers of residential treatment in the HFS Individual Care Grant (ICG) Program by electronic means.

(e) All notices must be sent as described above within 15 business days from the date of preliminary approval of the Settlement Agreement.

3. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, the Court will hold a fairness hearing regarding the fairness, reasonableness and adequacy of the proposed Settlement Agreement on Tuesday, December 20, 2016, at 11:00 a.m. All Class Members, guardians or others who wish to participate in the fairness hearing, or comment on or object to

the proposed Settlement Agreement , shall send the objection, comment, and/or notice of intent to appear, postmarked by Wednesday, November 9, 2016 to:

Robert H. Farley, Jr.  
Robert H. Farley, Jr. Ltd.  
1155 S. Washington St., Suite 201  
Naperville, IL 60540

Plaintiffs' counsel shall file with the Court all such submissions received in connection with the fairness hearing by Tuesday, November 22, 2016.

ENTERED:

9/6/16

A handwritten signature in black ink, consisting of a large, loopy 'J' followed by 'L. A.' and a period, all enclosed within a large, horizontal oval.

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Jorge L. Alonso  
United States District Judge