



**Board of Commissioners of Cook County
Finance Subcommittee on Litigation Minutes**

Tuesday, February 9, 2016

**11:00 AM Cook County Building, Board Room, Rm 569
118 North Clark Street, Chicago, Illinois**

ATTENDANCE

Present: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Also Present: Commissioners Butler, Moore, Morrison, and Steele; Donald J. Pechous, Deputy State's Attorney, Chief, Civil Actions Bureau; Special State's Attorney Michael J. Sorich, Special State's Attorney Thomas Cargie, Joyce Schoover, (John H. Stroger, Jr. Hospital of Cook County),

Court Reporter: Anthony W. Lisanti, C.S.R.

PUBLIC TESTIMONY

Chairman Silvestri asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code.

1. Victor M Crown

Commissioner Boykin, seconded by Commissioner Schneider, moved to convene to Executive Session. The motion carried.

Commissioner Gainer seconded by Commissioner Schneider, moved to return to Regular Session. The motion carried.

16-1365

COMMITTEE MINUTES

Approval of the minutes from the meeting of /1/13/2016

A motion was made by Commissioner Boykin, seconded by Commissioner Schneider, that this Committee Minutes be approved. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

PROPOSED LITIGATION PENDING

16-1389

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: James Kondilis v. Thomas Dart in his official capacity as Cook County Sheriff and Cook County

Case Number: 14 C 4192

A motion was made by Commissioner Boykin, seconded by Commissioner Tobolski, that this Litigation Pending be concur with the recommendation of the State's Attorney. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

16-1454

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: Verna Johnson v. Cook County, et al.

Case Number: 15 C 741

A motion was made by Commissioner Schneider, seconded by Commissioner Gainer, that this Litigation Pending be concur with the recommendation of the State's Attorney. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

16-1466

Presented by: DONALD J. PECHOUS, Deputy State's Attorney, Deputy Chief, Civil Actions Bureau

PROPOSED LITIGATION PENDING

Department: State's Attorney's Office, Civil Actions Bureau

Request: Refer to the Board and/or the Finance Subcommittee on Litigation

Case Name: Brian Otero, individually and on behalf of a class of similarly situated individuals v. Thomas Dart, et al.

Case Number: 12 C 3148

COB Number: 320212

A motion was made by Commissioner Suffredin, seconded by Commissioner Boykin, that this Litigation Pending be not recommended for approval. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

For Informational Purposes Only

Isabel Marcial, Admin. Est. of Cristal Colon v. County of Cook (Stroger)

A motion was made by Commissioner Gainer, seconded by Commissioner Tobolski, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Desiree Thomas v. The County of Cook d/b/a Stroger Hospital

A motion was made by Commissioner Gainer, seconded by Commissioner Tobolski, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Cook County v. USI

A motion was made by Commissioner Gainer, seconded by Commissioner Tobolski, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Cook County v. AIG

A motion was made by Commissioner Gainer, seconded by Commissioner Tobolski, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Backpage.com v. Tom Dart

A motion was made by Commissioner Gainer, seconded by Commissioner Tobolski, that the Information Purposes be recommended for receiving and filing. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

SPECIAL STATE'S ATTORNEY'S INVOICES FOR APPROVAL

A motion was made by Commissioner Suffredin seconded by Commissioner Boykin, to concur with the recommendation of the State's Attorney and authorize invoice payments for special counsels (Tabs #1 through #10 in Volume 2) which are in compliance with the County's Attorney-Fee Guidelines. The motion carried.

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Tab #1 Special State's Attorney Matthew R. Henderson and the firm of Hinshaw & Culbertson, LLP
Alberto Martinez, et al. v. City of Chicago, et al.
Case No: 09 C 5938

Tab #2 Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, LLC
United States of America, et al. v. Triad isotopes, inc., et al.
Case No: 11 C 8098

Tab #3 Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, LLC
Adrienne Moss, et al. v. Edgar Singleton, et al.
Case No: 14 C 6424

Tab #4 Special State's Attorney John J. Rock and the firm of Rock, Fusco & Connelly, L.L.C.
Greer v. Lynch, et al.
Case No: 15 C 2550

Tab #5 Special State's Attorney Terrence F. Guolee and the Firm of Querrey & Harrow, Ltd.
Hernandez v. Cook County Sheriff's Department, et al.
Case No: 07 C 855

Tab #6 Special State's Attorney Paul O'Grady & the firm of Peterson Johnson & Murray Chicago, LLC
Hudson v. Preckwink/e, et al.
Case No: 13 C 8752

Tab #7 Special State's Attorney Paul O'Grady and the firm of Peterson Johnson & Munay Chicago, LLC
United States of America v. Cook County, et al.
Case No: 10 C 2946

Tab #8 Special State's Attorney Burt S. Odelson and the firm of Odelson & Sterk, Ltd.
Harrison v. Cook County, et al.
Case No. 07 C 300

Tab #9 Special State's Attorney Burt S. Odelson and the firm of Odelson & Sterk, Ltd.
Hoban v. Cook County, et al.
Case No. 09 C 2218

Tab #10 Special State's Attorney Burt S. Odelson and the firm of Odelson & Sterk, Ltd.
Brown v. Cook County, el al.
Case No: 06 C 617

16-0692

Sponsored by: BRIDGET GAINER, County Commissioner band PETER N. SILVESTRI, LARRY SUFFREDIN TIMOTHY O. SCHNEIDER, RICHARD R .BOYKIN, County Commissioners

PROPOSED ORDINANCE AMENDMENT

CODE OF CONDUCT FOR SETTLEMENTS IN THE FINANCE SUBCOMMITTEE ON LITIGATION OF THE BOARD OF COMMISSIONERS OF COOK COUNTY

BE IT ORDAINED, by the Cook County Board of Commissioners that **Part 1 General Ordinances, Chapter 2 - Administration, Article 3 - County Board, Division 2 - Rules of Organization and Procedure, Section 2-103** of the Cook County Code is hereby amended as follows:

Section 2-103 Interpretation, force and effect

(e) Specific Rules for Finance Subcommittee on Litigation. The Cook County State's Attorney's Office shall, for each settlement of \$500,000.00 and above, submit the following:

1. Any legal conflicts of interest of any party to the suit, as well as opposing counsel, of which the State's Attorney's Office is aware at the time it makes its settlement recommendation;
2. The current employment status of employee stakeholders named in the proposed settlement;
3. Any significant tangible evidence (i.e., photos, videos) that the State's Attorney's Office believes is relevant to its recommendation; and

4. At the end of each fiscal year:

- a. the State's Attorney's Office will provide an annual summary of all settlements, case dispositions and invoices approved in excess of \$500,000.00 entered into during that fiscal year; and
- b. the County offices whose employees are named defendants in any such cases shall report on the employment status of such employees and any resulting disciplinary actions.

Further, on or before the submittal deadline for the Subcommittee meeting at which a proposed settlement of \$500,000.00 or more will be discussed, the State's Attorney's Office shall provide the Director of the Cook County Department of Human Rights and Ethics ("Director") with the following information for each such settlement:

1. The identity of all counsel appearing in the case and their respective firms;
2. A copy of the complaint, with the case number;
3. The name of each party and, for individual County defendants, their employer; and
4. The Assistant State's Attorney(s) responsible for the case.

At such Subcommittee meeting, the Director shall report to the Subcommittee any potential issues arising under the Cook County Ethics Ordinance presented by the proposed settlement based on the information provided to the Director by the State's Attorney's Office.

This ordinance shall be in effect immediately upon adoption.

Legislative History: 12/16/15 Board of Commissioners referred to the Finance Subcommittee on Litigation

Legislative History: 1/12/16 Finance Subcommittee on Litigation accepted as substituted

Legislative History: 1/12/16 Finance Subcommittee on Litigation recommended for deferral

A motion was made by Commissioner Gainer, seconded by Commissioner Suffredin, that this Ordinance Amendment be recommended for approval. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

ADJOURNMENT

A motion was made by Commissioner Gainer, seconded by Commissioner Schneider, that this committee was to adjourn the meeting.. The motion carried by the following vote:

Ayes: Chairman Silvestri, Commissioners Boykin, Gainer, Schneider, Suffredin and Tobolski (6)

Absent: Vice Chairman Fritchey (1)

Respectfully submitted,



Chairman



Secretary

*The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602.