

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

FILED DATE: 4/22/2024 4:58 PM 2020CH07031

TANISHA RODRIGUEZ, )  
on behalf of herself and all others similarly situated, )

Plaintiff, )

v. )

Case No. 2020-CH-07031

MAT ASPHALT LLC, )

Hon. Neil H. Cohen

Defendant. )

**JOINT STATUS REPORT**

Since the Court’s Order dated January 31, 2024, directing Plaintiff to disseminate Second Notice, extending the deadline for claims, opt-outs, and/or objections, and directing Plaintiffs’ Counsel to organize and hold a community meeting, Plaintiff has satisfied all requirements laid out by the Court with the assistance of Defense Counsel. In fact, even though the Court did not Order the Plaintiff to do so, the second Notice that was disseminated was done in English and Spanish with instructions in Mandarin to allay some of the concerns voiced by the Court during the preliminary approval hearing. The status of each mandate in the Order is examined in more detail below.<sup>1</sup>

**A. Dissemination of Second Notice**

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<sup>1</sup> Plaintiff’s Counsel incurred an additional \$16,920.12 in costs associated with disseminating the second notice program and scheduling/holding both community meetings. Plaintiff’s Counsel requests that the Court grant reimbursement of these costs from the Settlement Fund pursuant to § 3(c) of the Settlement Agreement in addition to Plaintiff’s Counsel’s attorney’s fee request of \$525,000.

Plaintiff's Counsel sent the Second Notice forms on February 12, 2024, to 4,062 households, representing all reasonably identifiable residential addresses in the Class Area. As a result of this renewed Notice, Plaintiff's Counsel has received 206 additional claims in addition to the 1,098 claims submitted in response to the original Notice.<sup>2</sup> Plaintiff's Counsel has exchanged over 300 emails with claimants to address claim deficiencies, answer questions, and/or provide settlement updates.

In response to community concerns, Plaintiff's Counsel worked with Defense Counsel to create Notice in Spanish and Mandarin, in addition to the original English claim form. Plaintiff's Counsel disseminated all three Notice forms to each of the 4,062 households to ensure that as many Class Members as possible would have the opportunity to claim their share of the settlement fund.

### **B. Community Meeting**

Plaintiff's Counsel worked diligently to coordinate and schedule a community meeting in an effort to be as accessible and helpful as possible in responding to community questions concerning the settlement agreement. As with any diverse community such as McKinley Park, there were competing political and community interests at play that rendered a single, centralized meeting ineffective. Plaintiff's Counsel therefore held two community meetings, one on February 20th at the Richard Daly Public Library and another on February 27th at Bethany Church. In scheduling these meetings, Plaintiff's Counsel coordinated with various community groups, including the McKinley Park Development Council and Alderwoman Julia Ramirez's Office, and received feedback on scheduling and location from various individual class members. Defense Counsel was present at both community meetings to provide additional insight into the terms of

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<sup>2</sup> Due to the volume of claims and substantial time required to verify/address deficiencies of each Claim, Plaintiff's Counsel is still working to finalize the total number of claim forms.

the settlement agreement, particularly with respect to the Improvement Measures to be implemented by Defendant.

### **C. Settlement Website**

Plaintiff's Counsel updated the Settlement website with the updated Notice forms in English, Spanish, and Mandarin.<sup>3</sup> Plaintiff's Counsel will also be placing this updated report on their website.

### **D. Claims, Objections, and Opt-Outs**

As of the submission of this Joint Report, Plaintiff's Counsel has received approximately 250 additional claim forms, 6 additional opt-outs, and 0 additional objections.<sup>4</sup> The lone remaining objector, Bradley Breems, was present at the February 20, 2024 community meeting and has also submitted a claim form to obtain compensation from the settlement fund. The additional claims only add to the exceptional response from the Class to the settlement agreement, bringing the total number of claims to nearly 1,400.

## **CONCLUSION**

In sum, the Parties have cooperated and fulfilled each of the requirements set forth in the Court's Order. **WHEREFORE**, Plaintiff requests that the Court enter an Order (attached hereto as **Ex. 1**): (1) granting final approval of the class action settlement as fair reasonable and adequate, (2) affirming certification of the settlement class, (3) appointment of Class Representative Tanisha

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<sup>3</sup> As the Court has requested that the Parties submit this Joint Status Report in lieu of a Motion for Final Approval, Plaintiff's Counsel plans to upload this Report to the settlement website instead of the MFA to satisfy ¶ 4 of the Court's January 31, 2024 Order.

<sup>4</sup> Sonia Monet-Saxon appeared at the initial Final Fairness hearing on January 31, 2024, and expressed her interest in objecting to the settlement. However, after responding to Ms. Monet-Saxon's concerns at the Bethany Church community meeting, she ultimately decided to opt-out of the settlement instead of file an objection.

Rodriguez and Class Counsel, (4) granting Plaintiff's request for a service award, and (5) awarding Plaintiff's Counsel fees in the amount of \$525,000 and costs totaling no more than \$50,000.

Dated: April 22, 2024

Respectfully submitted,

/s/ Kara Brodowski

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