

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

ANTHONY D. KOLTON, <i>et al.</i> ,)	
)	
Plaintiffs,)	No. 16-cv-3792
)	
v.)	The Honorable Charles Kocoras
)	
MICHAEL W. FRERICHs, Illinois State)	
Treasurer,)	
)	
Defendant.)	

**DECLARATION OF SARAH H. NEWMAN
REGARDING NOTICE TO THE CLASS**

I, Sarah H. Newman, state that I have personal knowledge of the facts set forth herein, that I am competent to testify and if called to testify would state as follows:

1. I am an Assistant Attorney General with the Office of the Illinois Attorney General. I am the attorney representing Defendant Michael W. Frerichs in this matter.
2. The purpose of this declaration is to provide the Court with proof of the electronic mailing or first class mailing of the Notice and proof of the publication of the Summary Notice, as required by Paragraph 10 of the Preliminary Approval Order (Dkt. 122).

Initial Identification of Email Addresses and Mailing Addresses for the Rule 23(b)(3) Settlement Class Members

3. Kelmar is a contractor for the Treasurer's Office whose main duty is maintaining the unclaimed property software system for the Treasurer's unclaimed property division, as well as maintaining iCash, the unclaimed property online portal.
4. To identify the Rule 23(b)(3) Settlement Class members, Kelmar extracted a list of all claims paid between August 17, 2017 and July 20, 2021. This list included 686,238 claims.

Out of this list, 547,206 claims had email addresses listed, representing 459,411 unique email addresses. In addition, 3,342 email addresses were flagged as bounced, undeliverable, suppressed, or where the claimant opted out of email. *See* Exhibit 1, Email from Kenneth Wagers dated July 28, 2021.

5. The remaining 139,032 claims did not have email addresses, or were included in the 3,342 email addresses identified above. This represents 126,580 unique mailing addresses. *Id.*

6. Kelmar submitted the names and mailing addresses for these claims for National Change of Address processing. This process identifies any changes of address for the person within the last 24 months. This process also ensures that all addresses meet USPS standards. *Id.*

7. Using the updated mailing addresses, Kelmar submitted 127,799 unique names and addresses to identify possible email addresses. This process returned 62,201 email addresses. *Id.*

8. Both lists of email addresses, the 459,411 original email addresses (*see* Paragraph 4) and the updated 62,201 email addresses (*see* Paragraph 7), were validated using the NeverBounce service. Both lists were identified as likely less than a 1% bounce rate. *Id.*

9. After removing mailing addresses that also had updated email addresses, Kelmar identified 66,689 mailing addresses, representing 75,640 claims. *Id.* After the Treasurer's office removed some duplicate addresses, there were 65,958 mailing addresses for Rule 23(b)(3) Settlement Class members.

10. In total, Kelmar and the Treasurer's office identified a total of 582,240 Rule 23(b)(3) Settlement Class members:

- a. 516,282 valid email addresses (the 459,411 original email address and the updated 62,201 email addresses), representing 610,397 claims; and

- b. 65,958 mailing addresses (for claimants without validated email addresses), representing 75,640 claims.

Emailing and Mailing of Notices to the Rule 23(b)(3) Settlement Class

11. On August 5, 2021, the Treasurer's office forwarded the 516,281 email addresses to SendGrid, a third-party contractor who sent the Notice and Summary Notice (Dkt. 112-4) to the Rule 23(b)(3) Settlement Class members via email. *See* Exhibit 2. Of these 516,281 email addresses, 40,273 email addresses were returned because these email addresses had unsubscribed from the Treasurer's monthly newsletters. On August 6, 2021, SendGrid sent out emails to 475,112 email addresses, and 416,728 were successfully delivered.

12. On August 4, 2021, Frye-Williamson, the Treasurer's third-party print vendor, printed 72,000 hardcopy packets containing both the Notice and Summary Notice. *See* Exhibit 3. Quicksilver, a third-party mailing vendor, dropped off 65,958 Class Notices at the United States Post Office at 2105 E. Cook Road, Springfield, IL 62703 on August 6, 2021. From these notices, 2,249 notices were returned with valid forwarding addresses.

13. On or about August 30, 2021, SendGrid informed the Treasurer's Communications staff that there were 40,273 e-mail addresses that were returned from the August 5, 2021 email blast. These e-mail addresses are identified as the ones who un-subscribed from the Treasurer's monthly e-newsletters. The Treasurer therefore asked Kelmar on September 1, 2021 to validate those 40,273 e-mail addresses. Kelmar sent 40,273 e-mails containing the Notice and Summary Notice (*see* Exhibit 2) to the Rule 23(b)(3) Settlement Class members via email throughout the day, and 38,423 emails were successfully delivered, a 4.3% bounce rate. Of the 1,850 emails that were undeliverable from this batch, Kelmar was able to identify valid mailing addresses for 1,716 claimants.

14. On September 17, 2021, the Treasurer's staff sent out an additional 3,944 class notices by mail. *See* Exhibit 3. These notices included the 2,249 returned notices from the first mailing (*see* Paragraph 12) and the 1,716 claimants for whom mailing addresses were identified (*see* Paragraph 13), less 21 duplicates.

15. As of October 15, 2021, 12,527 mailed notices have been returned from the two mailings as undeliverable, with no forwarding address.

16. In summary, a total of 510,277 Rule 23(b)(3) Settlement Class members received notice, including the following:

- a. 455,151 class members received the notice via email (416,728 on August 6, 2021 (*see* Paragraph 11), plus 38,423 on September 1, 2021 (*see* Paragraph 13)); and
- b. 55,126 class members received notice via U.S. mail (63,709 on August 6, 2021 (*see* Paragraph 12) plus 3,944 on September 17, 2021 (*see* Paragraph 14), less 12,527 notices that were returned as undeliverable (*see* Paragraph 15)).

17. Given that the Rule 23(b)(3) Settlement Class included approximately 582,240 members (*see* Paragraph 10), approximately 87.6% of the Rule 23(b)(3) Settlement Class received individual notice. This figure does not include members of the Rule 23(b)(3) Settlement Class who may have received notice through publication or through the Treasurer's website (*see* Paragraphs 23-27).

Individual Notice to Rule 23(b)(2) Class Members Receiving their Claims after July 20, 2021

18. To comply with paragraph 3.2.1 of the Settlement Agreement, the Treasurer asked Kelmar to prepare a list of the Rule 23(b)(2) Class members whose unclaimed property claims were paid from July 21 through August 5, 2021 (the "in between" sub-class members). Kelmar identified 5,900 claimants whose claims were approved for payment during this period. Of these individuals, 49 had no valid email addresses but had valid mailing addresses.

19. On August 9, 2021, the Treasurer asked SendGrid to deliver the Summary Notice via email to the 5,851 “in between” sub-class members with email addresses. Of those 5,851 notices, 5,544 were successfully delivered.

20. On August 17, 2021, QuickSilver mailed the Summary Notice to the 49 “in between” sub-class members without email addresses via U.S. mail.

21. In summary, of the 5,900 “in between” sub-class members, the Treasurer was successfully able to provide notice to 5,593 claimants, a 94.8% success rate.

22. From August 5, 2021 to the present, the Treasurer has attached the Summary Notice to the email or letter informing the claimant that their claim has been approved. *See* Exhibit 4. The Treasurer will continue to attach this Summary Notice to the Notice to Claimants of the Approval of Payment of Principal to Owners of Unclaimed Property until July 20, 2022, or the date that final judgment is entered by the Court, whichever is later.

Publication Notice and Notice Provided via the Treasurer’s Website

23. The Treasurer contracted with Russell Johns Associates, LLC, the third-party contractor that handles legal advertisements for *USA Today*, to provide publication notice to all potential class members. The Summary Notice approved by the Court was published in its entirety in both the print and digital editions of *USA Today* on Friday, August 6, 2021; Saturday, August 7, 2021; and Sunday, August 8, 2021. The Summary Notice appeared in the national legal section and ran throughout the United States. Exhibit 5 is an excerpt from the August 6, 2021, print edition of *USA Today*, showing the Summary Notice. Exhibit 6 is an affidavit from Anthony Pacini, a representative of Russell Johns Associates, LLC, attesting that the Summary Notice was published in the national legal section of *USA Today* on August 6, 2021.

24. The Treasurer also prominently displayed information about the settlement on its main web page and on the iCash home page, beginning August 6, 2021. The information displayed included the Class Notice, the Summary Notice, a series of Frequently Asked Questions (“FAQs”), and the key filings in this case related to the settlement.

25. With the aid of The Weinstein Organization (the third-party contractor that maintains the Treasurer’s home page), the Treasurer designed a tile titled “*Kolton* Settlement” for the Treasurer’s home page (<https://www.illinoistreasurer.gov/>). *See* Exhibit 7. When a user clicks on the *Kolton* Settlement tile, the user is taken to the *Kolton* page. The user can also access the *Kolton* page by selecting *Kolton* from the Individuals menu. *See id.*

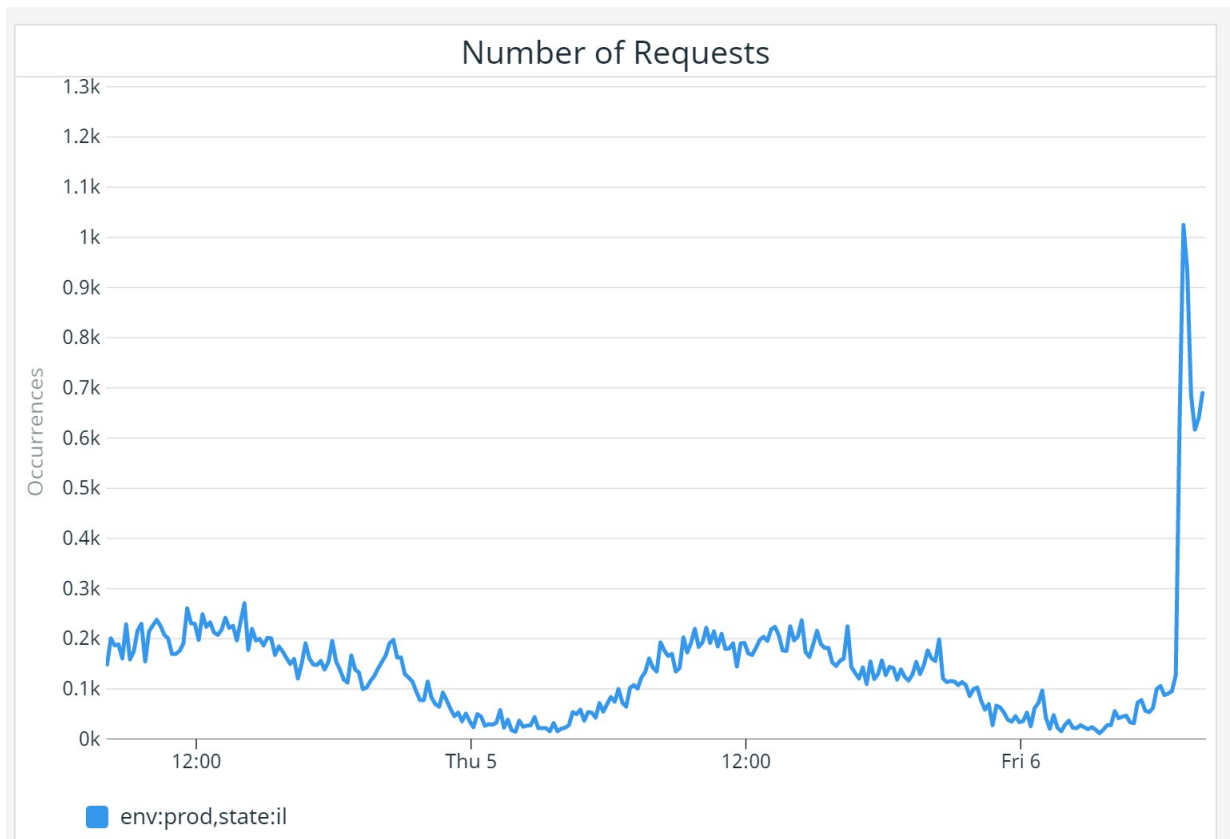
26. The Treasurer also added three links to the *Kolton* page from the iCash homepage (<https://icash.illinoistreasurer.gov/>): in the Unclaimed Property menu, in the white space in the middle of the page, and in the links at the bottom of the page. *See* Exhibit 8. Kelmar developed these hyperlinks and did accessibility testing to ensure that they were accessible both from a desktop computer and from a mobile device.

27. The *Kolton* page (<https://illinoistreasurer.gov/Individuals/Kolton>) includes hyperlinks to a set of FAQs on the settlement, the class action notices, the key filings and orders related to the settlement, and a form that class members can use to update their email and mailing addresses. *See* Exhibit 9. The FAQs, which can be accessed from the *Kolton* page or from the various “FAQ” links throughout the Treasurer’s website (*see, e.g.*, Exhibit 8) are a set of questions about the settlement that were developed in collaboration with Plaintiffs’ counsel. *See* Exhibit 10.

Response from Class Members

28. The Treasurer's office, the Treasurer's counsel, and Plaintiffs' counsel have all responded to requests for information from class members.

29. On August 6, 2021, the Treasurer's office registered a sharp increase in traffic to the iCash homepage at 8:01 a.m., immediately after SendGrid sent out the first batch of Class Notices via email (*see* Paragraph 11).



30. From August 6 to September 14, 2021, the Treasurer received 2,050 e-mails from the class members or their agents, as well as 444 phone calls. Plaintiffs' counsel and Treasurer's counsel have also fielded hundreds of phone calls and emails from class members.

31. Plaintiffs' counsel and Treasurer's counsel have received a total of ten requests to be excluded from the Rule 23(b)(3) Settlement Class.

32. Neither Plaintiffs' counsel nor Treasurer's counsel have received any formal written objections to the settlement, and no objections have been filed with the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 19, 2021.

/s/ Sarah H. Newman
Sarah H. Newman

Exhibit 1

From: [Wagers, Kenneth](#)
To: [Olava, Jennifer](#); [Mayer, Allen](#); [Duque, Laura](#); [Hollenstine, Roxy](#); [Cory, Rick](#); [Page, Felicia](#)
Subject: Email and mailing lists
Date: Wednesday, July 28, 2021 11:51:56 AM

Hi all,

I have uploaded the cleaned email list and the cleaned mailing list to the SFTP site.

The emailing and mail files are here:

/Kelmar/KoltonInterestFiles/KoltonEmails_Final_20210728.csv
/Kelmar/KoltonInterestFiles/KoltonHardCopyMailingList_Final_20210728.xlsx
/Kelmar/KoltonInterestFiles/ReciprocalClaimsList_20210728.xlsx

The third file is a list of reciprocal claims (identified by Claim Source or Claim Type). There are six claims on this list that I've highlighted that I believe were marked in error, and should be emailed or mailed. They are not included in the other lists.

Here is the process I used to generate these lists:

- Extract a list of all claims paid between 8/17/2017 and 7/20/2021
 - The only excluded items are where the claim payment was cancelled or the claim did not include cash
 - This included 686,238 claims
- Out of this list, 547,206 claims had email addresses, representing 459,411 unique emails
 - This excludes 3,342 emails that we flagged as bounced, undeliverable, suppressed or where the claimant opted out of email
- The remaining 139,032 claims did not have email addresses (or were in the list of 3,342 claims identified above)
 - This represents 126,580 unique addresses
- For all address claims, we submitted the names and addresses for National Change of Address (NCOA) processing
 - This process identifies any moves for the person in the last 24 months. The process also CASS (Coding Accuracy Support System) formats and certifies all addresses to USPS standards.
 - This returned 12,394 potentially invalid addresses. We were not able to identify email address for 8,214 of those claims, and they are likely to be returned when mailed.
- With the updated addresses, we submitted unique names & addresses to identify possible email addresses.
 - This included 127,799 unique names & address
 - The process returned 62,201 email addresses
- Both lists of emails, the 459,411 original and the updated 62,201 were validated through the NeverBounce service. Both lists were identified as likely less than a 1% bounce rate

Final record counts:

- Valid Email addresses: 516,282 representing 610,397 claims
- Addresses for mailing: 66,989 representing 75,640 claims
- Reciprocal claims excluded: 201 claims (including 6 that should likely be notified)
- $610,397 + 75,640 + 201 = 686,238$ total claims

Please let me know if you'd like to discuss any steps in my processes or would like to review any of the data in a meeting.

Thanks,
Ken



KELMAR

Ken Wagers | Vice President, Client Information Services
781-928-9221 | 303-517-6016 c | kenneth.wagers@kelmarassoc.com
500 Edgewater Drive, Suite 525 | Wakefield, MA 01880
www.kelmarassoc.com

Disclaimer: This message, including any accompanying documents or attachments, may contain information that is confidential or that is privileged. If you are not the intended recipient of this message, please note that the dissemination, distribution, use or copying of this message or any of the accompanying documents or attachments is strictly prohibited. If you believe that you may have received this message in error, please notify us by replying to the message and deleting it from your computer. Thank You. Kelmar Associates, LLC.

Exhibit 2

From: No Reply - Illinois Unclaimed Property <noreply-unclaimedproperty@illinoistreasurer.gov>
Sent: Friday, August 6, 2021 8:01 AM
To: [REDACTED]
Subject: Notice of Proposed Settlement of Class Action and Hearing on Proposed Settlement and Attorneys' Fee Petition

This message has been auto-generated. Please do not reply, as this email address is not monitored.

The following notice includes information about a proposed settlement; under this settlement, you may be entitled to an additional interest payment on your property. The text of the notice is below, or you can review the notice by clicking here: <https://illinoistreasurer.gov/Individuals/Kolton>.

To ensure you receive your interest payment promptly, if your mailing address has changed (or changes in the next few months), please provide your updated email address and mailing address at <https://icash.illinoistreasurer.gov>, contact the Treasurer's office by calling 833-623-0612, or send an email to unclaimedproperty@illinoistreasurer.gov.

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

ANTHONY D. KOLTON, *et al.*,

Plaintiffs,

v.

No. 16-cv-3792

Hon. Charles P. Kocoras

MICHAEL W. FRERICHS,

Treasurer of the State of Illinois,

Defendant.

**NOTICE OF CERTIFICATION OF CLASS ACTION,
PROPOSED SETTLEMENT OF CLASS ACTION AND
HEARING ON THE PROPOSED SETTLEMENT AND ATTORNEYS' FEE PETITION**

To: All persons and entities: (i) Who owned unclaimed property held in the form of money by the Illinois State Treasurer and whose claim for return of their property from the Illinois State Treasurer was paid or approved in the period from August 22, 2017 through July 20, 2021, or (ii) Who owned unclaimed property held in the form of money by the Illinois State Treasurer as of July 20, 2021 (collectively, the “Classes”).

PLEASE READ THIS NOTICE CAREFULLY. YOU ARE RECEIVING THIS NOTICE BECAUSE YOU
MAY BE A MEMBER OF ONE OF THE CLASSES AND YOUR RIGHTS MAY BE AFFECTED BY
PROCEEDINGS IN THIS CLASS ACTION.

1. On July 20, 2021, the United States District Court for the Northern District of Illinois (the “Court”) preliminarily approved a settlement between Plaintiffs and Defendant Michael Frerichs, Treasurer of the State of Illinois (“Defendant” or “Treasurer”). This Notice is to inform you of (i) the certification of the Classes; (ii) the Settlement of this Class Action (collectively the “Action”); (iii) the terms of the Settlement, which will affect the rights of all Class Members; and (iv) a hearing that will be held by the Court on October 21, 2021, to consider the fairness, reasonableness, and adequacy of the Settlement and the application of Plaintiffs’ Counsel for an award of attorneys’ fees and reimbursement of expenses and the request for Plaintiffs’ compensation to the named Plaintiffs in this Action. The hearing will be held in Courtroom 2325 of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, 60604. This Notice describes rights you may have under the Settlement and what steps you may now take in relation to the Action and the Settlement. This Notice is not an expression of an opinion by the Court as to the merits of any claim or defense asserted by any party to the Action, except to the extent that legal issues have been decided in the course of this litigation, or to the fairness, reasonableness, or adequacy of the Settlement.

If you wish to participate in the Settlement, you do not need to do anything. If you wish to object to the Settlement, the petition for attorneys’ fees and reimbursement of expenses, or the request for Plaintiffs’ compensation, or, if your claim for return of your unclaimed property was paid or approved in the period from August 22, 2017 through July 20, 2021, and you wish to exclude yourself from the Class, you must follow the procedures described below in this notice.

BACKGROUND OF THE LITIGATION

2. On March 29, 2016, Plaintiffs Anthony Kolton and S. David Goldberg commenced the Action on behalf of themselves and other owners of unclaimed property held in the form of money by the Treasurer under the Illinois Uniform Disposition of Unclaimed Property Act (the “Act”). Under the Act, the Treasurer holds unclaimed property until it is claimed by the owner, at which time the property is returned. With certain exceptions, the Treasurer did not compensate the owner for the interest or other earnings on the property while in its custody. The Plaintiffs alleged that the Act violated the Takings Clause of the Fifth and Fourteenth Amendments to the United States Constitution because it denied just compensation for the taking of Plaintiffs’ unclaimed property. Plaintiffs brought their action under 42 U.S.C. §1983 and sought prospective declaratory

and injunctive relief on behalf of owners of property still in the Treasurer's custody and damages on behalf of those owners whose claims had been paid.

3. On June 20, 2016, Defendant moved for an order dismissing the Complaint, which the Court granted on September 16, 2016.

4. Plaintiffs appealed the dismissal to the United States Court of Appeals for the Seventh Circuit, which reversed the District Court's order in part, holding that Plaintiffs were entitled to seek prospective relief in federal court on their claim that the refusal to pay owners of unclaimed property the benefit of the property's earnings while in State custody was an unconstitutional taking. The Seventh Circuit remanded the Action for further proceedings on that claim and affirmed the dismissal of the claim for damages on behalf of those whose property had been returned on the ground that the claim was against the State and the State was not a person that could be sued under Section 1983. *See Kolton v. Frerichs*, 869 F.3d 532 (7th Cir. 2017). While Plaintiffs' appeal was pending, the Illinois legislature enacted legislation revising the Illinois Uniform Disposition of Unclaimed Property Act (the "Revised Act") to require the State to pay interest to owners of unclaimed property whose property had been earning interest before it was delivered to the Treasurer. The Revised Act applied only to certain money property delivered to or converted by the Treasurer after June 30, 2018 and did not apply to Plaintiffs or members of the Class they sought to represent.

5. On October 10, 2017, Plaintiffs Kolton and Goldberg and Plaintiff Jeffrey Sculley filed an Amended and Supplemental Complaint limited to claims for declaratory and injunctive relief entitling Plaintiffs to just compensation in the future. On February 1, 2018, Plaintiffs moved for certification under Federal Rule of Civil Procedure 23(b)(2) of a class of all persons who are owners of property in the Illinois unclaimed property program in the form of money. The District Court denied Plaintiffs' motion on the ground that the proposed class did not satisfy the commonality requirement and that Plaintiff Goldberg had no claim for just compensation because his property was not earning interest before delivery to the Treasurer.

6. Following this ruling, Plaintiff Goldberg filed a motion for entry of a final judgment on his claim, which the District Court granted on June 20, 2018. Plaintiff Goldberg appealed this judgment and the dismissal of his claim to the Seventh Circuit, and the Seventh Circuit reversed, holding that an owner of unclaimed property is entitled to income that the property earns while in State custody regardless of whether the property had been previously earning income in the owner's hands. *See Goldberg v. Frerichs*, 912 F.3d 1009 (7th Cir. 2019).

7. On April 22, 2019, Plaintiffs renewed their motion for class certification, and on June 20, 2019, the District Court granted this motion and certified a Rule 23(b)(2) Class of "all persons who are owners of property in the Illinois unclaimed property program that is in the form of money."

8. During June-August, 2019, the parties engaged in informal discovery, including conferences and the exchange of written questions and answers relating to the Treasurer's investment of unclaimed property held in State custody, including earnings on the property in the Unclaimed Property Trust Fund, use of unclaimed property while in State custody, the number and amount of claims made by owners of unclaimed property annually, and the length of time unclaimed property was held in the Unclaimed Property Trust Fund before being claimed. In addition, Plaintiffs' counsel consulted with an expert economist on what might be a reasonable return on unclaimed property in the form of money held by the Treasurer.

9. Plaintiffs presented a settlement demand to the Treasurer on August 19, 2019, and the Treasurer made a counter-proposal on October 10, 2019. Thereafter, counsel for the parties met and conferred on several occasions, and the Treasurer provided additional information in response to follow-up questions from Plaintiffs. After extensive arms-length negotiations and Plaintiffs' counsel's consultation with their expert economist, the Parties reached an agreement in principle to settle the Action on January 22, 2020, and after further arms-length negotiations over certain terms, memorialized their agreement in a Memorandum of Understanding dated March 11, 2020.

10. Pursuant to the terms in their agreement in principle to settle the Action, class member Henry Krasnow on July 20, 2021 filed a Second Amended and Supplemental Complaint which added claims on behalf of a Settlement Class consisting of owners of Unclaimed Property that was held in the form of money by the Treasurer and whose claim for return of their property was paid or approved in the period from August 22, 2017 (the date of the reversal of the dismissal of the Complaint by the Seventh Circuit) through and including July 20, 2021 (the date of preliminary approval of the Settlement by the District Court).

THE REASONS FOR THE SETTLEMENT

11. Plaintiffs have litigated this Action in the District Court and through two appeals in the Seventh Circuit for nearly five years. The claims presented complex issues and a novel theory which required extensive factual and legal research and investigation. Plaintiffs have reviewed documents obtained from the Treasurer and public records relating to the collection, investment, and disposition of unclaimed property and interviewed witnesses from the Treasurer's office.

12. The Settlement was entered into only after Plaintiffs succeeded on two separate appeals they took to the United States Court of Appeals for the Seventh Circuit. Although Plaintiffs prevailed in both appeals, the court of appeals limited the extent of Plaintiffs' potential recovery. First, the court held that Plaintiffs could not pursue, under 42 U.S.C. §1983, the federal civil rights statute, their claim on behalf of property owners whose unclaimed property had been returned to them by the State. Second, the court held that the State was entitled to deduct certain administrative expenses of the Unclaimed Property Trust Fund from interest owed ("net interest") to Plaintiffs and left it to the District Court to determine whether and how much net interest was due.

13. In deciding to settle the Action, Plaintiffs and Plaintiffs' Counsel weighed the potential benefits of continuing with the litigation against the certain benefits provided by the Settlement, as well as the potential risks and costs of continuing the litigation. The principal reasons for agreeing to the Settlement are: (a) the potential recovery in light of the Seventh Circuit's opinions, which left contested issues relating to the appropriate measure of just compensation and the calculation of net interest subject to further litigation; (b) the benefits of obtaining immediate relief for the Classes and the risk of losing these benefits for large numbers of Class Members through protracted legal proceedings; (c) the advantages of obtaining benefits for the Rule 23(b)(3) Class Members whose property has been returned without interest but whose claim had been dismissed from the federal court proceeding; and (d) the risks and uncertainties of continued class action litigation of this nature.

14. Plaintiffs and Plaintiffs' Counsel believe that the proposed Settlement confers substantial benefits upon the Classes and that it is fair, reasonable, and adequate and in the best interest of the Classes.

They recommend it to the Classes and to the Court for its approval. Defendant and Defendant's Counsel also recommend the Settlement to the Court for its approval.

TERMS OF THE PROPOSED SETTLEMENT

15. On July 20, 2021, the Court conditionally certified a class of owners of unclaimed property whose claim for return of their property from the Treasurer was paid or approved during the period August 22, 2017 to July 20, 2021 (the "Rule 23(b)(3) Settlement Class"). The Court had previously certified a Class of owners of unclaimed property whose property was being held in the form of money by the Treasurer (the "Rule 23(b)(2) Class"). Under the Settlement Agreement, the Rule 23(b)(2) Class will include all persons who are owners of unclaimed property held in the form of money by the Treasurer as of July 20, 2021.

16. If the Court approves the Settlement, the Defendant has agreed to pay interest as just compensation to members of both the Rule 23(b)(3) Settlement Class and the Rule 23(b)(2) Class. Interest will be paid from the latest of August 22, 2017, the date the unclaimed property is delivered to the Treasurer, or the date the Treasurer converts unclaimed property that is not in the form of money to money. Just compensation shall be payable for a period not to exceed ten years or until the property is returned, whichever is earlier. The Treasurer will also pay the just compensation measure agreed to in the Settlement to owners of unclaimed property in the form of money that is delivered to the Treasurer after July 20, 2021 ("Future Claimants"), subject to the General Assembly's enacting legislation that changes the just compensation owed to Future Claimants.

17. The Settlement measure of just compensation is an interest rate calculated monthly and compounded monthly that is the greater of: (1) the actual return the Defendant earns on the Unclaimed Property Trust Fund maintained by the Defendant, or (2) the percentage increase, if any, in the Consumer Price Index for all Urban Consumers (CPI-U), for all items published by the U.S. Department of Labor. This measure will be applied to the gross amount of the Class Member's claim for each month that the Defendant has held the class member's property in the form of money. The Treasurer may assess an administrative fee of no more than \$5.00 for each claimed property, deductible only from interest due on each claimed property. Members of either Class entitled to interest under the Revised Act shall be entitled to receive any greater amount due under this Settlement.

18. Rule 23(b)(3) Settlement Class Members whose mailing addresses can be verified by the Treasurer will receive their interest payments without further action from the Class Member. If no current mailing address can be verified, the Class Member will be required to confirm the mailing address within 120 days of the date confirmation is requested or to file a separate request with verification of the mailing address within two years of the confirmation request.

19. The Settlement will become effective (the "Effective Date") only after the judgment approving the Settlement entered by the Court becomes final and is not subject to appeal. Upon the Effective Date, the Treasurer will begin making interest payments to Class Members whose property has been returned or is returned in the future. The Treasurer has calculated that, as of March 31, 2021, the net interest payable to Rule 23(b)(3) Settlement Class Members is \$13,563,730.89. Net interest payable to Rule 23(b)(2) Class Members can only be estimated because those claims have not yet been made. However, based on historical averages relating to holding periods and return rates of the Unclaimed Property Trust Fund, recent interest rates, and calculations of interest payable to the Rule 23(b)(3) Class, the Treasurer has estimated that the present value of

interest payable to the Rule 23(b)(2) Class will be approximately \$30,851,391. Plaintiffs and Plaintiffs' Counsel have been advised by an expert economist whom they have consulted that, based on historical trends of unclaimed property claims paid by the Treasurer, the interest payable to the Rule 23(b)(2) Class will likely be well above that estimate.

20. Upon the Effective Date, Plaintiffs and the Classes shall release and discharge Defendant, his representatives, and the State of Illinois, and Defendant shall release Plaintiffs, the Classes, and Plaintiffs' Counsel, from claims related to this Action, other than their respective obligations contained in the Settlement Agreement.

21. Upon the Effective Date, Class Members will be bound by all proceedings, orders and the final judgment in this Action, whether favorable or unfavorable to them. You are not required to take any action to remain a Class Member.

22. This Notice is not intended to be a complete description of the Settlement Agreement. That document, which contains the full and complete terms of the Settlement, is on file with the Court and is available on the Treasurer's website, <https://icash.illinoistreasurer.gov> and <http://illinoistreasurer.gov>.

RIGHTS OF RULE 23(b)(3) CLASS MEMBERS

23. Members of the Rule 23(b)(3) Settlement Class who do not wish to be bound by the Settlement and the Order and Final Judgment must exclude themselves from the Class by submitting a request for exclusion in writing to (i) Counsel for Plaintiffs and the Classes and (ii) Counsel for the Defendant at the addresses listed below that is post-marked or otherwise delivered no later than September 30, 2021.

24. A request for exclusion must clearly state the name, mailing address and email address, if there is one, of the person seeking exclusion, the name of the original property owner, the name of the person who claimed the property from the Treasurer, the dollar amount the claimant was paid, and the date the claim was paid. The request for exclusion should provide the claim number and property identification numbers, if known. Class Members who request exclusion from the Class will not be entitled to receive any interest payment from the Settlement.

SETTLEMENT FAIRNESS HEARING

25. On October 21, 2021, a hearing will be held before the Honorable Charles P. Kocoras in Courtroom 2325 at 219 South Dearborn Street, Chicago, Illinois at 10:00 a.m. (the "Settlement Fairness Hearing") to determine (a) whether the proposed Settlement of the Action as set forth in the Settlement is fair, reasonable, adequate, and in the best interest of the Classes; (b) whether the Court should grant final approval of the Settlement; and (c) whether a Final Judgment (as provided in the Settlement Agreement) should be entered.

ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES AND PLAINTIFFS' COMPENSATION

26. At the Settlement Fairness Hearing, or at such other time as the Court may direct, Plaintiffs' Counsel intends to apply to the Court for an award of attorneys' fees and reimbursement of expenses in accordance with F. R. Civ. P. 23(h), 42 U.S.C. §1988 (as applicable), and common law in an amount not to exceed \$9.5 million or 25% of the benefit to the Classes. Plaintiffs' Counsel have expended considerable time and effort in the prosecution of this litigation on a contingent fee basis and have advanced the expenses of the litigation in the expectation that if they were successful, they would be compensated. Plaintiffs' Counsel will

also request that the Court award the four individual Plaintiffs \$2,500 each to compensate them for their efforts in assisting Plaintiffs' Counsel in the Action.

OBJECTIONS TO THE SETTLEMENT

27. A Member of the Rule 23(b)(2) Class or the Rule 23(b)(3) Settlement Class who wishes to object to the fairness, reasonableness, or adequacy of the Settlement, to any term of the Settlement, to the request for an award of attorneys' fees and expenses, or to the request for Plaintiffs' compensation must file a written objection with the Court and serve the objection on Counsel for Plaintiffs and the Classes and Defendant's Counsel at the addresses listed below by first class mail and electronic mail by no later than September 30, 2021. A member of the Rule 23(b)(3) Settlement Class who requests to be excluded from the Class may not submit an objection.

Counsel for Plaintiffs and the Classes:

Terry Rose Saunders	Arthur Susman
The Saunders Law Firm	Law Offices of Arthur Susman
120 North LaSalle Street, Ste.2000	55 West Wacker Drive, Suite 1400
Chicago, IL 60602	Chicago, IL 60601
Tel: (312) 444-9656	Tel: (847) 800-2351
tsaunders@saunders-lawfirm.com	arthur@susman-law.com

Counsel for Defendant:

Sarah Newman
Office of the Illinois Attorney General
100 West Randolph Street, 13th Floor
Chicago, IL 60601
Tel: (312) 814-6131
sarah.newman@illinois.gov

28. An objection of a Class Member must demonstrate that the objector is a Class Member, and must include the name and mailing address of the original property owner; the name, mailing address and email address, if there is one, of the person who claims or, if the property has been returned, claimed ownership of the property; the dollar amount of the claim; and, if paid, the date or approximate date the claim was paid. An objector should provide the unclaimed funds claim number and any property identification numbers, if known. Objectors must also plainly state their individual concerns, including which part of the Settlement the Class Member objects to and the specific reasons for any objection.

29. A Class Member may file an objection on his, her, or its own, or through any attorney hired at the objector's own expense. If a Class Member hires an attorney in connection with filing an objection, the attorney must file a notice of appearance with the Court and effect service on Plaintiffs' Counsel and Defendant's Counsel no later than September 30, 2021.

30. A Class Member who files and serves a written objection pursuant to this Section – and only such Class Members – may appear at the Settlement Fairness Hearing, either in person or through an attorney retained at the Class Member's expense, to object to the fairness, reasonableness or adequacy of the Settlement

Agreement, to any terms of the Settlement Agreement, to the request of Plaintiffs' Counsel for an award of attorneys' fees and reimbursement of expenses, or the request for Plaintiffs' compensation. Class Members or their attorneys who intend to make an appearance at the Settlement Fairness Hearing must both file with the Court and serve Plaintiffs' Counsel and Defendant's Counsel with a notice of intention to appear by no later than October 7, 2021.

31. Any Class Member who does not comply with any of these requirements may waive and forfeit any right to object to the Settlement, Plaintiffs' Counsel's petition for attorney's fees and reimbursement of expenses, and Plaintiffs' request for Plaintiffs' Compensation.

32. Class members should not contact the Court relative to either the attorneys' fees and expenses application or the final approval of the Settlement. Due to electronic filing rules of the Court, filings normally are required to be made electronically. Objectors should therefore not wait until the last minute, to assure they can comply with the Clerk's requirements for electronic filing. For further information on E-filing requirements, class members should consult the website of the Clerk of the District Court, <https://www.ilnd.uscourts.gov>.

TERMINATION OF THE AGREEMENT OF SETTLEMENT

33. The Settlement Agreement will terminate if the Court does not approve the Settlement or declines to enter the final judgment or if the final judgment entered by the Court is reversed or modified on appeal. If the Settlement is terminated, the Settlement will become null and void, and the Action will revert to its status as of March 10, 2020.

FURTHER INFORMATION

34. This Notice is only a summary and does not fully describe all aspects of the Action or the Settlement. It is subject to and controlled by the more detailed provisions of the Settlement Agreement and related orders, exhibits, and other papers filed in the Action. For examination of the Settlement Agreement and related exhibits, orders and other papers, Class Members should visit the homepage of the Treasurer's website, <http://icash.illinoistreasurer.gov> and <https://illinoistreasurer.gov> or obtain access to the U.S. District Court for the Northern District of Illinois through Public Access to Court Electronic Records ("PACER") at <https://pacer.uscourts.gov>. Because of orders entered by the District Court relating to COVID-19, which restrict access to the Office of the Clerk and the U.S. Courthouse, it is not currently possible to inspect files in person at the Office of the Clerk. If you are unable to access information on the Treasurer's website or PACER, you may contact the Treasurer's Office by calling 833-623-0612 or, outside of office hours, send an email to unclaimedproperty@illinoistreasurer.gov.

PLEASE DO NOT CONTACT THE COURT OR THE OFFICE OF THE CLERK OF THE COURT CONCERNING THE SETTLEMENT OR THIS NOTICE.

BY ORDER OF THE COURT

Dated: July 20, 2021
Chicago, Illinois

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

ANTHONY D. KOLTON, *et al.*,

Plaintiffs,

v.

No. 16-cv-3792

MICHAEL W. FRERICHES,

Treasurer of the State of Illinois,

Defendant.

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To: All persons and entities who owned unclaimed property in the form of money that was held by the Illinois State Treasurer (“Treasurer”) during the period from August 22, 2017 through July 20, 2021.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS
IN THIS CLASS ACTION.

WHY SHOULD I READ THIS NOTICE?

YOU ARE NOTIFIED, pursuant to an Order of the United States District Court for the Northern District of Illinois, Eastern Division (the “Court”) that the above-captioned action has been certified as a class action on behalf of two classes: (i) owners of unclaimed property held in the form of money by the Treasurer as of July 20, 2021 (the “Rule 23(b)(2) Class”), and (ii) persons whose unclaimed property claims were paid or approved by the Treasurer during the period August 22, 2017 through July 20, 2021 (the “Rule 23(b)(3) Settlement Class,” and together with the Rule 23(b)(2) Class, the “Classes”).² A settlement of this action has been proposed that requires the Treasurer to pay interest to all Class members, and to pay interest in the future to persons and entities whose unclaimed property is held by the Treasurer in the form of money, and thus compensate them for earnings on their property while in State custody. The action asserts claims on behalf of

the Classes and alleges that the Treasurer is required by the United States Constitution to compensate Class members for the earnings on their money while held by the State.

WHAT AM I ENTITLED TO RECEIVE UNDER THE SETTLEMENT?

The proposed settlement provides that the Treasurer will pay interest on unclaimed property starting from the latest of August 22, 2017, the date the property is delivered to the Treasurer, or the date the Treasurer converted the property to money through the date the unclaimed property is returned to the owner (the “Settlement”). The interest rate shall be the greater of the interest rate the Treasurer earns on unclaimed property on a monthly basis or the monthly percentage change in the Consumer Price Index for all Urban Consumers during the period that the Treasurer held the property. The Treasurer will pay interest for a period of up to ten years and may charge an administrative fee of up to \$5.00 for each claimed property, deductible only from interest due.

WHO WILL DETERMINE IF THE SETTLEMENT IS FAIR?

The Court will hold a hearing on October 21, 2021 at 10:00 a.m. before the Honorable Charles P. Kocoras at the United States District Courthouse for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604, Courtroom 2325, to determine (i) whether the proposed settlement is fair, reasonable and adequate to the Classes and should be approved; and (ii) whether the application of counsel for the Classes for an award of attorneys’ fees and reimbursement of expenses and for an award for the named Plaintiffs (Anthony D. Kolton, S. David Goldberg, Jeffrey Sculley and Henry C. Krasnow) in connection with their representation of the Classes should be approved. The application of Class counsel for an award of attorneys’ fees and reimbursement of expenses shall be in accordance with F.R. Civ. P. 23(h), 42 U.S.C. §1988 (as applicable), and common law in an amount not to exceed \$9.5 million or 25% of the benefit to the Classes.

HOW CAN I GET MORE INFORMATION ABOUT THE SETTLEMENT?

If you are a member of the Rule 23(b)(2) Class or the Rule 23(b)(3) Settlement Class, your rights will be affected and you may be entitled to compensation under the Settlement. The documents relating to the Settlement and the instructions for claiming compensation are posted on the website of the Treasurer and may be found at <https://icash.Illinoistreasurer.gov> and <https://illinoistreasurer.gov>.

If you are a Member of the Rule 23(b)(3) Settlement Class, you should also receive an email or letter containing the full Notice of Certification and Proposed Settlement of Class Action and Hearing (“Notice”). If you have not yet received the Notice, which describes the action and your rights in detail, you should go to the website of the Treasurer set out above and search for the Notice. If your mailing address or email address has changed since you received your payment from the Treasurer, you can provide your updated email address and mailing address at <https://icash.Illinoistreasurer.gov>. If you are unable to access information on the Treasurer’s website, you may contact the Treasurer’s office by calling 833-623-0612 or, outside of office hours, send an email to unclaimedproperty@illinoistreasurer.gov.

WHAT SHOULD I DO IF I AM A MEMBER OF THE RULE 23(b)(3) SETTLEMENT CLASS AND DO NOT WANT TO PARTICIPATE IN THE SETTLEMENT?

If you are a member of the Rule 23(b)(3) Settlement Class and wish to remain a member of that Class, you do not need to take any action at this time. If you do not wish to be bound by the Settlement and the Order and Final Judgment of the Court, you must exclude yourself from that Class by submitting a request for exclusion in writing to Counsel for Plaintiffs and the Classes and Counsel for the Treasurer at the addresses listed below

that is post-marked no later than September 30, 2021 in accordance with the instructions set forth in the Notice on the Treasurer's website. If properly excluded, you will not be bound by any judgments or orders in the action and will not be eligible to receive payments from the Settlement.

CAN I OBJECT TO THE SETTLEMENT?

Members of the Rule 23(b)(2) Class and the Rule 23(b)(3) Settlement Class have the right to object and be heard in connection with the Court hearing and to retain their own attorney, at their own expense. Class members are not required either to appear or object. All objections to the Settlement or Plaintiffs' Counsel's motions for an award of attorneys' fees and litigation expenses or for awards to Plaintiffs must be in writing and must include the name of the original property owner. If a claim for the property has been paid, then the objection must specify (1) the name(s) of the person(s) who claimed the funds, (2) the claimant's address at the time the claim was paid and the current address, if different, (3) the dollar amount the claimant was paid, and (4) the date or approximate date the claimant recovered the unclaimed funds. Objectors also should provide the unclaimed funds claim number and property identification numbers, if known. All objections must be filed with the Court and received by Plaintiffs' Counsel and the Treasurer's Counsel at the addresses listed below by no later than September 30, 2021 in accordance with the instructions found on the Treasurer's website or the Notice.

WHO CAN I CONTACT IF I HAVE QUESTIONS ABOUT THE SETTLEMENT?

Please do not contact the Court, the Court Clerk's Office or the Treasurer regarding this Summary Notice. All questions regarding the contents of this Notice should be directed to Counsel for the respective parties.

**COUNSEL FOR PLAINTIFFS AND
THE CLASSES**

Terry Rose Saunders
THE SAUNDERS LAW FIRM
120 North LaSalle Street
Suite 2000
Chicago, IL 60602
(312) 444-9656
Email: tsaunders@saunders-lawfirm.com

**COUNSEL FOR THE TREASURER OF
THE STATE OF ILLINOIS**

Sarah Newman
OFFICE OF THE
ILLINOIS ATTORNEY GENERAL
100 West Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-6131
Email: sarah.newman@illinois.gov

Arthur Susman
LAW OFFICES OF ARTHUR SUSMAN
55 West Wacker Drive, Suite 1400 Chicago, IL 60601
(847) 800-2351
Email: arthur@susman-law.com

BY ORDER OF THE COURT:

Honorable Charles P. Kocoras

Dated: July 20, 2021

¹ The Settlement Fairness Hearing is open to the public, and therefore any member of the public may attend and listen to the hearing. However, only Class Members who file objections may appear and speak at the hearing to set forth their objections.

² For both Classes, only owners of unclaimed property that the Treasurer held in the form of money (*i.e.*, cash) are included in the class. Owners of tangible items such as coins or jewelry and owners of securities are not included unless and until the Treasurer sells and converts those items or securities into money.



OFFICE OF THE ILLINOIS STATE TREASURER

Unclaimed Property Division

P.O. Box 19496

Springfield, IL 62794-9496

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Exhibit 3

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

ANTHONY D. KOLTON, <i>et al.</i> ,)
)
Plaintiffs,)
v.) No. 16-cv-3792
) Hon. Charles P. Kocoras
MICHAEL W. FRERICHS,)
Treasurer of the State of Illinois,)
)
Defendant.)

**NOTICE OF CERTIFICATION OF CLASS ACTION,
PROPOSED SETTLEMENT OF CLASS ACTION AND
HEARING ON THE PROPOSED SETTLEMENT AND ATTORNEYS' FEE PETITION**

To: All persons and entities: (i) Who owned unclaimed property held in the form of money by the Illinois State Treasurer and whose claim for return of their property from the Illinois State Treasurer was paid or approved in the period from August 22, 2017 through July 20, 2021, or (ii) Who owned unclaimed property held in the form of money by the Illinois State Treasurer as of July 20, 2021 (collectively, the "Classes").

PLEASE READ THIS NOTICE CAREFULLY. YOU ARE RECEIVING THIS NOTICE
BECAUSE YOU MAY BE A MEMBER OF ONE OF THE CLASSES AND YOUR RIGHTS
MAY BE AFFECTED BY PROCEEDINGS IN THIS CLASS ACTION.

1. On July 20, 2021, the United States District Court for the Northern District of Illinois (the "Court") preliminarily approved a settlement between Plaintiffs and Defendant Michael Frerichs, Treasurer of the State of Illinois ("Defendant" or "Treasurer"). This Notice is to inform you of (i) the certification of the Classes; (ii) the Settlement of this Class Action (collectively the "Action"); (iii) the terms of the Settlement, which will affect the rights of all Class Members; and (iv) a hearing that will be held by the Court on October 21, 2021, to consider the fairness, reasonableness, and adequacy of the Settlement and the application of Plaintiffs' Counsel for an award of attorneys' fees and reimbursement of expenses and the request for Plaintiffs' compensation to the named Plaintiffs in this Action. The hearing will be held in Courtroom 2325 of the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, 60604. This Notice describes rights you may have under the Settlement and what steps you may now take in relation to the Action and the Settlement. This Notice is not an expression of an opinion by the Court as to the merits of any claim or defense asserted by any party to the Action, except to the extent that legal issues have been decided in the course of this litigation, or to the fairness, reasonableness, or adequacy of the Settlement.

If you wish to participate in the Settlement, you do not need to do anything. If you wish to object to the Settlement, the petition for attorneys' fees and reimbursement of expenses, or the

request for Plaintiffs' compensation, or, if your claim for return of your unclaimed property was paid or approved in the period from August 22, 2017 through July 20, 2021, and you wish to exclude yourself from the Class, you must follow the procedures described below in this notice.

BACKGROUND OF THE LITIGATION

2. On March 29, 2016, Plaintiffs Anthony Kolton and S. David Goldberg commenced the Action on behalf of themselves and other owners of unclaimed property held in the form of money by the Treasurer under the Illinois Uniform Disposition of Unclaimed Property Act (the "Act"). Under the Act, the Treasurer holds unclaimed property until it is claimed by the owner, at which time the property is returned. With certain exceptions, the Treasurer did not compensate the owner for the interest or other earnings on the property while in its custody. The Plaintiffs alleged that the Act violated the Takings Clause of the Fifth and Fourteenth Amendments to the United States Constitution because it denied just compensation for the taking of Plaintiffs' unclaimed property. Plaintiffs brought their action under 42 U.S.C. §1983 and sought prospective declaratory and injunctive relief on behalf of owners of property still in the Treasurer's custody and damages on behalf of those owners whose claims had been paid.

3. On June 20, 2016, Defendant moved for an order dismissing the Complaint, which the Court granted on September 16, 2016.

4. Plaintiffs appealed the dismissal to the United States Court of Appeals for the Seventh Circuit, which reversed the District Court's order in part, holding that Plaintiffs were entitled to seek prospective relief in federal court on their claim that the refusal to pay owners of unclaimed property the benefit of the property's earnings while in State custody was an unconstitutional taking. The Seventh Circuit remanded the Action for further proceedings on that claim and affirmed the dismissal of the claim for damages on behalf of those whose property had been returned on the ground that the claim was against the State and the State was not a person that could be sued under Section 1983. *See Kolton v. Frerichs*, 869 F.3d 532 (7th Cir. 2017). While Plaintiffs' appeal was pending, the Illinois legislature enacted legislation revising the Illinois Uniform Disposition of Unclaimed Property Act (the "Revised Act") to require the State to pay interest to owners of unclaimed property whose property had been earning interest before it was delivered to the Treasurer. The Revised Act applied only to certain money property delivered to or converted by the Treasurer after June 30, 2018 and did not apply to Plaintiffs or members of the Class they sought to represent.

5. On October 10, 2017, Plaintiffs Kolton and Goldberg and Plaintiff Jeffrey Sculley filed an Amended and Supplemental Complaint limited to claims for declaratory and injunctive relief entitling Plaintiffs to just compensation in the future. On February 1, 2018, Plaintiffs moved for certification under Federal Rule of Civil Procedure 23(b)(2) of a class of all persons who are owners of property in the Illinois unclaimed property program in the form of money. The District Court denied Plaintiffs' motion on the ground that the proposed class did not satisfy the commonality requirement and that Plaintiff Goldberg had no claim for just compensation because his property was not earning interest before delivery to the Treasurer.

6. Following this ruling, Plaintiff Goldberg filed a motion for entry of a final judgment on his claim, which the District Court granted on June 20, 2018. Plaintiff Goldberg appealed this judgment and the dismissal of his claim to the Seventh Circuit, and the Seventh Circuit reversed, holding that an owner of unclaimed property is entitled to income that the property earns while in State custody regardless of whether the property had been previously earning income in the owner's hands. *See Goldberg v. Frerichs*, 912 F.3d 1009 (7th Cir. 2019).

7. On April 22, 2019, Plaintiffs renewed their motion for class certification, and on June 20, 2019, the District Court granted this motion and certified a Rule 23(b)(2) Class of "all persons who are owners of property in the Illinois unclaimed property program that is in the form of money."

8. During June-August, 2019, the parties engaged in informal discovery, including conferences and the exchange of written questions and answers relating to the Treasurer's investment of unclaimed property held in State custody, including earnings on the property in the Unclaimed Property Trust Fund, use of unclaimed property while in State custody, the number and amount of claims made by owners of unclaimed property annually, and the length of time unclaimed property was held in the Unclaimed Property Trust Fund before being claimed. In addition, Plaintiffs' counsel consulted with an expert economist on what might be a reasonable return on unclaimed property in the form of money held by the Treasurer.

9. Plaintiffs presented a settlement demand to the Treasurer on August 19, 2019, and the Treasurer made a counter-proposal on October 10, 2019. Thereafter, counsel for the parties met and conferred on several occasions, and the Treasurer provided additional information in response to follow-up questions from Plaintiffs. After extensive arms-length negotiations and Plaintiffs' counsel's consultation with their expert economist, the Parties reached an agreement in principle to settle the Action on January 22, 2020, and after further arms-length negotiations over certain terms, memorialized their agreement in a Memorandum of Understanding dated March 11, 2020.

10. Pursuant to the terms in their agreement in principle to settle the Action, class member Henry Krasnow on July 20, 2021 filed a Second Amended and Supplemental Complaint which added claims on behalf of a Settlement Class consisting of owners of Unclaimed Property that was held in the form of money by the Treasurer and whose claim for return of their property was paid or approved in the period from August 22, 2017 (the date of the reversal of the dismissal of the Complaint by the Seventh Circuit) through and including July 20, 2021 (the date of preliminary approval of the Settlement by the District Court).

THE REASONS FOR THE SETTLEMENT

11. Plaintiffs have litigated this Action in the District Court and through two appeals in the Seventh Circuit for nearly five years. The claims presented complex issues and a novel theory which required extensive factual and legal research and investigation. Plaintiffs have reviewed documents obtained from the Treasurer and public records relating to the collection, investment, and disposition of unclaimed property and interviewed witnesses from the Treasurer's office.

12. The Settlement was entered into only after Plaintiffs succeeded on two separate appeals they took to the United States Court of Appeals for the Seventh Circuit. Although Plaintiffs prevailed in both appeals, the court of appeals limited the extent of Plaintiffs' potential recovery. First, the court held that Plaintiffs could not pursue, under 42 U.S.C. §1983, the federal civil rights statute, their claim on behalf of property owners whose unclaimed property had been returned to them by the State. Second, the court held that the State was entitled to deduct certain administrative expenses of the Unclaimed Property Trust Fund from interest owed ("net interest") to Plaintiffs and left it to the District Court to determine whether and how much net interest was due.

13. In deciding to settle the Action, Plaintiffs and Plaintiffs' Counsel weighed the potential benefits of continuing with the litigation against the certain benefits provided by the Settlement, as well as the potential risks and costs of continuing the litigation. The principal reasons for agreeing to the Settlement are: (a) the potential recovery in light of the Seventh Circuit's opinions, which left contested issues relating to the appropriate measure of just compensation and the calculation of net interest subject to further litigation; (b) the benefits of obtaining immediate relief for the Classes and the risk of losing these benefits for large numbers of Class Members through protracted legal proceedings; (c) the advantages of obtaining benefits for the Rule 23(b)(3) Class Members whose property has been returned without interest but whose claim had been dismissed from the federal court proceeding; and (d) the risks and uncertainties of continued class action litigation of this nature.

14. Plaintiffs and Plaintiffs' Counsel believe that the proposed Settlement confers substantial benefits upon the Classes and that it is fair, reasonable, and adequate and in the best interest of the Classes. They recommend it to the Classes and to the Court for its approval. Defendant and Defendant's Counsel also recommend the Settlement to the Court for its approval.

TERMS OF THE PROPOSED SETTLEMENT

15. On July 20, 2021, the Court conditionally certified a class of owners of unclaimed property whose claim for return of their property from the Treasurer was paid or approved during the period August 22, 2017 to July 20, 2021 (the "Rule 23(b)(3) Settlement Class"). The Court had previously certified a Class of owners of unclaimed property whose property was being held in the form of money by the Treasurer (the "Rule 23(b)(2) Class"). Under the Settlement Agreement, the Rule 23(b)(2) Class will include all persons who are owners of unclaimed property held in the form of money by the Treasurer as of July 20, 2021.

16. If the Court approves the Settlement, the Defendant has agreed to pay interest as just compensation to members of both the Rule 23(b)(3) Settlement Class and the Rule 23(b)(2) Class. Interest will be paid from the latest of August 22, 2017, the date the unclaimed property is delivered to the Treasurer, or the date the Treasurer converts unclaimed property that is not in the form of money to money. Just compensation shall be payable for a period not to exceed ten years or until the property is returned, whichever is earlier. The Treasurer will also pay the just compensation measure agreed to in the Settlement to owners of unclaimed property in the form of money that is delivered to the Treasurer after July 20, 2021 ("Future Claimants"), subject to the

General Assembly's enacting legislation that changes the just compensation owed to Future Claimants.

17. The Settlement measure of just compensation is an interest rate calculated monthly and compounded monthly that is the greater of: (1) the actual return the Defendant earns on the Unclaimed Property Trust Fund maintained by the Defendant, or (2) the percentage increase, if any, in the Consumer Price Index for all Urban Consumers (CPI-U), for all items published by the U.S. Department of Labor. This measure will be applied to the gross amount of the Class Member's claim for each month that the Defendant has held the class member's property in the form of money. The Treasurer may assess an administrative fee of no more than \$5.00 for each claimed property, deductible only from interest due on each claimed property. Members of either Class entitled to interest under the Revised Act shall be entitled to receive any greater amount due under this Settlement.

18. Rule 23(b)(3) Settlement Class Members whose mailing addresses can be verified by the Treasurer will receive their interest payments without further action from the Class Member. If no current mailing address can be verified, the Class Member will be required to confirm the mailing address within 120 days of the date confirmation is requested or to file a separate request with verification of the mailing address within two years of the confirmation request.

19. The Settlement will become effective (the "Effective Date") only after the judgment approving the Settlement entered by the Court becomes final and is not subject to appeal. Upon the Effective Date, the Treasurer will begin making interest payments to Class Members whose property has been returned or is returned in the future. The Treasurer has calculated that, as of March 31, 2021, the net interest payable to Rule 23(b)(3) Settlement Class Members is \$13,563,730.89. Net interest payable to Rule 23(b)(2) Class Members can only be estimated because those claims have not yet been made. However, based on historical averages relating to holding periods and return rates of the Unclaimed Property Trust Fund, recent interest rates, and calculations of interest payable to the Rule 23(b)(3) Class, the Treasurer has estimated that the present value of interest payable to the Rule 23(b)(2) Class will be approximately \$30,851,391. Plaintiffs and Plaintiffs' Counsel have been advised by an expert economist whom they have consulted that, based on historical trends of unclaimed property claims paid by the Treasurer, the interest payable to the Rule 23(b)(2) Class will likely be well above that estimate.

20. Upon the Effective Date, Plaintiffs and the Classes shall release and discharge Defendant, his representatives, and the State of Illinois, and Defendant shall release Plaintiffs, the Classes, and Plaintiffs' Counsel, from claims related to this Action, other than their respective obligations contained in the Settlement Agreement.

21. Upon the Effective Date, Class Members will be bound by all proceedings, orders, and the final judgment in this Action, whether favorable or unfavorable to them. You are not required to take any action to remain a Class Member.

22. This Notice is not intended to be a complete description of the Settlement Agreement. That document, which contains the full and complete terms of the Settlement, is on

file with the Court and is available on the Treasurer's website, <http://icashillinoistreasurer.gov> and <http://illinoistreasurer.gov>.

RIGHTS OF RULE 23(b)(3) CLASS MEMBERS

23. Members of the Rule 23(b)(3) Settlement Class who do not wish to be bound by the Settlement and the Order and Final Judgment must exclude themselves from the Class by submitting a request for exclusion in writing to (i) Counsel for Plaintiffs and the Classes and (ii) Counsel for the Defendant at the addresses listed below that is post-marked or otherwise delivered no later than September 30, 2021.

24. A request for exclusion must clearly state the name, mailing address and email address, if there is one, of the person seeking exclusion, the name of the original property owner, the name of the person who claimed the property from the Treasurer, the dollar amount the claimant was paid, and the date the claim was paid. The request for exclusion should provide the claim number and property identification numbers, if known. Class Members who request exclusion from the Class will not be entitled to receive any interest payment from the Settlement.

SETTLEMENT FAIRNESS HEARING

25. On October 21, 2021, a hearing will be held before the Honorable Charles P. Kocoras in Courtroom 2325 at 219 South Dearborn Street, Chicago, Illinois at 10:00 a.m. (the "Settlement Fairness Hearing") to determine (a) whether the proposed Settlement of the Action as set forth in the Settlement is fair, reasonable, adequate, and in the best interest of the Classes; (b) whether the Court should grant final approval of the Settlement; and (c) whether a Final Judgment (as provided in the Settlement Agreement) should be entered.

ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES AND PLAINTIFFS' COMPENSATION

26. At the Settlement Fairness Hearing, or at such other time as the Court may direct, Plaintiffs' Counsel intends to apply to the Court for an award of attorneys' fees and reimbursement of expenses in accordance with F. R. Civ. P. 23(h), 42 U.S.C. §1988 (as applicable), and common law in an amount not to exceed \$9.5 million or 25% of the benefit to the Classes. Plaintiffs' Counsel have expended considerable time and effort in the prosecution of this litigation on a contingent fee basis and have advanced the expenses of the litigation in the expectation that if they were successful, they would be compensated. Plaintiffs' Counsel will also request that the Court award the four individual Plaintiffs \$2,500 each to compensate them for their efforts in assisting Plaintiffs' Counsel in the Action.

OBJECTIONS TO THE SETTLEMENT

27. A Member of the Rule 23(b)(2) Class or the Rule 23(b)(3) Settlement Class who wishes to object to the fairness, reasonableness, or adequacy of the Settlement, to any term of the Settlement, to the request for an award of attorneys' fees and expenses, or to the request for Plaintiffs' compensation must file a written objection with the Court and serve the objection on Counsel for Plaintiffs and the Classes and Defendant's Counsel at the addresses listed below by first class mail and electronic mail by no later than September 30, 2021. A member of the Rule

23(b)(3) Settlement Class who requests to be excluded from the Class may not submit an objection.

Counsel for Plaintiffs and the Classes:

Terry Rose Saunders
The Saunders Law Firm
120 North LaSalle Street, Ste.2000
Chicago, IL 60602
Tel: (312) 444-9656
tsaunders@saunders-lawfirm.com

Arthur Susman
Law Offices of Arthur Susman
55 West Wacker Drive, Suite 1400
Chicago, IL 60601
Tel: (847) 800-2351
arthur@susman-law.com

Counsel for Defendant:

Sarah Newman
Office of the Illinois Attorney General
100 West Randolph Street, 13th Floor
Chicago, IL 60601
Tel: (312) 814-6131
sarah.newman@illinois.gov

28. An objection of a Class Member must demonstrate that the objector is a Class Member, and must include the name and mailing address of the original property owner; the name, mailing address and email address, if there is one, of the person who claims or, if the property has been returned, claimed ownership of the property; the dollar amount of the claim; and, if paid, the date or approximate date the claim was paid. An objector should provide the unclaimed funds claim number and any property identification numbers, if known. Objectors must also plainly state their individual concerns, including which part of the Settlement the Class Member objects to and the specific reasons for any objection.

29. A Class Member may file an objection on his, her, or its own, or through any attorney hired at the objector's own expense. If a Class Member hires an attorney in connection with filing an objection, the attorney must file a notice of appearance with the Court and effect service on Plaintiffs' Counsel and Defendant's Counsel no later than September 30, 2021.

30. A Class Member who files and serves a written objection pursuant to this Section – and only such Class Members¹ – may appear at the Settlement Fairness Hearing, either in person or through an attorney retained at the Class Member's expense, to object to the fairness, reasonableness or adequacy of the Settlement Agreement, to any terms of the Settlement Agreement, to the request of Plaintiffs' Counsel for an award of attorneys' fees and reimbursement of expenses, or the request for Plaintiffs' compensation. Class Members or their attorneys who intend to make an appearance at the Settlement Fairness Hearing must both file

¹ The Settlement Fairness Hearing is open to the public, and therefore any member of the public may attend and listen to the hearing. However, only Class Members who file objections may appear and speak at the hearing to set forth their objections.

with the Court and serve Plaintiffs' Counsel and Defendant's Counsel with a notice of intention to appear by no later than October 7, 2021.

31. Any Class Member who does not comply with any of these requirements may waive and forfeit any right to object to the Settlement, Plaintiffs' Counsel's petition for attorney's fees and reimbursement of expenses, and Plaintiffs' request for Plaintiffs' Compensation.

32. Class members should not contact the Court relative to either the attorneys' fees and expenses application or the final approval of the Settlement. Due to electronic filing rules of the Court, filings normally are required to be made electronically. Objectors should therefore not wait until the last minute, to assure they can comply with the Clerk's requirements for electronic filing. For further information on E-filing requirements, class members should consult the website of the Clerk of the District Court, <https://www.ilnd.uscourts.gov>.

TERMINATION OF THE AGREEMENT OF SETTLEMENT

33. The Settlement Agreement will terminate if the Court does not approve the Settlement or declines to enter the final judgment or if the final judgment entered by the Court is reversed or modified on appeal. If the Settlement is terminated, the Settlement will become null and void, and the Action will revert to its status as of March 10, 2020.

FURTHER INFORMATION

34. This Notice is only a summary and does not fully describe all aspects of the Action or the Settlement. It is subject to and controlled by the more detailed provisions of the Settlement Agreement and related orders, exhibits, and other papers filed in the Action. For examination of the Settlement Agreement and related exhibits, orders and other papers, Class Members should visit the homepage of the Treasurer's website, <http://icash.illinoistreasurer.gov> and <https://illinoistreasurer.gov> or obtain access to the U.S. District Court for the Northern District of Illinois through Public Access to Court Electronic Records ("PACER") at <https://pacer.uscourts.gov>. Because of orders entered by the District Court relating to COVID-19, which restrict access to the Office of the Clerk and the U.S. Courthouse, it is not currently possible to inspect files in person at the Office of the Clerk. If you are unable to access information on the Treasurer's website or PACER, you may contact the Treasurer's Office by calling 833-623-0612 or, outside of office hours, send an email to unclaimedproperty@illinoistreasurer.gov.

PLEASE DO NOT CONTACT THE COURT OR THE OFFICE OF THE CLERK OF THE COURT CONCERNING THE SETTLEMENT OR THIS NOTICE.

BY ORDER OF THE COURT

Dated: July 20, 2021

Chicago, Illinois

Exhibit 4



Office of the Illinois State Treasurer

MICHAEL W. FRERICHS

The information below is a detailed listing of the asset(s) pertaining to your claim # [REDACTED]

Property ID [REDACTED]	Cash [REDACTED]
Property Type [REDACTED]	Shares [REDACTED]
Report Year [REDACTED]	Stock Cash [REDACTED]
Holder ID [REDACTED]	Safekeeping Cash [REDACTED]
Holder [REDACTED]	Last Activity Date [REDACTED]
Property ID [REDACTED]	Cash [REDACTED]
Property Type [REDACTED]	Shares [REDACTED]
Report Year [REDACTED]	Stock Cash [REDACTED]
Holder ID [REDACTED]	Safekeeping Cash [REDACTED]
Holder [REDACTED]	Last Activity Date [REDACTED]

Claims SectionPO Box 19496
Springfield, IL 62794-9496
Phone: (217) 785-6998
Fax: (217) 557-5871**Reporting/Safe Deposit**PO Box 19496
Springfield, IL 62794-9496
Phone: (217) 785-6998
Fax: (217) 557-6438**Securities Section**PO Box 19496
Springfield, IL 62794-9496
Phone: (217) 785-6998
Fax: (217) 557-5871

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

ANTHONY D. KOLTON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	No. 16-cv-3792
)	
MICHAEL W. FRERICHs,)	
Treasurer of the State of Illinois,)	
)	
Defendant)	

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To: All persons and entities who owned unclaimed property in the form of money that as held by the Illinois State Treasurer ("Treasurer") during the period from August 22, 2017 through July 20, 2021.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS CLASS ACTION.

WHY SHOULD I READ THIS NOTICE?

YOU ARE NOTIFIED, pursuant to an Order of the United States District Court for the Northern District of Illinois, Eastern Division (the "Court") that the above-captioned action has been certified as a class action on behalf of two classes: (i) owners of unclaimed property held in the form of money by the Treasurer as of July 20, 2021 (the "Rule 23(b)(2) Class"), and (ii) persons whose unclaimed property claims were paid or approved by the Treasurer during the period August 22, 2017 through July 20, 2021 (the "Rule 23(b)(3) Settlement Class," and together with the Rule 23(b)(2) Class, the "Classes").¹ A settlement of this action has been proposed that requires the Treasurer to pay interest to all Class members, and to pay interest in the future to persons and entities whose unclaimed property is held by the Treasurer in the form of money, and thus compensate them for earnings on their property while in State custody. The action asserts claims on behalf of the Classes and alleges that the Treasurer is required by the United States Constitution to compensate Class members for the earnings on their money while held by the State.

WHAT AM I ENTITLED TO RECEIVE UNDER THE SETTLEMENT?

The proposed settlement provides that the Treasurer will pay interest on unclaimed property starting from the latest of August 22, 2017, the date the property is delivered to the Treasurer, or the date the Treasurer converted the property to money through the date the unclaimed property is returned to the owner (the "Settlement"). The interest rate shall be the greater of the interest rate the Treasurer earns on unclaimed property on a monthly basis or the monthly percentage change in the Consumer Price Index for all Urban Consumers during the period that the Treasurer held the property. The Treasurer will pay interest for a period of up to ten years and may charge an administrative fee of up to \$5.00 for each claimed property, deductible only from interest due.

¹ For both Classes, only owners of unclaimed property that the Treasurer held in the form of money (*i.e.*, cash) are included in the class. Owners of tangible items such as coins or jewelry and owners of securities are not included unless and until the Treasurer sells and converts those items or securities into money.

WHO WILL DETERMINE IF THE SETTLEMENT IS FAIR?

The Court will hold a hearing on October 21, 2021 at 10:00 a.m. before the Honorable Charles P. Kocoras at the United States District Courthouse for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604, Courtroom 2325, to determine (i) whether the proposed settlement is fair, reasonable and adequate to the Classes and should be approved; and (ii) whether the application of counsel for the Classes for an award of attorneys' fees and reimbursement of expenses and for an award for the named Plaintiffs (Anthony D. Kolton, S. David Goldberg, Jeffrey Sculley and Henry C. Krasnow) in connection with their representation of the Classes should be approved. The application of Class counsel for an award of attorneys' fees and reimbursement of expenses shall be in accordance with F.R. Civ. P. 23(h), 42 U.S.C. §1988 (as applicable), and common law in an amount not to exceed \$9.5 million or 25% of the benefit to the Classes.

HOW CAN I GET MORE INFORMATION ABOUT THE SETTLEMENT?

If you are a member of the Rule 23(b)(2) Class or the Rule 23(b)(3) Settlement Class, your rights will be affected and you may be entitled to compensation under the Settlement. The documents relating to the Settlement and the instructions for claiming compensation are posted on the website of the Treasurer and may be found at <https://icash.illinoistreasurer.gov> and <https://illinoistreasurer.gov>.

If you are a Member of the Rule 23(b)(3) Settlement Class, you should also receive an email or letter containing the full Notice of Certification and Proposed Settlement of Class Action and Hearing ("Notice"). If you have not yet received the Notice, which describes the action and your rights in detail, you should go to the website of the Treasurer set out above and search for the Notice. If your mailing address or email address has changed since you received your payment from the Treasurer, you can provide your updated email address and mailing address at <https://icash.illinoistreasurer.gov>. If you are unable to access information on the Treasurer's website, you may contact the Treasurer's office by calling 833-623-0612 or, outside of office hours, send an email to unclaimedproperty@illinoistreasurer.gov.

WHAT SHOULD I DO IF I AM A MEMBER OF THE RULE 23(b)(3) SETTLEMENT CLASS AND DO NOT WANT TO PARTICIPATE IN THE SETTLEMENT?

If you are a member of the Rule 23(b)(3) Settlement Class and wish to remain a member of that Class, you do not need to take any action at this time. If you do not wish to be bound by the Settlement and the Order and Final Judgment of the Court, you must exclude yourself from that Class by submitting a request for exclusion in writing to Counsel for Plaintiffs and the Classes and Counsel for the Treasurer at the addresses listed below that is post-marked no later than September 30, 2021 in accordance with the instructions set forth in the Notice on the Treasurer's website. If properly excluded, you will not be bound by any judgments or orders in the action and will not be eligible to receive payments from the Settlement.

CAN I OBJECT TO THE SETTLEMENT?

Members of the Rule 23(b)(2) Class and the Rule 23(b)(3) Settlement Class have the right to object and be heard in connection with the Court hearing and to retain their own attorney, at their own expense. Class members are not required either to appear or object. All objections to the Settlement or Plaintiffs' Counsel's motions for an award of attorneys' fees and litigation expenses or for awards to Plaintiffs must be in writing and must include the name of the original property owner. If a claim for the property has been paid, then the objection must specify (1) the name(s) of the person(s) who claimed the funds, (2) the claimant's address at the time the claim was paid and the current address, if different, (3) the dollar amount the claimant was paid, and (4) the date or approximate date the claimant recovered the unclaimed funds. Objectors also should provide the unclaimed funds claim number and property identification numbers, if known. All objections must be filed with the Court and received by Plaintiffs' Counsel and the Treasurer's Counsel at the addresses listed below by no later than September 30, 2021 in accordance with the instructions found on the Treasurer's website or the Notice.

WHO CAN I CONTACT IF I HAVE QUESTIONS ABOUT THE SETTLEMENT?

Please do not contact the Court, the Court Clerk's Office or the Treasurer regarding this Summary Notice. All questions regarding the contents of this Notice should be directed to Counsel for the respective parties.

**COUNSEL FOR PLAINTIFFS AND
THE CLASSES**

Terry Rose Saunders
THE SAUNDERS LAW FIRM
120 North LaSalle Street
Suite 2000
Chicago, IL 60602
(312) 444-9656

Email: tsaunders@saunders-lawfirm.com

Arthur Susman
LAW OFFICES OF ARTHUR SUSMAN
55 West Wacker Drive, Suite 1400
Chicago, IL 60601
(847) 800-2351

Email: arthur@susman-law.com

**COUNSEL FOR THE TREASURER OF
THE STATE OF ILLINOIS**

Sarah Newman
OFFICE OF THE
ILLINOIS ATTORNEY GENERAL
100 West Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-6131

Email: sarah.newman@illinois.gov

BY ORDER OF THE COURT:

Honorable Charles P. Kocoras

Dated: July 20, 2021

Exhibit 5

SPORTS

■ USA TODAY ■ FRIDAY, AUGUST 6, 2021 ■ 5C

English lights up TPC Southwind

Steve DiMeglio
Golfeater
USA TODAY Network

MEMPHIS — Harris English didn't want to get ahead of himself.

So, no, he wasn't thinking about golf's magic number even after making birdies on six of his first seven holes and adding another on the ninth to make the turn in a tournament-record-tying, 7-under-par 28 in the first round of the World Golf Championships-FedEx St. Jude Invitational at steamy TPC Southwind.

"It never really pops in my head," English said about the number 59. "I'm just trying to stick to my strategy every hole. I didn't get too far ahead of myself because I know this course can come up and bite you at any moment. You start hitting in the rough, you start missing greens, it can get tough."

"I was just happy with the way I fought back. Had two bogeys on 10 and 12, but climbed back in it, and birdied the last three out of four is a great way of finishing it off. You never want to give shots back in a round, especially when you get off to such a good start after the way I finished and got some good momentum."

English finished with an 8-under-par 62 and stood two shots clear of the field at day's end. Two back at 64 were Jim Herman, Carlos Ortiz, Ian Poulter and Matthew Wolff. Bryson DeChambeau came in with a 65, defending champion Justin Thomas with a 67.

Joel Edwards in 2002 is the only other player besides English to shoot a 28 on either nine at TPC Southwind. English also came within a stroke of matching the tournament record of 61 set by Jay Delsing in 1993 and Bob Estes in 2001.

"It was just one of those rounds where I was hitting it really good off the tee, making a lot of good putts and my speed was really good," English said. "I've been working on my speed the last couple days. These greens were a lot faster than what I was practicing on back home, so I did a lot of speed work and I feel like it paid off today. The hole was looking big out there and I just had to keep the pedal down."



Harris English, hitting his tee shot on the 17th hole during the first round, shot 62 Thursday and leads the World Golf Championships-FedEx St. Jude Invitational by two shots. CHRISTOPHER HANEWINCKEL/USA TODAY SPORTS

Things have been paying off for English for some time now, ever since he stopped trying to swing like other players such as Rory McIlroy and Dustin Johnson. He went back to being Harris English and this year he's in line to become the first three-time winner after capturing the Sentry Tournament of Champions and the Travelers Championship.

His long run of good form has moved him up to No. 14 in the official world rankings. He also feels in form every time he comes to TPC Southwind, where he won the first of his four PGA Tour titles in the 2013 FedEx St. Jude Classic.

He's also ninth in the Ryder Cup standings for Team USA. The top 6 automatically make the team while captain Steve Stricker has six discretionary selections.

"It's been on my mind for a while," English, 32, said of the Ryder Cup. "I know I've got to continue to play golf. I want to make the team on my own. I don't want to have to be a pick. It's definitely something I've been wanting to do for a long time and it's the pinnacle of our sport and I would love to be on that team."

"There's a lot of good Americans vying for that team, those last few spots. Hopefully I can keep playing well and make the team."

Despite all his good play going on three years now, English and his soft-spoken ways is often overlooked. Doesn't bother English one bit.

"I don't mind being the underdog," he said. "There are so many good players on Tour right now. I'm happy where my game's at right now. Just keep doing what I'm doing and wherever it may be, if I'm underrated, overrated, that doesn't matter."

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NOTICES

LEGAL NOTICES

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

JACQUES L. COITON, et al.

Plaintiffs,

vs.

MICHAEL W. FRENCH,

Trustee of the Estate of French,

Defendant.

Case No. 16-cv-3792

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To All persons and entities who have claimed or may in the future claim that they were the owner of the French Estate (the "Estate") during the period from August 21, 2017 through July 26, 2021:

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS CLASS ACTION.

WHAT SHOULD I READ THIS NOTICE?

YOU ARE NOTICED because in or about the United States District Court for the Northern District of Illinois, Eastern Division (the "Court") the above-captioned action has been certified as a class action on behalf of those persons (the "Class") who owned or claimed to own the French Estate during the period from August 21, 2017 through July 26, 2021 (the "Class Period").

The purpose of this notice is to inform you of the proposed settlement of the above-captioned class action and to provide you with the opportunity to object to the proposed settlement or to opt out of the settlement.

If you are a member of the Class, you may wish to object to the proposed settlement or to opt out of the settlement. If you do not object or opt out, you will be bound by the terms of the proposed settlement.

If you are not a member of the Class, you may wish to object to the proposed settlement or to opt out of the settlement. If you do not object or opt out, you will be bound by the terms of the proposed settlement.

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LEGAL NOTICES

NOTICE TO ALL PERSONS WHO MAY BE AFFECTED BY THE PROPOSED SETTLEMENT OF THE ABOVE-CAPTIONED CLASS ACTION

YOU ARE NOTICED because in or about the United States District Court for the Northern District of Illinois, Eastern Division (the "Court") the above-captioned action has been certified as a class action on behalf of those persons (the "Class") who owned or claimed to own the French Estate during the period from August 21, 2017 through July 26, 2021 (the "Class Period").

The purpose of this notice is to inform you of the proposed settlement of the above-captioned class action and to provide you with the opportunity to object to the proposed settlement or to opt out of the settlement.

If you are a member of the Class, you may wish to object to the proposed settlement or to opt out of the settlement. If you do not object or opt out, you will be bound by the terms of the proposed settlement.

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BRIEFING

SCOTT A. CORPORA, BURLINGTON COUNTY PROSECUTOR, P.O. BOX 1000,

BURLINGTON COUNTY, NEW JERSEY 08009, PETITIONER FOR

PLAINTIFF, v. STATE OF NEW JERSEY BURLINGTON COUNTY SUPERIOR COURT,

CIVIL PART DOCKET NUMBER 02-00020-20 CIVIL ACTION NUMBER

UNDISCLOSED DAMAGES (UNDISCLOSED CLAIMS): has no "real, concrete and

personal expenditures, and has not, and will not, at any time, incurred any

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Exhibit 6



August 6, 2021

To Whom It May Concern:

I am a duly authorized representative of MCA Russell Johns Associates LLC, the company handling the advertising matters for USA Today, a daily newspaper distributed within the United States.

A legal notice was placed by IL State Treasurer and was published in said newspaper within the national legal section of the USA Today on: August 6, 2021..

Anthony Pacini

State of Florida
County of Pinellas

On this 6th day of August, 2021, I attest that the attached document is a true, exact, complete, and unaltered tearsheet.

Notary

CAMIKA C. WINTER
Notary Public, State of Florida
My Comm. Expires Apr. 16, 2022
No. QQ 208003

Russell Johns Associates 17110 Gunn Hwy, Odessa Florida 33556

A decorative graphic at the bottom of the page consisting of a long, horizontal, textured bar with a large arrow pointing to the right.

Exhibit 7

Michael W. Frerichs - Illinois State x +

← → ↻ illinoistreasurer.gov

Michael W. Frerichs
ILLINOIS STATE TREASURER

OFFICE OF THE TREASURER INDIVIDUALS INVEST IN ILLINOIS FINANCIAL INSTITUTIONS LOCAL GOVERNMENTS FINANCIAL EDUCATION The Vault Data Portal


ICash
ABLE
College Savings
Estate Tax
Fallen Heroes
Finally Home
Secure Choice
Student Loans
Kolton

Giving You The Tools to Achieve the American Dream

Welcome! Here you will find valuable information about financial programs and services that make Illinois a great place to live, work, and raise a family.

Featured Programs


ICash



1 in 4 who check our database discover unclaimed property

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ABLE



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Kolton Settlement



Kolton case information and materials

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Resource Center

Our goal is to make timely Treasurer's Office information available. Use this Resource Center to quickly access frequently visited pages, and the latest news and updates.

- [Advancing Equity in Banking Commission](#)
- [Small Business COVID-19 Relief Program](#)
- [19th Amendment Commemorative Coin](#)
- [Heritage Month Celebrations](#)

[Executive Inspector General](#)

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October 7, 2021 - Illinois Treasurer Frerichs Accelerates Effort Calling on Russell 3000 Companies to Disclose Board Diversity Data
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September 28, 2021 - Treasurer Frerichs Reminds Small Non-Profits of Sept. 30th Deadline to Apply for \$200,000 in Funding
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September 17, 2021 - IL State Treasurer Surprises Special Olympics Athletes with USA Games Reveal
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August 25, 2021 - Illinois State Fair Live Unclaimed Property Auction Earns \$192,000
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August 12, 2021 - Treasurer Frerichs Announces Winners for 2021 Cream of the Crop Photo Contest
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August 9, 2021 - Fitch Gives Top AAA Rating to Illinois Funds
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August 5, 2021 - State Treasurer Michael Frerichs' Unclaimed Property Program Returns \$226 Million
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<https://www.illinoistreasurer.gov/Individuals/Kolton>

Exhibit 8


Illinois Unclaimed Property - Official Site

icash.illinoistreasurer.gov/#

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Star

S

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Check the Status of a Claim
Upload Claim Documentation
How to Claim Property
Kolton Settlement



Welcome to the Illinois State Treasurer's Unclaimed Property Page

The State Treasurer is holding more than 3.5 billion dollars in unclaimed funds for Illinoisans. The State holds these lost funds until they are claimed by either the original owner or their heirs. Property is returned at no cost with the proper identification.

For more information, please visit our About section at the top of the page.

CLAIMING A PROPERTY

Enter information in the fields below to see if you have any unclaimed property:

Last or Business Name:

First Name:

City:

ZIP Code:

Property ID:

SEARCH

CHECK A CLAIM'S STATUS

Enter your Claim ID to see the status of a Claim you have submitted to the Illinois State Treasurer's Unclaimed Property Division:

Claim ID:

SEARCH

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Upload Claim Documentation
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Submit a Report
Submit a Payment
Outreach Response
Reporting Guidelines

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Contact Us
What Is Unclaimed Property?
From the State Treasurer
Kolton Settlement




<https://illinoistreasurer.gov/Individuals/Kolton>

Exhibit 9






Michael W. Frerichs - Illinois State

illinoistreasurer.gov/Individuals/Kolton



Michael W. Frerichs

ILLINOIS STATE TREASURER



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Kolton

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[July 20, 2021 Minute Entry Granting Motion for Preliminary Approval and Setting Hearing Date](#)

[Preliminary Approval Order](#)

[Plaintiffs' Motion for Award of Attorneys' Fees and Other Relief](#)

[Plaintiffs' Memorandum In Support of Motion for Award of Attorneys' Fees](#)

[Plaintiffs' Memorandum in Support of Motion for Final Approval of Class Action Settlement](#)

[Plaintiffs' Motion for Final Approval of Class Action Settlement](#)

Executive Inspector General

Popular Links

[Advancing Equity in Banking Commission](#)

[Small Business COVID-19 Relief Program](#)

[19th Amendment Commemorative Coin](#)

[Heritage Month Celebrations](#)

Exhibit 10

FAQS

GENERAL	GENERAL	CLAIMING PROPERTY	QUÉ ES UNA PROPIEDAD NO RECLAMADA?
CLASS ACTION	REPORTING PROPERTY	USEFUL LINKS	

Unclaimed Property FAQs on *Kolton v. Frerichs*, No. 16-cv-03792 (N.D. Ill.)

- [I received a class action notice about *Anthony D. Kolton, et al. v. Michael Frerichs*. Why did I receive this notice?](#)
- [What is a class action lawsuit?](#)
- [What is this class action lawsuit about?](#)
- [Am I part of the class action?](#)
- [What’s the difference between a Past Claimant and a Current Class Member?](#)
- [What am I entitled to receive under the settlement?](#)
- [I received notice about this class action that was addressed to a now-deceased person who previously received unclaimed property from the Treasurer. I am an heir to the decedent. How do I claim the interest payment on the deceased claimant’s behalf?](#)
- [When does interest start to accrue?](#)
- [Who determines if the settlement should be approved?](#)
- [What do I need to do if I’d like to be part of this settlement?](#)
- [What do I need to do if I don’t want to be part of this settlement?](#)
- [What do I need to do if I want to object to this settlement?](#)
- [Where do I update my contact information?](#)
- [Who can I contact if I have more questions about the settlement?](#)

Unclaimed Property FAQs on *Kolton v. Frerichs*, No. 16-cv-03792 (N.D. Ill.)

I received a class action notice about *Anthony D. Kolton, et al. v. Michael Frerichs*. Why did I receive this notice?

This is a class action lawsuit and you have the right to know about the lawsuit and your legal rights and options before the Court decides whether to approve the settlement.

What is a class action lawsuit?

A class action is a legal proceeding where one or more plaintiffs, who serve as representatives of the class, sues on behalf of the class, which is a larger group of people who have similar claims. If the plaintiffs win the lawsuit, then the class members also share in the recovery, based on the settlement or judgment.

What is this class action lawsuit about?

This class action is about rightful owners of unclaimed property getting paid interest on unclaimed cash during the time it was held by the Treasurer, depending on certain criteria. As part of a settlement, which the Court has preliminarily approved, the Treasurer’s Office has agreed to pay interest on unclaimed cash to avert a costly federal court battle.

Am I part of the class action?

You are part of the class action if you are the rightful owner of unclaimed property in the form of money that was held by the Treasurer’s Office from August 22, 2017 to July 20, 2021. You are either a Past Claimant (“Rule 23(b)(3) Settlement Class Member”) or a Current Class Member (“Rule 23(b)(2) Class Member”).

What’s the difference between a Past Claimant and a Current Class Member?

A “Past Claimant” is a rightful owner of unclaimed cash who was already paid or was approved for payment from August 22, 2017 through July 20, 2021, the date the Court preliminarily approved the class action settlement. The formal name is a “Rule 23(b)(3) Settlement Class Member.”

“Current Class Member” is a rightful owner of unclaimed cash held by the Treasurer as of July 20, 2021, the date the Court preliminarily approved the class action settlement. The formal name is a “Rule 23(b)(2) Class Member.”

What am I entitled to receive under the settlement?

Past Claimants and Current Class Members are entitled to receive interest on their original unclaimed money amount minus a \$5 administrative fee, payable only from interest earned to cover the costs of calculating and administering interest payments and related administrative expenses. The interest rate will be the monthly inflation rate according to the federal Bureau of Labor Statistics or the monthly earnings of the Illinois state portfolio, whichever is greater. The Treasurer’s Office will pay interest for a period not to exceed ten years or until the Treasurer paid the claim, whichever is earlier.

I received notice about this class action that was addressed to a now-deceased person who previously received unclaimed property from the Treasurer. I am an heir to the decedent. How do I claim the interest payment on the deceased claimant’s behalf?

If you received notice belonging to a deceased claimant, please contact the Treasurer at unclaimedproperty@illinoistreasurer.gov or 833.623.0612 so that staff can properly identify the claim as belonging to a deceased claimant. If the deceased claimant is entitled to interest payment, it will be entered as unclaimed property on the ICash website. Please visit <https://icash.illinoistreasurer.gov/> 60 days after the final judgment is entered by the court to check if the deceased person has claimable property. If so, please file a claim with the Treasurer.

When does interest start to accrue?

The start date for calculating interest is the latest of (i) August 22, 2017, (ii) the date the property is turned over to the Treasurer’s Office, or (iii) the date the Treasurer’s Office converted the property to money form (*i.e.*, shares of stock become cash). Interest will continue to be paid until the money is returned to the rightful owner but not for more than ten years.

Who determines if the settlement should be approved?

Judge Charles P. Kocoras, a federal District Court Judge for the Northern District of Illinois at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Room 2325, Chicago, IL 60604, will hold a Settlement Fairness Hearing on October 21, 2021 at 10:00 a.m. to decide if this class action settlement is fair, reasonable, and adequate to Class Members. Please check <https://icash.illinoistreasurer.gov> and <https://illinoistreasurer.gov> or refer to <https://illinoistreasurer.gov/Individuals/Kolton>.

What do I need to do if I’d like to be part of this settlement?

No action is needed if you wish to be part of this Settlement.

If you are (i) a Past Claimant, (ii) the Treasurer’s Office has a valid mailing address, and (iii) you are due interest from a previously paid claim, you will get a check in the mail.

What do I need to do if I don’t want to be part of this settlement?

If you are a Past Claimant and want to keep your right to sue the Treasurer for interest on your own, you must exclude yourself from this settlement. To exclude yourself, you must write to the plaintiffs’ lawyers as well as to the Treasurer’s lawyer by September 30, 2021. The names and addresses of the lawyers and information you must include in your request for exclusion are in the two Notices that are posted at <https://icash.illinoistreasurer.gov> and <https://illinoistreasurer.gov>.

If you are a Current Class Member, you cannot exclude yourself from the settlement, but you can object to the settlement (see below for more information).

What do I need to do if I want to object to this settlement?

10/18/21, 4:15 PM

Illinois Unclaimed Property – Official State Site

Regardless of which class you belong to, if you have comments about or disagree with any aspect of the settlement, you can object to this settlement. Please refer to Paragraphs 27-32 of the Class Action Notice found at <https://illinoistreasurer.gov/Individuals/Kolton> for instructions on how to object.

Class Members are not required to appear at the Fairness Hearing or object.

Where do I update my contact information?

To update your contact information, please visit https://illinoistreasurer.gov/Unclaimed_Property_Contact_Info_Change_Request.

You can also call the Treasurer's Office at 833.623.0612 or e-mail the Treasurer's Office at unclaimedproperty@illinoistreasurer.gov. If you need more information, please go to <https://icash.illinoistreasurer.gov> or <https://illinoistreasurer.gov>.

Who can I contact if I have more questions about the settlement?

If you have general questions about the settlement, please go to <https://icash.illinoistreasurer.gov> or <https://illinoistreasurer.gov> and refer to the Class Action Notice found at <https://illinoistreasurer.gov/Individuals/Kolton> that you received by e-mail or in the mail at your last-known address. You can also call the Treasurer's Office at 833.623.0612 or e-mail the Treasurer's Office at unclaimedproperty@illinoistreasurer.gov.

If you have specific questions about the two Notices, contact the plaintiffs' lawyers or the Treasurer's lawyer found at <https://icash.illinoistreasurer.gov> or <https://illinoistreasurer.gov>.