

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

Michael L. Shakman, Paul M. Lurie, *et al.*,

Plaintiffs,

v.

Democratic Organization of Cook
County, *et al.*

Defendants.

No. 69 C 2145

Honorable Wayne R. Andersen

MONITOR'S MOTION FOR EXPEDITED HEARING

NOELLE C. BRENNAN, the Court Monitor ("the Monitor"), by and through her attorneys, Ines M. Monte and Susan E. Cox, respectfully requests an expedited hearing for ruling on the City of Chicago's request for a limited modification to the City's obligations under the Court's Order entered on November 2, 2005. In support of this Motion, the Monitor states as follows:

1. On November 2, 2005, this Court entered an Agreed Order that reflected the City's representation to the Court that "all employee applications for any position within the City which predate January 2004 have been purged and are no longer under active consideration in the hiring process." *See* Attached Order dated November 2, 2005.
2. On the afternoon of May 3, 2006, the City informed the Monitor that, notwithstanding the November 2, 2005 Order and its prior representations, it had not in fact purged all employee applications and eligibility lists. Specifically, the

City's Eligibility List for the position of "Hand Laborer" was not purged, as provided in that Order.

3. The City advised the Monitor that it now has an immediate need to fill approximately 60 Hand Laborer openings within the City's Department of Streets and Sanitation. The Eligibility List the City currently has for this position, however, is more than six years old.
4. The Monitor's office does not have the authority to modify this Court's previous Orders, and thus, submits this Motion for Expedited Hearing with the following additional information.
5. Over the past several months, the Monitor's office has received numerous complaints of past improprieties by the City in filling Laborer positions in Streets and Sanitation. Moreover, the Evidentiary Proffer filed by the Government in *USA v. Sorich, et al.*, 05 CR 644 on April 10, 2006 outlines a number of specific violations that allegedly occurred in filling Laborer positions in Streets and Sanitation. *See, e.g.*, page 34, notes 35 and 37; page 35; pages 36-37 and note 38; and pages 45-47 (alleging rigging of the filling of 150 Laborer positions in Streets and Sanitation in 2004).
6. In light of the foregoing, the Monitor respectfully requests an expedited hearing in order for the Court to resolve this issue in a fashion that both protects the integrity of hiring at the City and enables the City to fill these openings expeditiously. The Court's options include, but are not limited to:

- a. Permitting the City rely on the outdated Eligibility List for filling these limited positions, but requiring the names on this list to be subject to a new lottery;
 - b. Requiring the City to purge the outdated Eligibility List and open the Hand Laborer position for applications for 14 days (or some other limited period) and also ensure that all current individuals on the outdated Eligibility List have been notified of the need to reapply for this position if they remain interested in such employment; or
 - c. Permitting some other modification of the November 2, 2005 that the parties can agree to use for filling this limited number of Hand Laborer positions.
7. In addition, the Monitor recommends that the City review its applications and eligibility lists to provide the Court confirmation that any other outdated employment applications and lists have been properly purged, as previously agreed to by the City and as reflected in the Court's Order.

Respectfully submitted,

____s/ Noelle Brennan_____

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