

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

FILED
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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2019CH02576
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ANDRE BROWN, individually and on behalf
of the Settlement Class,

Plaintiff,

v.

MORAN FOODS, LLC, a Missouri limited
liability company d/b/a SAVE-A-LOT,

Defendant.

Case No. 2019 CH 02576

Calendar 10

Hon. Caroline Kate Moreland

**PLAINTIFF’S UNOPPOSED MOTION FOR
REDISTRIBUTION OF RESIDUAL FUNDS FROM CLASS ACTION SETTLEMENT**

Plaintiff Andre Brown (“Plaintiff”), by and through his undersigned counsel, hereby respectfully moves the Court for approval for the Settlement Administrator to redistribute the residual funds from the parties’ class action settlement to class members who cashed or deposited their settlement check, before donating such funds to *cy pres*.¹ In support, Plaintiff states as follows:

1. On March 16, 2021, this Court granted final approval to the parties’ class action settlement agreement, which established a non-reversionary Settlement Fund of \$762,300.00 to be distributed *pro rata* to the 693 class members after payment of settlement administration costs, attorneys’ fees, and an incentive award to Plaintiff as class representative. (*See* Exhibit 2.)

2. The Settlement Administrator mailed checks to each of the 693 class members for \$666.91 each (or \$506.85 for those who required backup tax withholding). Those checks became void 90 days after issuance, on September 14, 2021.

¹ The capitalized terms used in this motion are those used in the Stipulation of Class Action Settlement (the “Settlement” or “Agreement”), attached hereto as Exhibit 1.

3. Before the void date for the initial wave of checks, 18 class members requested that their checks be reissued. The Settlement Administrator reissued a check to all of those class members.

4. The void date has now passed for all reissued checks, and there is \$110,512.97 in residual funds remaining in the Settlement Fund due to individuals not cashing the checks.

5. The Court's final approval order directed that any residual funds be donated as *cy pres* to the Illinois Bar Foundation, the Cook County Bar Association, and Chicago Legal Aid, in equal amounts. (Exhibit 2 ¶ 17.)

6. However, given the substantial amount of residual funds, Plaintiff believes that it is in the best interest of the Settlement Class to redistribute the funds to class members who cashed their checks the first time around before resorting to *cy pres*.

7. The Settlement Administrator estimates that it would cost approximately \$12,519.50 to complete a redistribution to the 475 class members who cashed or deposited their first check. If the Court approves redistribution, after deducting the estimated administration costs, each of those 475 class members would receive a check for an additional \$206.30.

8. To the extent that any redistributed checks are not cashed or deposited within 90 days of issuance, those funds will be donated to the previously approved *cy pres* recipients.

9. Prior to filing this motion, Plaintiff's counsel conferred with counsel for Defendant Moran Foods, LLC, and Defendant has no objection to the request.

Respectfully submitted,

ANDRE BROWN, individually and on behalf of
the Settlement Class,

Dated: July 11, 2022

By: /s/ J. Eli Wade-Scott
One of Plaintiff's attorneys

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Settlement Class Counsel

CERTIFICATE OF SERVICE

I, J. Eli Wade-Scott, an attorney, hereby certify that on July 11, 2022 I served the above and foregoing ***Plaintiff's Motion for Unopposed Motion for Redistribution of Residual Funds from Class Action Settlement*** by causing a true and accurate copy of the same to be filed and transmitted to all counsel of record via the Court's electronic filing system.

/s/ J. Eli Wade-Scott _____