

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

MICHAEL L. SHAKMAN, <i>et al.</i>	)
	)
Plaintiffs,	)
	)
v.	)
	)
DEMOCRATIC ORGANIZATION OF COOK	)
COUNTY, THE CITY OF CHICAGO, RICHARD	)
M. DALEY, INDIVIDUALLY AND AS MAYOR	)
OF THE CITY OF CHICAGO, REPUBLICAN	)
STATE CENTRAL COMMITTEE OF ILLINOIS,	)
REPUBLICAN COUNTY CENTRAL	)
COMMITTEE OF COOK COUNTY, <i>et al.</i> ,	)
	)
Defendants.	)

Case No. 69 C 2145

Judge Andersen  
Magistrate Judge Schenkier

**PLAINTIFFS' APPLICATION TO HOLD COOK COUNTY AND CERTAIN  
NAMED INDIVIDUALS IN CIVIL CONTEMPT  
FOR VIOLATION OF COURT ORDERS**

Plaintiffs Michael L. Shakman, Paul M. Lurie and the Independent Voters of Illinois respectfully move for a rule to show cause why the County of Cook and responsible County personnel should not be held in civil contempt for repeated and systematic violations of this Court's Judgment of January 7, 1994 (the "Judgment"), a copy of which is attached hereto as Exhibit A. The Judgment prohibits patronage hiring and employment practices. Upon a finding of such violation, Plaintiffs request that the Court enter appropriate relief, including the following:

- A. Appointment of a Monitor to review and monitor County hiring practices to assure compliance with the Judgment.
- B. Implementation of reporting and disclosure procedures to prevent future violations of the Judgment.

- C. Implementation of a remedial program, including payment of damages, for job applicants and job holders who were denied positions or, if county employees, were denied benefits of employment, in violation of the Judgment.
- D. Substantial financial assessments against individuals found to have violated or participated in violation of the Judgment, such assessment to be for the purpose of paying a portion of the remedial expenses and to deter future violations.
- E. Such other relief as the Court deems appropriate to insure future compliance by the County and its responsible personnel with the Judgment.

In support of this Motion, Plaintiffs state as follows:

1. It has become clear that the Cook County has engaged in substantial, illegal patronage hiring and promotion of non-exempt employees in violation of the Judgment.
2. On August 21, 2006, the Chicago Sun-Times published an article, a copy of which is attached here to as Exhibit B and incorporated herein by reference (the "August 21 Article").
3. The August 21 Article identifies Gerald Nichols, a County official, as the director of patronage hiring for Cook County. It states that "County department heads and commissioners have told the Sun-Times for years that Nichols serves as patronage chief. He tells department heads to place people in jobs – both high-level policy jobs that can be political and low-level jobs required under the Shakman court order to go to

candidates with the highest test scores.” The August 21 Article describes in detail Nichols’ actions to require the hiring of individuals based on political sponsorship, and to override efforts by county personnel to evaluate and hire Cook County personnel on the basis of merit.

4. Others identified by the August 21 Article as participating in the illegal patronage hiring practices are William Krystiniak, the personnel director of the County Highway Department. The August 21 Article describes actions by Krystiniak to conduct “dummy interviews” for hiring of County personnel in which the person to be selected has previously been chosen on the basis of political sponsorship. The August 21 Article describes examples of hiring for non-exempt positions in which Krystiniak has given unjustified high grades to unqualified individuals who were politically sponsored. The August 21 Article describes a pattern of conduct in which individuals from the 8<sup>th</sup> Ward of the City of Chicago – the ward of former Cook County Board President John Stroger and of his son, Todd Stroger, the Democratic candidate for President of the County Board selected by the Democratic ward and township committeemen in Cook County – were given preferential treatment in hiring.

5. The August 21 article describes Dwayne Robinson, a County employee and 8<sup>th</sup> ward political worker, who was hired by the County as a road equipment operator even though he was not qualified and was not recommended by the person conducting the evaluation. According to the August 21 Article, Nichols ordered the hiring of Robinson.

6. Upon information and belief, Nichols, Krystiniak and Robinson engaged in hiring practices in violation of the Judgment. A Rule To Show Cause should issue to each to show why each should not be held in civil contempt.

7. Attached hereto as Exhibit C is a Chicago Sun-Times article of July 31, 2005 (the "July 31 Article"), which is incorporated herein by reference. It describes a so-called "Clout List" reportedly maintained by employees of Cook County Commissioner Roberto Maldonado. According to the July 31 Article, the Maldonado Clout List indicates, for example, that public employees who did not cooperate by working on election day would be punished by being placed in a "tough shift" on the job. The Maldonado Clout List also reportedly indicates that certain individuals should be supported for County hiring because of their political work. The article reports that County supervisory personnel told the Sun-Times that Maldonado periodically asked for jobs for his supporters.

8. Upon information and belief, Maldonado engaged in hiring practices in violation of the Judgment. A Rule to Show Cause should issue to Maldonado to show cause why he should not be held in contempt.

9. Plaintiffs request authorization to take discovery concerning the matters described in this Motion and in the August 21 and July 31 Articles.

10. Upon information and belief, other County personnel have been and are engaged in the operation of a County patronage system in violation of the Judgment. Upon information and belief, the patronage hiring system described above has been made a part of Cook County policy and practice, and has been implemented at the direction with the approval of responsible Cook County officials. Without discovery, plaintiffs will be unable to identify such individuals and seek appropriate relief against them.

11. After discovery, plaintiffs should be allowed to supplement this Motion to identify other individuals who should be held in civil contempt for violation of the Judgment.

12. For the foregoing reasons, Plaintiffs respectfully move the Court as follows:

A. To issue Rules to Show Cause directed to Nichols, Krystiniak and Robinson to show cause why each should not be held in civil contempt for violation of the Judgment.

B. To authorize discovery concerning the matters described in this Motion and the filing of additional Rules to Show Cause as warranted by such discovery.

C. To find the County of Cook in contempt for failure to comply with the Judgment.

D. After a hearing, to grant relief that includes:

- (i) Appointment of a Monitor to review and monitor County hiring practices to assure compliance with the Judgment.
- (ii) Implementation of reporting and disclosure procedures to prevent future violations of the Judgment.
- (iii) Implementation of a remedial program, including payment of damages, for job applicants and job holders who were denied positions or, if county employees, were denied benefits of employment, in violation of the Judgment.
- (iv) Substantial financial assessments against individuals found to have violated or participated in violation of the Judgment, such

assessment to be for the purpose of paying a portion of the remedial expenses and to deter future violations.

- (v) Such other relief as the Court deems appropriate to insure future compliance by the County and its responsible personnel with the Judgment.

Respectfully submitted

/s/ Fredrick E. Vars

Dated: August 28, 2006

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