

EXHIBIT B-2

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

ETHEL WILLIAMS, JAN WRIGHTSELL,)
EDWARD BRANDON, GILBERT PARHAM,)
on behalf of themselves and all others similarly)
situated,)
Plaintiffs,)

v.)

No. 05 C 4673

PAT QUINN, in his official capacity as Governor)
of the state of Illinois, MICHELLE R. B. SADDLER,)
in her official capacity as Secretary of the Illinois)
Department of Human Services, LORRIE RICKMAN)
JONES, in her official capacity as Director of the)
Illinois Department of Human Services, Division of)
Mental Health, BARRY MARAM, in his official)
capacity as Director of the Illinois Department of)
Healthcare and Family Services, and Damon T.)
Arnold, in his official capacity as Director of the)
Illinois Department of Public Health,)
Defendants.)

Judge William T. Hart
Magistrate Judge Morton Denlow

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY

*A SETTLEMENT HAS BEEN PROPOSED THAT MAY AFFECT THE
RIGHTS OF INDIVIDUALS WITH MENTAL ILLNESS LIVING IN
INSTITUTIONS FOR MENTAL DISEASES WHO MAY BE ABLE TO
LIVE IN COMMUNITY-BASED PLACEMENTS.*

BASIC INFORMATION

1..WHY DID YOU GET THIS NOTICE?

You were sent this Notice to inform you about the proposed settlement of the class action lawsuit, as set forth in the Consent Decree (“Consent Decree”) proposed in this case, which may

affect the rights of individuals with mental illness living in Institutions for Mental Diseases (“IMDs”) who with appropriate supports and services may be able to live in community-based placements. This Notice was sent to you and other people (and/or guardians or legal representatives) in Illinois who have been identified as being eighteen (18) years of age or older with a mental illness and who may be able to live in community-based placements, as well as individuals and entities who care for and work with them.

This Notice explains the lawsuit and the key terms of the Consent Decree, tells you how to obtain more information, explains how to determine whether an individual with a mental illness living in an IMD is a Class Member in the lawsuit, and explains how Class Members (and/or their legal representatives) can tell the Court whether they disagree with the Consent Decree or some part of it.

The Consent Decree described in this Notice is subject to Court approval, and thus has not yet been made final. The Court has scheduled a hearing to determine the fairness, adequacy and reasonableness of the Consent Decree and to consider any objections or comments Class Members may have to the Decree.

The Consent Decree may affect the rights of individuals with mental illness living in private IMDs who may be able to live in community-based placements. **The Consent Decree does not require anyone currently living in an IMD to move out against his or her wishes.**

2. WHAT IS THIS LAWSUIT ABOUT?

The Court in charge of the lawsuit is the United States District Court for the Northern District of Illinois, and the case is known as *Williams v. Quinn*, Case No. 05 C 4673. The people who sued are called the Plaintiffs, and the people they sued are called the Defendants.

Plaintiffs filed this lawsuit on August 15, 2005, seeking to prevent what they allege is their unnecessary segregation in IMDs by Defendants. The named Plaintiffs are adults with mental illness who are institutionalized in IMDs. The named Defendants are Pat Quinn, who is the Governor of the State of Illinois, Michelle R.B. Saddler, who is the Secretary of the Illinois Department of Human Services, Lorrie Rickman Jones, who is the Director of the Illinois Department of Human Services, Division of Mental Health, Barry Maram, who is the Director of the Illinois Department of Healthcare and Family Services, and Damon T. Arnold, who is the Director of the Illinois Department of Public Health. The Defendants are responsible for administering the State of Illinois’ programs for people with mental illness. The lawsuit seeks to compel the State of Illinois (through the Defendants) to comply with federal law and rulings of the United States Supreme Court by offering individuals with mental illness the opportunity to make meaningful, informed choices about whether to live in community-based settings.

3. WHAT IS A CONSENT DECREE AND WHY IS IT BEING PROPOSED HERE?

A Consent Decree is a final order of the court in a case that is agreed to by all Plaintiffs and Defendants. The Court in this case did not decide in favor of either Plaintiffs or Defendants.

There was not a trial. Instead, all of the Plaintiffs and Defendants agreed to settle the case according to certain terms that are stated in the Consent Decree. Those terms are set forth in the Consent Decree, which the Plaintiffs and Defendants have asked the Court to enter as an official order of the Court. That way, the cost of a trial is avoided, and the people affected will get relief. The Plaintiffs who filed the lawsuit and their attorneys think the Consent Decree is best for the people who are Class Members.

4. WHO IS A CLASS MEMBER?

The Court has certified the lawsuit as a class action and decided that everyone who fits this description is a Class Member: adults in Illinois who: (a) have a Mental Illness (as defined below); (b) are institutionalized in a privately owned Institutions for Mental Diseases; and (c) with appropriate supports and services may be able to live in an integrated community setting.

5. WHAT IS CONSIDERED A “MENTAL ILLNESS”?

In the Consent Decree, “Mental Illness” means: a disability that is attributable to a diagnosis of severe mental illness, defined as the presence of a major disorder,¹ excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based upon organic or physical disorders. A serious mental illness is determined by all of the following three areas: (1) diagnoses that constitute a serious mental illness are: Schizophrenia; Delusional disorder; Schizo-affective disorder; Psychotic disorder not otherwise specified; Bipolar disorder I - mixed, manic, and depressed; Bipolar disorder II; Cyclothymic disorder; Bipolar disorder not otherwise specified I; Major depression, recurrent; (2) in addition, the individual must be 18 years of age or older and be substantially functionally limited due to mental illness in at least two of the following areas: Self-maintenance; Social functioning; Community living activities; or Work-related skills; and (3) the disability must be of an extended duration expected to be present for at least a year, which results in a substantial limitation in major life activities. Individuals will typically also have one of the following characteristics: (1) have experienced two or more psychiatric hospitalizations; (2) receive Social Security Income (SSI) or Social Security Disability Income (SSDI) because of mental illness, or have been deemed eligible for SSI or SSDI.

THE SETTLEMENT

6. WHAT DOES THE CONSENT DECREE IN THIS CASE PROVIDE?

The Consent Decree that the Plaintiffs and Defendants have asked the Court to enter in this case, if approved by the Court, would provide certain rights and benefits (as more fully described in the Consent Decree) to eligible Class Members as defined above. If the Consent Decree is not approved, it will be withdrawn and the lawsuit will continue. A copy of the entire

¹ As classified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1400 K Street NW, Washington, DC 2005).

Consent Decree is available on the website of the Illinois Department of Human Services, Division of Mental Health: www.dhs.state.il.us/page.aspx, and on the websites of Equip for Equality: www.equipforequality.org, Access Living: www.accessliving.org, the American Civil Liberties Union of Illinois: www.aclu-il.org, and the Bazelon Center for Mental Health Law: www.bazelon.org.

All Plaintiffs and Defendants in this case believe that the Consent Decree is fair, reasonable and adequately affords relief to all eligible Class Members. The parties believe the Consent Decree provides eligible Class Members the opportunity to make meaningful, informed choices about where they live, requires Defendants to make sure that they make supports and services available to individuals with mental illness living in IMDs who wish to receive services or placement in community-based settings, and establishes procedures to allow individuals with mental illness to choose placement in community-based settings, while still maintaining the choice of private IMDs.

The following is a brief summary of key terms in the Consent Decree.

Development of Community Capacity. The Consent Decree requires Defendants to ensure the availability of services, supports and other resources to meet their obligations under the Decree and in particular to provide community-based settings and community-based services.

Benefits for Class Members Currently Residing in IMDs. The Consent Decree ensures that for individuals currently residing in IMDs who do not oppose moving to a community-based setting and who are otherwise appropriate for community placement, Defendants will develop a service plan specific to each person. The service plan will describe the services required, where and how such services will be developed and obtained, and a timetable for promptly completing that transition. The service plan will be developed by a qualified professional in conjunction with the Class Member and, where one has been appointed, the Class Member's legal guardian, and other appropriate people of his or her choosing.

Within five years after finalization of the Implementation Plan described below, all persons residing in IMDs who are appropriate for and do not oppose placement in community-based settings will transition to such settings. The Consent Decree sets forth interim benchmarks as well, with not less than forty percent (40%) of such persons transitioning within three (3) years, and not less than seventy percent (70%) transitioning within four (4) years of finalization of the Implementation Plan.

Named Plaintiffs will be offered the opportunity to be evaluated within 60 days of approval of the Consent Decree.

The Consent Decree does not require or force anyone to receive a service plan or to move out of an IMD.

Implementation Plan. The Consent Decree requires Defendants to develop an Implementation Plan to establish specific tasks, timetables, and protocols to ensure that Defendants fulfill the requirements of each provision of the Consent Decree.

Monitoring and Compliance. Under the Consent Decree, the Court will appoint an independent and impartial Monitor who is knowledgeable concerning the management and oversight of programs serving individuals with mental illness. The Monitor will be responsible for assisting the Court in evaluating Defendants' compliance or non-compliance with the Consent Decree.

Attorneys' Fees and Costs. Under the Consent Decree, Defendants will pay, subject to court review and approval, \$1,990,000.00 to Class Counsel in full settlement of attorneys' fees incurred in connection with the lawsuit. Additionally, Defendants will pay all costs and expenses incurred by Class Counsel through and including the approval of the Consent Decree and any appeal thereof. Class Members do not have to pay anything to Class Counsel.

7. WHAT IS CONSIDERED A "COMMUNITY-BASED SETTING" AND WHAT ARE CONSIDERED "COMMUNITY-BASED SERVICES"?

In the Consent Decree, "Community-Based Setting" means the most integrated setting appropriate for a person with mental illness, where the setting is designed to promote independence in daily living, economic self-sufficiency and the ability to interact with non-disabled persons to the fullest extent possible. A Community-Based Setting may include: (1) Permanent Supportive Housing; (2) independent housing with the Class Member's family or friends; (3) other independent housing not owned or operated by a social service entity; or (4) any supported or supervised residential service within the DMH service array.

In the Consent Decree, "Community-Based Services" means those services (other than a placement in a Community-Based Setting) available under the Illinois Medicaid State Plan, as well as the services described in the Medicaid Community Mental Health Services Program administered by the Illinois Department of Human Services' Division of Mental Health and authorized pursuant to 59 Ill. Adm. Code Part 132.

8. WILL CLASS MEMBERS RECEIVE MONEY FROM THE CONSENT DECREE?

No. The lawsuit did not seek money damages on behalf of any Class Members, and there is no money awarded to any Class Members as part of the Consent Decree.

CLASS MEMBERS' RIGHTS

Class Members (and/or guardians or legal representatives) can tell the Court whether they disagree with the Consent Decree or some part of it.

9. HOW DO YOU TELL THE COURT THAT YOU OBJECT TO OR SUPPORT THE CONSENT DECREE?

All Class Members have the right to object to or support the Consent Decree and to give reasons why they believe the Court should or should not approve it. The Court will consider those views. Any comment must include the name and number of the case (*Williams v. Quinn*, Case No. 05 C 4673), as well as a statement of the reasons (in no more than 5 pages) why the Court should or should not approve the Consent Decree. Be sure to include your name, address, telephone number, and your signature. Comments must state reasons why the Decree should or should not be approved.

All comments must be sent by U.S. Mail and postmarked no later than August 10, 2010, to Benjamin Wolf, ACLU of Illinois, 180 N. Michigan Avenue, Suite 2300, Chicago, Illinois, 60601. Attorney Benjamin Wolf, the lead counsel for the plaintiff class, will inform the Court and other counsel for the Plaintiffs and Defendants of the comments that he receives and that Class Members want presented to the Court.

THE COURT'S FAIRNESS HEARING

The Court will hold a Fairness Hearing to decide whether to approve the Consent Decree.

10. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE CONSENT DECREE?

The Fairness Hearing will be held before the Honorable William T. Hart, United States District Judge, in the Dirksen Federal Building, 219 S. Dearborn Street, Room 2243, Chicago, Illinois 60604 on September 7, 2010 at 9:00 a.m. At this hearing, the Court will consider whether the Consent Decree is fair, reasonable and adequate to the Class. The Court will consider any objections made according to the procedures described above.

11. DO YOU HAVE TO COME TO THE HEARING?

All Class Members are entitled to attend the Fairness Hearing if they choose to do so, but no one is required to attend the Fairness Hearing. Plaintiffs' and Defendants' lawyers will be available to answer questions Judge Hart may have. If you mail a comment in accordance with the procedures described in Section 9, above, of this Notice, you do not have to come to Court to talk about it. As long as you mailed your written comment in accordance with the procedures described in Section 9, above, of this Notice, the Court will consider it.

12. WHO CAN SPEAK AT THE FAIRNESS HEARING?

You may ask the Court for permission to speak at the Fairness Hearing. The Judge will decide whether you are permitted to do so. To request permission, you should send a "Notice of Intention to Appear in *Williams v. Quinn*, Case No. 05 C 4673" to Plaintiffs' counsel. Be sure to include your name, address, telephone number, and your signature.

Your Notice of Intention to Appear should be submitted by sending a copy of such Notice postmarked no later than August 10, 2010, to Benjamin Wolf, ACLU of Illinois, 180 N. Michigan Avenue, Suite 2300, Chicago, Illinois, 60601. Benjamin Wolf will share copies of the Notices of Intention to Appear with other counsel for the parties and file it with the court.

LAWYERS REPRESENTING THE CLASS

13. WHO ARE THE CLASS MEMBERS' LAWYERS IN THE CASE?

The Court ordered that the following attorneys represent the Class Members. These lawyers are called "Class Counsel."

Benjamin S. Wolf
THE AMERICAN CIVIL LIBERTIES UNION OF ILLINOIS
180 North Michigan Avenue
Suite 2300
Chicago, IL 60601

John Whitcomb
EQUIP FOR EQUALITY
20 N. Michigan, #300
Chicago, IL 60602

Jennifer Mathis
THE BAZELON CENTER FOR MENTAL HEALTH LAW
1101 15th Street, NW
Suite 1212
Washington, DC 20005

Edward Mullen
ACCESS LIVING OF METROPOLITAN CHICAGO
115 West Chicago Avenue
Chicago, IL 60610

Donna M. Welch, P.C.
Joseph M. Russell
KIRKLAND & ELLIS LLP
300 North LaSalleChicago, IL 60654

Class Members will not be charged for these lawyers' fees or expenses.

GETTING MORE INFORMATION

14. HOW DO YOU GET MORE INFORMATION ABOUT THE CONSENT DECREE?

A copy of the entire Consent Decree is available on the website of the Illinois Department of Human Services, Division of Mental Health: www.dhs.state.il.us/page.aspx, and on the websites of Equip for Equality: www.equipforequality.org, Access Living: www.accessliving.org, the American Civil Liberties Union of Illinois: www.aclu-il.org, and the Bazelon Center for Mental Health Law: www.bazelon.org.

If you have any questions for plaintiffs' lawyers or want to request that a copy of the Consent Decree be mailed to you, you may write to Benjamin Wolf, ACLU of Illinois, 180 N. Michigan Avenue, Suite 2300, Chicago, Illinois, 60601, or call Benjamin Wolf at 312-201-9740 ext. 301.

DATED: May 27, 2010

United States District Court
Northern District of Illinois