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

14581812

VERNITA MIRACLE-POND and
SAMANTHA PARAF, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SHUTTERFLY, INC.,

Defendant.

Case No. 2019-CH-07050

Judge: Raymond W. Mitchell

**PLAINTIFFS' UNOPPOSED MOTION AND MEMORANDUM IN SUPPORT OF
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

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I. INTRODUCTION

Plaintiffs Vernita Miracle-Pond and Samantha Paraf (“Plaintiffs”) respectfully move on an unopposed basis for final approval of the preliminarily approved class action Settlement with Defendant Shutterfly, Inc. (“Shutterfly”).¹ The Settlement establishes a \$6,750,000 non-reversionary cash Settlement Fund, which will be dispersed *pro rata* to Class Members who submit a valid and timely claim. In addition to the substantial financial benefit to Class Members, the Settlement provides significant non-monetary prospective relief designed to address Shutterfly’s collection, storage, and use of facial recognition data so that going forward Shutterfly will deploy its Face Grouping feature in a manner that fully complies with the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”).

The Court preliminarily approved the proposed Settlement on June 9, 2021. *See* Order Granting Motion for Preliminary Approval of Class Action Settlement (“Prelim. App. Order”) issued on June 9, 2021. In granting preliminary approval, the Court found that the terms of the Settlement were “fair, reasonable, and adequate” and that the Settlement Class (the “Class”) should be given notice. *Id.* ¶¶ 2, 8-9. The robust, Court-approved Notice Plan and the user-friendly claims process was fully implemented, and the period for filing objections or exclusions passed on August 16, 2021, with no objections having been submitted. Pursuant to the Prelim. App. Order, on July 26, 2021, Plaintiffs filed their Motion for Attorneys’ Fees, Reimbursement of Expenses, and for Class Representative Service Awards (“Fee Motion”).

There are no objections to the Settlement and the reaction from Class Members to the Settlement is resoundingly positive. As of August 24, 2021, 49,453 claims have been submitted, with over three weeks remaining until the Claims Deadline.² Affidavit of Brandon Schwartz (Director of Notice at Postlewaite & Netterville, APAC (“P&N”)), the Settlement Administrator, attached hereto as **Exhibit 1** (“Schwartz Aff. Re Final App. Motion”) ¶ 22. In contrast, out of the

¹ Unless otherwise indicated, capitalized terms have the same meaning as those terms in the Settlement Agreement (“SA,” “Settlement,” or “Settlement Agreement”), attached as Exhibit A to Plaintiffs’ Unopposed Motion for Preliminary Approval filed on May 17, 2021.

² Settlement Class Members have until September 14, 2021 to submit claims. *See* Prelim. App. Order ¶ 10.

hundreds of thousands of potential Class Members, only 24 Class Members opted out of the Settlement, and there were no objections (the Objection and Opt-Out Deadline was August 16, 2021). *Id.* ¶ 24. The positive reaction of the Class is not surprising, considering the prompt and substantial monetary and prospective relief the Settlement provides. The Settlement represents an achievement on a class-wide basis that likely exceeds the result Plaintiffs could hope to achieve through continued litigation of this Action—no mean feat, given the substantial risks that the Class faced in every phase of this litigation, especially in light of Shutterfly prevailing on a motion to compel arbitration on an individual basis.

The factors that supported this Court’s decision to grant preliminary approval of the Settlement on June 9, 2021, have not changed. Moreover, following preliminary approval the Settlement has received an overwhelmingly positive reaction from the Class. The Settlement meets all requirements for final approval under Section 2-801 of the Illinois Code of Civil Procedure. Accordingly, Plaintiffs respectfully request that the Court enter an order granting this Motion.

II. **BACKGROUND**

A. **Factual and Procedural History**

Plaintiff Miracle-Pond, a registered Shutterfly user since 2015, and Plaintiff Paraf, who has never registered for or used Shutterfly, filed this Action in Illinois Circuit Court on June 11, 2019, on behalf of “[a]ll Illinois citizens who had their biometric identifiers, including scans of face geometry and related biometric information, collected, captured, received, or otherwise obtained by Shutterfly from photographs uploaded to Shutterfly within the state of Illinois.” (Complaint ¶ 34). Plaintiffs alleged that they were aggrieved by Shutterfly’s violations of BIPA and that they are entitled to statutory damages.

Litigation of this Action was highly adversarial.³ After removing this case to federal court,

³ For a detailed account of the factual and procedural history of this matter and the work performed by Class Counsel, *see* (i) Plaintiffs’ Unopposed Motion and Memorandum in Support of Preliminary Approval of Class Action Settlement (“Prelim. App. Motion”) filed on May 17, 2021 (at pp. 2-4); (ii) Plaintiffs’ Fee Motion at pp. 3-7; and (iii) supporting Affidavits of Robert Ahdoot (at ¶¶ 3-25) and David Milian (at ¶¶ 8-15), which are attached to the Fee Motion as Exhibits 1 and 2, respectively.

Shutterfly moved to dismiss Plaintiffs' claims under Rule 12(b)(6) and also filed a motion to compel arbitration. (*Miracle Pond, et al. v. Shutterfly, Inc.*, No. 1:19-cv-04722 (N.D. Ill. July 12, 2019) (the "Federal Action"), Dkt. No. 16). On May 15, 2020, Shutterfly's motion to compel arbitration of Plaintiff Miracle-Pond's claims (based on an arbitration clause in Shutterfly's Terms and Conditions) was granted. *Id.* Dkt. Nos. 19, 67. The District Court stayed its consideration of Shutterfly's motion to dismiss, which applied to both Plaintiff Miracle-Pond's claims and Plaintiff Paraf's claims, though only Ms. Miracle-Pond's claims were ordered to arbitration. *Id.* Dkt. No. 67. Plaintiffs then filed a Motion to Clarify the Court's ruling on the motion to compel, which the Court granted. *Id.* Dkt. No. 70. Thereafter, on September 17, 2020, the District Court denied Shutterfly's motion to dismiss without prejudice. *Id.* Dkt. No. 81. On November 9, 2020, Shutterfly re-filed its motion to dismiss (*id.* Dkt. Nos. 85, 86), which Plaintiffs opposed (*id.* Dkt. No. 88).

The Parties conducted extensive discovery and worked diligently to develop the factual record throughout the litigation. Plaintiffs received over 100,000 pages of documents produced by Shutterfly in discovery and conducted an exhaustive analysis of the legal and factual issues surrounding the case and Shutterfly's facial recognition technology. Affidavit of Robert Ahdoot filed on July 26, 2021 as Exhibit 1 to the Fee Motion ("Ahdoot Fee Aff.") ¶¶ 12-13; Affidavit of David Milian filed on July 26, 2021 as Exhibit 2 to the Fee Motion ("Milian Fee Aff.") ¶ 9. The breadth of information gleaned from their extensive discovery and investigation efforts allowed Class Counsel to weigh the likely success of Plaintiffs' claims and estimate individual damages associated with Plaintiffs' claims. Ahdoot Fee Aff. ¶ 13; Milian Fee Aff. ¶¶ 9, 12.

B. The Parties Engaged in Extensive Settlement Negotiations

Following extensive preliminary negotiations, the Parties participated in a mediation before the Hon. Peter D. Lichtman (Ret.) at Signature Resolutions in October 2020. Ahdoot Fee Aff. ¶ 16; Milian Fee Aff. ¶ 12. Shutterfly provided substantial information in advance of mediation, sufficient to enable Plaintiffs' counsel to value the claims and understand the prospective Class's composition. Ahdoot Fee Aff. ¶ 16; Milian Fee Aff. ¶ 16. Although the Settlement was not reached at the October 8, 2020 mediation, the Parties continued to engage in

settlement conferences on a regular basis, with the continued assistance of Judge Lichtman, until a settlement in principle was reached. Ahdoot Fee Aff. ¶¶ 17-18; Milian Fee Aff. ¶ 12.

Before and during all settlement discussions and mediation, the Parties exchanged documents and information on an arm's-length basis to enable Plaintiffs and Class Counsel to adequately evaluate the scope of the potential class-wide liability and thus intelligently engage in meaningful settlement discussions on behalf of the Class. Ahdoot Fee Aff. ¶ 16; Milian Fee Aff. ¶ 16. The Parties engaged in further months-long negotiations with respect to the Settlement Agreement and its exhibits. Ahdoot Fee Aff. ¶¶ 18-19; Milian Fee Aff. ¶ 11. Plaintiffs also requested bids from a number of settlement administrators and based on such bids, the Parties agreed on P&N to serve as the Settlement Administrator. *Id.*; *see also* Affidavit of Brandon Schwartz (“Schwartz Aff. Re Prelim. App.”), attached as Exhibit D to the Motion for Preliminary Approval filed on May 17, 2021. The Notice Plan and each document comprising the Class Notice were negotiated and exhaustively refined, with input from experts at P&N, to ensure that these materials will be clear, straightforward, and understandable by Class Members. Ahdoot Fee Aff. ¶ 20; Milian Fee Aff. ¶ 12; Schwartz Aff. Re Prelim. App. ¶¶ 1, 7-8.

C. Preliminary Settlement Approval and Dissemination of Notice

On May 17, 2021, Plaintiffs filed their Motion for Preliminary Approval of Class Action Settlement, which included supporting documents, declarations, and exhibits. As discussed therein, in light of the District Court’s order compelling Plaintiff Miracle-Pond’s claims to individual arbitration, the risk and uncertainty of continued litigation, the Settlement is an outstanding result for the Settlement Class.

After the Court preliminarily approved the Settlement on June 9, 2021 (*see* Prelim. App. Order ¶¶ 2, 8-9) the Parties continued to work with P&N to supervise dissemination of Notice, respond to inquiries, and insure the provisions of the Settlement and this Court’s Prelim. App. Order were fully implemented. Ahdoot Fee Aff. ¶ 24; Milian Fee Aff. ¶ 12.

The entire Notice Plan approved by the Court in the Prelim. App. Order was successfully performed. Schwartz Aff. Re Final App. Motion ¶¶ 6-20. In addition, the Settlement Website

makes available the Claim Form, Long Form Notice, and all relevant case information. Class Members were able to submit claim forms, opt-out, or object by mailing hard copies to P&N or by using the links provided on the Settlement Website. *Id.* ¶¶ 6-7. To date, with three weeks left in the claims period, 49,453 claims have been submitted, no Class Member has objected, and only 24 Class Members requested exclusion. *Id.* ¶¶ 22-24.

III. **THE SETTLEMENT**

The Settlement provides substantial benefits to Class Members in exchange for the Release and is summarized below.⁴

A. **The Settlement Class**

The preliminarily approved Settlement Class is defined as:

All Illinois residents who appear in a photograph maintained on Shutterfly at any time between June 11, 2014 and the date of final approval. Excluded from the class are: (1) any Judge, Magistrate, or mediator presiding over this action and members of their families, (2) Defendant, Defendant's subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) Class Counsel, and (4) the legal representatives, successors or assigns of any such excluded persons.

Prelim. App. Order ¶ 3; *see also* SA ¶ 2.2.

B. **Monetary And Non-Monetary Relief to Class Members**

The Settlement requires Shutterfly to pay \$6,750,000.00 to create the Settlement Fund for the benefit of Class Members. SA ¶ 3.2. Settlement Administration Expenses, including the costs of providing notice to the Class, any Court-approved Service Awards to the Class Representatives and attorneys' fees and expenses to Class Counsel will be paid from the Settlement Fund. *Id.* ¶ 3.2(a). The remaining Net Settlement Fund will be used to pay Settlement Payments resulting from Approved Claims made by Class Members. *Id.* ¶ 1.20. No portion of the Settlement Fund will be returned to Shutterfly. *Id.* ¶ 3.2(b).

The straightforward Claims Process was designed to provide prompt relief to each Class Member who submits a Claim Form to receive a *pro rata* share of the Net Settlement Fund. *Id.*

⁴ To avoid repetition, a more detailed description of the Settlement is set forth in Plaintiffs' Prelim. App. Motion (at pp. 4-8), filed on May 17, 2021, and is incorporated herein by reference.

¶ 3.3(a). The total payment to each participating Class Member will depend on the number of valid Claim Forms submitted.

A significant component of the Settlement involves changes to Shutterfly's business practices. Shutterfly must now provide direct notice to Class Members whom Shutterfly can identify as Shutterfly account holders in Illinois ("Class Member Users"), which will disclose the data collected for Face Grouping, the purpose(s) of collecting the data, and the length of term of the collection. SA ¶ 3.1(a)(1). The notice will provide a mechanism for Class Member Users to affirmatively consent to the Face Grouping feature, but Class Member Users may also dismiss the notice without taking affirmative action, in which case facial recognition will not be applied to the Class Member User's face. *Id.* Shutterfly will set the Face Grouping setting in each account to "off," and will permanently delete any Face Grouping data for Class Member Users who have not affirmatively consented in writing to Face Grouping within 180 days of the Preliminary Approval Order. *Id.* ¶ 3.1(a)(2). In addition, Shutterfly will publish a supplemental retention schedule and guidelines that comply with BIPA. *Id.*

C. Opt-Outs & Objections

Class Members who wished to opt out of, or object to, the Settlement were able to do so on or before August 16, 2021. Prelim. App. Order ¶¶ 11-12. Valid requests for exclusions required information described in the Notice. Schwartz Aff. Re Final App. Motion ¶ 24, Ex. F. Class Members were informed that they could object to any aspect of the Settlement, including Class Counsel's fee application and the request for Service Awards. *Id.* ¶¶ 6, 12-14, Exs. A-C. P&N reports that, as of August 24, 2021, 24 Class Members submitted valid requests for exclusion from the Class and there were no objections. *Id.* ¶¶ 23-24.

D. Payment of Settlement Administration Expenses, Service Awards and Attorneys' Fees and Expenses

On July 26, 2021, Plaintiffs filed an application for an award of reasonable attorneys' fees to Class Counsel in the amount of 35% of the \$6,750,000 Settlement Fund (\$2,362,500), for reimbursement of expenses incurred by Class Counsel in the amount of \$51,440.78, and for

Service Awards in the amount of \$5,000 for each Class Representative. As detailed in the Fee Motion, which is unopposed, Class Counsel’s requested fee award is appropriate under governing Illinois law and consistent with the percentages of funds awarded in other settlement in Illinois courts, including other BIPA class actions, and warrants Court approval.

E. Narrowly Tailored Release

If the Settlement is finally approved, Plaintiffs and only the Class Members who did not timely request exclusion from the Class will release Shutterfly from all Claims “arising from or related to Plaintiffs’ allegations or the alleged collection, storage, sale, monetization or derivation of revenue or profit from, or dissemination of alleged biometric or personal data, including all claims that were brought or could have been brought in the Action including claims for any violation of BIPA, and further including, without limitation, any claim that Shutterfly does not comply with BIPA, or any other law or provision, with respect to the implementation of facial recognition technology.” SA ¶ 1.25. Thus, the release is limited and tailored to apply to the allegations in this Action.

IV. NOTICE WAS SUCCESSFULLY DISSEMINATED PURSUANT TO THE COURT-APPROVED NOTICE PLAN

Notice of the Settlement included direct notice to Class Members as well as a robust print and digital media campaign. Schwartz Aff. Re Final App. Motion ¶¶ 10-20. Direct Notice was sent to each Class Member identified by Shutterfly via email. *Id.* ¶¶ 10-12. For those Class Members for which the email notice was returned as undeliverable, the Notice was sent via First Class U.S. Mail.⁵ Schwartz Aff. Re Final App. Motion ¶¶ 13-14.

Notice was also provided through a robust print and digital media campaign, including digital advertising on the Google Network, Facebook, and Instagram, and in repeated publications in print editions of the *Chicago Tribune*, *The Journal Star*, *News-Gazette*, *Rockford Register Star*,

⁵ Prior to mailing, the Administrator used the USPS National Change of Address Database to update any address. Schwartz Aff. Re Final App. Motion ¶ 13. For any returned mail, the Administrator resent Notice to any forwarding address or perform a skip trace to identify an updated address. *Id.* ¶¶ 13-14.

The State Journal, The Quincy Herald-Whig, and The Southern Illinoisan. Id. ¶¶ 16-18. The Settlement Administrator established a Settlement Website (www.ShutterflyBIPASettlement.com), which makes the Class Notice, the Settlement Agreement, the Complaint, the Claim Form, the Preliminary Approval and Fee Motions and other relevant documents available for download. *Id.* ¶ 6. This website contains instructions on how a Class Member can file a Claim Form electronically or via U.S. Mail, and instructions on how a Class Member could opt out or file an objection. *Id.*

The Notice Plan was thus fully implemented, provided the best practicable notice under the circumstances, and fulfilled all due process requirements. *Id.* ¶¶ 2-3; *see also*, Schwartz Aff. Re Prelim. App. ¶¶ 24-27).

V. **THE COURT SHOULD GRANT FINAL APPROVAL OF THE SETTLEMENT**

A. **The Proposed Settlement is Fair, Reasonable, and Adequate**

To approve a class settlement, the Court must find it “fair, reasonable and adequate.” *GMAC Mortg. Corp. of Pa. v. Stapleton*, 236 Ill. App. 3d 486, 493 (1st Dist. 1992). In determining whether a settlement is fair, reasonable, and adequate, Illinois courts consistently apply an eight-factor evaluation, also known as the “*Korshak* factors.” *City of Chicago v. Korshak*, 206 Ill. App. 3d 968, 972 (1st Dist. 1990). The factors to be considered by a court are: “(1) the strength of the case for the plaintiffs on the merits, balanced against the money or other relief offered in settlement; (2) the defendant’s ability to pay⁶; (3) the complexity, length and expense of further litigation; (4) the amount of opposition to the settlement; (5) the presence of collusion in reaching a settlement; (6) the reaction of members of the class to the settlement; (7) the opinion of competent counsel; and (8) the stage of proceedings and the amount of discovery completed.” *Korshak*, 206 Ill. App. 3d at 972; *see also Armstrong v. Board of Sch. Dirs. of City of Milwaukee*, 616 F.2d 305, 314 (7th Cir. 1980).

Of these considerations, the first is most important. *Steinberg v. Sys. Software Assocs.*, 306 Ill. App. 3d 157, 170 (1st Dist. 1999); *Synfuel Techs., Inc. v. DHL Express (USA), Inc.*, 463 F.3d

⁶ The second *Korshak* factor considers the defendant’s ability to pay. Here, Shutterfly has already funded the notice program and has represented that it will be able to fully fund the Settlement. As a result, this factor is of minimal relevance.

646, 653 (7th Cir. 2006). Analysis of these factors supports a finding that the Settlement here is “fair, reasonable, and adequate.”

1. The Settlement provides significant benefits to the Settlement Class

The first *Korshak* factor—the strength of Plaintiffs’ case on the merits balanced against the relief offered in Settlement—“is the most important factor in determining whether a settlement should be approved.” *Steinberg*, 306 Ill. App. 3d at 170. While Plaintiffs remain confident in the strength of their claims, they also recognize that they would have to overcome significant obstacles to succeed. Given the obstacles and inherent risks Plaintiffs face with respect to their claims—and even getting to trial—the substantial benefits the Settlement provides favor its approval.

Here, at the current Claims level, Class Counsel estimate that claiming Class Members will receive approximately \$80. This amount will decrease pro-rata as additional claims are made until the September 14, 2021, Claim deadline. While the estimated recovery does represent a discount from full recovery in an individual case⁷, the discount to the monetary component is warranted in light of the *certain* and *immediate* payments to Class Members provided by the Settlement, the forward-looking relief designed to ensure Shutterfly’s compliance with BIPA, and particularly in light of the significant risks of ongoing litigation.

The risks in litigation were apparent given Shutterfly’s numerous potentially meritorious defenses and the shifting legal landscape with respect to BIPA that existed at the outset of the case. Shutterfly firmly denied the material allegations and raised numerous legal defenses including, *inter alia*: (i) Plaintiffs’ claims are barred by BIPA’s photo exception, (ii) Shutterfly does not obtain biometric data from photos downloaded on its platform, (iii) BIPA does not apply to Shutterfly’s technology or to its conduct in the circumstances alleged in the Complaint, (iv) Plaintiffs’ BIPA claim is not appropriate for class treatment, and (v) claims asserted by Class Members are subject to mandatory individual arbitration. Many of these defenses, if successful, would result in the Plaintiffs and Class Members receiving little to no recovery.

⁷ If Plaintiffs prove their claims and certify a class in this case, the class-wide statutory damages would be either \$1,000 (if Shutterfly’s conduct were found negligent), or \$5,000 (if willful) for each violation. 740 ILCS 14/20(1)-(2).

Most, if not all, Class Members faced the very real possibility that Shutterfly's arbitration and class action waiver agreement would be found valid and enforceable, as demonstrated by the district court's ruling that compelled Plaintiff Miracle-Pond's claims to individual arbitration under the terms of Shutterfly's Terms and Conditions. Federal Action, Dkt. No. 67. Had the case continued in litigation, Shutterfly's arbitration policy likely would have prevented Class Members from proceeding in court, or as a class action, effectively eliminating the possibility of any comparable result. In addition, while most courts have found that a five-year statute of limitations applies to BIPA claims, Illinois courts are not unanimous. *See, e.g., Cannon v. FIC America Corp.*, No. 20-L-121 (Cir. Ct. DuPage Cnty., August 7, 2020) (holding that a two-year statute of limitations applies to BIPA claims); *Tims v. Black Horse Carriers, Inc.*, No. 1-19-0563 (1st Dist.) ((issue of whether a five-year or one-year limitations period applies to BIPA claims currently on appeal before the First District Appellate Court). Here, the Settlement provides relief to persons whose claims fall within a five-year look-back period.

In addition to Shutterfly's many defenses, Plaintiffs would also otherwise be required to prevail on a class certification motion, which would be highly contested and for which success would certainly not be guaranteed. *Schulte v. Fifth Third Bank*, 805 F. Supp. 2d 560, 582 (N.D. Ill. 2011). "Settlement allows the class to avoid the inherent risk, complexity, time, and cost associated with continued litigation." *Id.* at 586; *see also Coy v. CCN Managed Care, Inc.*, 2011 IL App (5th) 100068-U, ¶ 25 (stating that settlement allows parties to "avoid[] a determination of sharply contested issues and dispens[es] with expensive and wasteful litigation."). "If the Court approves the [Settlement], the present lawsuit will come to an end and [Class Members] will realize both immediate and future benefits as a result." *Schulte*, 805 F. Supp. 2d at 586. Against these risks, the projected per Claimant recovery of approximately \$80 represents meaningful and prompt relief to Class Members. Approval would allow Plaintiffs and the Class Members to receive meaningful and significant benefits now, instead of years from now—or perhaps never. *Id.* at 582.

Aside from the monetary relief, the non-monetary benefits created by the Settlement also support final approval. Under the terms of the Settlement, Shutterfly will take reasonable steps to

ensure compliance with BIPA by providing written disclosures to Class Members describing the data collected by Shutterfly’s Face Grouping feature, the purpose of collecting the data, and the length of term of the collections. The notice will also provide Class Members with a clear and conspicuous mechanism to affirmatively consent to the Face Grouping feature while also providing that any Class Member who has not affirmatively consented to Face Grouping within 180 days, will have the feature turned “off” and all Face Grouping data associated with the non-consenting Class Member permanently deleted. In addition, in recognition of the BIPA rights conferred on Class Members who are non-users and minors, each Illinois user who chooses to have Face Grouping enabled, must represent that they “have obtained consent for the feature from the people who appear in your photos or, if they are under the age of 18, from their parent or legal guardian.” Ahdoot Fee Aff. ¶ 22; Milian Fee Aff. ¶ 13. Furthermore, as mandated under Section 15(a) of BIPA, Shutterfly will publish a retention schedule and guidelines for permanently destroying Face Grouping data created for Illinois residents within three years of their last interaction with Shutterfly. SA ¶ 3.1(a)(2).

Plaintiffs have factored in both the significant risks that would necessarily accompany continued litigation, the significant time and expense of pursuing individual arbitrations for thousands of claimants, as well as the significant delay that would cause. Weighed against these significant risks, the Settlement ensures that Class Members will receive valuable and immediate relief and represents a fair, reasonable and adequate resolution of these claims. Consequently, the first and most important *Korshak* factor weighs strongly in favor of final approval.

2. The Complexity, Length, and Expense of Further Litigation Weighs in Favor of Settlement

The third factor, the “complexity, length and expense of further litigation,” *Korshak*, 206 Ill. App. 3d at 972, also weighs heavily in favor of final approval of the Settlement. As the *Korshak* court observed, a “fair and reasonable settlement” is preferred over continued litigation which would leave any potential recovery “in limbo.” 206 Ill. App. 3d at 973; *see also Isby v. Bayh*, 75 F.3d 1191, 1199-1200 (7th Cir. 1996) (affirming the final approval of a settlement where continued

litigation “would require the resolution of many . . . complex issues” and “entail considerable additional expense”). And “[a]s courts recognize, a dollar obtained in settlement today is worth more than a dollar obtained after a trial and appeals years later.” *Goldsmith v. Tech. Sols. Co.*, No. 92 C 4374, 1995 WL 17009594, at *4 (N.D. Ill. Oct. 10, 1995).

The Settlement allows Class Members to receive immediate monetary relief, avoiding lengthy and costly additional litigation. Indeed, the Settlement makes monetary relief obtainable through submission of a simple Court-approved Claim Form in a streamlined process through which Class Members have a far lesser burden than would be required in a court proceeding, and through which Class Members can obtain compensation. Moreover, the Settlement provides prospective relief that meets or exceeds the injunctive relief that Plaintiffs would have received had Plaintiffs prevailed on the merits.

Had the Parties not reached this Settlement, this case would have proceeded to additional dispositive motions and/or class certification, with the Parties being required to expend substantial resources to go forward with their respective claims and defenses while facing a significant risk regarding any decision on the merits of the case and whether a class should be certified. And, the outcome of litigation is uncertain given that BIPA jurisprudence is rapidly evolving. Even if Plaintiffs ultimately prevailed, such efforts would have required significant additional resources, while also delaying resolution of this action for an indeterminate time, which would create additional injury to the affected Class Members who are in need of relief. Against these substantial hurdles and uncertainties, the Settlement provides for substantial and prompt relief to the Class. This factor weighs in favor of final approval.

3. The Positive Reaction to the Settlement Supports Final Approval

The fourth and sixth *Korshak* factors—the amount of opposition to the Settlement and Class Members’ reaction to the Settlement—are “closely related” and often examined together. *Korshak*, 206 Ill. App. 3d at 973. Here, over 49,453 Class Members have filed claims and await final approval of the Settlement. Schwartz Aff. Re Final App. Motion ¶ 22. Despite direct notice to hundreds of thousands of class members and a robust Internet and print publication notice to

many more potential class members, only 24 individuals chose to opt out of the Settlement, and no Class Member objected to it. This overwhelmingly positive participation and complete absence of opposition supports approval of the Settlement. *See, e.g., Am. Int'l Grp., Inc. v. ACE INA Holdings, Inc.*, No. 07 CV 2898, 2012 WL 651727, at *6 (N.D. Ill. Feb. 28, 2012) (“Out of a class of over thirteen hundred class members, only three . . . have objected, and just one has excluded itself from the class. Thus, . . . there has been almost no opposition to the settlement.”). Indeed, approval of a class settlement is appropriate even if a large percentage of the class objects, provided the Court considers and overrules those objections. *Isby*, 75 F.3d at 1200 (affirming approval of class settlement where “thirteen per cent of the class submitted written objections in response to the notice of settlement”).

4. There Was No Collusion Between the Parties

The next *Korshak* factor—the presence or absence of collusion in reaching a settlement—also weighs in favor of final approval. *See Korshak*, 206 Ill. App. 3d at 972. There is an initial presumption that a proposed settlement is fair and reasonable when it was the result of arm’s-length negotiations. A. Conte & H. Newberg, *Newberg on Class Actions*, § 11.42 (4th ed. 2002); *see also Shaun Fauley, Sabon, Inc. v. Metro. Life Ins. Co.*, 2016 IL App (2d) 150236, ¶ 21 (finding no collusion where there was “no evidence that the proposed settlement was not the product of ‘good faith, arm’s-length negotiations’”); *Coy*, 2011 IL App (5th) 100068-U, ¶ 31 (affirming trial court’s finding of no collusion where the record showed “an arms-length negotiation between plaintiffs and defendants, entered into after years of litigation and discovery, resulting in a settlement with the aid of an experienced mediator”).

Here, as this Court found when it granted preliminary approval, there is no indicia of collusion. The context in which the Settlement was reached confirms it was the product of hard-fought, arm’s-length negotiations between adverse parties and their well-qualified counsel.

When negotiations began, Plaintiffs had a clear view of the strengths and weaknesses of their case and were in a strong position to make an informed decision regarding the reasonableness of a potential settlement. Plaintiffs’ counsel reviewed tens of thousands of pages of documents

produced in discovery. The Parties engaged in extensive arm's-length negotiations, including a full-day mediation session and extensive negotiations after that, with the assistance of Hon. Peter D. Lichtman, an experienced mediator—with such negotiations followed by multiple months of further communications and negotiations before finalization of the Settlement. Such an extensive and formal process underscores the non-collusive nature of the proposed Settlement. There is no indication of collusion or fraud in the settlement negotiations, and none exists.

5. Class Counsel Believe that the Settlement is Fair, Reasonable, and Adequate

Class Counsel have substantial experience prosecuting actions on behalf of consumers and have regularly been appointed as class counsel in numerous complex consumer class actions, including similar class actions involving violations of BIPA and other data privacy-related statutes, in state and federal courts across the country.

Class Counsel strongly believe that final approval of the Settlement will avoid any risks and delays associated with allowing the litigation to move forward and is in the best interests of Class Members. Upon submission of a valid Claim Form and approval of their claim, Class Members are each provided an immediate and significant payment and meaningful relief instead of having to wait for the litigation and any subsequent appeals to run their course. Further, due to the defenses that Shutterfly has indicated that it would raise should the case proceed through litigation—and the resources that Shutterfly has committed to defend and litigate this matter through appeal—it is possible that the Class Members would receive no benefit whatsoever in the absence of this Settlement. Moreover, the benefits provided under the Settlement are significant among BIPA settlements like this one while also providing for meaningful prospective relief that will help prevent any further collection, storage, or use of biometrics of Class Members in the absence of express and informed consent.

Class Counsel are confident that the Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class Members. This factor also strongly favors final approval.

6. The Stage of Litigation and Amount of Discovery Completed Has Ensured that the Settlement is Fair, Reasonable, and Adequate

The final factor evaluates the stage of proceedings and the amount of discovery completed before the parties entered into the settlement. *Korshak*, 206 Ill. App. 3d at 972.

This Action was intensely litigated, and the Settlement was reached only after extensive discovery efforts and substantial motion practice by both Parties. Plaintiffs and Class Counsel devoted substantial time, effort and resources to this litigation, beginning with their initial investigation of Plaintiffs' allegations, continuing through a series of discovery demands and responses and several meet and confers regarding potential discovery disputes, complex motion practice by both Parties, and ending with hard-fought settlement negotiations. Ultimately, Shutterfly disclosed substantial evidence and information through formal discovery and under mediation privilege.

From these efforts, the Parties were able to adequately assess the strengths and weaknesses of the claims and defenses, so that they could engage in informed, arm's-length, adversarial negotiations. The Settlement was reached only after the Federal Action was ordered to arbitration for one Plaintiff and after substantial discovery had been taken. Class Counsel had sufficient and necessary information to make an informed and reasoned decision about the merits of the Settlement, and to determine that it represented a fair, reasonable and adequate result for the Class.

B. The Class Meets the Elements for Certification Under 735 ILCS 5/2-801

In its Preliminary Approval Order, the Court found that the Class could be certified as defined in ¶ 2.2 of the Settlement Agreement and that all applicable requirements of Section 2-801 of the Illinois Code of Civil Procedure were met. Prelim. App. Order ¶¶ 3, 5. There is no reason for the Court to depart from its previous conclusion that certification of the Class is warranted, and no party argues otherwise.

VI. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their Motion.

DATED: August 25, 2021

Respectfully submitted,

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Class Counsel

Hearing Date: No hearing scheduled
Courtroom Number: No hearing scheduled
Location: No hearing scheduled

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8/25/2021 6:50 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2019CH07050

14581812

FILED DATE: 8/25/2021 6:50 PM 2019CH07050

EXHIBIT 1

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

VERNITA MIRACLE-POND and
SAMANTHA PARAF, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SHUTTERFLY, INC.,

Defendant.

Case No. 2019-CH-07050

Judge: Raymond W. Mitchell

**AFFIDAVIT OF BRANDON SCHWARTZ
REGARDING THE STATUS OF NOTICE
AND SETTLEMENT ADMINISTRATION**

I, Brandon Schwartz, hereby declare and state as follows:

1. I am the Director of Notice for Postlethwaite & Netterville, APAC (“P&N”), a full-service administration firm providing legal administration services, including the design, development, and implementation of unbiased complex legal notification programs.

2. In the *Affidavit of Brandon Schwartz on Settlement Notice Plan* (the “Notice Plan Affidavit”) submitted to the Court on May 17, 2021 and submitted along with my C.V., I detailed the proposed Notice Plan to administer the claims process in the above-referenced matter (the “Action”)¹. As stated in the Notice Plan Affidavit, P&N designed the Notice Plan to give notice to the Settlement Class in the most practicable manner possible. To do so, P&N designed, and the Court approved, a multifaceted approach utilizing a combination of (1) direct email/mail notice, (2) supplemental online display, (3) supplemental social media, (4) supplemental print notice, (5) supplemental search advertising, (6) toll-free settlement hotline, and a (7) Settlement Website.

3. On June 9, 2021, the Court approved the Notice Plan and appointed P&N as the Settlement Administrator in the *Order Granting Preliminary Approval of Class Action Settlement* (the “Order”). The Court also approved the Long Form Notice, Summary Notice, and Claim Form as provided by the “Parties as Exhibits 1, 4, and 3 respectively, to the Settlement Agreement”.

4. In the Order, the Court “directs the Parties and Settlement Administrator to disseminate Notice no later than July 1, 2021 (*i.e.* thirty (30) days after the entry of this Order). The Court directs that the Settlement Administrator cause a copy of the Summary Notice be sent to all members of the Settlement Class who have been identified by Defendant through its records *via* e-mail or by first class United States mail, postage prepaid, within thirty (30) days after the entry of this Order. No later than the Notice Date, the Settlement Administrator shall cause copies of the Settlement Agreement, Long Form Notice, Summary Notice, and Claim Form, in forms available for download, to be posted on a website developed for the Settlement (“Settlement Website”).”

5. Upon entry of the Order, P&N began to implement the Notice Plan in accordance with the Order. This Affidavit details the current status of the Notice Plan and Settlement Administration. The Settlement Agreement requires that notice be provided through the September 14, 2021 Claims Deadline.

¹ All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Settlement Agreement.

Therefore, supplemental Affidavits will be provided to the Court regarding the status of the Notice Plan prior to the September 8th, 2021 Fairness Hearing and upon completion of the claims period.

NOTICE PLAN SUMMARY

Settlement Website

6. On June 28, 2021, a neutral, informational Settlement Website, www.ShutterflyBIPASettlement.com, was created to provide Settlement Class Members access to the Claim Form, Notices, Settlement Agreement, and other relevant documents. The Settlement Website also includes relevant dates, answers to frequently asked questions, instructions for how Settlement Class Members may opt-out (request exclusion) from or object to the Settlement, contact information for the Settlement Administrator, and provides Settlement Class Members with the ability to submit a claim using the online claim form and instructions for completing a claim submission.

7. As of August 24, 2021, the Settlement Website has received 336,865 page views from 87,247 unique visitors.

Dedicated Toll-Free Hotline

8. On June 28, 2021, a toll-free hotline, 1-833-760-0656, was established allowing Settlement Class Members to call and obtain essential information regarding the Settlement and be provided responses to frequently asked questions. The automated phone system is available 24 hours a day, 7 days a week.

9. As of August 24, 2021, there have been 334 calls to the hotline, totaling 1,011 minutes.

Direct Notice

10. On or about June 14, 2021, P&N received a Class Notice List from Shutterfly that included names, mailing address, and email addresses for the known Settlement Class Members. The Notice Plan provided, and the Order directed, that individual notice be sent via Email Notice and a Postcard Notice be mailed to all undeliverable email addresses or to whom an email address has not been provided.

11. P&N followed standard email best practices, including utilizing “unsubscribe” links and the Settlement Administrator contact information in the Email Notice. Prior to sending, P&N performed an email hygiene and verification process designed to protect the integrity of the email campaign and maximize deliverability. Steps included deduplication, syntax validation, misspelled domain detection and correction, domain validation, and risk validation. The final email list included 1,522,555 email addresses

12. Beginning on June 28, 2021, P&N caused Email Notice to be sent to the 1,522,555 email

addresses on the Class Notice List that passed the hygiene and verification process. Ultimately, the Email Notice was successfully delivered to 1,471,019 email addresses, or 96.6% deliverability. A sample copy of the Email Notice sent to those identified on the Class Notice List is attached hereto as **Exhibit A**.

13. In the instance where an email was returned undeliverable, P&N mailed a Postcard Notice by USPS. After processing the mailing addresses through the NCOA database maintained by the USPS to help ensure address information is up-to-date and accurately formatted for mailing, in addition to certifying the mailing addresses via the Coding Accuracy Support System (CASS) to ensure the quality of the zip code and verified through Delivery Point Validation (DPV) to verify the accuracy of the addresses, a total of 51,320 Postcard Notices were mailed starting on July 10, 2021. As of August 24, 2021, 42,190 Postcard Notices were delivered. A sample copy of the Postcard Notice that was mailed is attached as **Exhibit B**.

14. A summary of the direct notice dissemination statistics is included in the table below:

Direct Notice Dissemination Statistics		
Description	Volume	Percentage of Class List
Class Notice List	1,522,555	100.0%
E-Mail Notices		
Total E-Mail Notices Sent	1,522,555	100.0%
Total E-Mail Notices Delivered	1,471,019	96.6%
Total E-Mail Notices Bounced/Undeliverable	51,536	3.4%
Mail Notice		
Total Postcard Notices Mailed	51,320	3.4%
Total Postcard Notices Returned as Undeliverable	9,130	0.6%
Mail Notice Re-Mailed		
Total Unique Postcards Re-mailed	1,174	0.07%
Total Undeliverable Postcard Notices (Re-Mailed)	224	0.01%
Notice Reach Statistics		
Received E-mail Notice	1,471,019	96.6%
Received Postcard Notice	42,190	2.8%
Received Direct Notice	1,513,209	99.4%

Publication Notice

15. The Notice Plan includes an approximate one-eighth page version of the Summary Notice (“Print Notice”) to be published in not less than three widely circulated newspapers in Illinois. The Print Notice was placed in seven publications and appeared three times in non-consecutive days. Additionally, the Notice appeared in the online version of each publication in substantially similar form to the Print Notice

or in the form of a banner notice, depending on each publications specifications and guidelines.

16. A summary of the Print Notice campaign is as follows:

<i>Newspaper</i>	<i>Distribution</i>	<i>Circulation</i>	<i>Run Dates</i>
<i>Chicago Tribune</i>	Chicago, IL	530,891	July 7, July 14, and July 21, 2021
<i>The Journal Star</i>	Peoria, IL	26,590	July 7, July 14, and July 21, 2021
<i>News-Gazette</i>	Champaign/Urbana, IL	24,000	July 7, July 14, and July 21, 2021
<i>Rockford Register Star</i>	Rockford, IL	17,549	July 7, July 14, and July 21, 2021
<i>The State Journal</i>	Springfield, IL	14,000	July 7, July 14, and July 21, 2021
<i>The Herald-Whig</i>	Quincy, IL	11,528	July 11, July 18, and July 25, 2021
<i>The Southern Illinoisan</i>	Carbondale, IL	5,865	July 7, July 14, and July 21, 2021

17. A copy of the Print Notice as it appeared in each publication is attached as **Exhibit C**.

Digital Banner Notice

18. On July 1, 2021, P&N caused digital banner notices to run across the Google Display Network, Facebook, and Instagram. The digital notices targeting individuals by demography, behavior, geography, contextual, remarketing, interest groups, look-alike, and customer match targeting, among others, and allowed viewers to identify themselves as potential Settlement Class Members and click through to the Settlement Website. As of August 24, 2021, 66,931,434 impressions have been generated. Screenshots of the digital banner notices are attached as **Exhibit D**.

19. The Parties negotiated that Shutterfly will place a hyperlink on their website which would direct users to the Settlement Website in the event that the Direct Email Reach Rate failed to successfully deliver to 90% of the Class Notice List, as more fully described in Sections 6.1(d)(i)(a) and (c) of the Settlement Agreement. P&N reported to the Parties a Direct Email Reach Rate of 96.61% (§12) thereby not requiring a hyperlink to be placed on Shutterfly's website.

Search Advertising

20. On July 1, 2021, P&N caused search-based advertising notice be placed on Google. Keywords such as "Shutterfly Class Action", "Shutterfly Illinois", "Shutterfly BIPA", among others, were used to generate a short descriptive notice below the search field which allowed Settlement Class Members

to click through to the Settlement Website. As of August 24, 2021, 7,129 impressions have been generated. Screenshots of the of the search-based notices are attached as **Exhibit E**.

Settlement P.O. Box

21. P&N maintains a designated P.O. Box for the administration of the Settlement: Miracle-Pond, et al. v. Shutterfly, Inc., P.O. Box 3395, Baton Rouge, LA 70821. P&N monitors the Settlement P.O. Box for Settlement-related mail such as objections, exclusion requests, and inquiries about the Settlement. P&N promptly handles all mail received at the Settlement P.O. Box. As of August 24, 2021, P&N has received 351 pieces of administrative mail through the P.O. Box.

Claim Form Submissions

22. The deadline for Settlement Class Members to submit a Claim Form is September 14, 2021. As of August 24, 2021, P&N has received 49,453 claim submissions. P&N shall continue to analyze claims that have already been received as well as any additional timely claims received or postmarked by the September 14, 2021 claim filing deadline.

Objections and Exclusions

23. Pursuant to the Court's order "[a]ny objection to this Settlement Agreement, and any papers submitted in support of said objection, shall be valid and entertained by the Court at the Final Approval Hearing only if, on or before the Objection/Exclusion Deadline of August 16, 2021 (i.e. forty-five (45) days after the Notice Date), the person making an objection shall: (i) file his/her objection with the Clerk of Court; (ii) file copies of such papers he/she proposes to submit at the Final Approval Hearing with the Clerk of the Court; and (iii) sends copies of such papers via United States mail, hand delivery, or overnight delivery to Class Counsel and Defendant's Counsel. A copy of the objection must also be mailed to the Settlement Administrator at the address that the Settlement Administrator will establish to receive requests for exclusion or objections, Claim Forms, and any other communication relating to this settlement." To date, no objections have been received by P&N.

24. Pursuant to the Court's Order, "[a] member of the Settlement Class may request to be excluded from the Settlement Class in writing by a request postmarked, or submitted electronically via the Settlement Website, or by submitting a request to an email address established for the purpose of receiving exclusion requests, on or before the Objection/Exclusion Deadline of August 16, 2021". To date, 24 requests for exclusion have been received by P&N. A list of all individuals who have submitted valid Request for

Exclusion, as of August 24, 2021, are attached as **Exhibit F**.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 24th day of August 2021 in Portland, Oregon.



Brandon Schwartz

Exhibit A: Sample Email Notice



Settlement Notice - Miracle-Pond, et al. v. Shutterfly, Inc.

Shutterfly BIPA Settlement <notice@pncpa.com>
Reply-To: info@shutterflybipasettlement.com
To: Classmember@email.com

Settlement Claim ID: XXX-123456

COURT-APPROVED CLASS ACTION SETTLEMENT NOTICE

Dear Class Member,

You have received this email because you may be a Class Member and eligible for a payment in the *Miracle-Pond, et al. v. Shutterfly, Inc.* class action settlement.

To be eligible for benefits in this matter, you must [file a claim](#) by **September 14, 2021**, using the unique claim ID above. Claim Forms are available by visiting www.ShutterflyBIPASettlement.com or by calling 1-833-760-0656. More information can be found in the full summary notice below or on the case website at www.ShutterflyBIPASettlement.com.

IF YOUR FACE APPEARS IN A PHOTOGRAPH ON SHUTTERFLY YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

Si desea recibir esta notificación en español, llámenos o visite nuestra página web.

A **\$6.75 million settlement** has been reached in a class action lawsuit against Shutterfly, Inc. (“Shutterfly”), which claims that Shutterfly violated Illinois law by collecting and storing biometric data of individuals in Illinois without proper notice and consent as part of a featured called Face Grouping. Shutterfly denies it violated any law and the Court has not decided who is right. For more information or to submit a claim for payment please visit www.ShutterflyBIPASettlement.com.

Who is Included? You are a Class Member and are affected by this Settlement if you are an Illinois resident and appear in a photograph maintained on Shutterfly at any time since June 11, 2014.

What Are the Settlement Terms? Class Members who file valid claims will be eligible to receive a pro rata portion of the \$6,750,000 Settlement Fund, with the payment amount depending on the number of valid claims

and deductions for Court-approved notice and settlement administration expenses, attorneys' fees, litigation costs and expenses, and service awards to the Class Representatives.

How Can I Get a Payment? The only way to get a payment is to submit a [Claim Form](#). If you submit a Claim Form, you will give up the right to sue Shutterfly or any Released Parties in a separate lawsuit about the claims made in this case and released by the Settlement. You must submit a Claim Form by **September 14, 2021**.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **August 16, 2021**. If you do not exclude yourself, you will release any claims you may have, as more fully described in the Settlement Agreement, available at the Settlement Website at www.ShutterflyBIPASettlement.com. You may object to the Settlement by **August 16, 2021**. The Long Form Notice available on the website explains how to exclude yourself or object. The Court will hold a Final Approval Hearing on **September 8, 2021** to consider whether to approve the Settlement and a request for attorneys' fees of up to 35% of the Settlement Fund, reimbursement of expenses, and for a Service Award of \$5,000 to each of the Class Representatives. Motions for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. You may appear at the hearing, either yourself or through an attorney hired by you, but you don't have to. The hearing may be held remotely at the Court's discretion. For more information, call 1-833-760-0656 or visit the [website](#).

Miracle-Pond, et al. v. Shutterfly, Inc.

P.O. Box 3395

Baton Rouge, LA 70821

[Unsubscribe - Unsubscribe Preferences](#)

Exhibit B: Sample Postcard Notice



Claim Form

To submit a Claim for a payment from the Settlement Fund, please fill out the Claim Form below and send it by U.S. mail. You may also submit a Claim Form online at www.ShutterflyBIPASettlement.com. The deadline to file a claim online is 11:59 p.m. Central on September 14, 2021. If you send in a Claim Form by regular mail, it must be postmarked on or before September 14, 2021.

*First Name

[Grid for First Name]

*Last Name

[Grid for Last Name]

*Street Address

[Grid for Street Address]

*City

[Grid for City]

*State

[Grid for State]

*Zip Code

[Grid for Zip Code]

Telephone Number where you can be reached

[Grid for Telephone Number]

Email Address

[Grid for Email Address]

*I affirm that to the best of my knowledge I am an Illinois resident and I appear in a photograph maintained on Shutterfly between June 11, 2014 and Final Approval.

*Signature:

[Line for Signature]

*Date (MM/DD/YY):

[Grid for Date]

*Denotes Information You Must Provide To Have A Valid Claim
Questions? Visit www.ShutterflyBIPASettlement.com or call 1-833-760-0656

FILED DATE: 8/25/2021 6:50 PM 2019CH07050

Ty36

Postal Service: Do Not Mark or Cover Barcode



SETTLEMENT CLAIM ID: [claim id]
[FIRST NAME] [LAST NAME]
[ADDRESS1]
[ADDRESS2]
[CITY] [STATE] [ZIP]



Shutterfly BIPA Settlement
c/o Settlement Administrator
P.O. Box 3395
Baton Rouge, LA 70821

ELECTRONIC SERVICE REQUESTED

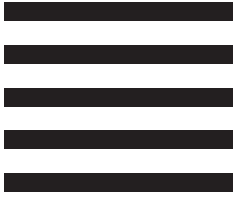
RESORTED
FIRST CLASS
U.S. POSTAGE
PAID
FPI

If Your Face Appears in a Photograph On Shutterfly, You May Be Entitled to a Payment from a Class Action Settlement.
Legal Notice about a Class Action Settlement
A \$6.75 million settlement has been reached in a class action lawsuit against Shutterfly, Inc. ("Shutterfly"), claiming that Shutterfly violated Illinois law by collecting and storing biometric data of individuals in Illinois without proper notice and consent as part of a featured called Face Grouping. Shutterfly denies it violated any law and the Court has not decided who is right.
Visit www.ShutterflyBIPASettlement.com or call 1-833-760-0656 for more information.

FILED DATE: 8/25/2021 6:50 PM 2019CH07050



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 416 BATON ROUGE, LA

POSTAGE WILL BE PAID BY ADDRESSEE
SHUTTERFLY BIPA SETTLEMENT
C/O POSTLETHWAITE & NETTERVILLE
P.O. BOX 3396
BATON ROUGE, LA 70821-9918



www.ShutterflyBIPASettlement.com 1-833-760-0656

Who is Included? You are a Class Member and are affected by this Settlement if you are an Illinois resident and appear in a photograph maintained on Shutterfly at any time since June 11, 2014.

What Are the Settlement Terms? Class Members who file valid claims will be eligible to receive a pro rata portion of the \$6,750,000 Settlement Fund, with the payment amount depending on the number of valid claims and deductions for Court-approved notice and settlement administration expenses, attorneys' fees, litigation costs and expenses, and service awards to the Class Representatives.

How Can I Get a Payment? The only way to get a payment is to submit a Claim Form. If you submit a Claim Form, you will give up the right to sue Shutterfly or any Released Parties in a separate lawsuit about the claims made in this case and released by the Settlement. You must submit a Claim Form by September 14, 2021.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by August 16, 2021. If you do not exclude yourself, you will release any claims you may have, as more fully described in the Settlement Agreement, available at the Settlement Website. You may object to the Settlement by August 16, 2021. The Long Form Notice available on the website listed below explains how to exclude yourself or object. The Court will hold a Final Approval Hearing on September 8, 2021 at 11:00 a.m. to consider whether to approve the Settlement and a request for attorneys' fees of up to 35% of the Settlement Fund and for a Service Award of \$5,000 to each of the Class Representatives. Motions for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. You may appear at the hearing, either yourself or through an attorney hired by you, but you don't have to. The hearing may be held remotely at the Court's discretion. For more information, call or visit the website.

Exhibit C: Publication Notice



Vaccine

from Page 1

In his remarks, Biden noted a different metric: By the end of the week, nearly 160 million Americans, not quite half the population, will be fully vaccinated. The worrisome delta variant spreading quickly around the country remains a concern in areas with lower vaccination rates. Although there is not yet good data on how all of the vaccines hold up against delta, several widely used shots, including those made by Pfizer-BioNTech, are still effective against the delta variant after two doses, research suggests.



President Joe Biden speaks about his administration's COVID-19 response and the U.S. vaccination program during remarks broadcast to the nation Tuesday from the Eisenhower Executive Office Building in Washington. SAUL LOEB/GETTY-AFP

But providers were administering about 870,000 doses per day on average, as of Tuesday, about a 74% decrease from the peak of 3.38 million reported on April 13.

And beyond the issues with the vaccination campaign, declines in the virus itself appear to have stalled nationally. After a sharp drop in virus cases, the average number of new daily cases across the country seems to have leveled off and remain close to the lowest point since testing became widely available. Biden underscored that overall progress in his remarks on Tuesday, but pockets of outbreaks remain. In some parts of Texas, Arkansas and Missouri, for instance, there has been a sharp rise in cases.

Biden used his remarks to outline five areas of concentration for his administration, all avenues it has already pursued: targeted, community by community, door-to-door outreach to get the remaining Americans vaccinated; a fresh push to get vaccines to pediatricians and other providers who serve younger people so that adolescents ages 12 to 18 can get their shots; expanded mobile clinic efforts; and the workplace changes.

"The bottom line is, my administration is doing everything we can to lead a whole-of-government response at the federal, state

and local levels to defeat the pandemic," he said. "We need everyone to do their part."

It is unclear what else the administration can do. Public health officials know that the last stretch of any vaccination campaign is the most arduous — a point Dr. Anthony Fauci, Biden's top medical adviser for the pandemic, made in a recent interview.

"The last mile is always the hardest," Fauci said, adding, "We're actually on the last quarter-mile."

Vocal concern about the sluggish pace of vaccinations also extended Tuesday into a red state where resistance to receiving inoculations has been stubbornly high and coronavirus cases have been rising.

Arkansas Gov. Asa Hutchinson announced Tuesday that he would hold "community COVID conversations" in communities across the state in the hope that he can persuade more residents to be vaccinated against COVID-19.

Hutchinson said he wants to hear and answer concerns feeding the reluctance of many to be vaccinated.

The goal, he said, was to engage communities at a local level and ask what can be done to overcome remaining public vaccination hesitancy. His first event is scheduled for Thursday in

Cabot.

The state has recorded 270 new cases of COVID-19 since Monday, which Hutchinson said may be an undercount because of the three-day July Fourth holiday. He reported 55 new COVID-19 hospitalizations since Monday, "the largest increase in hospitalizations since January. It is the largest increase of hospitalizations since we've had the vaccine available to prevent hospitalizations," Hutchinson said. Six new COVID-19 deaths also were reported.

Meanwhile, the Arkansas vaccination rate remained lower than the national

average, "and while we have 1 million fully vaccinated in Arkansas, that is not high enough to prevent more cases," Hutchinson said.

Where Arkansas was making up ground against COVID-19 in April, it's losing ground in July, Hutchinson said. He blamed the surge on the highly contagious delta variant, which now makes up more than half of the COVID-19 cases in Arkansas. Of those hospitalized, 98 to 99% were not fully vaccinated against COVID-19, he said.

The Associated Press contributed.

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Who is Included? You are a Class Member and are affected by this Settlement if you are an Illinois resident and appear in a photograph maintained on Shutterfly at any time since June 11, 2014.

What Are the Settlement Terms? Class Members who file valid claims will be eligible to receive a *pro rata* portion of the \$6,750,000 Settlement Fund, with the payment amount depending on the number of valid claims and deductions for Court-approved notice and settlement administration expenses, attorneys' fees, litigation costs and expenses, and service awards to the Class Representatives.

How Can I Get a Payment? The only way to get a payment is to submit a Claim Form. If you submit a Claim Form, you will give up the right to sue Shutterfly or any Released Parties in a separate lawsuit about the claims made in this case and released by the Settlement. You must submit a Claim Form by **September 14, 2021**.

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Voting
from Page 1

passage of congressional proposals to override new state voting restrictions and to restore parts of the Voting Rights Act that were curbed in recent years by the U.S. Supreme Court “a national imperative.”

Yet, instead of raising the possibility of fighting the filibuster, he appeared to tacitly acknowledge the fading hopes for the bills, saying he would launch a nationwide campaign to arm voters with information on rules changes and restrictions ahead of the 2022 midterm elections.

“We have to prepare now,” the president said.

Biden’s remarks came a day after Texas Democrats decamped for Washington in an effort to deny their GOP-controlled Legislature the necessary quorum to pass a bill placing new restrictions on voting in the state.

The lawmakers, who arrived in the nation’s capi-

tal Monday night, said they were prepared to stay in Washington — out of the reach of Texas law enforcement — until a special legislative session concludes early next month. It marks a dramatic new showdown over voting in America.

Standing near the steps of the U.S. Capitol for a news conference ahead of a meeting with Senate Majority Leader Chuck Schumer, the Democrats promised to “stay out and kill this bill.”

However, state Rep. Chris Turner, the leader of the Texas Legislature’s House Democrats, predicted that their efforts would ultimately be futile unless congressional Democrats take bolder action to overcome a Senate Republican blockade of the sweeping federal voting bill. The legislation, known as the For the People Act, would create national standards for voting that could roll back some of the restrictions that have been approved or are advancing in Republican-led states, including Texas.

“We can’t hold this

tide back forever. We’re buying some time. We need Congress and all of our federal leaders to use that time wisely,” Turner said.

Several states have enacted new voting restrictions, and others are debating them, as the GOP has seized on Trump’s false claim of massive voter fraud in the 2020 election as a rationale for curtailing ballot access. “No other election has ever been held under such scrutiny, such high standards,” Biden said of the 2020 race.

Some GOP-led states have worked to roll back the vote-by-mail expansion that was put in place in the past presidential election due to COVID-19 fears. Others have tried to strengthen voter identification requirements and curtail hours and locations for early voting and ballot drop-offs.

Texas Republican Gov. Greg Abbott said he would keep calling special sessions through next year if necessary to pass his state’s legislation, and raised the possibility of Democrats

facing arrest upon returning home.

Biden’s speech was intended as the opening salvo of a public pressure campaign, White House aides said, even as legislative options to block voting restrictions face significant obstacles.

Asked whether Biden thinks the Texas legislators are doing the right thing by leaving the state, White House deputy press secretary Karine Jean-Pierre said “he applauds their courage.” She said that in the administration’s view, the Texas bill is an “assault on democracy.”

Democrats on Capitol Hill have tried to respond with a sweeping federal voting and elections bill that Senate Republicans have united to block. Most Republicans have similarly dismissed a separate bill, the John Lewis Voting Rights Advancement Act, which would restore sections of the Voting Rights Act that the Supreme Court has weakened.

Those roadblocks have increased focus on Senate filibuster rules, which, if

left in place, would seem to provide an insurmountable roadblock, requiring 60 votes in the evenly split, 100-member chamber to even bring up controversial legislation. Republicans have been unanimous in opposition to eliminating the filibuster.

Moderate Democrats including Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona also have expressed reluctance to changing the Senate rules.

Many Democrats have expressed frustration with the lack of a greater White House push to change the filibuster, with civil rights activists stressing that Biden was elected with broad support from Black people whose votes are often put at risk by voting restrictions.

Rev. Al Sharpton, who attended Biden’s address, called it a “good speech,” but said he told Biden that advocates won’t let up on him over the filibuster. “I told him that I was going to stay on him about the filibuster,” he told reporters. “We’re still waiting on the filibuster.” He described Biden as noncommittal on the issue.

Biden, himself a veteran of the Senate, has offered some support for filibuster changes. But he has not put his full political weight behind the issue, believing it counterproductive in both the legislative and political fights over voting. He and Vice President Kamala Harris, who is leading the

administration’s efforts on voting rights, met last week with some of the civil rights leaders, who made clear that they expected a legislative solution. Harris is to meet with the Texas lawmakers this week, her office said.

“Our backs are against the wall. This is the moment. We have no more time,” said Sherrilyn Ifill, president of the NAACP Legal Defense Fund, after the meeting. “I told the president: We will not be able to litigate our way out of this threat to Black citizenship.”

Although not abandoning hope of legislative action, the West Wing has been shifting focus to other measures to protect voting, including legal remedies pursued by the Justice Department and action in individual states, according to officials. There also will be an emphasis on boosting voter turnout, with aides pointing to success Democrats had in getting out votes last year during the height of the pandemic.

Officials concede, though, that turning out voters is always harder in a nonpresidential election year. Some frustrated aides, seeing the reality in the Senate, believe too much of a focus has been placed on federal legislative measures and think that civic and business groups can also play a role in fighting the voting restrictions. They note that an outcry in Georgia helped water down some of the GOP’s proposed plans there.

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Police

from Page 1

news conference. But she said cities across the country were unprepared for the scale of the Floyd protests.

Lightfoot said the city saw a cycle of peaceful protests that were “hijacked by vigilantes” and then looting that occurred from the end of May into June.

“We had not seen anything like that, on that scale, across so many neighborhoods in Chicago maybe ever, but certainly not since the murder and assassination of Martin Luther King in the late ‘60s,” she said.

Lightfoot said the city was prepared for a large-scale protest, but instead, the city had something experienced something that was “very, very different.”

“Now, we had to pivot. And I think we learned a tremendous amount because of the experiences of that fateful two- to three-week period from the end of May to the beginning of June,” she said. “We applied a lot of those lessons learned, both in terms of crowd management, making sure we’re respecting people’s First Amendment rights to peacefully protest. But also in terms of being prepared for the dark side of what we saw, which is people coming into our city to wreak havoc and the criminal looting that took place.”

In February of this year, the city inspector general released a scathing analysis that had also concluded the department was ill-prepared and lacked a firm plan for the protests, resulting in a chaotic response that put both police and the public at risk.

The latest report echoed many of those concerns, noting that some officers were even dispatched without equipment, including radios or body-worn cameras. They did not have adequate transportation or rest periods with access to bathrooms at a time they were working 12-hour days to respond to the rapidly developing situation.

Officer deaths from suicides and accidents also increased over the upris-



Chicago police officers guard the Trump International Hotel & Tower, May 30, 2020, to hold back protesters during a rally and march. **JOHN J. KIM/CHICAGO TRIBUNE**

ings, the report said. Officers also experienced more than 3,200 COVID-19 cases throughout the response period, as well as doxing and verbal abuse.

In Hickey’s report, officers also responded to “10-1” calls — emergencies for cops in need of assistance — “without direction or in an organized manner,” the report stated.

“Teams were formed and deployed without coordinated training, which led to more officers engaging in individualized decision-making and responses, outside of best practices and engaging crowds individually, which then required another uncoordinated response to rescue them,” according to the document.

CPD and other city officials didn’t have specific plans that were tailored for 2020’s unique circumstances, including car caravans, fluid protests dictated in real time through social media and unprecedented turnout, among other factors. Officers were pulled from different parts of the city to “unfamiliar locations” and they had limited resources.

“We heard from city personnel and many CPD officers — some with

decades of experience — that they had never seen the level of unrest in their careers, with many adding that there was nothing the city or the CPD could have done to fully prepare,” the report stated.

For the future, Hickey’s team recommended that CPD “expand” its planning operations, establish a “multifaceted” planning team and modifying its current planning strategies.

While the investigation noted “the vast majority of protests and people participating in protests have been peaceful,” as well as the professional conduct of many officers, Hickey also found “some officers engaged in various levels of misconduct and excessive force,” in cases that remain under investigation.

The Civilian Office of Police Accountability had “an unprecedented number” of complaints and videos of officers disregarding policies, including not wearing masks, covering identifying information, using excessive force and using racial, gendered and homophobic slurs, the report said.

“We heard from many community members who expressed new fears, frustrations, confusion, pain,

and anger regarding their experiences with officers during protests,” the report states. “We heard from community members who participated in protests — some for the first time — who said that officers were verbally abusive toward them; pushed and shoved them; tackled them to the ground; pushed them down stairs; pulled their hair; struck them with batons, fists, or other nearby objects; hit them after they were ‘kettled’ with nowhere to go or after being handcuffed; and sprayed them with pepper spray (OC spray) without reason.”

Residents also reported needing medical care for their injuries to “heads, wrists, arms, knees, legs, eyes, faces, ribs, and noses” and being detained for hours without being able to communicate with family or attorneys. They reported the “continued trauma” they have suffered.

Hickey, a former federal prosecutor, is in charge of implementing a consent decree that resulted from a Department of Justice investigation and finding in 2017 that the Chicago Police Department had engaged in decades of civil rights abuses. And while Hickey’s report noted specific challenges the department faced during the historic demonstrations, it also made clear the city bears responsibility for the failures.

“To this end, the city and the CPD have much work ahead,” the document noted. Among the unique challenges of what the report called the “possibly” unprecedented protests was

their size and scope — and that it was happening during the pandemic. It noted the use of social media to increase attendance quickly and the fact that the peaceful demonstrations were infiltrated by people seeking to disrupt them. Others engaged in “crimes of opportunity” including looting and arson.

The report also noted that “various community members” said that their 911 calls went unanswered during the unrest. The document cited a response from Chicago’s Office of Emergency Management and Communications that said it does not have data that isolates calls related to protests and unrest. It also does not have data on if people called 911 and were unable to get through to an operator during the unrest. The findings were based, in part, on the accounts of dozens of people who testified in August at two online videoconference hearings, which included U.S. District Judge Robert Dow Jr., who is empowered to enforce the reform. Many of the complaints stemmed from a July protest near a Christopher Columbus statue downtown.

The report by Hickey also included a detailed response from the city of Chicago, including an acknowledgment that the police response to the protests “was not without its flaws and the department can and must improve.”

The statement continued: “However, what should also be noted is the selfless service of these members,” the response said of responding officers. “At a time when so many others had the opportunity to quarantine and isolate to protect themselves and their families, these officers stepped forward at risk to both themselves and their loved ones to answer the call from the city.”

The ACLU of Illinois also issued a statement Tuesday after the report’s filing. The monitor found what some Chicagoans said they experienced to be true, according to the statement. “These patterns of police violence and misconduct underscore the ongoing harm to Chicagoans from the city and CPD’s failure to implement requirements of the federal consent decree,” Nusrat Choudhury, legal director for the organization, said in the statement.

“This includes desperately needed changes to ensure police accountability, respect for community members, unbiased policing

and a dramatic reduction in police use of force against people. The city and CPD must make real the words and promises of the consent decree to transform policing in Chicago, including when people gather in public to protest violent and racist policing.”

The report went on to detail interactions between police, protesters and civilians through descriptions and testimony.

At one of the downtown confrontations, people in a crowd appeared to drag a CPD officer on the ground as other threw objects at officers and officers shoved back, the report said. Another officer was also seen dragged on the ground and hit in the head. An hour later, someone in the crowd set a squad car on fire at State and Lake streets. At another point, a Chicago police vehicle drove away from a crowd with someone on the hood of the vehicle.

There also appeared to be an organization to parts of the crowd with people using flags, banners, hand signals and verbal chains, the report said. For verbal chains, people in the crowd would give directions to people “who appeared to be assigned with specific tasks. In one video, people could be heard saying ‘If you’re under 18, go to the front’ and ‘Black and Brown units to the front.’”

On May 30, 2020, protests and unrests continued from Friday night into early Saturday, and officers reported not having the resources needed to respond to crowd, the report said. At 3 a.m., CPD called for mass-arrest procedures to be implemented downtown and repeated that call around 4 a.m., but during these arrests, officers did not complete the required paperwork.

Some officers also reported not having mass-arrest kits readily available as others sought out mass-arrest kits that were in storage, left over from NATO and drove around downtown, distributing them to any officers they could find, the report said. Other officers said they went to stores to buy the equipment with their own money.

Chicago police’s radios were also targeted by hackers who played music or made false reports on the air, the report said.

On Saturday into Sunday, the civil unrest continued and “many officers on the street appeared demoralized and anguished,” the report said. Officers reported not eating in 18 hours and being exhausted and dehydrated.

“Many remarked that the downtown area looked like a battlefield and compared it to war scenes,” the report said. “Some officers described Saturday as the worst day in decades for the CPD.”

Community members also described how police treated them on that day, detailing various levels of police brutality during the chaos such as being trapped and beaten.

One person said, “He pinned me up against the protesters behind me until I couldn’t talk. ... So he was pressing the baton against my neck so hard that I couldn’t fall to my knees. I was hanging by his baton. When I started to go completely limp, another protester called him off, said, she is choking, she can’t breathe, take off your baton. I think that protester saved my life that day.”

Another described police antagonizing and beating people in the crowd until they were bleeding, the report said. Another described being arrested, dragged down the street so hard their back bled.

“And then two other officers jumped on me and I was screaming, ‘Stop. You got me. You got me. You won.’ They put me in zip ties. I sat on the curb of Trump Tower for three hours. ... I was in zip ties for six hours, very tight,” that person said, according to the report. “They told us if we didn’t want to be arrested, we shouldn’t have burned the city down. None of us had been involved in any burning or looting or anything.”

Chicago Tribune’s Jeremy Gerner contributed.

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OUR COUNTY

LETTER: 'Local boards should be making these decisions'

Continued from A-1

But Hall said as of now, the state is requiring students to wear masks in school this fall.

Fisher Superintendent Barb Thompson agrees local control is needed.

"It's a difficult pill to swallow right now where you can go anywhere you want in the state without a mask outside of a hospital," Thompson said. "It will be hard for students if they don't wear a mask anywhere else."

The letter, spearheaded by Paris, Ill., school administrators Jeremy Larson and Danette Young, requests local control in the implementation of COVID-19 safety measures and protocols used within each district.

"We believe that local boards of education and superintendents are best positioned and capable of planning reasonable and safe approaches to educate the students of our communities," the letter states, adding: "The past 16 months have provided us with ample experience and knowledge to lead locally with your support."



HALL



THOMPSON

Among the 200-plus educators who co-signed letters written to Gov. J.B. Pritzker and State Superintendent of Education Carmen Ayala: **Jennifer Armstrong** (Rural Champaign County Special Ed Coop), **Kristin Dunker** (Vermilion Association for Special Education) and these area school district leaders:

Gary Alexander, Tuscola
Scott Amerio, Rantoul High
Brian Brooks, St. Joseph-Ogden
Shannon Cheek, Arthur
Phil Cox, Salt Fork
Jeremy Darnell, GCMS
Tom Davis, Heritage
Amanda Geary, DeLand-Weldon
Jeff Graham, Ludlow
Sheila Greenwood, Bement
Lindsay Hall, Mahomet-Seymour

Jeff Isenhower, Prairieview-Ogden
Crystal Johnson-Maden, Rossville-Alvin
Andy Larson, Unity
Lance Landeck, Oakland
Michele Lindenmeyer, Milford
Seth Miller, Westville
Tom Mulligan, Arcola
Bill Mulvaney, Armstrong
Carol Munson, Villa Grove
Jean Neal, Georgetown-Ridge Farm
Curt Nettles, Clinton

Jim Owens, Potomac
Todd Pence, St. Joseph Grade School
Robert Richardson, Hoopeston Area
Brett Robinson, Cerro Gordo
Jay Smith, Gifford
Hillary Stanifer, Blue Ridge
Barb Thompson, Fisher
Ted Walk, Sullivan
Scott Watson, Bismarck-Henning
Scott Woods, Rantoul City Schools
Vic Zimmerman, Monticello

It urges state leaders not to use a "one-size-fits-all solution."

Salt Fork Superintendent Phil Cox said school districts need "local control at this point and not threats that if we don't follow every rule in their rule book, we're going to lose funding."

He pointed to the Red Hill school district in southeastern Illinois that was put on probation by the state for relaxing its mask guidance. If the district doesn't alter its policy, the state could close

the school.

The district had made masks optional going into the fall. In response, the Illinois State Board of Education, in a letter dated June 23, said it would lower its recognition status to "on probation."

"Local boards should be making these decisions, not state government," Cox said.

Cox said he informed fellow Vermilion County school officials of Larson's letter and reached out to parents encouraging them to do the same

to local senators and representatives. On Tuesday, state Rep. Mike Marron, R-Fithian, issued a statement calling for local control of COVID-19 safety measures.

Cox said Salt Fork had its "fair share" of students who had to quarantine last school year but said "the flu was significantly worse as far as what parents reported to me. (COVID-19) was no worse than the common cold."

Gifford Grade School Superintendent Jay Smith said, "We're just looking

for local control and doing what we think is best for our community."

He said his school board has discussed the issue "quite a bit" and said any action "should be based on our metrics to make that decision on whether masks should be optional."

Ludlow Grade School Superintendent Jeff Graham said he is in "total agreement that one size doesn't fit all."

"Illinois is such a diverse state with diverse school districts. What may be effective for one school district may not be in another," Graham said.

He said like every other school district, Ludlow is waiting for guidance from the state.

Mahomet-Seymour's Hall said forcing everyone to wear masks in schools, which she said have proved to be the safest places for students and staff to be, is going to be confusing.

"You're filling Wrigley Field and other places without masks and without social distancing," Hall said. "It's confusing; it's conflicting."

"The essence of local control is allowing school boards to use our local

information to make decisions of what's best for our school districts."

Hall said many parents are asking why, at present, there are mask mandates.

"We need to be free to get back" to unencumbered instruction "because we missed that last year. We're facing what, to me, seems like the same frustrations of the summer of 2020," she said.

Hall said there were "hundreds of cases" of missed school in her district last school year, primarily due to close contacts with people who tested positive. But she said districts know a lot more about the virus and safety protocols now.

Fisher's Thompson said her school district figured things out last year and the state should let the districts make the decisions.

"I think we decided what worked for us, and I think most districts were in the same situation," Thompson said. "I think we have learned a lot, and each district can use what works for them. I feel like we would know very fast if we saw it wasn't working. I felt that was the case last year as well."

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NATION / WORLD

U.S. SENATE

Democrats announce \$3.5 trillion budget deal

WASHINGTON (AP) — Senate Democrats announced Tuesday that they have reached a budget agreement among themselves that envisions spending an enormous \$3.5 trillion over the coming decade. The fiscal plan would pave the way for Democrats' drive to direct a huge pool of federal resources at climate change, health care and family-service programs sought by President Joe Biden.

Majority Leader Chuck Schumer, D-N.Y., announced the accord flanked by all 11 Democrats on the chamber's budget committee after a two-hour evening meeting that capped weeks of bargaining among party leaders, progressives and moderates.

The agreement is a major step in Democrats' drive to turn Biden's effort to bolster an economy that was ravaged by the pandemic and set it on a course for long-term growth. Separately, bipartisan senators have been working toward another measure that would spend around \$1 trillion on roads, water systems and other infrastructure projects.

If congressional Democrats rally behind the budget agreement announced Tuesday and push it through Congress in the coming weeks, it would help them enact a subsequent, sweeping bill that would actually fund their priorities.

That's because the budget

resolution contains language that would let Democrats move the follow-up spending bill through the Senate with just a simple majority, not the 60 votes Republicans could demand by using a filibuster.

"We are very proud of this plan," Schumer said. "We know we have a long road to go. We're going to get this done for the sake of making average Americans lives a whole lot better."

Schumer said Biden would attend a lunch today at the Capitol of all Senate Democrats "to lead us on to getting this wonderful plan" enacted. But Schumer and other lawmakers did not respond when asked if they had the support of all 50

senators they will need to push the measure through the evenly divided Senate.

Schumer said the proposal would call for financing Biden's budget priorities "in a robust way." He also said it would include a priority of Senate Budget Committee Chairman Bernie Sanders, I-Vt., and other progressives: an expansion of Medicare, the federal health insurance program for older people, to cover dental, vision and hearing services.

Sanders called the agreement "a pivotal moment in American history" that would end an era in which, he said, rich people and big companies weren't bearing enough of the burden of financ-

ing government programs.

"Those days are gone," said Sanders. "The wealthy and large corporations are going to start paying their fair share of taxes, so that we can protect the working families of this country."

Sen. Mark Warner, D-Va., a leading moderate who helped shape the budget package, said the measure would be fully paid for with offsetting revenue but provided no detail.

The budget will include language stating that there will be no tax increases on people making less than \$400,000 a year or small businesses, according to a Democratic aide familiar with the negotiations granted anonymity to discuss them.

IRANIAN INTELLIGENCE

Feds charge 4 in plot to kidnap American resident, 4 others

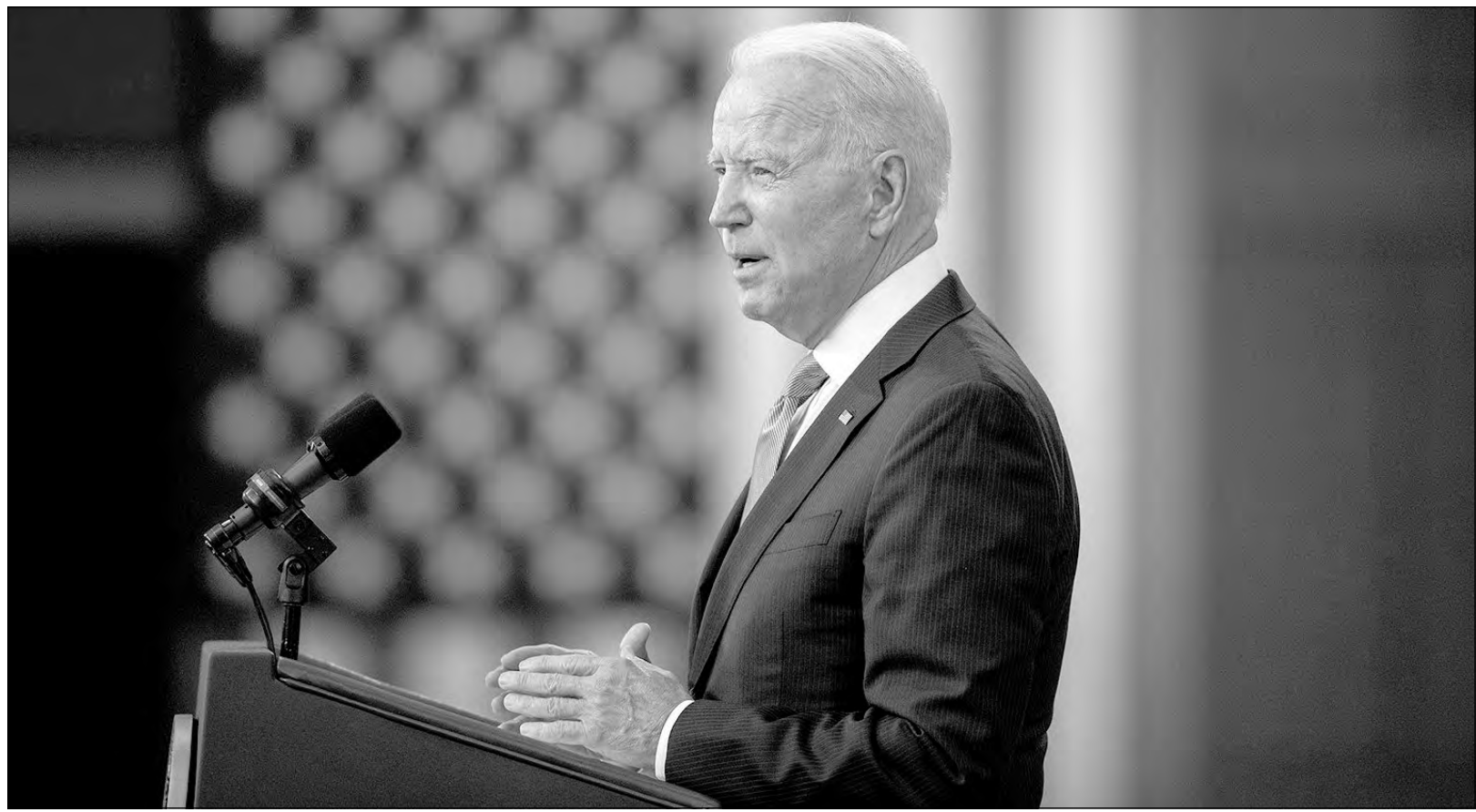
NEW YORK (AP) — An Iranian intelligence officer and three alleged members of an Iranian intelligence network have been charged in Manhattan with plotting to lure a U.S. resident and human-rights activist from New York to Iran, authorities said Tuesday.

An indictment in Manhattan federal court alleges that the plot was part of a wider plan to lure three individuals in Canada and a fifth person in the United Kingdom to Iran. Victims were also targeted in the United Arab Emirates, authorities said.

The identities of the alleged victims were not released, but Masih Alinejad, an activist and writer living in the Brooklyn borough of New York, confirmed that authorities told her she was among the targeted victims and said she was the U.S. resident in the indictment.

"I knew that this is the nature of the Islamic Republic, you know, kidnapping people, arresting people, torturing people, killing people," Alinejad told The AP. "But I couldn't believe it that this is going to happen to me in United States of America."

Iran's mission to the United Nations did not immediately respond to a request for comment. State media in Tehran did not immediately acknowledge the alleged plot, though Iran has become more aggressive in recent years about seizing opposition journalists and dissidents abroad amid tensions over its tattered nuclear deal.



President Joe Biden delivers a speech about voting rights Tuesday at the National Constitution Center in Philadelphia.

Jose F. Moreno/The Philadelphia Inquirer/TNS

VOTING RIGHTS

'TEST OF OUR TIME'

Biden blasts 'un-American' limits as Texas state Democrats flee to D.C. to deny quorum

By JONATHAN LEMIRE, BRIAN SLODYSKO and ZEKE MILLER
The Associated Press

PHILADELPHIA — President Joe Biden declared preserving voting rights an urgent national "test of our time" on Tuesday but offered few concrete proposals to meet it. Texas Democrats took their own dramatic action to stymie Republican efforts to tighten ballot restrictions in their state.

Biden, who has proclaimed protecting ballot access the central cause of his presidency, has faced sharp criticism from allies for not doing more, though political headwinds and stubborn Senate math have limited his ability to act. Despite his ringing words Tuesday, he avoided any mention of trying to alter the Senate filibuster rule that stands in the path of federal legislation.

Speaking at the National Constitution Center in Philadelphia, Biden called state efforts to

curtail voting accessibility "un-American" and "un-democratic" and launched a broadside against his predecessor, Donald Trump, who baselessly alleged misconduct in the 2020 election after his defeat. Biden called passage of congressional proposals to override new state voting restrictions and to restore parts of the Voting Rights Act that were curbed in recent years by the Supreme Court "a national imperative."

Yet, instead of raising the possibility of fighting the filibuster, he appeared to tacitly acknowledge the fading hopes for the bills, saying he would launch a nationwide campaign to arm voters with information on rule changes and restrictions ahead of the 2022 midterm elections.

"We have to prepare now," the president said.

Biden's sharp rhetoric drew praise from progressive groups

in his party but did little to assuage the mounting pressure on him to throw his weight behind replacing the filibuster.

"The president believes that we have to make the filibuster work the way it used to," said White House deputy press secretary Karine Jean-Pierre, who added Biden has not changed his opposition to eliminating it altogether.

Biden's remarks came a day after Texas Democrats decamped for Washington in an effort to deny their GOP-controlled Legislature the necessary quorum to pass a bill placing new restrictions on voting in the state.

The lawmakers, who arrived in the nation's capital Monday, said they were prepared to stay in Washington — out of reach of Texas law enforcement — until a special legislative session concludes early next month. Their action marks a dramatic new showdown over voting in America.

Standing near the steps of the U.S. Capitol for a news conference ahead of a meeting with Senate Majority Leader Chuck Schumer, the Democrats promised to "stay out and kill this bill."

However, state Rep. Chris Turner, the leader of the Texas Legislature's House Democrats, said their efforts would ultimately be futile unless congressional Democrats take bolder action to overcome a Senate Republican blockade of the sweeping federal voting bill. The legislation, known as the For the People Act, would create national standards for voting that could roll back some of the restrictions that have been approved or are advancing in Republican-led states, including Texas.

"We can't hold this tide back forever. We're buying some time. We need Congress and all of our federal leaders to use that time wisely," Turner said.

IRAQI HOSPITAL

Blaze in virus ward kills at least 92

NASIRIYAH, Iraq (AP) — The death toll from a fire that swept through a hospital coronavirus ward climbed to 92 on Tuesday, Iraq's state news agency reported, as anguished relatives buried their loved ones and lashed out at the government over the country's second such disaster in less than three months.

Health officials said scores of others were injured in the blaze that erupted Monday at al-Husseini Teaching Hospital in Nasiriyah.

The tragedy cast a spotlight on what many have decried as widespread negligence and mismanagement in Iraq's hospitals after decades of war and sanctions.

Prime Minister Mustafa al-Kadhimi convened an emergency meeting and ordered the suspension and arrest of the health director in Dhi Qar province, the hospital director and the city's civil defense chief. The government also launched an investigation.

The prime minister called the catastrophe "a deep wound in the consciousness of all Iraqis."

Two Iraqi health officials, speak-

ing on condition of anonymity in line with regulations, disputed the death toll, saying 88 had been killed.

Authorities at one point said the fire was caused by a short circuit. Another official said the blaze erupted when an oxygen cylinder exploded. The officials were not authorized to talk to the news media and spoke on condition of anonymity.

In April, at least 82 people — many of them coronavirus patients or their relatives — were killed in a fire at a Baghdad hospital that broke out when an oxygen tank exploded. Iraq's health minister resigned over the disaster.

In the holy city of Najaf, the dead from Nasiriyah were laid to rest. Families stood over the coffins at a mosque to say a final prayer.

Their tears were tinged with anger, with some saying the disaster could have been prevented. They blamed both the provincial and central governments.

Ahmed Resan, who witnessed the blaze, said it began with smoke.

"But everyone ran away — the workers and even the police. A few

minutes later, there was an explosion," he said, adding firefighters did not arrive until an hour later.

"The whole state system has collapsed, and who paid the price? The people inside here. These people have paid the price," Haidar al-Askari said at the scene.

Overnight, firefighters and rescuers — many holding flashlights and using blankets to smother small fires — searched the ward. As dawn broke, bodies covered with sheets could be seen on the ground outside the hospital. Distraught relatives searched for their loved ones amid charred blankets and belongings.

Ali Khalid, 20, a volunteer who dashed to the scene, said he found the bodies of two young girls locked in embrace.

"How terrified they must have been; they died hugging each other," he said.

The ward, opened three months ago, contained 70 beds in three large halls. Maj. Gen. Khalid Bohan, head of Iraq's civil defense, said the building was constructed from cheap, flammable materials.

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NATION / WORLD

U.S. SENATE

Infrastructure bill in peril; GOP threatens filibuster

WASHINGTON (AP) — The bipartisan infrastructure deal senators brokered with President Joe Biden is hanging precariously ahead of a crucial test vote today as they struggle over how to pay for nearly \$1 trillion in public-works spending.

Tensions were rising as Republicans prepared to mount a filibuster over what they see as a rushed and misguided process. With Biden preparing to hit the road to rally support for his infrastructure ideas — including \$55 billion in a follow-up bill — restless Democrats say it's time to at least start debate on this first phase of his proposals.

"It is not a fish-or-cut-bait moment," Majority Leader Chuck Schumer, D-N.Y., said Tuesday, describing the procedural vote as a first step to "get the ball rolling" as bipartisan talks progress.

Six months after Biden took office, his signature "Build Back Better" campaign promise is at a key moment that will test the presidency and his hopes for a new era of bipartisan cooperation in Washington.

White House aides and the bipartisan group of senators have huddled privately since Sunday trying to wrap up the deal, which would be a first phase of an eventual \$4 trillion-plus package of domestic outlays — not just for roads and bridges, but foundations of everyday life including child care, family tax breaks, education and an expansion of Medicare for seniors.

Biden calls it a "blue-collar blueprint for building an American economy back." He asserted Tuesday that Americans are overwhelmingly in support of his plan and "that's the part that

a lot of our friends on the other team kind of miss."

The other team begs to differ. Senate Republican leader Mitch McConnell and some outside groups decry what they call Biden's "spending spree," and McConnell has said big spending is "the last thing American families need."

A core group of Republicans are interested in pursuing a more modest package of traditional highway and public works projects, about \$600 billion in new funds, and say they just need more time to negotiate with their Democratic colleagues and the White House.

Senators from the bipartisan group emerged upbeat Tuesday from another late-night negotiating session with Biden aides at the Capitol, saying a deal was within reach and even a failed

vote Wednesday would not be the end of the road.

Sen. Bill Cassidy, R-La., said this afternoon's test vote could be useful in helping to "advance and expedite" the process.

"We are so close," said Sen. Jon Tester, D-Mont.

Biden has been in touch with both Democrats and Republicans for several days, and his outreach will continue "until he has both pieces of legislation on his desk to sign them into law," White House Press Secretary Jen Psaki said Tuesday.

While Biden proposes paying for his proposals with a tax hike on corporations and wealthy Americans who earn more than \$400,000 a year, the bipartisan group has been working almost around the clock to figure out a compromise way to pay for its package, having dashed ideas

for boosting the gas tax drivers pay at the pump or strengthening the Internal Revenue Service to go after tax scofflaws.

Instead, senators in the bipartisan group were considering rolling back a Trump-era rule on pharmaceutical rebates that could bring in some \$170 billion to be used for infrastructure. They were also still haggling over public transit funds.

Ten Republicans would have joined all 50 Democrats in the evenly split Senate to reach the 60-vote threshold required to advance the bill past a filibuster.

Republicans are reluctant to open debate as the bipartisan bill remains a work in progress.

At a private lunch meeting Tuesday, McConnell and others urged GOP senators to vote no, according to a person granted anonymity to discuss the session.



Joe Raedle/Getty Images/TNS

Blue Origin's New Shepard rocket, carrying Amazon and Blue Origin founder Jeff Bezos, his brother Mark, 18-year-old Oliver Daemen and 82-year-old Wally Funk, lifts off from the launch pad Tuesday in Van Horn, Texas.

BLUE ORIGIN

TAKING HIS SHOT

Bezos joins billionaire space club on his own company's rocket

By MARCIA DUNN

Associated Press Aerospace Writer

VAN HORN, Texas — Jeff Bezos blasted into space Tuesday on his rocket company's first flight with people on board, becoming the second billionaire in just over a week to ride his own spacecraft.

The Amazon founder was accompanied by a hand-picked group: his brother, an 18-year-old from the Netherlands and an 82-year-old aviation pioneer from Texas — the youngest and oldest to fly in space.

"Best day ever!" Bezos said when the capsule touched down on the desert floor in remote West Texas after the 10-minute flight.

Named after America's first astronaut, Blue Origin's New Shepard rocket soared on the 52nd anniversary of the Apollo 11 moon landing, a date chosen by Bezos for its historical significance. He held fast to it, even as Virgin Galactic's Richard Branson pushed up his own flight from New Mexico and beat him to space by nine days.

The two private companies chasing space tourism dollars, though, have drawn criticism for catering to the rich while so many are struggling amid the pandemic.

During Tuesday's flight, Blue Origin's capsule reached an altitude of about 66 miles, more than 10 miles higher than Branson's July 11 ride. The 60-foot booster accelerated to Mach 3, or three times the speed of sound, to get the capsule high enough, before separating and landing upright.

Unlike Branson's piloted rocket plane, Bezos' capsule was completely automated and required no official staff on board for the up-and-down flight.

During their several minutes of weightlessness, video from inside the capsule showed the four floating, doing somersaults, tossing Skittles and throwing balls, with lots of cheering, whooping and exclamations of "Wow!" The Bezos brothers joined their palms to display a "HI MOM" greeting written on their hands. The

capsule landed under parachutes, with Bezos and his guests briefly experiencing nearly six times the force of gravity on the way back.

Led by Bezos, they climbed out of the capsule after touchdown with wide grins, embracing parents, partners and children, then popped open bottles of sparkling wine, spraying one another.

"My expectations were high and they were dramatically exceeded," Bezos said later.

Their flight lasted 10 minutes and 10 seconds — five minutes shy of Alan Shepard's Freedom 7 flight in 1961. Shepard's daughters, Laura and Julie, were introduced at a press event a few hours later.

Sharing Bezos' dream-come-true adventure was Wally Funk, one of 13 female pilots who went through the same tests as NASA's all-male astronaut corps in the early 1960s but never made it into space.

"I've been waiting a long time to finally get it up there," Funk said. "I want to go again — fast."

CORONAVIRUS RESPONSE

Schools confront more polarization with mask rules

NEW YORK (AP) — Students in Wichita, Kan., public schools can ditch the masks when classes begin. Detroit public schools will probably require them unless everyone in a room is vaccinated. In Pittsburgh, masks will likely be required regardless of vaccination status. And in some states, schools cannot mandate face coverings under any circumstances.

With COVID-19 cases soaring nationwide, school districts across the U.S. are yet again confronting the realities of a polarized country and the lingering pandemic as they navigate mask requirements, vaccine rules and social distancing requirements for the fast-approaching new school year.

The spread of the delta variant and the deep political divisions over the outbreak have complicated decisions in districts from coast to coast. Some conservative states, lawmakers have banned districts from requiring masks despite outcry from medical professionals. Schools are weighing a variety of plans to manage junior high and middle school classrooms filled with both vaccinated and unvaccinated students.

"I'm so frustrated that it's become a political issue because it shouldn't be. It's science," said Mary Tuttle, who operates an Indianapolis in-home day care center and hopes the city's schools require masks for her daughters.

She worries that the delta variant could lead to a return to virtual learning, which caused her 10-year-old daughter to become depressed and anxious last year. Another daughter will turn 12 six days after starting 6th grade and will be vaccinated as soon as possible.

Adding to the concerns is a rise in cases overall — sharply in some states, including Arkansas, which won't let schools require masks. Public health researchers on Tuesday called Arkansas' rapidly climbing infections and hospitalizations a "raging forest fire," and the state's top health official warned of significant future outbreaks in schools.

Arkansas leads the country in new cases per capita, according to figures compiled by Johns Hopkins University researchers, and it has one of the lowest vaccination rates in the country, with only 35 percent of the population fully vaccinated.

2017 TRUMP INAUGURATION

Committee head accused of being agent for U.A.E.

LOS ANGELES (AP) — The chair of former President Donald Trump's 2017 inaugural committee was arrested Tuesday on charges alleging he secretly conspired to influence U.S. policy to benefit the United Arab Emirates, even while he was seeking a position as an American diplomat.

Tom Barrack, 74, of Santa Monica, Calif., was among three men charged in federal court in New York with acting as unregistered foreign agents as they tried to influence U.S. policy on the U.A.E.'s behalf while Trump was running in 2016 and later while he was president.

The indictment goes to the heart of the U.S.' long-time relationship with the U.A.E. and directly ties its de facto ruler, Abu Dhabi Crown Prince Mohammed bin Zayed Al Nahyan, to Barrack's charges.

Besides conspiracy, Barrack was charged with obstruction of justice and making multiple false

statements during a June 2019 interview with federal agents. Also charged in a seven-count indictment were Matthew Grimes, 27, of Aspen, Colo., a former executive at Barrack's company, and Rashid al Malik, 43, a businessman from the U.A.E. who prosecutors said acted as a conduit its rulers.

One of Trump's close personal friends for decades, Barrack is the latest in a long line of the former president's associates to face criminal charges, including his former campaign chair, his former deputy campaign chair, his former chief strategist, his former national security adviser, his former personal lawyer and his company's longtime chief financial officer.

Barrack and Grimes were arrested in Southern California while al Malik was at large, believed to be somewhere in the Middle East, authorities said. In court papers, prosecutors said al Malik was living in Los Angeles for years before fleeing the U.S. three days after an April 2018 interview by law enforcement.



BARRACK

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Marine

Continued from Page 1A

Marine Corps Logistics Base Albany in Georgia.

"It's quite humbling," said the 1990 Peoria High grad about his new position with the Corps. "The battalion that I

oversee is the largest one in the Marine Corps that supplies equipment to war-fighting Marine units."

The 2nd MFSB deals mostly with weaponry and with equipment for the 1 and 2 Marine Expeditionary Force (MEF).

"Basically, any Marine Corps war-fighting units, we would supply equipment to," he said.

His mother, Vivian Anderson, still lives in Peoria, and in 2000 he married 1986 Manual High School graduate Rachel Ware. Both were at the June 11 change of command ceremony in Georgia.

Previously, Sargent had been with the 1st Marine Division as the unit's Material Readiness Officer.

He went through recruit training in

1991 and has spent the better part of the past 30 years in the Marines. He received a college degree through a program that allowed enlisted Marines to become officers.

In 1992, he deployed with the 1/9 Marines to Somalia and, in 2010, he deployed to Afghanistan with the 7th Marines.

Bridge

Continued from Page 1A

turned green for St. Patrick's Day, then red after the Bradley Braves women's basketball team won the Missouri Valley Conference championship. In April, it was blue to mark Child Abuse Prevention Month, then purple and orange for National Fair Housing Month. May brought purple for Cystic Fibrosis Awareness, then multiple colors for Pride Month.

After so many special light-ups, Ashley Schreck is perturbed about July Fourth. Three years ago, she started "Light It Up — The Murray Baker Bridge," a volunteer group advocating the lights project.

"It was very disappointing the bridge was not lit for a patriotic weekend," she told me.

On the group's Facebook page, people sometimes make light-up suggestions, which get passed along to the city. But organizations can contact the city directly to request colors for special events. Urich says a formal application is being developed. But for now, requests should be made to Alexandria Williams at the Department of Public Works: (309) 494-8821.

So far, the city has not done light-ups for personal requests — like, orange for



The lights of the Murray Baker Bridge click on Feb. 4, 2021 as snow and sleet fall throughout the Peoria area.

MATT DAYHOFF/JOURNAL STAR

Aunt Mabel's 101st birthday because she loves orange. I don't know if the city would get deluged by such suggestions. But maybe that'd be a nice public component to the effort, with accompanying stories on social media.

Going forward, Urich says the city plans to improve the process. For in-

stance, the scheduling and programming of the lights will no longer be left in the hands of just one employee.

"There will additional staff trained to be able to make the changes to the lighting program," Urich said.

Plus, maybe the city can get a calendar to mark all the red-letter dates — es-

pecially important holidays. Let me help: next year, I'm pretty sure Independence Day is on July 4. Maybe circle that one right now.

Phil Luciano is a Journal Star columnist. He can be reached at pluciano@pjstar.com and 309-686-3155. Follow him on Facebook and Twitter.

Divorce

Continued from Page 1A

The Zobrists filed for divorce in May 2019 in separate courts in Illinois and Tennessee.

The Eureka native took leave from the Cubs after a game May 6, 2019, and returned in early September 2019 to finish the season, but hasn't played baseball since.

In a message posted Tuesday morning on Instagram, Julianna Zobrist thanked supporters for their encouraging words through the two years since filing for divorce.

"There have been many ugly accusations made about me publicly in recent

days," the Christian pop singer and self-help author wrote. "And this has created an expectation that I should respond by defending myself — and maybe even offering a few ugly accusations in return. Isn't that how these kinds of things always play out?"

The Zobrists have three children together, and Julianna said she would decline to use her public platform to say "hurtful things about their father" for their sake.

"It's tempting to retaliate or seek revenge when someone decides to hurt, slander or lie about you. Especially in public," she wrote. "It's difficult to remember that those who harm us are acting out of their own pain. Wounded people need healing, and that's what I pray finds every person who is so lost in their

pain that they resort to inflicting harm on others.

"My reconfigured family — a resilient mother and her three remarkably brave children — are building something healthy, safe and beautiful where shame does not abide."

Attorney Christopher Bellamy of Nashville-based Neal and Harwell, who represents Yawn in the civil suit, told the Tribune last month that Yawn is looking forward to setting the record straight about what transpired between the three parties.

"At the end of the day, a woman has the right to choose who she wants to be with," Bellamy said. "We're in the middle of litigation, so I can't really comment further at this point, but that's what it boils down to."

In Julianna Zobrist's counterclaim for legal separation in March 2020, she "admits that she is guilty of inappropriate marital conduct" but said Ben "is also guilty of inappropriate marital conduct."

Ben Zobrist denied any marital misconduct in his response.

The divorce is scheduled for a seven-day bench trial beginning Aug. 9 in Franklin, Tennessee.

Julianna Zobrist summed up her post to supporters, "A time will come when I will address my journey, independently of my children. But this is not that time. For now, I appreciate your ongoing kindness and respect for our privacy."

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US, Russia say climate talks a springboard to ease tensions

Kerry, Lavrov emphasize issue's importance

ASSOCIATED PRESS

MOSCOW – U.S. climate envoy John Kerry and Russian Foreign Minister Sergey Lavrov expressed hope Monday that climate change talks could act as a springboard to help reduce escalating tensions between the rivals nations.

Kerry met Lavrov as part of his four-day visit to Moscow as tensions continue to complicate the countries' bilateral relations. Kerry is the highest-ranking official from President Joe Biden's administration to visit Russia.

Lavrov said that Russia "attaches great importance" to the issues of climate change and will continue to cooperate with other nations on these issues.

Russia's top diplomat said Kerry's Moscow visit sends "an important and a positive signal for development of our bilateral relations, for alleviating the tension, and establishing substantive and professional work in the areas where we can find a common denominator."

Kerry said he believed there was "space" for Russia and the U.S. "to collaborate on this (climate change issues) and perhaps to be able to open up some better opportunities on other issues, as we do cooperate on this."

The U.S. official said climate change is as important a challenge as any the men had negotiated, such as nuclear weapons.

"We spent years, you and I, negotiating on worse. We negotiated on chemical weapons, we negotiated on nuclear weapons. I would say to you without any reservation, this is absolutely as critical, as compelling, as urgent an issue, as any of those others," Kerry said.

The U.S. follows China as global leaders in climate-damaging emissions of coal and petroleum fumes. But



Russian Foreign Minister Sergey Lavrov, left, welcomes U.S. climate envoy John Kerry for talks in Moscow on Monday. DIMITAR DILKOFF/POOL PHOTO VIA AP

Russia, the world's No. 4 because of its dependence on coal for power generation, is an outside contributor to climate change relative to the size of its economy and population.

Kerry, former secretary of state in the Obama administration, is encouraging other governments to commit to tough targets to cut emissions ahead of a U.N. global climate summit later this year.

Russian President Vladimir Putin took part by video in Biden's April climate summit. But the Russian lead-

er's government has set only unambitious goals for cutting emissions.

Kerry's trip comes as the nations spar over ransomware attacks blamed on gangs linked to Russia, putting Biden under domestic pressure to punish Russia over the hacking.

Biden's administration has sought cooperation with U.S. opponents and competitors on climate despite sometimes hostile relations on other matters.

Biden speaks volumes in a whisper to make a point

Darlene Superville

ASSOCIATED PRESS

WASHINGTON – President Joe Biden was at a public transit station in Wisconsin, talking about repairing roads and bridges, when he shifted gears and began defending his plan to send money to parents for each minor child, payments some critics call a "giveaway."

Biden folded his arms, rested on the lectern, leaned into the mic and lowered his voice.

"Hey, guys, I think it's time to give ordinary people a tax break," he said, almost whispering as he addressed his critics. "The wealthy are doing fine."

It was the latest instance of Biden speaking volumes by whispering.

The White House and communications experts say Biden's whispering is just this veteran politician's old-school way of trying to make a connection while emphasizing a point.

Biden's critics on the right as well as some late-night TV talk show hosts say the whispers are "creepy" and "weird." Conservatives use the dramatic soft talk to fuel the narrative that the Democratic president is unfit for the job, and comedians deploy it to generate laughs.

"It's an intimate form of communication," said Vanessa Beasley, associate professor of communication studies at Vanderbilt University.

Biden whispered some of his answers to reporters' questions during an impromptu White House news conference last month after he and a group of Senate Republicans announced they had reached a deal to spend \$973 billion on rebuilding the nation's infrastructure.

As he stood in the East Room, Biden was questioned about his timeline for providing additional financial help to families. He leaned in, eyes wide and whispered: "I got them \$1.9 trillion in relief so far. They're going to be getting checks in the mail that are consequential."

During a lengthy response to a separate question, he whispered, "I wrote the bill," before bending down to get closer to the microphone and adding, "on the environment."

On the subject of employers' hiring difficulties, Biden leaned into the mic again, arms resting on the lec-

tern and said softly that the solution is to "pay them more."

Beasley said the use of whispering by Biden, who was a U.S. senator and vice president for a total of more than 40 years, is a throwback to a long-ago time of chummier relations between lawmakers and members of the Washington press corps.

"I think it's a symbolic gesture to a kind of intimacy and familiarity," she said.

Beasley and others noted the contrast between Biden and former President Donald Trump, who often spoke loudly and angrily.

"One of the things that Trump never did was whisper," said Robin Lakoff, professor emerita of linguistics at the University of California, Berkeley.

Public speakers – lawmakers, celebrities, corporate executives – often raise or lower their voices for dramatic effect or tell jokes to keep their audiences following along instead of falling asleep.

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Colleges

Continued from Page 1A

to provide information to promote vaccine trust and confidence and address vaccine hesitancy," the guidance stated.

"Unvaccinated persons and those who might need to take extra precautions should wear a face covering and, where feasible, maintain physical distance while indoors," the guidance added.

Northwestern University, DePaul University and Loyola University all announced earlier in the spring students would have to be vaccinated before the start of the fall semester.

Other schools like Illinois State University, Eastern Illinois University and Southern Illinois University were strongly encouraging but not mandating students be vaccinated.

Illinois State students taking courses on campus who do not provide evidence of a COVID-19 vaccination for the coronavirus will be required to participate in an on-campus testing program. Monday's guidance from the IBHE and the ICCB encouraged schools to continue COVID-19 testing of unvaccinated individuals to identify and slow virus transmission consistent with the CDC.

The guidance also stated that schools should continue to promote and facilitate health-promoting behaviors such as hand hygiene and respiratory etiquette and continue routine cleaning of high-touch surfaces and shared objects and maintaining improved ventilation in accordance with CDC recommendations.

Meijer

Continued from Page 1A

Another is expected to open this year in Effingham.

Champaign was the site of the first Meijer store in Illinois. It opened in 1995. About half the chain's outlets are located in Michigan.

Meijer stores feature a full-service grocery as well as clothing, electronics, hardware and sporting goods, among other merchandise.

The chain was founded in 1934 as a grocery store in Greenville, Mich., and is headquartered in suburban Grand Rapids. That Michigan city also is where Meijer opened its first combined supermarket/department store, in 1962.

Meijer is considered the pioneer of the modern superstore concept. Many Meijer stores also sell gasoline.

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Pritzker will seek re-election

Springfield State Journal-Register
 USA TODAY NETWORK

Illinois Gov. JB Pritzker announced plans Monday to seek a second term.

"I can't tell you what pride it gives me as governor of the state to see the people of Illinois standing up for one another. We saw the fundamental goodness of the people of Illinois exists in Southern Illinois as it does in Central Illinois as it does in Northern Illinois," Pritzker, 56, said in a video Monday.

Lt. Gov. Juliana Stratton will stay on as the billionaire Democrat's running mate.

The Pritzker video highlighted the state's response to the COVID-19 pandemic and featured supporters from across the state including Jenica Krushall, a registered nurse from Springfield.

"I feel like the governor was a partner with nurses and doctors and the whole medical community," Krushall said.

Polly Poskin of Springfield also was featured. "This was a time when we had to get it right, and Governor Pritzker did it for us," she said.

While Pritzker is not expected to face Democratic primary challengers, at least three Republicans have declared primary election candidacies, including businessman Gary Rabine of Burr Ridge, former state Sen. Paul Schimpf, of Waterloo, and state Sen. Darren Bailey of Xenia.

The primary election is scheduled to take place on June 28, 2022. Lawmakers voted to shift the primary from March 15, 2022, because of the delay in census data caused by the pandemic.



Pritzker

Mayor decides against run for congress

Jeff Kolkey Rockford Register Star
 USA TODAY NETWORK

ROCKFORD – Mayor Tom McNamara has decided against running for Congress to succeed U.S. Rep. Cheri Bustos, D-East Moline.

McNamara was inundated with calls from across the country urging him to run for Bustos' Congressional seat after she announced that she would not seek a sixth term. But although tempted by the idea he might have a wider impact in Congress, McNamara ultimately decided he can make a bigger difference staying mayor of Rockford.

McNamara announced Monday he will not run for Congress in 2022.

"We have work left to do, and I want to be here, beside you, as we implement more positive change in our community," McNamara said in a written statement.

McNamara said he is proud of a record that includes lowering property taxes, opening the Family Peace Center to assist survivors of domestic and sexual violence, shepherding a Hard Rock Casino Rockford project through the approval process, reducing blight and creating the Rockford Promise NIU Scholarship Program that will allow Rockford Public Schools students to attend college tuition free.

But he said the needle on violent crime is continuing in the wrong direction, and businesses are continuing to struggle to bounce back from the pandemic. McNamara said the city is rolling out crime-fighting programs that help traumatized youth and residents returning to the city from prison so they don't reoffend.



McNamara

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Grazing sheep help manage the pollinator-friendly vegetation at an Enel Green Power solar farm in Shafer, Minn. ANTHONY SOUFFLE/MINNEAPOLIS STAR TRIBUNE VIA TNS

Pollinator-friendly landscape takes root beneath solar panels

Jennifer Bjorhus
Minneapolis Star Tribune
TRIBUNE NEWS SERVICE

Sheep graze through the tall prairie grass, their bleats breaking the quiet as butterflies and insects flit through the native flowers.

The pastoral setting is not a restored prairie. It's a solar installation in rural Chisago County – one of the 16 in Minnesota run by Enel Green Power, a global renewable energy company based in Rome that supplies Xcel Energy.

In Minnesota, at least, the solar farms are generating more than electricity. Instead of turf, bare ground or gravel, the land beneath Enel's Minnesota installations were all seeded with native pollinator-friendly grasses, sedges and wildflowers. They've matured into rich, native habitats for bees, insects and butterflies – in a landscape desperately short of them.

Minnesota state agencies, such as the Public Utilities Commission, Department of Natural Resources and the Board of Soil and Water Resources all encourage such plantings at solar sites as a matter of policy.

"One of the fastest growing trends in solar, nationwide, is doing better than turf grass under and around the panels," said Rob Davis, director of the Center for Pollinators in Energy at the St. Paul nonprofit Fresh Energy. That could be food or other types of vegetation.

Minnesota pioneered standards for what con-

stitutes pollinator-friendly vegetation at solar sites – similar to standards for organic products – following legislation in 2016 to prevent greenwashing, or false environment-friendly claims, Davis said.

The Monarch Joint Venture in St. Paul is among the groups studying the results.

Laura Lukens, the group's national monitoring coordinator, has been at several Enel sites with her clipboard this summer taking inventories of the quality and abundance of flowering plants and milkweed, and the native pollinators using them. She's also tracking the difference between the habitats growing directly under the panels vs. the ones in between. Lukens said she's excited by what she's seen.

"We've been seeing great things in terms of the floral community and the pollinators using the habitat there," Lukens said. "I saw monarchs breeding at every site I visited."

On June 30, the air was thick with life at Enel's Chisago County site near Shafer. The black-eyed Susans were in bloom, for example, mixed in with Canada wild rye and fox sedge and other native plants.

The vegetation cools the solar panels, boosting electrical output, as the long-rooted perennials help rebuild the soil, explained Enel regional manager Jacob Fehlen, walking the rows.

The array – one of the company's smaller sites –

was built on 25 acres of converted farmland, with 16,632 panels that pivot to face the sun. They generate enough megawatts to power more than 600 nearby homes, Fehlen said.

Like all of Enel's Minnesota sites, it was seeded with a native pollinator-friendly mix by Otsego-based MNL, formerly known as Minnesota Native Landscapes. MNL has taken it further, adding sheep herds to manage the vegetation at many of the sites.

They are Katahdins, a hair sheep variety that doesn't require shearing like wool sheep, said Jake Janski, MNL's director of services. The "mob grazing" replicates both prescribed fires and bison herds, controlling dead material, lowering fire hazards and stimulating new growth, he said. The manure fertilizes.

"This is the next phase of land management that we're trying to normalize so it's not this bizarre concept," Janski said. "We're trying to normalize using animals to do what animals did in nature. I'm sick of just putting Band-aids on. We're trying to fix the prairie."

Yes, the sheep draw some laughs in other states, said Enel's Fehlen. The company does it because they fit with "sustainability needs," he said. In Texas, he said, Enel is looking at possibly raising the height of its solar panels to graze cattle beneath them.

The sheep do come with a few challenges. As they sauntered around

the rows of panels June 30, workers were repairing an electric fence that a few ornery rams had torn through.

Then there are coyotes, which sometimes scoot under the fence through the wildlife gap at the bottom. MNL sometimes brings in a mini donkey to protect the sheep from predators.

The entire model is spreading among solar operators, Janski said.

"What needs to be proven is cost competitiveness over the long term," he said. "The industry is trying to vet out the long term."

New Zealand records warmest June

Nick Perry
ASSOCIATED PRESS

WELLINGTON, New Zealand – New Zealand has recorded its warmest June since record-keeping began, as ski fields struggle to open and experts predict shorter southern winters in the future.

A range of factors led to the record, including more winds coming from the milder north rather than the Antarctic south, and unusually warm ocean temperatures, said Gregor Macara, a climate scientist at the government-owned National Institute of Water and Atmospheric Research. He said the vagaries

of weather will change from month to month. "But the underlying trend is of increasing temperatures and overall warming," Macara said.

The average temperature in June was 51 degrees Fahrenheit, the research agency reported Monday. That's about 35 degrees above the 30-year average for June and more than 32 degrees higher than the previous record set in 2003 and again in 2014. Record-keeping began in 1909.

Macara said the average temperature in New Zealand had increased by about 33 degrees over the past century. He said that if the trend continues, people can expect later and milder winters.

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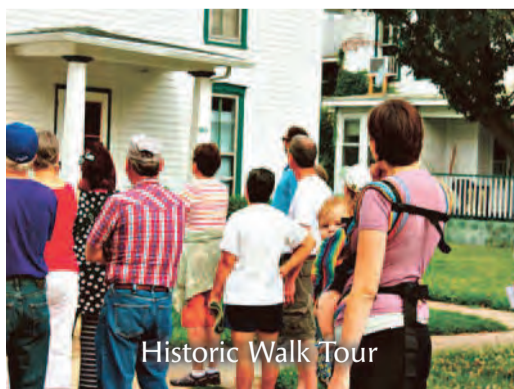
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Michigan man digs up odd filler while removing back step - 160 bowling balls

Kyle Davidson

Detroit Free Press | USA TODAY NETWORK

DETROIT – For one man in Michigan, a home improvement project turned into a puzzling discovery after uncovering 158 bowling balls beneath his back step.

David Olson, 33, was demolishing the back steps of his house on the morning of July 1, when he saw a black sphere buried in the sand behind some cinder blocks.

“That was one of the bowling balls. I didn’t think a whole lot of it. I was kind of assuming maybe there were just a couple in there just to fill in. The deeper I got into it, the more I realized it was just basically an entire gridwork of them making up the weight in there,” Olson said.

“I was actually a little happy about that because it’s a little easier to roll bowling balls out of the way than to move the sand and figure out where to put all that,” he said.

Although Olson’s initial count on Facebook totaled 50 balls, he uncovered more and more. Later, Olson counted about 120. The final count totaled 158, though Olson said he could feel more balls in the ground. In recent days, Olson discovered two more, bringing the

count up to 160.

“There’s definitely more ... but at this point in the area I need to work, I’ve dug down about 2 feet lower than when I found my last ball and I think it’s pretty much cleared out in that section,” he said.

When he first discovered the balls, Olson said his thoughts went to his three curious young children. He contacted Brunswick Bowling Products, the maker of the balls and asked whether they could be toxic. After about a day, Olson received a response. Olson sent in pictures, and after running the serial numbers on the balls, the company determined they were made in the 1950s and verified that they were safe and could be disposed. Although this cache might be a bowler’s dream, the balls won’t be making their way to the lanes anytime soon. Olson said many of the balls were in rough condition, and each of the balls had two spiral grooves cut into them.

As for the ball’s origins, Olson said there used to be a Brunswick bowling ball plant in Muskegon, Michigan. He said some ex-Brunswick employees contacted him through his Facebook post, and said workers used to take scrapped bowling balls to use as a cheaper alternative to gravel or sand.

Mora

Continued from Page 1A

board member Humberto Lopez said Friday. Mora was “always trying to help,” organizing events, writing editorials about the invasion and emailing with other members of the veterans group, Lopez recalled.

Lopez said he and the loquacious Mora were close for the past decade, and described his wife as “charismatic.”

Ana Mora had worked as assistant to the president of a prestigious Catholic high school in Miami, Belen Jesuit Prep, from which the couple’s son had graduated, said another family friend, Johnny Lopez de la Cruz, president of the museum and veteran’s association.

Mora Jr. was a manager for Morton Salt’s road salt business in Chicago, according to a close friend there, Matthew Kaade, who graduated with him from Loyola University in Chicago in 2011.

Lopez de la Cruz said Mora Sr. also had two daughters from a prior marriage. Another friend, Humberto Diaz Arguelles, said Mora’s first wife died of cancer.

Mora was part of a band of Cuban exiles funded by the CIA late in the Eisenhower administration to help counter Soviet influence and missiles placed in Cuba. The volunteers were sent to training camps in Guatemala’s jungle in 1960 and early 1961. The force came to be known as Brigade 2506 – the ID number of the first casualty, a man who fell off a cliff during a

training accident, said Diaz Arguelles, who trained at one of the camps with Mora.

They lived in tents, eating food that was sometimes spoiled and drinking river water as they learned to use machine guns, grenades, bazookas and mortars.

“We were so convinced about what we were doing to go free Cuba that nobody complained,” Diaz Arguelles remembered.

He said Mora, a radio operator in the brigade’s Battalion 3, was lively and popular and “always talking about every subject you can think of.”

When training ended in April 1961 and the fighters headed to Cuba, they realized they weren’t getting the help they’d been promised by the U.S. military, including aerial support and a “navy armada,” Diaz Arguelles said. Roughly 1,400 men were transported from a Nicaraguan port in rusty merchant cargo ships to the Bay of Pigs on Cuba’s southern coast, then had to climb down ropes in the dark to board “18-foot aluminum boats from Sears” and reach the beach – while under fire, because Castro had learned of the invasion in advance.

“There was no time to get scared,” said Diaz Arguelles, whose boat sank after hitting a reef, forcing him to swim ashore with a mortar tube and two boxes of ammo.

President John F. Kennedy, who authorized the mission barely three months into his term, had canceled a second planned airstrike after U.S. support for the April 17, 1961, invasion became known, according to the

JFK Library.

After three days fighting the overwhelming Cuban force, hiding in swamps and running out of ammunition, water and food, more than 100 members of the 2506 Brigade had been killed. Diaz Arguelles and about 20 invaders were surrounded by Cuban troops and taken to Castillo del Principe, or Castle of the Prince, a huge military fort in Havana. There Diaz Arguelles again met Mora, who like him had been captured.

Diaz Arguelles said the prison was deteriorated and full of fungus, and they had to sleep on the floor with rats running over them at night. Their meager food had rats and cockroaches in it, and contaminated water left the men sick and weak.

Lopez also was imprisoned there and spent about eight months in the same cell with Mora, who was then moved elsewhere in the prison.

Nearly 1,200 prisoners eventually were returned to the U.S. in exchange for \$53 million in food and medicine, according to the JFK Library. The Brigade 2506 survivors were flown to Florida just before Christmas 1962 and reunited with whatever family they had there.

Diaz Arguelles said he and Mora both got jobs and worked their way through college.

The men had drifted apart for years but reconnected after retirement. Diaz Arguelles recalled Mora had owned a business selling hurricane-proof windows and doors for at least a decade, and said they last spoke a couple months ago, naturally about the Bay of Pigs veterans group.

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Families of last victims in condo collapse say waiting is agony

Kelli Kennedy
ASSOCIATED PRESS

FORT LAUDERDALE, Fla. — Estelle Hedaya was the outspoken life of the party who loved travel and fashion. She lived on the sixth floor of Champlain Towers South and quickly connected with fellow former New Yorker Linda March, an adventurous traveler who was renting out the penthouse.

Nearly a month later, the friends are among the last of those missing in the complex collapse, along with Anastasia Gromova, a 24-year-old who had just been accepted to a program teaching English to students in Japan. The young go-getter was visiting friends at the Surfside, Florida, condo for one last hurrah.

"She always wanted to do as much as possible with her life," said her father, Sergiy Gromov. "It seems like she knew that it was not going to last long."

Miami-Dade County authorities said at least 97 people died from the June 24 collapse. As of Monday, 95 of those victims were identified, with potentially at least one more person buried in the rubble.

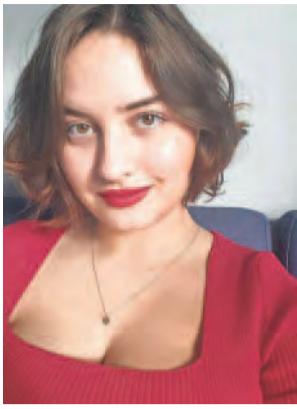
"The weirdest thing about this whole thing is that Estelle's best friend in the whole building is Linda," said Hedaya's boss, Joe Murphy.

Leah Sutton, a close friend of both women who celebrated holidays and birthdays with them, said it's doubly heartbreaking.

"Friends in life and souls in death," said Sutton, who said she is struggling to make sense of it all. "Maybe Linda and Estelle are showing the way to heaven to all the other victims."

The recovery efforts feel painfully slow for their families as it stretches into a fourth week. Officials said Sunday they are "working to de-water the lower levels of the collapse," lamenting it's becoming increasingly difficult to identify victims during this phase of the search. They are relying heavily on the medical examiner and highly technical processes to identify remains.

March, a bubbly and outgoing 58-year-old attorney, was always eager to strike up a conversation. She loved the beach and was looking for a new start in Miami. In the past decade, she'd lost her sister and mother to cancer,



Anastasia Gromova is among the last of those missing in the Champlain Towers South collapse. The 24-year-old was visiting friends at the Surfside, Fla., condo at the time of the collapse.

PROVIDED BY SERGIY GROMOV VIA AP

her father died a few years later and she and her husband divorced.

Back in New York, her two best friends, as close as sisters, wait in agony.

"It feels like the wound gets deeper with each day that she is not located," friend Dawn Falco said. "After falling victim to such a horrendous tragedy, she at least deserves to be placed to rest with dignity."

Hedaya, chief operating officer for jewelry company the Continental Buying Group, was feeling especially confident after a recent weight loss, her boss Joe Murphy said. To celebrate, she bought a new red Lexus just two months earlier, her favorite color.

The 54-year-old also had a blog called "Follow the Toes," where she documented her international travels, foodie delights, dieting success

and favorite spas.

Like March and Hedaya, Gromova also loved to travel, and enjoyed good food and wine, her mother said. Although decades apart in age, the women were all fiercely independent.

Gromova was visiting with 23-year-old Michelle Pazos at her father Miguel's apartment. Michelle's body was found July 9 and police said the body of Miguel Pazos, 55, was found July 8.

Gromova's parents and sister, who live in Canada and immediately flew to Florida after the collapse, still sit and wait. They broke down in sobs Monday as they shared the agony, watching other victims' relatives, alongside whom they waited for weeks, return home after their loved one was identified.

"We are still waiting," her mother, Larisa Gromova, said through tears. "It's too much, it's taking too long. We are the last ones. It's terrible, it's painful."

Anna Gromova described her sister as a bright star, who always knew what she wanted and went after it. As the days pass, her family struggles with the whys.

"Why her, why us, why this building, why today, why not yesterday, just so many questions," her mother said quietly.

"She went on a two-week vacation. She was a young girl. She had all her life in front of her," said the grieving mother. "Such a sudden thing, so many buildings in Miami. It had to be hers for the one week she was here."

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Far-right Proud Boys march in Idaho parade

ASSOCIATED PRESS

BUHL, Idaho — A far-right extremist group whose members took part in the Jan. 6 insurrection at the U.S. Capitol participated with a float in a July 3 parade in the south-central Idaho town of Buhl.

The Times-News reports that Proud Boys members were among about 100 floats in the Sagebrush Days parade that went through the center of town.

The Buhl Chamber of Commerce runs the parade but wouldn't comment specifically about the Proud Boys taking part.

"At this time the Buhl Chamber (of) Commerce will not feed into any negative propaganda," the group said in a statement to the newspaper. "The Buhl 2021 Sagebrush Days

parade saw 90 plus entries who celebrated in a courteous and civil manner. The Buhl Chamber takes pride in welcoming all participants, while giving them the opportunity to celebrate our great nation."

Chamber officials in a later email told the newspaper they were looking into the process for reviewing parade entries.

On Jan. 6, the Proud Boys met at the Washington Monument around 10 a.m. and marched to the Capitol before then-President Donald Trump finished addressing thousands of supporters near the White House.

The insurrectionists who descended on the Capitol briefly disrupted the certification of President Joe Biden's win and sent terri-

fied lawmakers running for their lives.

About two dozen members or associates of the neo-fascist Proud Boys have been charged in federal court with offenses related to the Jan. 6 riots.

Twin Falls County, where Buhl is located, overwhelmingly voted for Trump in the presidential election.

In Buhl, men accompanying the Proud Boys float wore black and yellow shirts while carrying an American flag and a black flag with the yellow letters "P.B."

"I was surprised as anyone else to see that particular float go by," said Buhl City Councilman Michael Higbee.

Idaho has a history of far-right groups. The neo-Nazi

group Aryan Nations was based near Hayden Lake in northern Idaho starting in the 1970s. It eventually was bankrupted in a lawsuit brought by local activists and the Southern Poverty Law Center. Its compound was seized, and supporters dispersed.

Jen Schneider, the interim associate dean and professor in Boise State University's School of Public Service, said the appearance of Proud Boys in an Idaho parade could be connected to the presidential election and the events at the U.S. Capitol in January.

"We have a long history of right-wing extremism in Idaho, and nobody would disagree they have been emboldened the last few years," Schneider said.

Camp

From A1

Soto said participants spent last week writing and developing their own script — a drama involving researchers whose friends have been abducted by aliens and the ensuing efforts to rescue them — as well as crafting costumes and props. This week, campers are producing their own scenery, painting backdrops and rehearsing.

"The kids all brainstorm and each one adds things into the play," she said, explaining that the entire camp is a collaborative project. "Early in the week, they learn each

other's names, come up with expectations and develop their own rules for the camp."

She said activities including karaoke and lip syncing pushed campers overcome any initial shyness and helped them develop into actors.

"We do a lot of activities based on theater," she said. "Our hope is that they really come out of their shells and this helps them develop some confidence and communication skills."

She added that the camp also has helped children adjust to being together with other children again.

Soto said, "I think it's helped with social skills because of all of the time we've all been apart. This

is bringing them back again with other kids."

Together, the students wrote the script and ironed out all of the creative details for the play.

"They definitely all worked together and put a little bit of each kid's ideas into the play," Soto said. "They came up with the plot, the characters, the climax of the story, everything."

For campers including Peyton Scott, 6, daughter of Monica and Michael Scott of Murphysboro, all of the details are important, especially when it comes to props and scenery.

"We're making a lab for up on the stage so that the people can see how the lab

is part of what we're doing," she said while painting a piece of scenery.

Coleman added, "The play is all about aliens; our friend goes missing and we have to go get her. Some of us are researchers and I am a human alien."

Both Coleman and Scott said they have made new friends at the camp and have learned the ins and outs of the stage.

"It's been really good because we've learned what you do when you make a play," Coleman explained. "We wrote the play ourselves, but we had some help because some of us don't have that many ideas."

"It's really been a lot of fun," she added.

Biden

From A1

proposals to override new state voting restrictions and to restore parts of the Voting Rights Act that were curbed in recent years by the Supreme Court "a national imperative."

Yet, instead of raising the possibility of fighting the filibuster, he appeared to tacitly acknowledge the fading hopes for the bills, saying he would launch a nationwide campaign to arm voters with information on rule changes and restrictions ahead of the 2022 midterm elections.

"We have to prepare now," the president said.

Biden's sharp rhetoric drew praise from progressive groups in his party but did little to assuage the mounting pressure on him to throw his weight behind replacing the filibuster. "The president believes that we have to make the filibuster work the way it used to," said White House deputy press secretary Karine Jean-Pierre, who added Biden has not changed his opposition to eliminating it altogether.

Biden's remarks came a day after Texas Democrats decamped for Washington in an effort to deny their GOP-controlled Legislature the necessary quorum to pass a bill placing new restrictions on voting in the state.

The lawmakers, who arrived in the nation's capital Monday night, said they were prepared to stay in Washington — out of the reach of Texas law enforcement — until a special legislative session concludes early next month. Their action marks a dramatic new showdown over voting in America.

Standing near the steps of the U.S. Capitol for a news conference ahead of a meeting with Senate Majority Leader Chuck Schumer, the Democrats promised to "stay out and kill this bill."

However, state Rep. Chris Turner, the leader of the Texas Legislature's House Democrats, said their efforts would ultimately be futile unless congressional Democrats take bolder action to overcome a Senate Republican blockade of the sweeping federal voting bill. The legislation, known as the For the People Act, would create national standards for voting that could roll back some of the restric-



EVAN VUCCI, ASSOCIATED PRESS

In a speech on voting rights at the National Constitution Center on Tuesday in Philadelphia, President Joe Biden called GOP voting restrictions "un-American."

tions that have been approved or are advancing in Republican-led states, including Texas.

"We can't hold this tide back forever. We're buying some time. We need Congress and all of our federal leaders to use that time wisely," Turner said.

Several states have enacted new voting restrictions, and others are debating them, as the GOP has seized on Trump's false claim of massive voter fraud in the 2020 election as a rationale for curtailing ballot access.

"No other election has ever been held under such scrutiny, such high standards," Biden said of the 2020 race.

Some GOP-led states have worked to roll back the vote-by-mail expansion that was put in place in the past presidential election due to COVID-19 fears. Others have tried to strengthen voter identification requirements and curtail hours and locations for early voting and ballot drop-offs.

Texas Republican Gov. Greg Abbott said he would keep calling special sessions through next year if necessary to pass his

state's legislation, and raised the possibility of Democrats facing arrest upon returning home.

Asked whether Biden thinks the Texas legislators are doing the right thing by leaving the state, Jean-Pierre said "he applauds their courage." She said that in the administration's view, the Texas bill is an "assault on democracy."

Vice President Kamala Harris, who is leading the administration's efforts on voting rights, praised the Texas legislators during a meeting with them in Washington.

"Defending the right of the American people to vote is as American as apple pie," she told the lawmakers, comparing their actions to women's suffrage and civil rights marches.

Democrats on Capitol Hill have tried to respond with a sweeping federal voting and elections bill that Senate Republicans have united to block. Most Republicans have similarly dismissed a separate bill, the John Lewis Voting Rights Advancement Act, which would restore sections of the Voting Rights

Act that the Supreme Court has weakened.

Those roadblocks have increased focus on Senate filibuster rules, which, if left in place, would seem to provide an insurmountable roadblock, requiring 60 votes in the evenly split, 100-member chamber to even bring up controversial legislation.

Moderate Democrats including Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona also have so far expressed reluctance to changing the Senate rules.

Many Democrats have expressed frustration with the lack of a greater White House push to change the filibuster, with civil rights activists stressing that Biden was elected with broad support from Black people whose votes are often put at risk by voting restrictions.

The Rev. Al Sharpton, who attended Biden's address, called it a "good speech," but also said, "I told him that I was going to stay on him about the filibuster." He described Biden as noncommittal on the issue.

BRIEFLY

ST. CLAIR COUNTY

Man charged with distributing heroin, fentanyl

An East St. Louis man was indicted last month on charges of distributing heroin and fentanyl.

Kurt L. Richardson was federally indicted June 22 on two counts distribution of a controlled substance — one

for heroin and the other for fentanyl. The indictment alleges the heroin offense occurred May 21, 2020, and the fentanyl offense took place on Aug. 7.

Federal court database Pacer says Richardson was arrested June 30 — he pleaded not guilty that day. Richardson was released on \$5,000 bond and is scheduled to appear for a 9 a.m. jury trial Aug. 30.

— The Southern



DAMIAN DOVARGANES, ASSOCIATED PRESS

Patrons enjoy tropical cocktails in the tiny interior of the Tiki-Ti bar as it reopens on Sunset Boulevard on July 7 in Los Angeles.

COVID-19

From A1

cases in the U.S. are nowhere near their peak of a quarter-million per day in January. And deaths are running at under 260 per day on average after topping out at more than 3,400 over the winter — a testament to how effectively the vaccine can prevent serious illness and death in those who happen to become infected.

Still, amid the rise, health authorities in places such as Los Angeles County and St. Louis are begging even immunized people to resume wearing masks in public. And Chicago officials announced Tuesday that unvaccinated travelers from Missouri and Arkansas must either quarantine for 10 days or have a negative COVID-19 test.

Meanwhile, the Health Department in Mississippi, which ranks dead last nationally for vaccinations, began blocking posts about COVID-19 on its Facebook page because of a "rise of misinformation" about the virus and the vaccine.

Mississippi officials are also recommending that people 65 and older and those with chronic underlying conditions stay away from large indoor gatherings because of a 150% rise in hospitalizations over the past three weeks.

But the political will may not be there in many states fatigued by months of restrictions.

In Michigan, Democratic Gov. Gretchen Whitmer is facing a drive to repeal a law that she used to set major restrictions during the early stages of the pandemic.

And Republican Gov. Kay Ivey of Alabama pushed back against the idea that the state might need to reimpose preventive measures as vaccinations lag and hospitalizations rise.

"Alabama is OPEN for business. Vaccines are readily available, and I encourage folks to get one. The state of emergency and health orders have expired. We are moving forward," she said on social media.

Dr. James Lawler, a leader of the Global Center for Health Security at the University of Nebraska Medical Center in Omaha, said bringing back masks and limiting gatherings would help. But he acknowledged that most of the places seeing higher rates of the virus "are exactly the areas of the country that don't want to do any of these things."

Lawler warned that what is happening in Britain is a preview of what's to come in the U.S.

"The descriptions from regions of the world where the delta variant has taken hold and become the predominant virus are pictures of ICUs full of 30-year-olds. That's what the critical care doctors describe and that's what's coming to the U.S.," he said.

He added: "I think people have no clue what's about to hit us."

President Joe Biden is putting a dose of star power behind the administration's efforts to get young people vaccinated. Eighteen-year-old actress, singer and songwriter Olivia Rodrigo will meet with Biden and Dr. Anthony Fauci on Wednesday.

While the administration has had success vaccinating older Americans, young adults have shown less urgency to get the shots.

Some, at least, are heeding the call in Missouri after weeks of begging, said Erik Frederick, chief administrative officer of Mercy Hospital Springfield. He tweeted that the number of people getting immunized at its vaccine clinic has jumped from 150 to 250 daily.

"That gives me hope," he said.

The Southern ILLINOISAN LOCAL NEWS YOU CAN TRUST

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Festival

Continued from Page 3A

the Lincoln Stage has annually attracted some of the biggest names in contemporary Christian music.

“The bottom line is I love doing this, and I was honored to be asked,” said Cooper, a retired 911 dispatcher for Sangamon County Central Dispatch. “One of the most critical things was that Springfield can’t lose this show. I don’t know what would have been done if Shaner had not stayed, and I didn’t come on board. I honestly believe the show would be gone altogether. I didn’t want the city to lose this in any way, shape, or form.”

“Especially with the (Route 66) centennial coming up (in 2026), for this show not to be in Springfield, would be absolutely (tragic). It only makes sense for this show to be here. We’re on Route 66, with the history of Abraham Lincoln. This is the best place to have it.”

Springfield Mayor Jim Langfelder said there was “always concern the fes-

tival could go away,” but that the Route 66 board saw value in it, like the city.

After Bonnier Events decided not to go forward, Langfelder said he and Scott Dahl, the director of the Springfield Visitors & Convention Bureau, met with the festival’s board of directors and “expressed our desire to keep it going and Greg Cooper’s name came up in conversation,” Langfelder said.

“It would be a smaller scale, no doubt (without Greg Cooper),” he added. “The value to keep it going is definitely there, but how do you make that happen? I think it’s a good match personally.”

“Shaner is still helping, which is good. We’ll be as supportive as possible, and I know the Springfield Visitors & Convention Bureau is supporting it at the same level. It was important to have it go on especially coming out of the pandemic. If you would have laid off two years, it could have been catastrophic.”

The city, Langfelder said, offers a \$25,000 sponsorship, but Public Works crews also help out.

The paths of Route 66 cut right through Springfield with various alignments, including what is now Business

Loop 55 and, later, Dirksen Parkway and Stevenson Drive.

Langfelder has said the city would continue its marketing efforts about not only what’s on Route 66 but off-road as well, like Route 66 MotorHeads Bar and Grill and Ace Sign Co., both of which have museums of memorabilia.

It would also include Route History, which is in the former Texaco gas station at 737 E. Cook St., near the Fifth, Sixth and Ninth street alignments of historic Route 66. Route History highlights stories about the Black experience on Route 66, Jim Crow laws and the Great Migration, along with Springfield history. Ribbon cuttings at noon and 6 p.m. Friday mark the reopening of the museum due to the pandemic and highlight new exhibits.

Cooper said one of his goals for the Mother Road Festival would be getting more local sponsors and vendors involved, as well as local car clubs, like Cool Cruisers and Route 66 Cruisers.

“We really want to focus on showcasing Springfield and central Illinois,” Cooper added. “Anything Route 66-related is a big deal.”

The festival’s schedule remains the same, including a display of cars through Sunday, live music and a burn-out competition Saturday.

Landing Butch Patrick turned out to be fortuitous, Cooper said, because he shares agents with Anson Williams (Potsie from “Happy Days”) and Barry Pearl, Doody, one of the T-Birds from the movie “Grease,” who Cooper already booked for the Powerlight car show.

Also part of the cruise will be “Hail to the Heroes,” honoring nurses, doctors and other front-line workers during the pandemic. Some of those workers will ride in convertibles behind Patrick.

“I just appreciate (Greg Cooper’s) passion and his willingness to do it for our community,” Langfelder added. “We’ll support him any way we can.”

“Everything’s bigger (with the Mother Road Festival),” Cooper added. “You’re going to see the top cars in the country coming to this show. With Mother Road, you see the best of the best.”

Contact Steven Spearie: 217-622-1788, sspearie@sj-r.com, [twitter.com/@StevenSpearie](https://twitter.com/StevenSpearie).



Gov. JB Pritzker signs a bill into law expanding coverage under the state’s Medicaid plan for mental health, substance abuse treatment and a number of other services. BLUEROOMSTREAM.COM

Medicaid

Continued from Page 1A

portive living facilities, to be paid for with federal funds from the American Rescue Plan Act.

House Majority Leader Greg Harris, a Chicago Democrat and member of the Medicaid working group, said this year’s bill is aimed at addressing many of the health care disparities that have existed in Illinois for years but which were exacerbated by the COVID-19 pandemic.

“It’s something we in the legislature do every year to improve health care for people in every corner of the state of Illinois, but this will be really the first post-COVID omnibus bill,” he said. “And in this, we’ve learned a lot of lessons from the last year about inequities and disparities and communities hardest hit by COVID. Many of these are covered by Illinois Medicaid. Some of these folks were not covered at all. So today is a step one of many steps to expand coverage and access to make it more user friendly and reduce disparities for people to get health care.”

Critical blood shortage

Tuesday’s bill signing took place at Advocate Good Samaritan Hospital in Downers Grove, a southwest suburb of

Chicago, where health care officials were also conducting a blood drive to address a critical shortage that’s being experienced throughout the state and the country.

Bill Rhoades, chief medical officer at the hospital, said blood usage nationwide has risen about 10 percent recently, due largely to increased visits to emergency rooms.

Joy Squier, regional communications officer for the American Red Cross in Illinois, said the shortage is especially critical as the nation heads into the peak of summer activity.

“While summer is traditionally a time when blood donations do decline, this year is particularly challenging as many Americans receive their vaccinations, resume summer activities, and after more than a year of limited interactions, are doing what’s fun and what we all want to do,” she said. “But it’s leading to lower turnout.”

She said people can schedule an appointment to donate at a blood bank in their area by visiting the website RedCrossBlood.org, or by calling 1-800-RED CROSS (1-800-733-2767).

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A robot from the Illinois Secretary of State inspects a garbage can in the driveway of a home after a reported explosion near the intersection of West Lawrence Avenue and Witherspoon Drive in Springfield on Monday.

JUSTIN L. FOWLER/THE STATE JOURNAL-REGISTER

Blast

Continued from Page 3A

Canny said the Hazard Device Unit, or “bomb squad,” collected evidence at the scene using a robot, but didn’t find additional explosives.

The evidence will be tested at the Illinois State Police lab, he said.

Canny said the explosive device was contained to the receptacle, which was at the curb in the 2300 block of West Lawrence, Canny added.

Janet Hutmacher said she was turning onto Lawrence from Monroe to go home when she heard the explosion.

“I saw the garbage can come three feet off the ground, and the lid flew off and flew across the street,” Hutmacher said. “(A car in front of me) slammed on its brakes to avoid getting hit by the lid.”

Hutmacher said there was heavy grey smoke billowing from the receptacle and debris flying in the street.

Katelyn Klos, who lives nearby, said she heard the explosion, but thought it was a transformer blowing or loud thunder on account of the earlier rain.

“My husband (Garth) came home and said, ‘The streets are all blocked off by cop cars. What’s going on?’” Klos said. “I didn’t

hear people yelling or sirens, so I was surprised all these people were out here.”

Hutmacher said she didn’t see anyone around the receptacle at the time of the explosion.

“I thought it might have been a prank,” Hutmacher admitted.

Canny said several witnesses were talked to in the area. He said the office is trying to obtain video from the area.

Anyone with further information is asked to call the Fire Safety Office at (217) 789-2170.

Contact Steven Spearie: 217-622-1788, sspearie@sj-r.com, [twitter.com/@StevenSpearie](https://twitter.com/StevenSpearie).

Missing

Continued from Page 3A

by Despain.

Authorities obtained a search warrant for the vehicle and Despain's residence.

According to a probable cause record, Despain was arrested in Springfield Sunday on preliminary charges of aggravated criminal sexual abuse of a victim between 13-17

years old, traveling to meet a minor and solicitation to meet a child.

The Georgia Bureau of Investigation also secured arrest warrants for Despain for interference with custody, enticing a child for indecent purposes, trafficking of a person for labor or sexual servitude and kidnapping.

Oconee District Attorney Tim Vaughn was seeking to extradite Despain to Georgia to face

charges.

Stuenkel said the girl was returned to her family in Georgia.

According to Illinois State Police website, Despain, a registered sex offender, was convicted in 2003 of aggravated criminal sexual abuse and bodily harm to a person under the age of 14 in Peoria County.

Contact Steven Spearie: 217-622-1788, sspearie@sj-r.com, [twitter.com/@StevenSpearie](https://twitter.com/StevenSpearie).

Park

Continued from Page 3A

helping to deter young residents from getting involved with violent crimes, Langfelder said.

“As of right now, we are just basically meeting with the community to see what they are wanting in that area,” said

Marty Striker, who is overseeing the programs at Comer Cox Park.

Striker said he’s still looking to hire young adults to help plan and oversee programs at Comer Cox Park. Preference is being given to those in the area seeking first-time employment opportunities.

“Every summer there’s always a request for em-

ployment opportunities, especially for young people,” Langfelder said.

Those interested in the park district’s employment opportunities can contact Striker by calling 217-753-2800, ext. 2003 or emailing mstriker@springfieldparks.org.

Contact Riley Eubanks: reubanks@sj-r.com, [twitter.com/@rileyebanks](https://twitter.com/rileyebanks).

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Reeder

Continued from Page 3A

trade mission to a humanitarian outreach.

Today, Ryan, who is 87, has plenty of interest in the democracy demonstrations taking place in Cuba — but not much optimism.

"I'm afraid they are just going to lock a whole bunch of people up in jail and really crack down on the demonstrators. I'd like to see change happen in Cuba but as long as those who were associated with the Castros (Fidel and his brother Raul) are still in charge, I don't think it will happen."

Ryan has been a harsh critic of Fidel Castro and his successors. But Ryan has also demanded that the U.S. trade embargo with the island nation come to an end.

"I'm convinced that the people of Illinois can be of tremendous help to the people of Cuba," he

said in 1999. "I believe our strengths in agriculture and education and medical research, as well as our state's strong humanitarian record, will be able to ease some of the burden that's felt daily by the families in Cuba."

During his visit, Ryan toured hospitals, laboratories and farms.

"So much of what we saw was completely fake," he said. "We went into a classroom with a microscope on every desk. Our Cuban hosts would have us believe this was state-of-the-art. But the microscopes were quite old and were covered with plastic. When we went to the farm, the barns were still dripping with whitewash."

Ryan, a Republican, said in recent weeks the sight of ordinary Cubans waving American flags and demanding political freedom was inspiring.

"I'm proud seeing our flag flying in the streets of Havana," he said. Shortly after his 1999 visit to Cu-

ba, Ryan called for making Cuba the 51st U.S. state.

A legacy of the 1999 humanitarian outreach was that cultural and athletic exchanges were established between Illinois and Cuba.

Then-state-Sen. Dan Rutherford led the first exchange when he brought a group of Illinois junior high and high school softball and baseball players to Cuba in 2001. Since then, he has established a travel business that takes Americans on tours of Cuba.

"Up until the pandemic began, I was traveling to Cuba about every six weeks. I have many friends in Cuba — waiters and waitress, drivers — who I'm in regular contact with. I don't think most Cubans want radical political change, they want economic reforms. The reasons these demonstrations are taking place is because there has been a shortage of food, medicine and energy," the

Pontiac Republican said. Rutherford views the recent demonstrations differently than the former governor.

"I think it is all fake," he said. "The former person in the White House talked a lot about 'fake news' and I think different factions in the United States are playing up different things for their own agenda. The Cubans I talk to are more interested in economic issues rather than radical political change. The pandemic shut down the tourism industry from Europe and elsewhere in Cuba and because of that there is not enough to eat."

Although the trade embargo allows for Cuba to buy food and medicine from the United States, Rutherford contends it is the reason Cubans are going hungry.

"Since American tourists aren't allowed in Cuba and Cubans living in the United States can't send money back to their relatives and because the

U.S. won't buy Cuban goods, Cuba lacks the hard currency to buy food and medicine from overseas."

Rutherford said an odd dichotomy is that Cuba has a well-educated, literate population. And it has the best physicians in Latin America. And, yet, basic items such as aspirin can't be found in the nation's pharmacies.

"I think if economic reforms come to Cuba, political reforms will follow," Rutherford said. "It's time for the trade embargo to come to an end — it's only hurting ordinary Cubans."

Scott Reeder is a veteran statehouse journalist. He works as a freelance reporter in the Springfield area. Scottreed-er1965@gmail.com.

Davis

Continued from Page 3A

den's victory. Banks, Jordan and Nehls all voted to overturn Biden's win that day, even after the rioting. Davis and Armstrong were among the minority of Republicans who voted to certify Biden's win.

McCarthy's picks come after all but two Republicans opposed the creation of the 13-person select committee in a House vote last month, with most in the GOP arguing that the majority-Democratic panel would conduct a partisan probe. House Democrats originally attempted to create an evenly split, independent commission to investigate the insurrection, but that effort fell short when it was blocked by Senate Republicans.

House Republicans have largely remained loyal to Trump despite the violent insurrection of his supporters that sent many of them running for their lives. Banks made clear in a statement Monday evening that he would take a politically combative approach to his leadership on the panel, sharply criticizing the Democrats who had set it up.

"Make no mistake, Nancy Pelosi created this committee solely to malign conservatives and to justify the Left's authoritarian agenda," Banks

said.

Jordan, one of Trump's staunchest defenders through his two impeachments and the top Republican on the House Judiciary Committee, said after the House vote to form the panel that he believed the investigation is "impeachment three" against the former president. Trump was impeached by the House and acquitted by the Senate both times.

The members selected by McCarthy had mixed reactions to the insurrection as it happened on Jan. 6. While Jordan led the effort to overturn election results, others tweeted to the rioters to end the violence or condemned it.

"Thank you to the Capitol police and all law enforcement," Armstrong tweeted shortly after the House was evacuated that afternoon. "Rioting is not protesting. This needs to stop. Now."

Around the same time, Davis tweeted: "This is a sad day for our country. The lawlessness has got to stop. Protestors must leave the Capitol so Congress can resume the process of confirming the Electoral College vote."

Nehls, a former sheriff, was one of several members who helped barricade the House doors as rioters tried to beat them down. He tweeted an Associated Press photo of himself holding the door alongside Capitol Police — face to face with rioters

who had broken the glass in the entryway.

"I was proud to stand shoulder to shoulder with Capitol police barricading entrance to our sacred House chamber, while trying to calm the situation talking to protestors," Nehls tweeted. "What I'm witnessing is a disgrace. We're better than this. Violence is NEVER the answer. Law and order!"

A week later, all five members voted against the impeachment of Trump, who had told his supporters gathered in Washington on Jan. 6 to "fight like hell" to overturn his election defeat.

The Democratic chair of the select committee, Mississippi Rep. Bennie Thompson, said Monday evening that he hadn't seen the GOP names but referred the matter to Pelosi. "It's up to her," he said.

Pelosi named eight members of the committee earlier this month — seven Democrats and Republican Rep. Liz Cheney of Wyoming, who has strongly criticized Trump and has been the most outspoken member of her caucus against the insurrection. Cheney, who was demoted from GOP leadership in May over her comments, was one of the two Republicans who voted in favor of forming the committee, along with Illinois Rep. Adam Kinzinger.

As McCarthy stayed quiet for weeks on Re-

publican participation on the panel, Thompson has said that the committee will have a quorum to conduct business whether GOP members are present or not.

The new members will be put to the test at the panel's first hearing next week, with at least four rank-and-file police officers who battled rioters that day testifying about their experiences. Dozens of police officers were injured as the crowd pushed past them and broke into the Capitol building.

Seven people died during and after the rioting, including a woman who was shot by police as she tried to break into the House chamber and three other Trump supporters who suffered medical emergencies. Two police officers died by suicide in the days that followed, and a third officer, Capitol Police Officer Brian Sicknick, collapsed and later died after engaging with the protesters. A medical examiner determined he died of natural causes.

Associated Press writer Alan Fram contributed to this report.

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Claims

Continued from Page 3A

In addition, Mpetshi was ordered to pay the costs of the prosecution in the case, which totaled \$74,507.77. Prior to sentencing, Mpetshi resided in Kirksville, Missouri. He is presently on bond prior to reporting to the Bureau of Prisons to begin serving his sentence.

Mpetshi immigrated to the U.S. from the Demo-

cratic Republic of Congo. He engaged in a scheme to defraud the Internal Revenue Service of hundreds of thousands of dollars as a tax preparer by claiming false moving expenses and educational credits for himself and others on federal income tax returns.

Mpetshi, who was able to speak and write in English, prepared tax returns for other immigrants of his homeland living in the Jacksonville area who could not read or write in

English.

"There is a misconception that people convicted of tax crimes do not cause real harm and do not serve long sentences," said Acting U.S. Attorney Douglas J. Quivey, in a Department of Justice news release. "This case shows the opposite."

Mpetshi has been out on bond and living in Kirksville, Missouri, after moving from Jacksonville.

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Howard K. Law, 26
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ON THIS DATE

In **1798**, the U.S. Marine Corps was formally re-established by a congressional act that also created the U.S. Marine Band.

In **1804**, Vice President Aaron Burr mortally wounded former Treasury Secretary Alexander Hamilton during a pistol duel in Weehawken, New Jersey. (Hamilton died the next day.)

In **1859**, Big Ben, the great bell inside the famous London clock tower, chimed for the first time.

In **1936**, New York City's Triborough Bridge (now officially the Robert F. Kennedy Bridge) linking Manhattan, Queens and The Bronx was opened to traffic.

In **1955**, the U.S. Air Force Academy swore in its first class of cadets at its temporary quarters at Lowry Air Force Base in Colorado.

In **1960**, the novel "To Kill a Mockingbird" by Harper Lee was first published by J.B. Lippincott and Co.

In **1966**, the game show "The Newlywed Game," hosted by Bob Eubanks, premiered on ABC-TV.

In **1972**, the World Chess Championship opened as grandmasters Bobby

Fischer of the United States and defending champion Boris Spassky of the Soviet Union began play in Reykjavik, Iceland. (Fischer won after 21 games.)

In **1979**, the abandoned U.S. space station Skylab made a spectacular return to Earth, burning up in the atmosphere and showering debris over the Indian Ocean and Australia.

In **1989**, actor and director Laurence Olivier died in Steyning, West Sussex, England, at age 82.

In **1991**, a Nigeria Airways DC-8 carrying Muslim pilgrims crashed at the Jiddah, Saudi Arabia, international airport, killing all 261 people on board.

In **1995**, the United States normalized relations with Vietnam.

Ten years ago: Rupert Murdoch's media empire was besieged by accusations that two more of his British newspapers engaged in hacking, deception and privacy violations.

So Yeon Ryu (soh yahn yoo) won the U.S. Women's Open, defeating fellow South Korean Hee Kyung Seo (soh) by three shots in a three-hole playoff.

BIRTHS

Blessing Hospital

Daughter, to Curtis and Brooklyn Smith of Lewistown, Mo., at 10:49 p.m., Friday, June 25, 2021

Son, to Dylan and Kellea Phillips of Payson, Ill., at 10:41 p.m., Tuesday, June 29, 2021

Daughter, to Jordan and Emily Henry of Quincy, at 3:18 a.m., Wednesday, June 30, 2021

Daughter, to James Patterson and Deanna Spann of Pittsfield, Ill., at 1:28 p.m., Wednesday, June 30, 2021

Daughter, to Ryan Paul and Amy Mercedes Carter of Quincy, at 9:09 a.m., Thursday, July 1, 2021

Daughter, to Sara Shoop

of Quincy, at 6:17 p.m., Thursday, July 1, 2021

Daughter, to Brandon Stolte and Ashley Squires of Pittsfield, Ill., at 7:44 p.m., Thursday, July 1, 2021

Daughter, to Alexis Vaughn of Quincy, at 5:37 a.m., Saturday, July 3, 2021

Daughter, to Henry and Abigail Gunsauls of La Grange, Mo., at 7:06 a.m., Saturday, July 3, 2021

Son, to Jacob and Amy Peters of Quincy, at 3:11 p.m., Saturday, July 3, 2021

Daughter, to Andrew and Annamarie Lord of Quincy, at 10:53 a.m., Monday, July 5, 2021

Daughter, to Matthew and Katie Albert of Quincy, at 5:49 p.m., Tuesday, July 6, 2021

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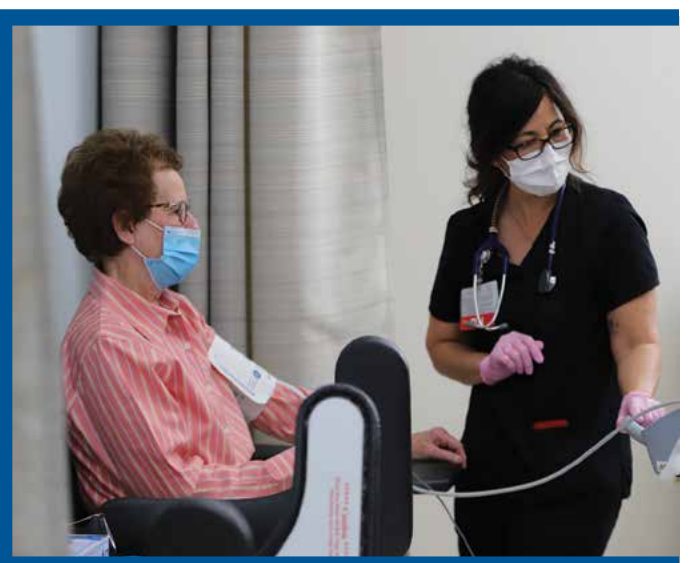
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Confederate monument removed from city hall in Louisiana



SCOTT CLAUSE — MEMBER, THE DAILY ADVERTISER

The statue of Confederate Gen. Alfred Mouton is removed on Saturday, July 17, 2021 in Lafayette, La. The statue was moved from the front of city hall where it has stood for 99 years.

By The Associated Press

LAFAYETTE, La. — Spectators cheered Saturday as a stone statue of a Confederate general was hoisted by a crane and removed from a pedestal where it stood for 99 years in front of a city hall in south Louisiana.

The Advertiser posted video of the work that happened a day after United Daughters of the Confederacy signed a settlement agreeing to move the statue of Gen. Alfred Mouton or let the city do so. A trial had been scheduled for July 26.

"The Confederacy has surrendered," attorney Jerome Moroux told The Advocate. Moroux represented the city and 16 city residents who wanted the statue gone.

The murder of George Floyd by Minneapolis police in 2020 prompted new calls across the country to remove Confederate statues, many of which had been erected decades after the Civil War, during the Jim Crow era, when states imposed new segregation laws, and during the "Lost Cause" movement, when historians and others inaccurately depicted the South's rebellion as a fight to defend states' rights, not slavery.

Mouton, whose full name was Jean-Jacques-Alfred-Alexandre Mouton, was a slave owner and son of a former Louisiana governor. He died leading a cavalry charge in the Civil War Battle of Mansfield.

"It's been 99 years right now, and that's way too long for that to



SCOTT CLAUSE — MEMBER, THE DAILY ADVERTISER

Attorney Jerome Moroux with Fred and Ola Prejean react as the statue of Confederate Gen. Alfred Mouton is removed on Saturday, July 17, 2021 in Lafayette, La. The statue was moved from the front of city hall where it has stood for 99 years.

have remained in place," Fred Prejean, president of Move the Mindset, a group created to push for the statue's removal, The Advertiser reported.

In 1980, outgoing Mayor Kenny Bowen wanted to move the statue to what was then the new Lafayette city hall. Although United Daughters of the Confederacy gave the statue to the city in 1922, the group fought the move, partly because Mouton's father once had owned the statue's site.

The group delayed the move until Dud Lastrapes took office, then got a permanent court order forbidding any move unless it was needed for road work or the land was sold, The Advertiser has reported.

Residents asked the city in 2016, during a national movement to remove Confederate statues, to get Mouton's away from City Hall.

But, after the United Daughters threatened a lawsuit, the City-Parish Council backed down.

That prompted the creation of Move the Mindset and other groups to raise awareness about the statue's Jim Crow-era history, the treatment of Black people during that period and the negative implications of having a Confederate statue at an entrance to Lafayette's downtown.

Sixteen members of Move the Mindset filed papers in 2019 to intervene in the 1980 injunction, arguing that the group's unconditional donation of the statue left it without any legal right to fight a move.

Mayor-President Josh Guillory asked lawyers to investigate options and in 2020 the City Council endorsed removal. The city joined Move the Mindset in the legal fight against the 1980 injunction,

Family: Palestinian Authority covering up critic's death



NASSER NASSER — STAFF, AP

Demonstrators carry posters with pictures of Palestinian Authority outspoken critic Nizar Banat and reads "your voice is heard," during a rally protesting his death in the West Bank city of Ramallah, Saturday, July 17, 2021. The family of the political activist who died in the custody of Palestinian security forces last month, on Saturday accused the Palestinian Authority of trying to cover up his death.

By JACK JEFFERY AND IMAD ISSEID
The Associated Press

RAMALLAH, West Bank— The family of a political activist who died in the custody of Palestinian security forces last month on Saturday accused the Palestinian Authority of trying to cover up his death.

Relatives of Nazir Banat said they still have not received a document with an official cause of death and said the Palestinian Authority has made efforts to settle the matter out of court.

"The behavior of the Palestinian Authority until this moment is criminal behavior, covering up a crime," Ghassan Banat, Nazir's brother, told reporters.

Nazir Banat was an outspoken critic of the Palestinian Authority who called on Western nations to stop providing aid to the PA due to human rights violations and growing authoritarianism.

In a series of posts and live videos on Facebook, Banat had criticized the authority's close security coordination with Israel, seen by many Palestinians as betrayal, and its corruption. He also lashed out at President Mahmoud Abbas in April for calling off what

would have been the first Palestinian elections in 15 years. Banat was a candidate on an opposition slate.

His family has said security forces stormed into Banat's bedroom while he was sleeping and beat him, inflicting bloody head wounds before removing him from the house. He died shortly afterward while in custody.

His death has prompted weeks of protests. On July 5 at least six activists were arrested by security forces when protesting outside the Palestinian Authority headquarters. Multiple witnesses said the police used pepper spray and beat the protesters with batons.

Some 150 people demonstrated in Ramallah on Saturday evening, holding up posters of Banat and chanting anti-Abbas slogans. The protest was peaceful and there were no reports of violence or arrests.

The Palestinian Authority, seen as a crucial partner of the U.S. and other Western countries, has formed an investigative committee into Banat's death. His brother said that weeks later, the family has heard little from the government.

The Palestinian Authority has not responded to requests for comment. "Until this moment,

we have failed to obtain a death certificate. How can you have a citizen who dies without issuing a death certificate?" Ghassan Banat said.

Accompanied by two family lawyers, the brother rejected what he said were attempts by the authority to send tribal elders to the family in hopes of closing the case and stopping it from reaching the courts.

"This file will not be resolved or closed through elders or tribal ways," he said. "Nizar's file is a political assassination and will remain open until justice is achieved, even if it takes 1,000 years."

The Palestinian Authority is widely viewed as corrupt and authoritarian, with a recent poll last month showing that support for Abbas, who took power for what was supposed to be a four-year term in 2005, had nosedived.

Abbas has faced mounting pressure after calling off the elections when it appeared that his Fatah party would suffer a crushing defeat to the rival Hamas militant group.

Last month, Palestinian security forces arrested prominent activist and critic, Issa Amro, after he criticized recent arrests on Facebook.

Jeffery reported from Jerusalem.

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6/8/25

Beware of budget gimmicks in spending deals

By ALAN FRAM
The Associated Press

WASHINGTON — Senators fashioning a pair of colossal bills that would deliver more than \$4 trillion for infrastructure, health care, environment and other initiatives insist they will fully pay for both plans.

Will they?
In a Washington ritual as reliable as panic-buying when light snow is forecast, both parties have long relied on toothless budget gimmicks to help finance their priorities. The contrivances let lawmakers claim they are being fiscally responsible while inflicting little pain on voters and contributors with tax increases or spending cuts.

Here's how they may do it again:

THE PRICE TAG

For political and procedural reasons, Congress' Democratic leaders are slicing President Joe Biden's domestic spending agenda into two bills. One is bipartisan effort providing about \$1 trillion for roads, broadband and other public works projects. Bargainers hope to clinch a final deal and unveil this coming week.

The other bill would aim \$3.5 trillion at expanding Medicare coverage, slowing climate change and providing free prekindergarten and community college. This expansive package, which would also fatten tax credits for children and health care and help immigrants become citizens, is a Democrats-only push expected to take months and draw unanimous Republican opposition.

With Washington already projected to spend \$63 trillion over the coming decade, an additional \$4 trillion would be just a 6% boost. Even so, finding \$4 trillion in tax increases or spending cuts to pay its costs would be prohibitively painful for politicians.

GETTING REAL

Some of the savings proposals are legitimate.

To pay for much of the \$3.5 trillion package, Democrats led by Senate Finance Committee Chairman Ron Wyden, D-Ore., want to increase taxes on the wealthy, big corporations and companies earning income abroad.

Raising more would be tough. Lawmakers are

boxed in between Biden's pledge to not raise taxes on people earning less than \$400,000 annually and GOP opposition to unraveling President Donald Trump's big 2017 tax cut. "It's the perfect storm for not doing anything real on the revenue side," said William Hoagland, a former top Republican Senate aide.

Also real are proposals to beef up the IRS budget so it can collect more unpaid taxes and, perhaps, to claim the bills themselves would generate more government revenue by stimulating economic activity.

But either could go too far.

PICKING THE UMPIRES

No one doubts that a more muscular IRS would pry more taxes out of scofflaws. Bolstering programs that help people stay healthy, get educated and move goods more efficiently undoubtedly help the economy hum.

The question, though, is exactly how much federal revenue those two ideas would yield. Government agencies and outside analysts have widely divergent views, especially for forecasting legislation's impact on economic growth.

Lawmakers eager to claim they have fully financed their proposals could gravitate to the highest plausible numbers they can find, to critics' chagrin.

"In basketball, you don't get to choose your own ref," said Marc Goldwein, senior policy director at the nonpartisan Committee for a Responsible Federal Budget.

DUELING IRS NUMBERS

The Congressional Budget Office, lawmakers' nonpartisan accountant, estimated last year that Congress could collect \$61 billion more in taxes over the next decade by giving the IRS an additional \$20 billion.

Others are more generous, which could help Democrats eager to finance their \$3.5 trillion proposal.

The Penn Wharton Budget Model, a nonpartisan research group, projected that Biden's proposed \$79 billion boost for the IRS would produce \$480 billion more revenue. The Treasury Department pegged the revenue in-



The Capitol in Washington. Senators negotiating two colossal bills delivering \$4 trillion for bolstering infrastructure, health care, environment and other initiatives keep insisting both measures will be fully paid for.

J. SCOTT APPLEWHITE — STAFF, AP

crease under Biden's plan at \$779 billion.

AN OLD, UNRELIABLE FRIEND

Documents show the bipartisan infrastructure proposal and Democrats' separate \$3.5 trillion measure may both claim savings from long-term economic growth the bills would supposedly spur.

That concept is called dynamic scoring, and Republicans have long embraced it to paint their tax cuts as cost-free. That's not happened.

"The tax cuts will pay for themselves," Steven Mnuchin, Trump's Treasury secretary, said repeatedly about the 2017 tax law. Instead, The CBO estimated that even including increased economic activity, that measure will drive up federal deficits by \$1.9 trillion over a decade.

Democrats have long mocked dynamic scoring as a Republican ruse for claiming savings that may never materialize to hide the true cost of their tax-cutting agenda. Among its most virulent critics has been Senate Budget Committee Chairman Bernie Sanders, I-Vt., who in 2015 called it "voodoo economics." Sanders' office declined comment for this story.

Yet Democrats argue that if tax cuts can spawn economic growth,

so can fortifying productive programs such as education and transportation. That's legitimate if you don't put "so much spin on the ball that you're basically closing a budget gap with magical thinking," said Sen. Brian Schatz, D-Hawaii.

Citing past GOP support for dynamic scoring, Sen. Roy Blunt, R-Mo., said, "Maybe on this topic I would just say, 'Welcome to the team.'"

The CBO has provided some dynamic scoring estimates but cautioned that the projections are uncertain.

REPEALING A GHOST REGULATION

Both bills' negotiators are ready to claim savings by assuming Biden will repeal Trump administration regulations on drug rebates. The CBO projected those rules would cost the government \$177 billion over a decade, so blocking them would reduce expected spending.

But Trump's rule has never been implemented. With Washington running record-setting budget deficits annually, claiming savings by repealing the rule and using that money to finance spending bills would be like a deeply indebted family canceling a \$50,000 vacation and using those "savings" to buy something else.

OTHER QUESTION

MARKS

Senate Democrats say some proposed tax credits and spending in their \$3.5 trillion bill may last less than the measure's full 10 years. That would constrain the legislation's price tag.

Both parties have a history of putting early expiration dates on programs that, like some of these, are so popular that a future Congress will likely renew them. Republicans did that with much of President George W.

Bush's 2001 tax cut, which was mostly extended.

The Committee for a Responsible Federal Budget says the full 10-year cost of the policies in Democrats' \$3.5 trillion plan is \$5 trillion.

Other questionable proposals include selling oil from the government's Strategic Petroleum Reserve, which inevitably gets refilled, sometimes at higher cost, and taking credit for proceeds from the federal auction of 5G spectrum airwaves, which is happening anyway.

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How Can I Get a Payment? The only way to get a payment is to submit a Claim Form. If you submit a Claim Form, you will give up the right to sue Shutterfly or any Released Parties in a separate lawsuit about the claims made in this case and released by the Settlement. You must submit a Claim Form by **September 14, 2021**.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **August 16, 2021**. If you do not exclude yourself, you will release any claims you may have, as more fully described in the Settlement Agreement, available at the Settlement Website at www.ShutterflyBIPASettlement.com. You may object to the Settlement by **August 16, 2021**. The Long Form Notice available on the website explains how to exclude yourself or object. The Court will hold a Final Approval Hearing on **September 8, 2021** to consider whether to approve the Settlement and a request for attorneys' fees of up to 35% of the Settlement Fund, reimbursement of expenses, and for a Service Award of \$5,000 to each of the Class Representatives. Motions for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. You may appear at the hearing, either yourself or through an attorney hired by you, but you don't have to. The hearing may be held remotely at the Court's discretion. For more information, call or visit the website.

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After vandalism, NYC George Floyd statue cleaned, will move

By The Associated Press

NEW YORK — A statue of George Floyd that was defaced in Brooklyn has been cleaned and is headed for Manhattan's Union Square.

The artwork was unveiled on the Juneteenth holiday in a spot on Flatbush Avenue. Five days later on June 24, it was vandalized with black paint and marked with the logo of a white supremacist group.

But members of the group that installed the statue painstakingly cleaned it, and local residents and one of Floyd's brothers gathered around it this week to bid farewell ahead of its long-planned move to Union Square as part of an exhibition in September.

"I heard the news about the vandalism. I was so proud that I got word that Flatbush held it down. They really supported us, looked



BEBETO MATTHEWS — STAFF, AP

Jonte Lancaster plays trombone during a celebration for the refurbished George Floyd statue, after it was vandalized following its Juneteenth installation, Thursday, July 22, 2021 in the Flatbush section of Brooklyn borough of New York.

out for the statue, looked for the spirit of my brother," Terrence Floyd said at the gathering. He added to news reporters: "You try to stop us, but you can't stop us. And we still gonna continue, with love."

Andrew Cohen of Confront Art, the group behind the statue, said people spent hours cleaning off

the paint with toothbrushes and hands.

"The only method that worked was really, really putting the elbow grease into it," he said.

The statue is going back to a studio Monday for further cleaning.

No arrests have been made in the vandalism.

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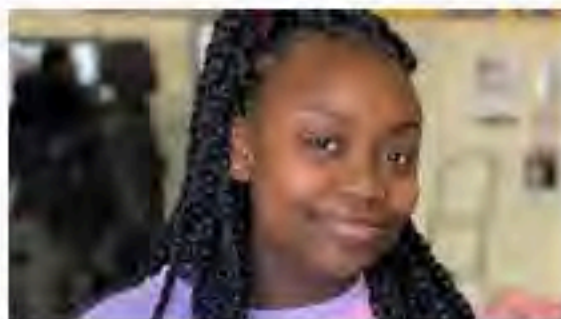
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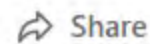
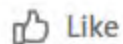
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Shara Tibken ✓ June 29, 2021 5:00 a.m. PT



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By [Cameron Faulkner](#) | [@camfaulkner](#) | Jul 1, 2021, 9:50am EDT

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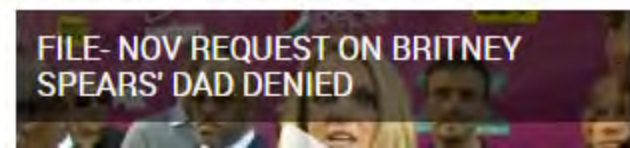
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SAT 7/3		83° /65°	Nice with plenty of sun	1%
SUN 7/4		87° /68°	Humid with plenty of sun	7%

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MON 7/5		90° /69°	Partly sunny and humid	9%
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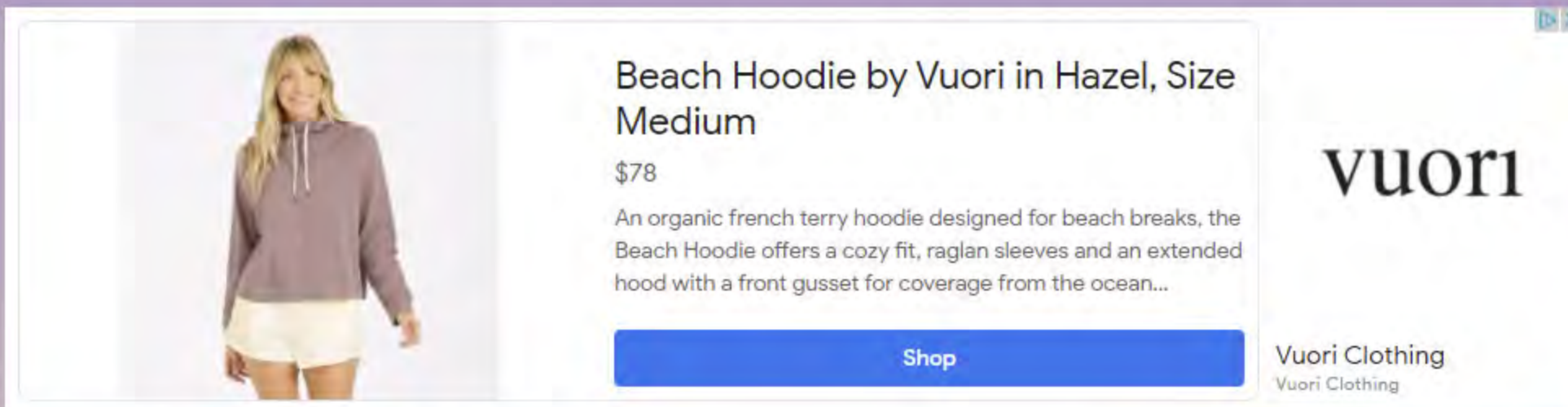
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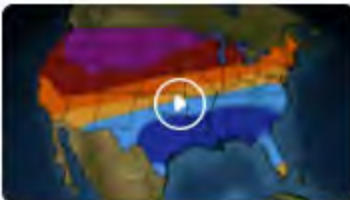


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 Jeff Arnold, Patch Staff 



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By Pierre Bairin and Lorraine Poupon, CNN

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(CNN) — The woman who allegedly held out a banner causing the crash of dozens of cyclists during the first stage of the Tour de France last Saturday has been identified and is undergoing police questioning, the Brest prosecutor's office told CNN.

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A monument to journalist and civil rights activist Ida B.

Associated Press July 1, 2021

Father of Drowned Brothers Receives 16-Year Prison Sentence

A 16-year prison sentence has been handed a northwest Indiana man who pleaded guilty to two counts of neglect of a dependent resulting in serious bodily injury in the drownings of his two sons.

Associated Press June 30, 2021

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Bear That Rambled Over Several US States Dies in Louisiana

Wildlife officials say a bear that gained a social media following while wandering through the U.S. Midwest has died after being hit by a vehicle in Louisiana.

Associated Press June 30, 2021

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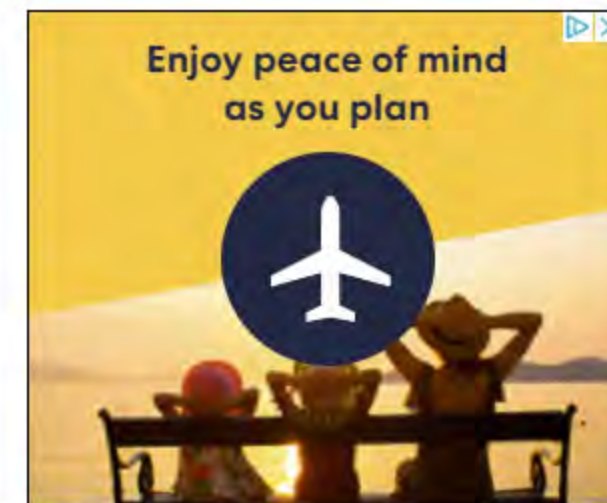
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By John Starks

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Jun 18, 2020 – Plaintiffs Vernita Miracle-Pond and Samantha Paraf, each **Shutterfly** users ... to arbitrate her claims in 2015 – well before she filed this **lawsuit**.

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CLEVER: Shutterfly Avoids BIPA Class Action by Adding ...

May 26, 2020 – An Illinois Biometric Information Privacy Act (“BIPA”) suit against **Shutterfly** is potentially existential for all companies that store photos to create

Exhibit F: Request For Exclusion



Exclusion Requests							
Miracle-Pond, et al. v. Shutterfly, Inc. Case No. 2019-CH-07050							
Count	First Name	Last Name	Address	City	State	Zip	Postmarked/ Received Date
1	Neeraj	Iyer	ADDRESS REDACTED	REDACTED			7/3/2021
2	Chris	Lynn	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/2/2021
3	Isabella	Diaz	ADDRESS REDACTED				7/2/2021
4	Quincy	Carolan	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/3/2021
5	Christian	Gore	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/19/2021
6	Cecelia	Vandal	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/5/2021
7	Dustin	Blunier	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/31/2021
8	Alison	Southern	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/28/2021
9	Logan	Musgrove	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/7/2021
10	Christine	Barry	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
11	Eveliza	Rodriguez	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
12	Janai (Faison)	Godinez	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
13	Iris (Crystal)	Rosales	ADDRESS REDACTED	REDACTED			8/16/2021
14	Sandra Ann	Chambers	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
15	Michael	Barry	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
16	Michelle	Barry	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
17	Melaine	Miranda (Castaneda)	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
18	Brenda	Veliz	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
19	Yecenia	Garza	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
20	Rebecca	Barry (Seymour)	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
21	Jennifer	Mickalovski	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
22	John	Mickalovski	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
23	Stacy	Vlahakis	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	8/16/2021
24	Sara Peters	Kernan	ADDRESS REDACTED	REDACTED	REDACTED	REDACTED	7/31/2021

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

VERNITA MIRACLE-POND and
SAMANTHA PARAF, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

SHUTTERFLY, INC.,

Defendant.

Case No. 2019-CH-07050

Judge: Raymond W. Mitchell

**ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT,
AWARDING ATTORNEYS' FEES AND SERVICE AWARDS
AND ENTERING FINAL JUDGMENT**

This matter coming before the Court on September 8, 2021, on the Motion for Entry of Final Judgment and Final Approval of Settlement (the "Motion"), the Court having reviewed and considered the Motion, the Class Action Settlement Agreement ("Settlement Agreement") between Plaintiffs Vernita Miracle Pond and Samantha Paraf, on behalf of themselves and the Settlement Class^[1], by and through Class Counsel, and Defendant Shutterfly, Inc. ("Defendant" or "Shutterfly"), including all exhibits and attachments to the Motion, the Settlement Agreement, and the Motion for Attorneys' Fees and Expenses and for Service Awards, and having conducted the Final Approval Hearing, and being cognizant of all other prior proceedings in this Action,

IT IS HEREBY ORDERED as follows:

1. This Court has jurisdiction over the subject matter of this Action and over all claims raised therein and all parties thereto, including the Class.

^[1] Capitalized terms used in this Order that are not otherwise defined herein have the meaning assigned to them in the Settlement Agreement.

2. Pursuant to 735 ILCS 5/2-806, the Court grants final approval of the Settlement Agreement and finds that the Settlement is fair to the Class and was the result of arms' length negotiations between the Class, through Class Counsel, and Shutterfly. The Court concludes that the Settlement Agreement is fair, reasonable, and adequate and in the best interest of the Settlement Class.

FINAL CERTIFICATION OF SETTLEMENT CLASS

3. Pursuant to Illinois Code of Civil Procedure 735 ILCS 5/2-801, the Court hereby certifies the following Settlement Class:

All Illinois residents who appear in a photograph maintained on Shutterfly at any time between June 11, 2014 and the Effective Date. Excluded from the class are: (1) any Judge, Magistrate, or mediator presiding over this action and members of their families, (2) Defendant, Defendant's subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) Class Counsel, and (4) the legal representatives, successors or assigns of any such excluded persons.

4. The Court finds that the Settlement Class satisfies the requirements of the Illinois Code of Civil Procedure 735 ILCS 5/2-801: the Settlement Class is comprised of approximately 950,000 individuals, and thus is sufficiently numerous; there are questions of law or fact common to the Settlement Class; Plaintiffs' claims are typical of those of Settlement Class Members; and Plaintiffs' and their counsel have and will continue to fairly and adequately protect the interests of the Settlement Class.

5. The Court hereby appoints Vernita Miracle Pond and Samantha Paraf as the representatives of the Class, and appoints Carey Rodriguez Milian, LLP, Ahdoot & Wolfson, PC, and Carlson Lynch, LLP as Class Counsel.

NOTICE AND ADMINISTRATION

6. Pursuant to this Court's Order granting preliminary approval of the Settlement, Postlethwaite & Netterville (P&N) served as Settlement Administrator. This Court finds that the Settlement Administrator performed all duties thus far required as set forth in the Settlement Agreement.

7. The Court finds that the Settlement Administrator has complied with the approved notice process as confirmed by its Declaration filed with the Court. The Court further finds that the Notice plan set forth in the Settlement as executed by the Settlement Administrator satisfied the requirements of Due Process and 735 ILCS 5/2-803. The Notice plan was reasonably calculated and constituted the best notice practicable to apprise Settlement Class Members of the nature of this litigation, the scope of the Settlement Class, the terms of the Settlement, the right of Settlement Class Members to object to the Settlement or exclude themselves from the Settlement Class and the process for doing so, and of the Final Approval Hearing. Accordingly, the Court finds and concludes that the Settlement Class Members have been provided the best notice practicable under the circumstances, and that the Notice plan was clearly designed to advise the Settlement Class Members of their rights.

EXCLUSIONS AND OBJECTIONS

8. The Settlement Administrator has certified, and the Court hereby finds, that no timely or otherwise valid objections to the Settlement Agreement or to Plaintiff's Motion for Attorneys' Fees and Expenses and for Service Awards were submitted. Furthermore, the Settlement Administrator has certified, and this Court hereby finds, that 21 valid or timely exclusions were submitted. All persons who have not made their objections to the Settlement in the time-period and manner provided in the Settlement Agreement are deemed to have waived any objections by appeal, collateral attack, or otherwise.

FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT

9. The Court finds that the Action satisfies the applicable prerequisites for class action treatment under the Illinois Code of Civil Procedure, 735 ILCS 5/2-801. The Court finds that the settlement of the Action, on the terms and conditions set forth in the Settlement Agreement, is in all respects fundamentally fair, reasonable, adequate, and in the best interests of the Class Members, especially in light of the benefits to the Class Members, the relative strength of Plaintiffs' claims, the defenses raised by the Defendant, the complexity, expense and probable duration of further litigation, the risk and delay inherent in possible appeals, and the risk of collecting any judgment obtained on behalf of the Class. In the Preliminary Approval Order, the Court found that the Settlement Agreement appeared to be fair, reasonable, and adequate and fell within the appropriate range of possible approval. Essentially, the Settlement provides for each member of the Settlement Class, as that term is defined in the Settlement Agreement, to receive from the Defendants benefits described in the Settlement Agreement. The Settlement Agreement provides these benefits to the Settlement Class even though the Defendant has at all times disputed, and continue to dispute, Plaintiffs' allegations in this lawsuit and to deny any liability for any of the claims that have been or could have been alleged by Plaintiffs or other members of the Settlement Class.

CLASS COUNSEL'S FEES AND SERVICE AWARDS

10. The Court hereby awards a Service Award of \$5,000 to Plaintiff Vernita Miracle Pond and \$5,000 to Plaintiff Samantha Paraf in compensation for the time, effort, and risk they undertook as representatives of the Class. These awards shall be paid within the time period and manner as set forth in the Settlement Agreement.

11. The Court hereby grants Plaintiffs' Motion for Attorneys' Fees and Expenses and for Service Awards. Class Counsel is hereby awarded \$2,362,500 in reasonable attorneys' fees, and \$51,440.78 in reasonable costs incurred in litigating this Action, in the manner specified in the Settlement Agreement. Class Counsel's Fees and Expenses shall be paid within the time period and manner as set forth in the Settlement Agreement.

RELEASE OF CLAIMS

12. This Final Judgment hereby incorporates and gives full effect to the Release set forth in the Settlement Agreement. By virtue of this Final Judgment, all members of the Class who did not validly and timely submit Requests for Exclusion in the manner provided in the Settlement Agreement shall, by operation of this Final Judgment, have fully, finally and forever released, relinquished and discharged the Defendant and the Released Parties as set forth in Section 1.26 of the Settlement Agreement from the Released Claims as set forth in Section 1.25 of the Settlement Agreement. Furthermore, all members of the Class who did not validly and timely submit exclusions in the manner provided in the Settlement Agreement are hereby permanently barred and enjoined from (1) filing, commencing, prosecuting, maintaining, intervening in, participating in, conducting or continuing, either directly or in any other capacity, either individually or as a class, any action or proceeding in any court, agency, arbitration, tribunal or jurisdiction, asserting any claims released pursuant to the Settlement Agreement, or seeking an award of fees and costs of any kind or nature whatsoever and pursuant to any

authority or theory whatsoever, relating to or arising from the Action and/or as a result of or in addition to those provided by the Settlement Agreement; and (2) organizing Settlement Class Members who have not excluded themselves from the Settlement Class into a separate class for purposes of pursuing as a purported class action any lawsuit or arbitration or other proceeding (including by seeking to amend a pending complaint to include class allegations or seeking class certification in a pending action) based on, relating to or arising out of the claims and causes of action or the facts and circumstances giving rise to the Litigation and/or the Released Claims, except that Settlement Class Members are not precluded from participating in any investigation or suit initiated by a state or federal agency. Any Person who knowingly violates such injunction shall pay the attorneys' fees and costs incurred by Defendants and/or any other Released Persons and Class Counsel as a result of the violation.

AMENDMENTS AND MODIFICATIONS

13. Class Counsel and Defendant are hereby authorized, without further approval from the Court, to agree to and adopt such amendments, modifications and expansions of the Settlement and its implementing documents (including all Exhibits to the Settlement Agreement) that (1) shall be consistent in all material respects with this Final Judgment, and (2) do not limit the rights of Settlement Class Members.

PRECLUSIVE EFFECT

14. The Settlement Agreement and this Final Judgment are binding on and shall have *res judicata* and preclusive effect in all pending and future lawsuits or other proceedings encompassed by the Release maintained by or on behalf of Plaintiffs and all Settlement Class Members, as well as their respective present, former and future administrators, agents, assigns, attorneys, executors, heirs, partners, predecessors-in-interest and successors.

INCORPORATION OF SETTLEMENT AGREEMENT INTO FINAL JUDGMENT

15. The provisions of the Settlement Agreement and the relief provided to the Settlement Class therein are hereby fully incorporated into this Final Judgment.

ENTRY OF FINAL JUDGMENT

16. Finding that there is no just reason for delay, the Court orders that this Order for Final Approval of Class Action Settlement, Awarding Attorneys' Fees, Service Awards and Entry of Final Judgment shall constitute a final judgment. The Clerk of the Court is directed to enter this Order on the docket forthwith. The above-captioned action is hereby dismissed in its entirety *with prejudice*. Without affecting the finality of the Judgment hereby entered, the Court reserves jurisdiction over the implementation of the Settlement Agreement, including enforcement and administration of the Settlement Agreement and this Final Judgment.

Judge Raymond W. Mitchell

SEP 09 2021

IRIS Y. MARTINEZ
Circuit Court-1992

IT IS SO ORDERED.

DATED: September 9, 2021


HONORABLE RAYMOND W. MITCHELL