

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

CITY OF HARVEY, an Illinois municipal  
corporation,

Plaintiff,

v.

SUSANA A. MENDOZA, Comptroller of the  
State of Illinois,

Defendant,

And

BOARD OF TRUSTEES OF THE HARVEY  
POLICE PENSION FUND and HARVEY  
POLICE PENSION FUND, et al.,

Intervenors.

Case No. 18 CH 04443

Judge Raymond W. Mitchell

**AGREED ORDER**

This matter comes before the Court on the City of Harvey's Emergency Motion to Enforce the Settlement Agreement, counsel for the City of Harvey, the Board of Trustees of the Harvey Police Pension Fund and Harvey Police Pension Fund ("Police Fund"), the Board of Trustees of the City of Harvey Firefighters' Pension Fund ("Firefighters' Fund"), Amalgamated Bank as Trustee (the "Trustee") and the Comptroller present, and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. The TRO entered on May 22, 2018, and continued from time to time, is hereby modified to permit the Comptroller to make the following one-time payments from those funds currently being intercepted and withheld pursuant to petitions filed by the Police Fund and Firefighters' Pension, as of June 6, 2018 (the "Intercepted Funds") to:
  - i. The Trustee: 100% of the City of Harvey Municipal 1% Share of Sales Taxes, as directed in the August 2008 Direction from the City of Harvey to Amalgamated Bank as Trustee, and as defined in Section 2(a) of City of Harvey Ordinance No. 3214;
  - ii. Police Fund: an amount equal to 25% of the Intercepted Funds less the City of Harvey Municipal 1% Share of Sales Taxes;

- iii. Firefighters' Fund: an amount equal to 10% of the Intercepted Funds less the City of Harvey Municipal 1% Share of Sales Taxes; and
  - iv. City of Harvey: The Intercepted Funds, less those funds in (i), (ii), and (iii), above.
2. The Police Pension, the Firefighters' Pension, and the Trustee are to provide the Comptroller with any and all necessary forms and information to implement the payments above.
  3. The Order is being entered without prejudice to the rights or positions of any parties regarding any claims made with the Comptroller or in this litigation and will only affect the Intercepted Funds being distributed hereunder.
  4. The City shall execute and deliver to the Trustee a one-time Letter of Direction acceptable to the Trustee directing the Trustee to pay to the Police Fund 25% of the City of Harvey Municipal 1% Share of Sales Taxes paid pursuant to this Order and to pay to the Firefighters' Fund 10% of the City of Harvey Municipal 1% Share of Sales Taxes paid pursuant to this Order and to pay to the Illinois Municipal Retirement Fund the outstanding amount the Illinois Municipal Retirement Fund certified to the Comptroller.
  5. The City's Motion to Enforce Settlement Agreement is withdrawn.
  6. The Preliminary Injunction hearing set for June 8, 2018, at 10:00 a.m. is converted to a pretrial conference.
  7. Except as modified herein, the TRO remains in effect.

Dated: June 7, 2018

Respectfully submitted,

/s/ Ken Hurst

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*Attorneys for Amalgamated Bank of Chicago,  
not Individually but as Trustee for the  
holders of those certain \$6,025,000 City of  
Harvey Hotel-Motel Tax and Sales Tax  
Revenue Bonds, Series 2008A*

/s/ Jason Kanter

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Judge Raymond W. Mitchell

JUN 07 2018

Circuit Court - 1992

ENTERED



Judge Raymond W. Mitchell  
No. 1992.