

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 21ST JUDICIAL CIRCUIT
KANKAKEE COUNTY**

EDITH QUICK, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 01-L-147
)	
SHELL OIL COMPANY, et al.,)	
)	
Defendants.)	

MOTION TO DISTRIBUTE BALANCE OF SETTLEMENT FUNDS

NOW COMES THE PETITIONER, THOMAS M. EWERT, SETTLEMENT ADMINISTRATOR, and moves this Court to order a second and final distribution of settlement funds to claimants and in support of his motion says as follows:

1. That the above captioned case was heretofore settled. That pursuant to the terms of that Settlement Agreement, the petitioner was appointed by this Court to be the Settlement Administrator.
2. That pursuant to Court Order, a portion of the \$26,000,000.00 of settlement fund was paid to various claimants. There now remains approximately \$11,300,000.00 in unexpended funds. In addition, there is outstanding approximately \$150,000.00 of liabilities in the form of un-cashed checks.
3. That following the Court's Order approving the initial distribution of payments to claimants, the Danhausen's filed an objection to the distribution. That the objection was ruled upon by this Court and denied. Subsequently, the Danhausen's filed an appeal with the Third District Appellate Court and the Appellate Court ultimately denied the Danhausen appeal. The time for filing a petition for rehearing in the Appellate Court and/or a petition for leave to appeal to the Supreme Court has past and this case has been remanded back to the trial Court for further proceeding.
4. That this Court now has jurisdiction to proceed with the distribution of the remaining sum of money in the settlement fund and there no longer exists any reason why the remaining funds cannot be distributed.

WHEREFORE, THE SETTLEMENT ADMINISTRATOR NOW PETITIONS THIS COURT to allow him to distribute the remaining funds as follows:

1. To distribute to all Claimants the total sum of \$10,800,000.00 in proportion to that amount which each Claimant received in the initial distribution.
2. To hold back a balance of the remaining fund which is approximately \$500,000.00 to cover un-cashed checks and to be used to pay the expenses of winding up the business of the settlement of this case, including but not limited to the payment of the Administrator, the support staff of the Administrator, the accounting firm heretofore hired by the Administrator and the cost to have the accounting firm file all further and final Federal and State income tax returns, all costs with respect to the final payments to the claimants, a final audit of the books and records of the Administrator for presentation to this Court, administrative expenses incurred in the preparation and distribution of the final payments and additional sums relating to administration of water line issues which is anticipated to be ongoing in Limestone for the next two to three years.

IN ADDITION, THE SETTLEMENT ADMINISTRATOR PETITIONS THIS COURT to set a date upon which the Administrator shall appear and report to the Court the completion of the distribution and present the audit of the accounting firm and seek the Court's guidance with respect to any unclaimed sums of money or any excess sums not expended and be discharged, and for such other relief as may be just.

Respectfully submitted,


THOMAS M. EWERT

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