

RESOLUTION NUMBER 11 - 05

**RESOLUTION AUTHORIZING THE EXECUTION
OF A REQUEST FOR EXCLUSION**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the corporate authorities of the Village of East Dundee have determined that it is advisable, necessary and in the public interest that the Village enter into and authorize the execution of a Request for Exclusion in the lawsuit filed in the District Court for Mayes County, State of Oklahoma, entitled Steven W. Lemmings and City of Pryor Creek vs. Second Chance Body Armor, Inc., et al., Case No. CJ-2004-62, a copy of which Request for Exclusion is attached hereto as an exhibit.

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the Village of East Dundee adopts and approves and the President be and he is hereby authorized and directed to sign and the Village Clerk is directed to attest to the execution of a Request for Exclusion in the lawsuit filed in the District Court for Mayes County, State of Oklahoma, entitled Steven W. Lemmings and City of Pryor Creek vs. Second Chance Body Armor, Inc., et al., Case No. CJ-2004-62, a copy of which Request for Exclusion is attached hereto as an exhibit.

Section Two. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This resolution shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 2nd day of May, 2005, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffulo, Bartels, Schock, VanOstenbridge, Scarpelli

NAYES: None

ABSENT: None

Approved by me this 2nd day May, 2005.



JERRY BARTELS, President

Published in pamphlet form this 17th day of May, 2005, under the authority of the President and Board of Trustees.

ATTEST:



NIKKI GILES, Village Clerk

Recorded in the Village Records on May 17th, 2005.

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IN THE DISTRICT COURT FOR MAYES COUNTY
STATE OF OKLAHOMA

STEVEN W. LEMMINGS, and CITY OF PRYOR)
CREEK, on behalf of themselves and all other)
persons or entities similarly situated)

Plaintiffs,)

vs.)

SECOND CHANCE BODY ARMOR, INC.,)
TOYOBO COMPANY, LTD., TOYOBO AMERICAN,)
INC., OKLAHOMA POLICE SUPPLY, INC., JOHN)
DOES, INSURANCE COMPANIES, SELLERS,)
DISTRIBUTORS, ADVERTISERS, and)
INDIVIDUALS)

Defendants.)

Case No.: CJ-2004-62

CLASS ACTION
Honorable James D.
Goodpaster

REQUEST FOR EXCLUSION

I understand that the Village of East Dundee (herein "Village") may be a member of a Class of persons and entities who purchased, possess, or own a bullet proof vest manufactured by Second Chance Body Armor, Inc., (herein "Second Chance") which contains Zylon, a fiber manufactured and sold by Toyobo Company, Ltd. (herein "Toyobo"). I understand that these vests were sold by Second Chance and its distributors under the names Ultima, Ultimax, and Triflex.

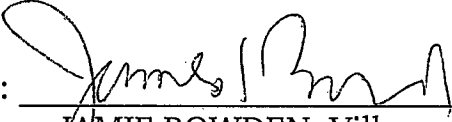
I understand that certain legal claims have been asserted on behalf of the Class in the lawsuit described above. I understand that I have the right to exclude the Village of East Dundee from the Class by following the instructions below.

I hereby choose to **EXCLUDE** the Village of East Dundee from the Class. I understand that by excluding the Village of East Dundee from the Class, the Village will not be entitled to any benefits that may be obtained through a trial or settlement of the lawsuit. I understand that the Village may pursue its legal rights at its own expense with or without the assistance of their own attorney.

I understand that this **Request for Exclusion** must be completed and returned by first class mail, postmarked on or before May 31, 2005.

In submitting this **Request for Exclusion**, I state that the information provided below is true and correct. I further represent and understand that I am authorized to submit this **Request for Exclusion** on behalf of the Village of East Dundee as listed below.

Name: Village of East Dundee
Address: 120 Barrington Avenue
City: East Dundee State: Illinois Zip Code: 60118
County: Kane and Cook Counties
Phone: (847) 426-2822
Number of Vests Purchase: 0
Contact Person: Ignacio "Joe" Pena, Chief
Work Phone: (847) 426-2822

By: 
JAMIE BOWDEN, Village Administrator