

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT

KANE COUNTY, ILLINOIS

DANIEL MATURO and MICHAEL WHITE, )  
Individually, and on behalf of all others )  
similarly situated, )

Plaintiffs, )

v. )

CF EAGLE BROOK ARCIS, LLC, )  
d/b/a EAGLE BROOK COUNTRY CLUB )

Defendant. )



CASE NO.:2023 MR 255

ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION PROPOSED SETTLEMENT, DIRECTING CLASS NOTICE,  
AND SCHEDULING FINAL APPROVAL HEARING

This matter comes before the Court on the Joint Motion of Plaintiffs Daniel Maturo, Michael White (“Plaintiffs”) and Defendant CF Eagle Brook ARCIS LLC, (“Defendant”) (collectively “Settling Parties”) for an Order Granting Preliminary Approval of this Class Action Proposed Settlement, Directing Class Notice and Scheduling Final Approval Hearing (hereafter “Preliminary Approval Motion” or “Motion”). On July 17, 2025, the Court heard argument on the Motion.

Having reviewed the Motion, considered the argument of the Parties at the July 17, 2025 hearing, and considered the record in this case, it is hereby ORDERED that:

1. The Motion is Granted.
2. The matter is amenable to class action treatment and all the perquisites under 735 ILCS 5/2-801 are satisfied.

3. The Court certifies a class for settlement purposes as follows:

All Eagle Brook Country Club members, or their heirs, who executed a Full Golf Membership Conversion Agreement, Sports Membership Conversion Agreement, or Tennis/Swim Membership Conversion Agreement (the “Conversion Agreement”) before June 28, 1995 and have unresolved claims against Eagle Brook with respect to refund of the “Amount Previously Paid,” as specified in the Conversion Agreement.

4. Plaintiffs Daniel Maturo and Michael White are appointed Class Representatives.
5. Matthew J. Herman of Meyers & Flowers, LLC is appointed as Class Counsel for the Class.
6. The Settlement Agreement attached as Exhibit A to the Motion is preliminarily approved.
7. The Court approves the form and contents of the Notice of Settlement, Claim Form and Request for Exclusion Form attached as Exhibits 1, 2 and 3 to the Settlement Agreement.
8. The Court approves the dissemination of notice to the Class in the manner and timing described in Sections VII.8 and VII.13 of the Settlement Agreement. Accordingly, the Notice Date as defined in section II.2.31 of the Settlement Agreement is ninety (90) calendar days after entry of this Order, i.e., October, 15, 2025.
9. The Court finds that the proposed Notice of Settlement: (a) constitutes the best . practicable notice under the circumstances, (b) constitutes notice that is reasonably calculated, under the circumstances, to apprise the Class of their rights to object to the Settlement Agreement and to appear at the Final Approval Hearing described in Section II.2.27 of the Settlement Agreement, (c) is reasonable and constitutes

due, adequate and sufficient notice to all Persons entitled to receive notice, and (d) fulfills the requirements of 735 ILCS 5/2-801, et seq., due process, and the rules of the Court.

10. The Court approves Analytics Consulting LLC as the Claims Administrator to carry out the responsibilities, duties, and functions described in the Settlement Agreement.
11. The Court approves the plan of distribution for Settlement Payments to Class Members who filed Approved Claims as described in Sections VII.9 of the Settlement Agreement.
12. Any Class Member who wishes to seek a Settlement Payment must submit a Claim Form no later than ninety (90) calendar days after the Notice Date described *supra* at paragraph 8., i.e., by January 14, 2026.
13. Any Class Member who wishes to be excluded from the Settlement Agreement must submit a Request for Exclusion form no later than sixty (60) days after the Notice Date describes *supra* at paragraph 8, i.e., by December 15, 2025.
14. The Court finds that Class Members shall be afforded the opportunity to object to the final approval of the Settlement Agreement pursuant to the following procedure, also set forth in the Notice attached as Exhibit A to the Settlement Agreement:
  - a. The objection must be in writing and must set forth the reasons thereof, and a statement whether the Class Member intends to appear at the Final Approval Hearing.

- b. The objection must identify any witnesses intended to be called, the subject area of the witnesses' testimony, and all documents to be used or offered into evidence at the Final Approval Hearing.
- c. Any Class Members serving an objection shall respond to discovery requests related to the objection within seven (7) calendar days of service of such requests and shall appear for deposition related to the objection within seven (7) calendar days of service of notice of deposition.
- d. The objection must be signed by the objecting Class Member and by his/her/its counsel, if any; an objection signed by counsel alone shall not be sufficient.
- e. The objection must contain the case caption and include the name, mailing address, e-mail address (if any), and telephone number of the objecting Class Member.
- f. The objection must be mailed to the following addresses and must be postmarked sixty (60) calendar days after the Notice Date described supra at paragraph 4 of this Order, i.e., on or before December 15, 2025 ("Objection Deadline"):

Analytics Consulting LLC  
EBCC Class Action Settlement Administrator  
P.O. Box 2009  
Chatffassen, MN 55317-2009

and

Matthew J. Herman Esq.  
Meyers & Flowers LLC  
3.N. Second Street, Suite 300  
St. Charles, IL 60174

and

Mason D. Roberts  
Foley & Lardner LLP  
321 N. Clark Street, Suite 3000  
Chicago, IL 60654

- g. Failure to timely and fully comply with these procedures shall result in the invalidity and dismissal of any objection. No Class Member or his/her

counsel shall be entitled to be heard at the Final Approval Hearing (whether individually or through the objector's counsel), or to object to the Settlement, and no written objections or briefs submitted by any Class Member shall be received or considered by the Court at the Final Approval Hearing, unless written notice of the Class Member's objection and supporting materials have been submitted according to the procedures above.

Any Class Member who fails to serve timely written objections in accordance with this Section shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement or its approval.

15. Class Counsel shall file an application for Fee Award no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 18, i.e., on or before February 4, 2026. Any response to the application shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 18, i.e., on or before February 11, 2026.
16. Class Counsel shall file an application for approval of Class Representative Incentive Awards no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 18, i.e., on or before February 4, 2026. Any response to the application shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 18, i.e., on or before February 11, 2026.
17. The Settling Parties shall file a joint motion for final approval of the Settlement Agreement no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at paragraph 13, i.e., on or before February 4,

2025. Any response to the motion shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described infra at paragraph 18, i.e., on or before February 11, 2026.

18. The Court shall hold a Final Approval Hearing on February 25, 2026 in Courtroom 320 of the Kane County Courthouse at 100 South Third Street, Geneva IL, 60134 to consider the following:

- a. Objections (if any) to the Settlement Agreement;
- b. The fairness, reasonableness, and adequacy of the Settlement Agreement;
- c. Class Counsel's application for a Fee Award;
- d. Class Counsel's application for Class Representative Incentive Awards;
- e. The Settling Parties' joint motion for final approval of the Settlement Agreement; and
- f. Whether to enter a Final Approval Order approving this Settlement Agreement and dismissing this case with prejudice.

19. Any Class Member may, but need not, appear at the Final Approval Hearing, either individually or through his/her/its counsel. Any Class Member who intends to appear at the Final Approval Hearing (individually or through his/her/its counsel) must file a written notice of intent to do so with the Court and mail it to the Claims Administrator no later than fourteen (14) calendar days before the date of the Final Approval Hearing described supra at paragraph 18, i.e., February 11, 2026.

20. This matter is set for Final Approval Hearing on February 25, 2026, at 9:00 a.m., Courtroom 320.

IT IS SO ORDERED:

/s/ Kevin Busch 7/17/2025 10:44:45 am

  
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Hon. Kevin T. Busch