

Ryan Wheeler

From: ilds_nef@ilds.uscourts.gov
Sent: Monday, February 3, 2025 12:55 PM
To: ilds_nef@ilds.uscourts.gov
Subject: Activity in Case 3:20-cv-00377-DWD Hensiek et al v. Board of Directors of Casino Queen Holding Company, Inc. et al Order on Motion to Amend/Correct

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U.S. District Court

Southern District of Illinois

Notice of Electronic Filing

The following transaction was entered on 2/3/2025 at 11:55 AM CST and filed on 2/3/2025

Case Name: Hensiek et al v. Board of Directors of Casino Queen Holding Company, Inc. et al

Case Number: [3:20-cv-00377-DWD](#)

Filer:

Document Number: 546(No document attached)

Docket Text:

ORDER regarding Plaintiffs' Unopposed Request to Correct the Record *Nunc Pro Tunc*. (Doc. 545). Plaintiffs indicate the Unopposed Motion and Incorporated Memorandum of Law for Final Approval of Settlement (Doc. 544) seeks the final approval of, *inter alia* the proposed Plan of Allocation. That Plan of Allocation contains a scrivener's error in that "Paragraph 8 defines the 'Phase 1 Distribution Date' as 30 days 'after the Settlement becomes Final, as that term is defined in the parties' Settlement Agreement,'" when "Paragraph 8 should define the 'Phase 1 Distribution Date' as 30 days 'after the final deposit of the settlement funds in the Settlement Fund Account pursuant to Section 6.7 of the Settlement Agreement.'" In order to make the Plan of Allocation consistent with the Settlement Agreement, Plaintiffs request that the Court correct the record *nunc pro tunc*. Defendants do not oppose that request. Accordingly, the Unopposed Request is GRANTED. See *Justice v. Town of Cicero, Illinois*, 682 F.3d 662, 664 (7th Cir. 2012) ("*Nunc pro tunc*, a Latin phrase, means 'now for then.' A judge has the power to change records so that they show what actually happened."); *Transamerica Ins. Co. v. South*, 975 F.2d 321, 325-26 (7th Cir. 1992) ("As a general rule, district courts may issue *nunc pro tunc* orders 'to show what was actually done but not properly or adequately recorded.' [Citations]. Thus, a *nunc pro tunc* order is typically used to correct clerical or ministerial errors or a failure of the court to reduce to judgment what it stated orally or in an opinion. [Citations]....

[H]owever, the district court may not make substantive changes affecting parties' rights *nunc pro tunc*.... 'The office of a *nunc pro tunc* ("now for then") order is to clean up the records by showing what was previously done with effect from the time done; it is not to alter substantive rights....' 'The Latin phrase is merely descriptive of the inherent power of the court to make its records speak the truth to record that which was actually done, but omitted to be recorded. It is no warrant for the entry of an order to record that which was omitted to be done.' "). Consistent with the parties' settlement agreement, the Phase 1 Distribution Date is 30 days after the final deposit of the settlement funds in the Settlement Fund Account pursuant to Section 6.7 of the Settlement Agreement. Signed by Judge David W. Dugan on 2/3/2025. (jnh) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED.

3:20-cv-00377-DWD Notice has been electronically mailed to:

Aarnarian D. Carey acairey@lewisrice.com

Alice M. Aten alice.aten@dentons.com, alice.m.aten@gmail.com, dawn.doerr@dentons.com, DOCKET.GENERAL.LIT.STL@dentons.com

Andrew D. Salek-Raham asalek-rahama@groom.com, jcolumbro@groom.com

Ann C. Barron abarron@heyloyster.com, edwecf@heyloyster.com

Ardyth J Eisenberg ardyth.eisenberg@gmail.com

Caleb Michael Harmon charmon@heyloyster.com, edwecf@heyloyster.com

Chelsea McCarthy chelsea.mccarthy@hklaw.com, angela.reese@hklaw.com, hapi@hklaw.com

Colleen R. Smith csmith@stris.com

Daniel F. Lanciloti dlanciloti@fisherphillips.com, ldicaro@fisherphillips.com, orddocketing@fisherphillips.com

David Brian Lurie david.lurie@bfkn.com, khristina.kaiser@bfkn.com

Edward J. Keating ejkeating@duanemorris.com

Hannah Stephens hstephens@groom.com

Jacob B. Simon jacob.simon@bclplaw.com, jacob-simon-7102@ecf.pacerpro.com, jacobbsimon@gmail.com

Jeffrey S. Russell jsrussell@bclplaw.com, debra.holt@bryancave.com, hope.gutierrez@bclplaw.com, jeffrey-russell-1899@ecf.pacerpro.com, REC_KM_ECF_STL@bryancave.com

Joel W. Rice jrice@laborlawyers.com, cmacri@fisherphillips.com, ORDDocketing@fisherphillips.com

John Stokes john.stokes@strismaher.com, 7659583420@filings.docketbird.com

John Thomas Schriver , III jtschriver@duanemorris.com, marsha.sullivan@duanemorris.com

Jonathan Andrew Lippner jlippner@clarkhill.com

Kenneth J. Mallin kjmallin@bryancave.com, ken-mallin-1705@ecf.pacerpro.com

Kevin A. Fanning kfanning@clarkhill.com

Larry M. Blocho , Jr lblocho@groom.com

Lars C. Golumbic lgolumbic@groom.com, HStephens@groom.com, jnguyen@groom.com, lstiles@groom.com

Michael P. Croghan , Jr mcroghan@clarkhill.com, cpfeiffer@clarkhill.com, lmckinzie@clarkhill.com, nprefontaine@clarkhill.com

Michelle C. Yau myau@cohenmilstein.com, efilings_cmst@ecf.courtdrive.com

Nathan Puckett puckett@stlouis-mo.gov

Nicholas H. Callahan nick.callahan@bfkn.com

Nicole M Prefontaine nprefontaine@clarkhill.com, cpfeiffer@clarkhill.com

Peter K. Stris pstris@stris.com, 5254074420@filings.docketbird.com

Rachana Pathak rpathak@stris.com, 7619464420@filings.docketbird.com, docket@strismaher.com

Raymond J Koenig , III rkoenig@clarkhill.com, jlippner@clarkhill.com

Roger Hudson Stetson roger.stetson@bfkn.com, courtmail@bfkn.com, roger-stetson-1043@ecf.pacerpro.com, vera-ksiazek-0965@ecf.pacerpro.com

Ronald A. Norwood rnorwood@lewisrice.com, mbrantley@lewisrice.com, ronald-norwood-3313@ecf.pacerpro.com

Ryan Wheeler rwheeler@cohenmilstein.com, coneill@cohenmilstein.com, efilings_cmst@ecf.courtdrive.com

Sarah M. Adams sadams@groom.com, jcolumbro@groom.com

Scott C. Fanning sfanning@fisherphillips.com, jshah@fisherphillips.com, mmann@fisherphillips.com, orddocketing@fisherphillips.com

Shaun Martin smartin@sandiego.edu

Stephen H. Rovak stephen.rovak@dentons.com, dawn.doerr@dentons.com,
DOCKET.GENERAL.LIT.STL@dentons.com

Stephen J. O'Brien stephen.obrien@dentons.com, dawn.doerr@dentons.com,
DOCKET.GENERAL.LIT.STL@dentons.com

Victor O'Connell victor.oconnell@strismaher.com, 8604864420@filings.docketbird.com

3:20-cv-00377-DWD Parties and Attorneys without registered email addresses requiring notice by other means:

Mediator Michael J Reagan
190 Carondelet Plaza
Suite 1100
Clayton, MO 63105