

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 26, 2007

Before

Hon. JOEL M. FLAUM, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 05-4034

JOSEPH BAPTIST,
RICHARD BROOKS, PRICE
DUMAS, WILLIE HUNT, and
LAMONT UPTON,
Plaintiffs-Appellants,

Appeal from the United States
District Court for the
Central District of Illinois.

No. 03 C 2115

v.

CITY OF KANKAKEE and
MIKE KINKADE,
Defendants-Appellees.

Michael P. McCuskey,
Judge.

ORDER

The opinion issued March 19, 2007, is amended as follows:

Remove the following sentence and citation from the slip opinion, p. 8: “The enforceability of a Title VII settlement is a question of federal law, under which an oral settlement constitutes a binding contract if there was an offer, an acceptance, and consideration. *Taylor*, 793 F.2d at 862.”

Substitute the following sentence in its place: “Whether a Title VII settlement was knowing and voluntary is a question of federal law, *Pierce*, 65 F.3d at 571, but the question of whether the parties entered into an enforceable oral settlement agreement is governed by state law, and oral settlement agreements are

enforceable contracts under Illinois law. *Lynch, Inc. v. SamataMason Inc.*, 279 F.3d 487, 490 (7th Cir. 2002).”

Add the following parenthetical on p. 9, immediately following the citation to *Wagner v. NutraSweet Co.*, 95 F.3d 527, 532 (7th Cir. 1996): “(Illinois law).”