

OLD SECOND BANCORP INC  
Form 8-K  
August 02, 2004

# SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

## FORM 8-K

### CURRENT REPORT

Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

August 2, 2004

(Date of report)

## OLD SECOND BANCORP, INC.

(Exact name of registrant as specified in its charter)

Delaware

(State or other jurisdiction  
of incorporation)

**0-10537**  
(Commission  
File Number)

**36-3143493**  
(IRS Employer  
Identification No.)

**37 South River Street**  
**Aurora, Illinois 60507**  
(Address of principal executive offices)(Zip Code)

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**(630) 892-0202**

(Registrant's telephone number, including area code)

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**Item 5. Other Events and Regulation FD Disclosure**

On August 2, 2004, Old Second Bancorp, Inc. issued a press release announcing the settlement of a lawsuit filed in 2001 against Old Second Bank Yorkville, a wholly-owned subsidiary of the Company. The Company agreed to settle a recent \$2.2 million judgment in the case for a payment of \$1.75 million and to discontinue its appeal. The press release is attached as Exhibit 99.1.

**Item 7. Financial Statements, Pro Forma Financial Information and Exhibits**

(a) Financial Statements of Business Acquired.

None.

(b) Pro Forma Financial Information.

None.

(c) Exhibits.

99.1 Press release dated August 2, 2004

**Item 12. Results of Operations and Financial Condition**

On August 2, 2004, The Company issued a press release announcing its earnings for the fiscal quarter ended June 30, 2004 as revised to take into account the settlement described above in Item 5. The press release is attached as Exhibit 99.1.

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**OLD SECOND BANCORP, INC.**  
(Registrant)

Date: August 2, 2004

By:                   /s/ J. Douglas Cheatham  
                          J. Douglas Cheatham  
                          Senior Vice President and Chief Financial Officer