

NOTICE OF CLASS ACTION, PROPOSED CLASS SETTLEMENT AND HEARING

RE: Bynum v. District of Columbia, et al., Case No. 02-956 (RCL).

If, between the dates of May 16, 1999 and August 31, 2005,
you were in any District of Columbia Department of Corrections facility,
and either 1) you were not released by midnight of the day you became entitled to release by court order or expiration of sentence, or 2) you appeared in court and the judge ordered you released, and there was no other reason for the District of Columbia to detain you, but you were strip searched before your release,

You may be entitled to MONEY.

There is currently pending a class action lawsuit in the United States District Court, District of Columbia. The court has certified the case as a class action. If the proposed Settlement receives final court approval, CLASS MEMBERS are eligible to receive money.

District of Columbia records show that **you may be a CLASS MEMBER.** Therefore, **you may be eligible to receive MONEY.** To receive any money in this pending Settlement, **you must fill out and mail a Claim Form.**

Your Claim Form must be postmarked no later than December 23, 2005.

If you wish to “opt out,” or be excluded from the settlement, your opt-out letter must be postmarked by December 23, 2005.

Even if you do not submit a Claim Form(s) or opt out by the above deadline, you will nonetheless be bound by the Settlement.

**If You Wish to Claim Money,
Fill Out and Mail the Enclosed Claim Form TODAY.**

If you receive more than one Claim Form, sign and file all Claim Forms you receive.

*Esta Notificación de la Clase y el Acuerdo está disponible en español,
llame al número gratuito: 1-888-809-8820.*

Below is a series of questions and answers designed to explain to you information about this lawsuit, including how to proceed to file a claim or otherwise participate in the settlement process.

1. What Is The Class Action Lawsuit About?

This lawsuit involves the alleged policy and/or practice of the District of Columbia Department of Corrections of either (1) holding inmates an unreasonable time after their release dates, or (2) strip searching inmates after they appeared in court and became entitled to release.

2. Who Is A Member Of The Class?

You are a member of the class if you meet the class definition (summarized above and set forth fully in the judge's orders) and your claim can be verified from the records of the District of Columbia (including the records of the Superior Court of the District of Columbia).

The District of Columbia or the Superior Court of the District of Columbia must have a record of your being in custody such that officials can identify you individually by true name and other methods of identification and ascertain that you qualify as someone who was either detained too long or strip searched after having become entitled to release. Such records are the final determinant of who qualifies as a member of the class.

3. What Is The Purpose Of This Notice?

You have a right to know about a proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. Your rights may be affected by this lawsuit.

This information is being sent to everyone who is or may be a member of the class based upon the last known address available from the records of the District of Columbia, and otherwise publicized to reach Class Members.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are obtained, who is eligible and how to file a claim.

The Court in charge of the case is the United States District Court for the District of Columbia. The case is known as Bynum v. District of Columbia, et al., Case No. 02-956 (RCL). The people who brought the case are called Plaintiffs, and the people they sued are called Defendants.

4. Why Is This A Class Action?

In a class action, one or more person(s), called the Class Representative(s), sue on behalf of a group of people who have similar claims – the Class Members. One court then resolves the issues for all Class Members, except for those who exclude themselves from the class.

5. Why Is There A Settlement?

Although the Court has not decided whether the claims in this lawsuit are correct, both sides have agreed to a Settlement. That way, both sides are able to avoid the risks and costs of a trial, the case can be resolved and the benefits of the Settlement can be made immediately available to the Class Members. The Class Representatives and their attorneys think that the proposed Settlement is fair to the Class Members and the parties in the case and think that the terms of the Settlement are a fair, reasonable and adequate resolution of this matter.

6. Are There Lawyers Representing You?

The Court has approved three lawyers (called "Class Counsel") to collectively represent you. You will not be asked to pay your own personal money for the services of these attorneys and their associates and staff in litigating this case and negotiating this Settlement. Instead, the lawyers will seek payment from the fund obtained on behalf of the class, as is described further below. Only Class Counsel may act on behalf of the class. However, that does not prevent you from hiring your own lawyer to advise you personally about your rights, options or obligations as a Class Member in this lawsuit. If you want to be represented by your own lawyer, you may hire one at your own expense.

7. What Does The Settlement Provide?

The Settlement provides for payment of a total of \$12,000,000. From the \$12,000,000, the following awards will be made:

- a) An award of Attorney's Fees and costs, in an amount not to exceed 1/3 of the \$12,000,000 total. (In addition, the Class Counsel may seek an award of the costs of litigation, including the costs of this Notice, of other aspects of the administration of the class and of litigating the case before settlement.)
- b) Payment of \$3,000,000 to be spent on District of Columbia programs and services to fund changes necessary to eliminate the over-detentions and strip searches that are the subject of this lawsuit. These funds will be for new programs or activities not previously budgeted (and specifically not as a part of the general budget), and may include new staff, services, construction, technology, equipment, programs or other activities otherwise necessary to meet the objective of the elimination of over-detentions and post-release strip searches.
- c) Payment of a total not exceeding \$200,000 to individuals who sought representation from Class Counsel and whose individual damages could be assessed prior to settlement. These plaintiffs will receive more under the Settlement than other Class Members because of the role that they played in the litigation, and because of individualized damages determinations made in their cases.
- d) Payment of the remainder, estimated to be approximately in the range of \$4,500,000 - \$4,700,000, to the members of the class who file claims for payment, under a formula that takes into account a variety of issues (such as the length of any over-detention for those over-detained, and the nature of the arrest offense, prior arrest history, the outcome of the arrest, and the like for those strip searched).

The Settlement also requires the District of Columbia to release detainees or inmates within 24 hours of the time they become entitled to release, and the District of Columbia will no longer strip search court returns who are entitled to release.

8. Will I Receive Anything From The Settlement?

If it is determined that you are a Class Member, and you file a claim within the time set by the Court, you will be entitled to receive compensation.

The amount you will receive if you do file a claim depends on a variety of factors, including whether and for how long you were over-detained, and, if you were strip searched, whether this was a first offense or not, whether you were charged or not, and the nature of the matter on which you were arrested. The full description of the proposed system to determine how this determination will be made is contained in the Proposed Final Order of Settlement, which is contained on our website: www.bynumclass.com. No class member who files a valid claim will receive less than \$50.00.

9. What Do I Do To Get Money?

If you wish to receive money from the Settlement, you must complete and submit the accompanying Claim Form. Read the instructions on the Claim Form carefully. **All Claim Forms must be completed and postmarked no later than December 23, 2005**, but it is recommended that you complete and mail your Claim Form as soon as possible. **If you do not timely and properly submit your Claim Form, you will not receive any money** from the Settlement.

To file a Claim Form, you must mail it postmarked no later than December 23, 2005, to:

Bynum v. District of Columbia Settlement Administrator
P.O. Box 6177
Novato, CA 94948-6177

If you need a copy of a Claim Form, please call 1-888-809-8820 (toll free), or write to the *Bynum v. District of Columbia Settlement Administrator*, P.O. Box 6177, Novato, CA 94948-6177, or download the Form from the Internet at www.bynumclass.com.

10. What If I Still Don't Know If I Am A Class Member?

If you are not sure whether you are included in the class, call 1-888-809-8820 or write to:

Bynum v. District of Columbia Settlement Administrator
P.O. Box 6177
Novato, CA 94948-6177

Determinations of whether you are or are not a Class Member, and determinations of whether, and how much money, you are entitled to receive under this settlement, will be based exclusively on records of the District of Columbia (including the records of the Superior Court of the District of Columbia), and/or law enforcement records.

11. How Much Will The Lawyers Be Paid?

The Court has not yet decided how much Plaintiffs' Counsel will be paid (Attorney's Fees). However, Plaintiffs' Counsel will ask the Court for an award of reasonable fees in the amount of 1/3 of the total award, i.e., \$4,000,000 of the \$12,000,000. The Court may award less than that amount, but not more. You will not be asked personally to pay any Attorneys' Fees that the Court may award to Class Counsel. Only if you hire your own lawyer to represent you personally would you have to pay that attorney any fees. In addition, the amount of other expenses and costs incurred in pursuing this class action law suit will be paid from the Settlement. These expenses and costs are separate from and not included in the amount of any Attorney's Fees.

12. Can I Exclude Myself From The Settlement?

If you do not want to be a member of the Class, or if you want to be able to file your own lawsuit, or be part of a different lawsuit against the Defendant raising the claims involved in this lawsuit, then you must take steps to get out of the Class. This is called "excluding yourself" and sometimes is referred to as "opting out" of the Class.

13. What Do I Do To Exclude Myself From The Lawsuit?

To exclude yourself, you must send a letter by First-Class mail clearly stating that you want to be excluded from Bynum v. District of Columbia. Be sure to include your name, address, telephone number and signature. The name and address of your attorney is not sufficient. **You must mail your exclusion request, postmarked no later than December 23, 2005, to:**

Bynum v. District of Columbia Settlement Administrator
P.O. Box 6177
Novato, CA 94948-6177

You cannot exclude yourself on the phone or by e-mail. If you are excluded, you will not be entitled to get any money from the Settlement, and you cannot object to the Settlement. Nor will you be legally bound by anything that happens in this lawsuit.

Unless you exclude yourself from the class, you remain in the class and give up all of your rights against the Defendant except those available to you under this Settlement. That means that, if you do not exclude yourself and you also do not file a claim, you will receive no money but still lose your rights against the defendant. So be sure to file your claim.

14. What Is The Release Of Claims?

As part of the Settlement, you release the claims covered by this lawsuit in exchange for the money you are entitled to receive if you do not exclude yourself from the class. The Proposed Final Order of Settlement (which you may view on the website for this lawsuit at www.bynumclass.com) describes the legal claims against the Defendants you give up by staying in the Class (that is, if you do not exclude yourself as described in the question above entitled "What Do I Do To Exclude Myself From The Lawsuit?"). The Released Claims include all claims, demands, causes of action, whether class, individual or otherwise in nature, damages whenever incurred, liabilities of any nature whatsoever, including costs, expenses, penalties and Attorneys' Fees, that were asserted in the complaint, specifically for the over-detention and strip searches described earlier. These Released Claims include any other related complaints, grievances, and/or claims, whether judicial or administrative, and whether actually filed or available. Released Claims do not include any other claim(s) that a Plaintiff or member of the Settlement Class may have against the District of Columbia for conduct not covered by this Settlement, for example, a false arrest or battery by a police officer.

15. If I Do Not Like The Settlement Or Object To The Attorneys' Fees, How Do I Tell The Court?

If you are and choose to remain a Class Member, you can object to the Settlement if you do not like any part of it, or you may object to the request for Attorneys' Fees. You must give the reason why you think that the Court should not approve the Settlement or the requested Attorneys' Fees (i.e., a mere statement that "I object" will not be sufficient). Do not contact the Court orally to object. Rather, you must send a written statement with the case name and number (Bynum v. District of Columbia, Case No. 02-956 (RCL)) at the top of the page. In addition, provide your name, your address (just giving the address of an attorney who represents you is not sufficient), your telephone number, the date of arrest to the extent known, your Driver's License number, your Social Security number, your signature and the reason why you object. If you are represented by a lawyer, you should also give the name, address and telephone number of that lawyer. **You must mail your objections and any supporting papers by First-Class mail, postmarked no later than December 23, 2005, to:**

Clerk of the District Court
United States District Court
333 Constitution Ave., N.W.
Washington, D.C. 20001

Copies must be submitted to:

William Claiborne
Suite 210
717 D Street, N.W.
Washington, D.C. 20004

and to

Maria Amato, Senior Assistant Attorney General
For the District of Columbia
Equity I, Civil Litigation Division
441 4th Street, N.W.
Washington, D.C. 20001

Submitting an objection will not extend the time within which a Class Member may request exclusion from this Settlement.

A full set of the settlement documents, including the Proposed Final Order of Settlement and the Motion For Award of Attorney's Fees and Costs is available (or will be if the motion for Attorney's Fees has not yet been filed) on the case website, www.bynumclass.com.

16. What Is The Difference Between Objecting And Excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. If you object and the Court rejects your objection, you remain a member of the Class and will be bound by any outcome of the case. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

17. When And Where Will The Court Decide Whether To Approve The Settlement And Attorneys' Fees?

The Court has scheduled the Fairness Hearing for 10:00 A.M. on January 20, 2006, in the United States District Courthouse for the District of Columbia, 333 Constitution Ave. N.W., Washington D.C. 20001, in Judge Lamberth's Courtroom, Room 21, 4th Floor. At this Hearing, Judge Lamberth will consider whether the Settlement is fair, reasonable and adequate and the amount of Attorneys' Fees and costs to be awarded. If there are any objections, the Court will consider them. After the Hearing, the Court will issue its ruling. We do not know how long this process will take. We do not know if the hearing will be further continued, and there will not be a new notice if it is. You may speak at the Hearing but only if you have submitted your comments or objections as provided in the question above entitled "If I Do Not Like The Settlement Or Object To The Attorney's Fees, How Do I Tell The Court?"

18. Do I Have To Come To The Hearing?

No. You may, but need not, attend the Hearing. Plaintiffs' Counsel will answer any questions the Court may have. However, you may come if you choose, at your own expense. If you sent a written objection, you do not have to come to Court to talk about it. As long as you properly submitted your written objection, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

19. May I Speak At The Hearing?

You will not be heard unless you have submitted your comments or objections as provided in the question above entitled "If I Do Not Like The Settlement Or Object To The Attorney's Fees, How Do I Tell The Court?" and have stated in your submission that you wish to be heard. You cannot speak at the Hearing if you exclude yourself.

20. What Happens If I Do Nothing At All?

If you take no action, your rights will be affected. You will be bound by the terms of the Settlement and you will be agreeing to a release of the claims that are contained in the Settlement. However, because you did not file a claim, you will not be entitled to any money from the Settlement.

21. When Will I Receive Money From the Settlement?

No money will be paid until after the Settlement Funds are deposited with the Class Administrator, and until after the date set by the Court as the last day to mail or file a claim. After that, it will take at least two months, and quite possibly more, to process all the claims, calculate the amount due to each Class Member and receive the money to send to the Class Members. If you file a claim and do not receive money within six months after December 23, 2005, which is the last day to mail or file a claim, contact the Class Administrator by either calling 1-888-809-8820 or writing to:

Bynum v. District of Columbia Settlement Administrator
P.O. Box 6177
Novato, CA 94948-6177

We strongly recommend that you keep a copy of your Claim Form. You may want to send the form in by certified mail so it can be verified, but you are not required to do so.

22. Are There More Details About The Settlement?

This Notice merely summarizes the proposed Settlement. You may go to the website titled www.bynumclass.com to see the complete settlement documents in the case, or a copy of the Motion for Award of Attorney's Fees and Costs when it is filed. In the event that any description in this Notice of the terms in the settlement documents conflict with the actual terms of the settlement documents, the terms of the settlement documents control.