

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DEMONTRAY HUNTER, by and through his next friend, Rena Hunter; RUSSELL D. SENN, by and through his next friend, Irene Senn; TRAVIS S. PARKS, by and through his next friend, Catherine Young; VANDARIUS S. DARNELL, by and through his next friend, Bambi Darnell; FRANK WHITE, JR., by and through his next friend, Linda White; MARCUS JACKSON, by and through his next friend Michael P. Hanle; TIMOTHY D. MOUNT, by and through his next friend, Dorothy Sullivan; HENRY P. MCGHEE, by and through his next friend, Barbara Hardy, individually and on behalf of all others similarly situated; and the ALABAMA DISABILITIES ADVOCACY PROGRAM,

Plaintiffs,

v.

JAMES V. PERDUE, in his official capacity as  
Commissioner of the Alabama Department of  
Mental Health,

Defendant.

CASE NO. 2:16-cv-00798-MHT-CSC

CLASS ACTION FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

**JOINT PROPOSAL FOR NOTICE AND COMMENT  
REGARDING PROPOSED SETTLEMENT**

Plaintiffs Demontray Hunter, Russell D. Senn, Travis S. Parks, Vandarius S. Darnell, Frank White, Jr., Marcus Jackson, Timothy D. Mount, and Henry P. McGhee, by and through their respective next friends, Plaintiff Alabama Disabilities Advocacy Program, and Defendant James V. Perdue (collectively, the “Parties”), respectfully submit the following proposed logistical procedures and forms for giving notice to and receiving comments from putative class members regarding the proposed Settlement Agreement in the above-styled action, and request that these procedures be

approved:

1. **Notice to Putative Class Members.** To provide notice of the proposed settlement to current putative class members, the Parties will rely on the waiting list for admission to the Taylor Hardin Secure Medical Facility (“Taylor Hardin”) dated May 1, 2017. The Parties will send, by first-class U.S. mail, a copy of the proposed “Notice of Proposed Class Action Settlement” for putative class members attached hereto as Exhibit A, together with a copy of the proposed Settlement Agreement (Doc. 60-1), to all persons on the May 1, 2017 awaiting inpatient mental evaluations or competency restoration treatment. The proposed Notice of Proposed Class Action Settlement for putative class members attached as Exhibit A contains a fillable form, “Response to Proposed Class Action Settlement,” that allows putative class members to make objections, comments, or statements regarding the proposed settlement and allows putative class members to indicate whether they want to provide oral testimony to the Court regarding the proposed settlement. The Parties will include a self-addressed, stamped envelope for the return of the Response to Proposed Class Action Settlement form along with the Notice and Settlement Agreement sent to putative class members.

2. **Notice to Defense Counsel, Family Members, and Legal Guardians of Putative Class Members.** To provide notice of the proposed settlement to defense counsel, family members, and legal guardians of putative class members, the Parties will rely on the waiting list for Taylor Hardin dated May 1, 2017. The Parties will use the Alacourt electronic case management system to identify counsel of record in the pending criminal case of each individual on the May 1, 2017 Taylor Hardin waiting list awaiting an inpatient mental evaluation or competency restoration treatment. The Parties will send, by certified mail, a copy of the proposed “Notice of Proposed Class Action Settlement” for Defense Counsel and Family Members attached hereto as Exhibit B, together with a copy of the proposed Settlement Agreement, to counsel of record for the putative class members.

The Notice of Proposed Class Action Settlement for defense counsel and family members attached as Exhibit B contains a fillable form, “Response to Proposed Class Action Settlement,” that allows defense counsel, family members, and legal guardians of putative class members to make objections, comments, and statements regarding the proposed settlement and allows defense counsel, family members, and legal guardians of putative class members to indicate whether they would like to offer oral testimony to the Court regarding the proposed settlement. The Notice of Proposed Class Action Settlement attached as Exhibit B expressly requests that defense counsel share the Notice, proposed Settlement Agreement, and the fillable response form with known family members and any known legal guardian of the putative class member and to encourage same to submit any objections to the proposed settlement.

3. **Notice by Centralized Posting.** To provide notice of the proposed settlement to putative class members who have recently been ordered to receive an inpatient mental evaluation or competency restoration treatment, and as such, might not yet be listed on the May 1, 2017 Taylor Hardin waiting list, the Parties will send, via certified mail, a copy of the proposed “Notice of Proposed Class Action Settlement” for courthouse posting and publication attached hereto as Exhibit C, to the Clerk of Court for the Circuit Court in each of Alabama’s sixty-seven (67) counties, together with the letter attached hereto as Exhibit D, which requests that the Clerk of Court post the notice attached as Exhibit C in a central location within the courthouse where public notices and other communal information is commonly displayed.

4. **Notice by Publication.** The Parties will publish the Notice of Proposed Class Action Settlement attached hereto as Exhibit C, the same proposed notice that will be sent to the Clerks of Court for Alabama’s circuit courts, together with the proposed Response to Proposed Class Action Settlement included therein, in the following newspapers: the Montgomery Advertiser; the

Birmingham News; the Dothan Eagle; the Mobile Press-Register; and the Huntsville Times. The Parties will publish notice in the foregoing newspapers at least two times between May 26, 2017 and June 26, 2017.

**5. Collection, Compilation, and Submission of Objections, Comments, and Statement (collectively, “Comments”) to Proposed Settlement Agreement.** The Parties’ designate M. Geron Gadd to receive completed Response to Proposed Class Action Settlement forms and other written Comments from putative class members, defense counsel, family members and legal guardians of putative class members. Completed Comments will be maintained in a segregated file until June 26, 2017, the end of the Comment period. All Comments regarding the proposed settlement will be consolidated and copies of the Comments will be provided to counsel for Plaintiffs and counsel for Defendant Perdue. The original Comments regarding the proposed settlement will be submitted in a single, hard copy filing with the Clerk of Court for the United States District Court for the Middle District of Alabama no later than June 30, 2017.

WHEREFORE, the Parties respectfully request that the Court approve the foregoing procedures for notice to putative class members and receipt of their comments on the proposed settlement in this action.

Dated: April 27, 2017

Respectfully submitted,

/s/ M. Geron Gadd

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have caused a true and correct copy of the foregoing to be served on the individuals named below by filing same with the Clerk of Court via the CM/ECF filing system, which will transmit a copy of the foregoing to counsel listed below, this 27th day of April, 2017.

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