

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

A Federal Court authorized this notice. This is not from a lawyer.

You could get a payment of \$1,500 or more from a class action settlement if you meet ALL of the following conditions:

- 1. TIME:** You were held at the Hampshire County Jail at any time between January 18, 2002 and November 7, 2002.
- 2. TYPE OF CUSTODY:** You were held at Hampshire County Jail after an arrest but before a bail hearing or first court appearance (this includes arrests on default and other warrants) or after a finding of civil contempt of court for failure to pay a judgment, a fine, or child or spousal support.
- 3. OFFENSE:** You were not charged with a crime involving drugs or weapons or a violent felony.
- 4. SEARCH:** You were strip searched on admission into the Jail.

Your legal rights are affected if you act or do not act. Please read the complete Notice carefully.

You are receiving this notice because records show that you may be a class member. To see if you qualify, you must submit a complete Settlement Claim Form, **postmarked by June 22, 2007**, to:

Ryan Claims Administrator, P.O. Box 2004, Chanhassen, MN 55317-2004

If you submit a claim form and qualify as a class member, you will share in this settlement after deducting attorney's fees, and the costs and expenses for this case. The amount of money you will receive depends on how many people submit claim forms. The money will be divided by the number of claims.

THESE ARE YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	This is the only way to get a payment. Remember: Claim Forms postmarked after June 22, 2007 will not be considered for payment.
ASK TO BE EXCLUDED FROM THIS CASE	If you exclude yourself from this class action case, you will not be bound by the Settlement or judgment. You will not get a cash payment in this case. You will be free to pursue your claims against the defendants at your own expense. This is the only option that allows you to bring your own lawsuit against the Hampshire Sheriff or his employees for the claims raised in this case. You must exclude yourself from the Settlement by May 25, 2007. If you exclude yourself, you will not be allowed to rejoin this class action.
OBJECT TO THIS SETTLEMENT	If you want to object to the settlement but you do not exclude yourself, you may object by writing to the Claims Administrator explaining why you believe the settlement is not fair, received no later than May 25, 2007 , or you may appear in Court at the Fairness Hearing on June 22, 2007 . You must also submit a claim form to preserve your right to receive payment.
DO NOTHING	You get <u>no</u> payment. You will still be bound by the settlement and you give up your right to sue the defendants or employees of the county on these claims later.

BASIC INFORMATION

What is this case about?

Plaintiff Charles V. Ryan IV claimed that it was illegal for the Hampshire Sheriff to routinely strip search people when they were admitted into the Hampshire County Jail. He brought this case on behalf of himself and others similarly situated seeking money damages for every person who was strip searched.

Are all strip searches in a jail illegal?

There are times when jail officers can legally strip search a prisoner. This case does not claim that all strip searches at the Jail were illegal. Plaintiffs claim that the intake searches of people who were held before a first court appearance and those who were held after a finding of civil contempt by a court were illegal. This case does not concern strip searches for cause, after contact visits, or on return from work release or court. The case does not challenge any strip searches of convicted prisoners.

THE SETTLEMENT BENEFITS – WHAT YOU GET AND HOW TO GET IT –

How much will my payment be?

We do not know the amount of the payments yet. The defendants agreed to pay \$205,000 to settle this lawsuit. If you are eligible, you will get a payment for only one strip search. The amount will depend on how many people submit claim forms.

The amount per person will decrease as the number of forms submitted increases. We estimate that each participating class member will receive \$1,500 or more.

The settlement money will be distributed after payment of attorneys' fees, expenses and an incentive payment. The attorneys who represented the plaintiffs, also called class counsel, will request an attorney's fee of no more than 33% of the settlement fund. Class counsel requests payment of an incentive payment to the class representative Charles V. Ryan IV who brought this case on behalf of all class members in order to compensate him for the time he spent helping to bring about this settlement and for his loss of privacy. The requested incentive payment is \$10,000.

How can I get a payment?

You must fill out the Settlement Claim Form completely and mail it to the Claims Administrator. A Claim Form is included with this notice. You can also obtain a Claim Form from www.HampshireSheriffClassAction.com. **The envelope must be postmarked no later than June 22, 2007; if it is not, your claim will be denied.**

The settlement check will be written in your name with your social security number. Your check will be sent to your mailing address. If you move, you must notify the Claims Administrator in writing of your new address or the check will be sent to your old address.

When will I get my payment?

You cannot be paid until the settlement is approved by the Court and any appeals are over. The Court will hold a hearing on June 22, 2007 to decide whether to approve the settlement. Settlement checks will be issued after the Court approves the settlement and all appeals are completed. You may visit the website or contact the Claims Administrator for updates.

If I owe past child support or tax obligations, will I have to pay them?

Yes. Any amounts for outstanding child support obligations and IRS/DOR tax liens may be deducted from your share of the settlement before a payment is made to you.

Questions? Visit www.HampshireSheriffClassAction.com.

Will I have to pay taxes on my payment?

You may have to pay taxes on your payment. You should consult your tax preparer when you file your tax returns. The Commonwealth of Massachusetts will send you a 1099 Form. (If you have questions about backup withholding, Form W-9 or Form 1099, call your tax preparer or the IRS Information Reporting Program Customer Service Section, toll free at (866) 455-7438, 8:30 a.m. to 4:30 p.m., Monday through Friday.)

What claims will be released by this Settlement?

This settlement resolves all claims for illegal strip searches. This means that people who could have been a part of this lawsuit cannot ever again sue Hampshire Sheriff Robert J. Garvey or Superintendent Patrick J. Cahillane over the issue of illegal strip searches, unless you chose to opt-out of this lawsuit.

WHO IS IN THE SETTLEMENT

What is a Class Action and who are Class Members?

In a class action, one or more people, called Class Representatives (in this case, Charles V. Ryan IV), sue on behalf of all people who have similar claims. All of the people who were similarly treated are known as a Class or Class Members. One court resolves the issues for all Class Members.

How do I know if I am a Class Member and part of the settlement?

The Court has ruled that you are a Class Member if you meet all four factors below:

1. You were held at the Hampshire County Jail at any time between January 18, 2002 and November 7, 2002.
2. You were held at Hampshire County Jail after an arrest but before a bail hearing or first court appearance (this includes arrests on default and other warrants) or after a finding of civil contempt of court for failure to pay a judgment, a fine, or child or spousal support.
3. You were not charged with a crime involving drugs or weapons or a violent felony.
4. You were strip searched on admission into the Jail.

NOTE: You are **not** a class member if you were either (1) strip searched while you were serving a sentence or being held for trial, (2) you were strip searched because a correctional officer had an individualized reason to think that you were in possession of contraband, drugs or weapons, or (3) you were arrested for and/or charged with a crime involving drugs, weapons or a violent felony.

What crimes are considered to be violent felonies?

The following crimes are examples of violent felonies: arson, assault and battery with a dangerous weapon, assault with intent to rob or murder, extortion by threat of injury, home invasion, indecent assault and battery, intimidation of witness, kidnaping, manslaughter, mayhem, murder, rape, and robbery. This is not a complete list; other felony level crimes may be determined to be "violent".

What if I was arrested for more than one crime?

The most serious charge for an arrest will determine your class membership. If any one of the charges was a crime involving weapons or drugs or was a violent felony, you are not a class member for that arrest. You might be eligible for another arrest that took place on a different date.

What if I was found not guilty of the crime for which I was arrested?

You are entitled to the same settlement amount whether you were found guilty or not guilty of the crime.

What if I was arrested on a default warrant for violation of probation or parole?

You are a class member if you were arrested on a default warrant or for violating the terms of probation or parole so long as the crime for which you were on probation or which you were arrested did not involve weapons, or drugs, or a violent felony.

I was not arrested. I was held on a finding of civil contempt. Am I a Class Member?

Yes, if you also meet all of the other requirements.

What if I was strip searched more than once at the Jail. Can I still participate?

Yes. If you were arrested and brought to the Jail more than once during the class period you are a member of the class and can recover money. You can only recover one payment, however, and will not be provided with extra payments for being strip searched at the jail more than one time.

What if I was at the Jail before January 18, 2002 or after November 7, 2002?

The time period for being a class member is based on the legal requirement that a case must be filed within a certain time period; this is called the statute of limitations. The law in Massachusetts only allows a person to bring a claim within three years after his or her rights were violated. Because this case was filed by Charles V. Ryan IV on January 18, 2005, class members include anyone strip searched in the three years before that date. If you were strip searched before January 18, 2002, it may be too late to bring a lawsuit. The time period for the class ends on November 7, 2002, the date when Hampshire County changed its written search policy. If you were strip searched after this date, that search is not a part of this lawsuit; you must file your own lawsuit.

What if I am still unsure about whether I am part of the Settlement?

If you are still unsure as to whether you are a member of the class, you may fill out and return the Settlement Claim Form. If the settlement is approved, you will be notified if you do not qualify. If you qualify, you will receive a check. You may also visit the settlement website on the Internet at www.HampshireSheriffClassAction.com to answer your questions.

What if I am currently incarcerated? Where will you send my payment to?

The Claims Administrator will send your payment to the address you indicate on your claim form, including jails and prisons. However, we recommend that you provide an outside address if possible.

Who makes the final decision about who qualifies as a Class Member?

The Class Administrator makes the final decision about who qualifies as a Class Member and the Judge will review that decision. The computerized booking records kept by the Hampshire County Jail will determine if you are a class member. You can help by listing the date or dates when you feel you met the class definition. If the records do not show that you fit the class definition, your claim will be denied. You can appeal your denial to the Claims Administrator by sending documentation and information regarding the dates you believe you were held and strip searched. A decision of the Claims Administrator can be appealed to the judge. (If you are not a class member, you are not bound by this settlement. You can take action as an individual if you wish.)

How did the lawyers in this case find me and how can I protect my privacy?

On admission into the Jail, you gave your name and address during booking. This information was given to the lawyers for the plaintiffs by Hampshire County. The lawyers for the plaintiffs will do everything they can to protect your privacy. Only the lawyers in the case and the court-appointed Claims Administrator will know your name and, in most cases, only the Claims Administrator will see your Claim Form.

What should I do if I do not want to participate in the Class Action?

If you do not wish to participate in the class action, you can either exclude yourself or do nothing. If you do not send in a claim form, you will not be a participating Class Member and you will not receive a payment. You will also be barred from filing a case on these claims in the future.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If I exclude myself, can I get money from this settlement?

No, you will not get a payment from this settlement. You will not be legally bound by the settlement. You can bring your own lawsuit. Class counsel will not represent you in pursuing your claims. If you exclude yourself, do not send in a Claim Form. Because you will no longer be part of the case, you cannot object to the settlement if you ask to be excluded. A request to be excluded means you have opted out of this case.

How do I get out of this settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from Ryan v. Garvey, et al. Be sure to include your name, address, telephone number and sign the letter. You must mail your exclusion request postmarked no later than May 25, 2007, to the Claims Administrator at Ryan Claims Administrator, P.O. Box 2004, Chanhassen, MN 55317-2004. The Claims Administrator will file your notice with the court and counsel. You cannot exclude yourself by phone or by e-mail.

If I do not exclude myself, can I sue the Hampshire County Sheriff for the same thing later?

No. Unless you exclude yourself, you give up the right to sue the Hampshire County Sheriff or his employees for the claims that this settlement resolves. Remember, the exclusion deadline is May 25, 2007.

OBJECTING TO THE SETTLEMENT

What if I think the proposed settlement is not fair? What can I do?

If you wish to object to the proposed settlement, you or a lawyer on your behalf must either state your objections to the Court in a letter sent to the Claims Administrator, received no later than May 25, 2007, or appear in the U.S. District Court of Massachusetts, 1550 Main Street, Springfield, MA on June 22, 2007 to present your objections. If you write, the Claims Administrator will forward your objection to the Court and to the lawyers.

You may object to the proposed settlement and still be eligible to receive a payment. *You must submit a valid Settlement Claim Form by the June 22, 2007 deadline even if you object to the settlement, if you wish to claim money should the settlement be approved.*

THE COURT'S FAIRNESS HEARING

What is a Fairness Hearing?

The Court will hold a hearing to decide whether to approve the settlement. The Court will consider whether the settlement is fair, reasonable and adequate. The Court will also decide whether to approve the request for attorney's fees, costs, expenses and the bonuses to class representatives and class members who were deposed. If the Court approves the proposed settlement, it will affect all class members.

When and where is the hearing?

The Hearing will be at 2:00 p.m. on Friday, June 22, 2007 in Courtroom 1 at the U.S. District Court of Massachusetts, 1550 Main Street, Springfield, MA.

Do I have to come to the hearing? May I or my lawyer speak at the hearing?

No, you are not required to attend the hearing. Class counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you object to the settlement and you want to explain the objection to the Court, you can attend the hearing or hire your own lawyer to attend for you.

THE LAWYERS IN THIS CASE

Who are the lawyers in this case?

The lawyers for the Plaintiff Charles V. Ryan IV and the class are Howard Friedman and Myong J. Joun, Law Offices of Howard Friedman P.C., 90 Canal Street, 5th Floor, Boston, Massachusetts 02114.

Defendants Hampshire Sheriff Robert J. Garvey and Superintendent Patrick J. Cahillane are represented by Attorney General Thomas F. Reilly and Assistant Attorney General Rosemary Tarantino, Western Massachusetts Division, 1350 Main Street, 4th Floor, Springfield, MA 01103.

How will the plaintiffs' lawyers be paid?

The lawyers for the plaintiffs will request that the Court award an attorney's fee of no more than 33% of the settlement fund. In addition to the fee, they will seek reimbursement from the settlement fund for expenses of litigation and claims administration.

OTHER INFORMATION

If you wish to view the Court file or a copy of the proposed settlement agreement, you may go to the Clerk of the U.S. District Court of Massachusetts, 1550 Main Street, Springfield, MA during regular business hours. You can also view the settlement papers on the web at www.HampshireSheriffClassAction.com.

To obtain more information about the settlement, write to the Claims Administrator at Ryan Claims Administrator, P.O. Box 2004, Chanhassen, MN 55317-2004; or visit the website at www.HampshireSheriffClassAction.com.

IMPORTANT: Please do not call the Court directly with questions about this lawsuit or the settlement. All questions regarding this lawsuit or the settlement should be addressed to the Claims Administrator.