

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION STRIP SEARCH CASE

If you were booked, assigned to a unit, and strip searched at the Sacramento County Juvenile Hall between January 1, 1998, and October 1, 2004, you will be entitled to monetary compensation under a strip search class action settlement.

There are presently pending two lawsuits filed as class actions in the United States District Court for the Eastern District of California. The parties have proposed a Settlement which, if it receives final approval, will provide that persons booked, assigned to a unit, and strip searched at the Sacramento County Juvenile Hall between January 1, 1998, and October 1, 2004, will receive money. Records of the Sacramento County Juvenile Hall and the Sacramento County Probation Department show that you are a member of the class entitled to recover monetary compensation. To receive compensation in this pending settlement, **you must fill out and mail a claim form.**

IF YOU WISH TO CLAIM MONETARY COMPENSATION, OBTAIN, FILL OUT AND MAIL THE CLAIM FORM AS SOON AS POSSIBLE; THE CLAIM FORM MUST BE POST-MARKED NO LATER THAN JANUARY 8, 2007.

For more information, please read this notice.

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.
YOU ARE ENTITLED TO RECEIVE COMPENSATION.**

There is now pending in the United States District Court, Eastern District of California, actions filed as class actions on behalf of all persons booked, assigned to a unit and strip searched at the Sacramento County Juvenile Hall between January 1, 1998, and October 1, 2004. A Stipulation of Settlement, approved preliminarily by the Court, defines the class and sub-classes included in this settlement as follows:

- a. All juveniles booked and assigned to a unit at Sacramento County Juvenile Hall and strip searched during the class period (January 1, 1998, through October 1, 2004);
- b. The sub-class of juveniles who were booked on misdemeanor, infraction, ordinance violation, or other non-felony offenses not involving violence, drugs or weapons, assigned to a unit and strip searched during the period of their incarceration;
- c. The sub-class of all juveniles booked at Sacramento County Juvenile Hall on felony charges not involving violence, drugs or weapons who were assigned to a unit and strip searched during the period of their incarceration.

You have received this Notice either because records maintained by the Sacramento County Juvenile Hall and/or the Sacramento County Probation Department indicate that you are in the settlement class or you contacted the Claims Administrator and requested a Claim Form. Whether or not you qualify as a class member will be based solely upon the records of the Sacramento County Juvenile Hall and/or the Sacramento County Probation Department. If these records do not contain your name and show you to be within the definition of the class, you will not qualify.

This Notice is to inform you that a settlement has been proposed in this action and that, as a potential class member, your rights may be affected by the settlement. This Notice also summarizes the terms and effect of the proposed settlement, what you can do to participate in it, how you may obtain money under the settlement, and what you must do if you choose to exclude yourself from the class.

SUMMARY OF THE PROPOSED TERMS

A Settlement Agreement (“Settlement”) was entered into after extensive negotiations between the parties, conducted with the assistance of a third party mediator. The Parties are requesting that the Court approve the Settlement.

A. Parties to the Settlement.

The parties to the Settlement are the Plaintiffs in *Robinson, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-1617 FCD/PAN and *Kozlowski, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-2381 FCD/DAD which actions were filed by Plaintiffs on behalf of themselves and the Settlement Class, and various defendants including Sacramento County, Sacramento County Probation Department, Sacramento County Chief Probation Officer Verne Speirs, and Sacramento County Assistant Chief Probation Officer Suzanne Collins. Counsel for the class is Mark E. Merin of the Law Office of Mark E. Merin, 2001 P Street, Sacramento, CA 95814.

B. Defendants Do Not Admit Any Liability

Plaintiffs allege that the acts and/or omissions which are the subject of the claims covered by these actions (strip searches) violated various state and federal laws. Defendants deny all allegations of wrongdoing and deny any liability to plaintiffs or to any other class members. The parties have agreed that, in order to avoid long and costly litigation, this controversy should be settled pursuant to the terms of the settlement as described in this Notice, subject to the approval of the Court.

C. Monetary Terms of Settlement

a. Payment of Claims

Defendants shall pay \$4,280,000.00 under the terms of the settlement which will referred to as the Class Fund.

In addition to funds reserved for the payment of Class Claims, Class Counsel will receive, subject to approval of the Court, \$1,500,000.00 as attorney's fees and reimbursement costs and expenses. Up to \$500,000.00 will be allocated for the costs of claim administration.

b. Payment to Representative Plaintiffs

Under the terms of the settlement, representative plaintiffs will receive a total of \$280,000.00 to be allocated among them.

c. Payment to Class Members Who File Claims

Money for the class will be paid out based on a distribution formula: after \$280,000.00 has been paid to the representative plaintiffs, points will be assigned to claimants filing claim forms depending upon the number of times they were booked and assigned to a unit at Sacramento County Juvenile Hall, the charges on which they were booked, and their probation status at the time of bookings. After the bar date (the date by which all claims must be submitted), the total number of points assigned will be divided into \$4,000,000.00, and the value of each point determined. The number of points assigned to each claimant will be multiplied by the value of a point, and the total amount payable to each claimant will be determined.

Each claimant who was booked at the Sacramento County Juvenile Hall during the class period, assigned to a unit, and strip searched during the period of incarceration, upon return of a verified claim form, will receive one point for having been assigned to a unit and additional points, if applicable, as follows:

- a. Five (5) points shall be assigned to claimants who return a verified claim form for each booking which led to assignment to a unit during the class period if, for that booking, the claimant was charged only with a misdemeanor, infraction, ordinance violation, or other non-felony offense, not involving violence, drugs or weapons. If a claimant, in this category, was on searchable probation at the time of the booking and assignment to a unit, the number of additional points assigned to the claimant shall be two (2) for each such booking.
- b. For each booking and assignment to a unit during the class period, a claimant charged with a felony not involving violence, drugs or weapons shall be assigned an addition three (3) points. If the claimant, at the time of such booking and assignment to a unit, was on searchable probation at the time, the claimant will receive one (1) additional point for each such booking and unit assignment.

If the total number of points assigned to the claims submitted during the claims period is less than ten percent (10%) of the total possible points which could be obtained if all settlement class members submitted claims, each point shall be valued at Five Hundred Dollars (\$500.00).

D. Strip Search Policy

Defendants now have promulgated revised strip search policies regarding the conduct of strip searches which conform with state and federal law.

E. Your Options as a Class Member

1. Be Bound by, and Participate in the Settlement.

TO QUALIFY FOR A PAYMENT you must submit a completed Claim Form to the Claims Administrator. If you receive a notice by First Class Mail, a Claim Form with a self-addressed, stamped return envelope will be included in the notice package. You may also get a Claim Form by: (1) calling this toll free number: 1-800-401-0541; (2) visiting the website www.robinsonvsacco.com; or (3) writing the Claims Administrator at: **Juvenile Strip Search Class Action, c/o Claims Administrator, P.O. Box 1110, Corte Madera, CA 94976-1110**. If you are in custody of Sacramento County, during the claims period, claim forms and self-addressed envelopes will be available from the supervisors at the institution in which you are incarcerated.

You have until January 8, 2007, to submit a claim or to opt-out of the settlement.

Mail your completed Claim Form to: **Sacramento County Juvenile Strip Search Class Action, c/o Claims Administrator, P.O. Box 1110, Corte Madera, CA 94976-1110**.

Remember, if you do not submit a Claim Form, you cannot get a payment. If you submit a claim form, you will be bound by the settlement and receive money (if you are a class member). If you do not submit a claim form but do not exclude yourself from the class (as explained in the next paragraph), you will be bound by the terms of the Settlement and dismissal entered in this case, but you will not receive any money.

By participating in this Settlement you will be waiving all your rights to all claims up to and including October 1, 2004, relating to strip searches at the Sacramento County Juvenile Hall, even those of which you are not presently aware.

2. Exclude Yourself From the Class

You do not have to take part in the Settlement or be a member of the class. This is called “excluding” yourself. If you exclude yourself, you cannot get a payment and you cannot object to the Settlement. Any Court orders will not apply to you. To exclude yourself, you must sign a request for exclusion letter that states that you want to be excluded from *Robinson, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-1617 FCD/PAN and *Kozlowski, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-2381 FCD/DAD. Your exclusion letter must be mailed and postmarked on or before January 8, 2007, to: **United States District Court, for the Eastern District of California, 501 I Street, Courtroom 2, Sacramento, CA 95814**.

If you do not follow these instructions properly, you will lose your right to exclude yourself. If you exclude yourself, you cannot get any money from the Settlement of this case and you cannot tell the Court you do not like the Settlement (which is called “objecting”). If you exclude yourself, you are no longer part of the class or the Settlement. But you can sue to be part of a different lawsuit about the claims in this case.

F. Fairness Hearing and Process for Objections.

A fairness hearing will be held on March 2, 2007, at 10:00 a.m., at the United States District Court for the Eastern District of California, 501 I Street, Courtroom 2, Sacramento, California. If you are a class member and do not exclude yourself, you can tell the Court you do not like the Settlement or some part of it at this hearing. This is called objecting to the Settlement. For example, you can say you do not think the Settlement is fair or adequate. The Court will consider your views.

To object, you must send a letter to the court that contains all of the following:

1. The name and title of the lawsuit, *Robinson, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-1617 FCD/PAN and *Kozlowski, et al. v. Sacramento County, et al.*, United States District Court Case No. CIV.S.04-2381 FCD/DAD;
2. A statement of each objection you have and the facts that support the objections;
3. A description of any law or case supporting the objections;
4. A statement on whether or not you or your lawyer will ask to appear at the Fairness Hearing to talk about your objections, and, if so, how long you will need to present your objections; and
5. Copies of any documents you or your lawyer will present at the Fairness Hearing.

At the hearing on the proposed settlement, the Court may schedule further hearings without further notice to the class. The matters considered at such future hearings may include, but shall not be limited to, further consideration of the fairness and adequacy of the proposed settlement, the determination of the settlement of individual claims filed by class members, consideration of the request for attorneys' fees and reimbursement of costs and expenses to class counsel, and the form and entry of the final judgment of dismissal in the event the proposed settlement is approved by the court.

Individually, or through counsel, any class member has the right to object to the proposed Settlement as a whole, to the amount of attorneys' fees and costs of Class Counsel, or to any portion of either. ALL SUCH OBJECTIONS MUST BE FILED IN WRITING ON OR BEFORE **February 16, 2007**, IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, 501 I STREET, COURTROOM 2, SACRAMENTO, CALIFORNIA 95814, ATTENTION: CLERK, RE: *ROBINSON, ET AL. V. SACRAMENTO COUNTY, ET AL.*, UNITED STATES DISTRICT COURT CASE NO. CIV.S.04-1617 FCD/PAN AND *KOZLOWSKI, ET AL. V. SACRAMENTO COUNTY, ET AL.*, UNITED STATES DISTRICT COURT CASE NO. CIV.S.04-2381 FCD/DAD. If you wish to appear and present your objections at the fairness hearing, you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired. The Notice of Intention to Appear and any objections must be filed with the Court on or before **February 16, 2007**. You may be represented by your own attorney. If you are to be represented by an attorney at the hearing, his or her name, address and telephone number must be included in the Notice of Intention to Appear as well.

A copy of the Statement of Objection and/or Notice of Intention to Appear must also be mailed to: Mark E. Merin, Law Office of Mark E. Merin, 2001 P Street, Suite 100, Sacramento, CA 95814; and Terence J. Cassidy, Porter, Scott, Weiberg & Delehant, P.O. Box 255428, Sacramento, CA 95865.

G. How to Obtain Further Information

For additional information regarding the Settlement and Claim Form, or a copy of the Settlement Agreement, Claim Form or Class Counsel's Application for Attorney's Fees, you or your counsel should contact: **Sacramento County Juvenile Strip Search Class Action, c/o Claims Administrator, P.O. Box 1110, Corte Madera, CA 94976-1110**. You may also check the Class Administrator's website at www.robinsonvsacco.com or call 1-800-401-0541. You may also obtain detailed information about the case by examining the Court file located in the office of the Clerk of the United States District Court, Eastern District of California, 501 I Street, Sacramento, California 95814.

H. Court Approval.

Although the Court has reviewed the proposed Settlement, no decision has been, or will be, reached by the Court, until the Fairness Hearing. This Notice does not indicate that the Court has approved the Settlement.