

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Notice of Class Action, Proposed Class Settlement and Hearing

*Barham, et al., v. Ramsey, et al., Case No. 02- CV-02283 (EGS)(JMF)*

**If you were arrested in Pershing Park on September 27, 2002 in Washington, D.C. in connection with the IMF / World Bank related demonstrations, you could receive up to \$18,000 from a class action settlement.**

- A settlement has been proposed in a class action lawsuit about the illegality of the arrests of approximately 400 protesters and others **in Pershing Park** on Friday, September 27, 2002 in Washington, D.C. Many of those arrested were surrounded by police in the park, moved onto mass arrest busses, were in custody including overnight, and were restrained wrist-to-ankle with plastic “flexcuffs.”
- The class is “all persons who were arrested in Pershing Park in the District of Columbia on September 27, 2002.” **There were protest-related arrests elsewhere on September 27, 2002 that are the subject of other suits. This settlement pertains only to the Pershing Park arrests.**
- The proposed settlement will provide up to \$18,000 per class member in compensation. Attorneys fees will be paid separately and will not be deducted from this amount. In addition, the arrests of class members will be expunged and declared legally null and void. The class has demanded and the D.C. Government has agreed to and has imposed, substantial equitable relief and/or restrictions on police conduct to prevent recurrence.
- Your legal rights are affected whether you act, or don’t act. **Strict deadlines will apply.**

<b>Your Legal Rights and Options in this Settlement:</b>	
<b>Submit a Claim Form</b>	The only way to get a payment. <b>Deadline: July 15, 2010</b>
<b>Exclude yourself</b>	Get no payment. This is the only option that allows you to ever be part of any other lawsuit about the legal claims in this case. <b>Deadline: July 15, 2010</b>
<b>Object</b>	Write to the Court about why you don’t like the settlement. <b>Deadline: July 15, 2010</b>
<b>Go to a Hearing</b>	Ask to speak in Court about the fairness of the settlement. <b>Hearing Date: September 17, 2010</b>
<b>Do Nothing</b>	Get no payment. Give up rights.

Class Counsel has been the attorneys of the Partnership for Civil Justice Fund.

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## BASIC INFORMATION

### 1. Why did I get this notice package?

You may be identified in law enforcement or government records as having been subject to the mass arrest that is the focus of this class action settlement.

The Court has directed that you be sent this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves it and after objections and appeals are resolved, if any arise at all, an administrator will make the payments that the settlement allows.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the District of Columbia, and the case is known as Barham, et al. v. Ramsey, et al., Case No. 02-CV-002283. The people who have sued are called the Plaintiffs and the persons and entities that have been sued are called the Defendants.

### 2. What is this class action lawsuit about?

The lawsuit asserts that the District of Columbia, the D.C. Metropolitan Police Department, former Chief of Police Charles H. Ramsey and former Assistance Chief of Police Peter J. Newsham and federal agents engaged in the false arrest of a class of individuals in Pershing Park on the morning of Friday, September 27, 2002.

On the morning of September 27, 2002 there were well publicized protests at multiple locations in Washington, D.C., timed to coincide with the Fall meetings of the International Monetary Fund and World Bank.

Hundreds of persons, including protestors, tourists, legal observers, bystanders, journalists and others congregated or were present within Pershing Park. By all accounts, the conduct in the park was peaceful. People were “milling about” the park, many carried protest signs or symbols and some persons beat on drums.

Some number of persons entered the park on, or with, their bicycle. A bicycle protest, which had initiated at the Union Station train station, terminated at Pershing Park and many bike protesters entered the park.

No warnings or orders to disperse were issued to the persons who had assembled, or who were physically present, within the park. Law enforcement used police lines to surround the park and denied persons the ability to leave. The MPD brought mass arrest busses to the park. From the southeast corner of the park, near a set of steps leading down from the park to the sidewalk, police loaded persons onto the busses and transported them away.

The Class claims assert that the mass arrest in Pershing Park on September 27, 2002 violated the Constitution of the United States, including the First and Fourth Amendment rights of those arrested. It is also asserted that the arrest violated Class Members’ rights under District of Columbia law to be free of false arrest and that the arrest constituted false imprisonment under District of Columbia law.

Money damages, equitable relief (or rule/policy reform) including expungement of arrest records, and attorneys fees and costs have been sought against these defendants on behalf of the class.

### 3. Does the class action involve persons who were arrested that day, including in protest-related arrests or mass arrests, at locations other than Pershing Park?

No.

The Barham class action only involves those arrested at Pershing Park.

Different lawsuits, including class action claims, have been advanced on behalf of persons arrested in other specific locations. A different and separate class action has been advanced on behalf of an estimated 150

persons who were arrested earlier on September 27, 2002 at a location on or near the northwest corner of Vermont Avenue and K Street, N.W. (near a Citibank) and also for a group of approximately 40 persons arrested on or near the eastern sidewalk of Connecticut Avenue between K and L Streets, N.W.

Pershing Park is located in downtown Washington, D.C. along Pennsylvania Avenue and between 14th and 15th Streets, N.W. Two blocks to the west of Pershing Park is the White House Complex. Immediately to the east of Pershing Park is Freedom Plaza, an entire city block dedicated to function as an assembly and event area.

#### 4. What is the status of the lawsuit?

An initial complaint in this matter was filed on November 19, 2002. On September 19, 2003, U.S. District Court Judge Emmet J. Sullivan certified the class for declaratory, injunctive and compensatory relief.

On September 24, 2004, Judge Sullivan denied defense motions to dismiss and ruled that the class claims against Chief Charles H. Ramsey and Assistant Chief Peter J. Newsham personally and in their individual capacities could proceed. See Barham v. Ramsey, 338 F. Supp.2d 48 (D.D.C. 2004). Those defendants appealed this ruling to the U.S. Court of Appeals for the District of Columbia Circuit. On January 13, 2006, the U.S. Court of Appeals denied Chief Ramsey and Assistant Chief Newsham's appeals seeking reversal. See Barham v. Ramsey, 434 F.3d 565 (D.C. Cir. 2006).

Throughout the case, there has been ongoing and extensive litigation including scores of depositions and discovery and motions. The plaintiffs have taken over 100 depositions of defense witnesses in this case, some number of which extended over multiple days.

Claims against the federal government remain pending.

The plaintiffs and the District of Columbia defendants have engaged in settlement discussions which have resulted in the proposed Settlement Agreement that is the subject of this notice.

#### 5. Why is this a class action?

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims. In this case, seventeen individuals representing a broad cross section of persons who were arrested, have served as Class Representatives.

The class representatives include: protestors who entered the park on foot; protestors who were a part of the Union Station bicycle protest to draw attention to the effectiveness of non-fossil fuel based means of transport; nurses who were attending a professional conference in Washington, D.C. and staying at a hotel that abutted Pershing Park, and who entered the park to see if there was a speaker to listen to; National Lawyers Guild legal observers; a photo-journalist; and others who, on their way to work, entered Pershing Park and were not allowed to exit.

They have been active participants in the litigation, on behalf of the class as a whole and have been subjected to discovery, depositions and other requirements of the lawsuit that has been active since 2002. All other class members may share in the relief and recovery, if any, from the litigation without being active participants in the ongoing proceedings and litigation.

In a class action, one court resolves the issues for all Class Members, except for those who voluntarily exclude themselves or "opt out" from the Class.

U.S. District Court Judge Emmet G. Sullivan is in charge of this class action.

## WHO IS IN THE SETTLEMENT?

To see if you will get money from this settlement, you first have to decide if you are a Class Member.

### 6. How do I know if I am part of the settlement?

Judge Sullivan decided that everyone who fits the following definition of the Class is a Class Member: *All individuals who were arrested in Pershing Park in the District of Columbia on September 27, 2002.*

### 7. Are there exceptions to being included?

If you fit the description, above, you are a Class Member.

### 8. Is everyone who was arrested in connection with the Fall, 2002 protests in Washington, D.C. a Class Member?

No. Only if you fit the description, above, are you a Class Member.

Persons who were arrested, including on September 27, 2002, at locations other than in Pershing Park are not Class Members.

There were approximately forty people who were arrested on Connecticut Avenue between K and L Streets, and approximately 150 persons arrested in the vicinity of Vermont Ave and K Street, N.W. The class definition does not include these arrests.

### 9. I'm still not sure if I am included.

If you are still not sure whether you are included, you can ask for free help. You can call 1-877-678-0736 or visit [www.PershingParkSettlement.com](http://www.PershingParkSettlement.com) for more information.

## THE SETTLEMENT BENEFITS – WHAT YOU GET

### 10. What does the settlement provide in terms of money?

The District of Columbia has agreed to create a \$4,788,000 fund to be distributed among all Class Members who send in a valid Proof of Claim, in accordance with the Settlement Agreement.

### 11. How much will my payment be?

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 compensation from the Claimants Funds.

Your share of the fund will depend on the number of valid claim forms that Class Members send in, and is also subject to a maximum payment of \$18,000 per Class Member. Here's how it works:

The fund has been set up within a framework that assumes a 75% participation rate of Class Members.

Should the participation rate be equal or lower than 75% of the eligible claimants (i.e., 266 or fewer participating Claimants), each eligible Claimant shall be allocated and awarded a pro-rata share of the Claimants' Funds, subject to a maximum of \$18,000. *Under nearly all such circumstances, this will result in a payment to each eligible Claimant of \$18,000.*

Should the participation rate be higher than 75% of the eligible claimants (i.e., more than 266 participating Claimants), each eligible Claimant shall be allocated and awarded a pro-rata share of the Claimants' Funds. *This will result in a payment to each of some measure less than \$18,000.*

In terms of monetary relief, the total class-wide monetary settlement is a maximum of \$8,251,333. In addition to monies allocated for Claimants' Funds, the settlement also provides for: \$2,463,333 for Attorneys Fees and Costs Funds; \$850,000 to be divided equally between the 17 Class Representatives who will receive more in the Settlement than other Class Members because of the role that they played in the litigation; and \$150,000 for

Notification and Administration Funds to be used by the Class Administrator to provide notification and distribution of funds to Class Members.

In addition to the monetary amount of \$8,251,333 that is referred to as the class-wide monetary settlement, the settlement agreement also allocates additional funds to be paid by the District of Columbia government to fund certain equitable relief demanded by plaintiffs and agreed to by the District, described further below.

**12. What does the settlement provide in terms of my arrest record? If I participate in the settlement, will the arrest be voided or nullified?**

Each person who participates in the Settlement Agreement will receive a Court Order that declares his or her arrest to be “null and void” by order of the United States District Court of the District of Columbia. The Order authorizes each participant to deny the occurrence of his or her arrest that day without penalty under D.C. law.

**13. If I participate in the settlement, will any existing arrest records be sealed or expunged?**

Yes. For each Class Member who participates in the Settlement Agreement, the District of Columbia will request the expungement of each’s September 27, 2002 arrest records in the possession of the District of Columbia government or courts and in the possession of the United States Government, including the Federal Bureau of Investigation and the Department of Homeland Security.

**14. What steps have been taken or will be required to be taken by the Settlement Agreement to prevent a recurrence or future unlawful mass arrest?**

The attorneys at the Partnership for Civil Justice, the Class Counsel in this case, have undertaken efforts in the Barham class action and other cases, as well as before the Council of the District of Columbia, to secure meaningful equitable relief to prevent a recurrence or future unlawful mass arrest.

During the course of this litigation as a consequence of the events of the Pershing Park mass arrest and complaints regarding other police conduct in the context of mass demonstrations, the Council of the District of Columbia undertook an extensive investigation and enacted new District of Columbia laws that impose restrictions on the Metropolitan Police Department in the context of mass demonstrations.

The First Amendment Rights and Police Standards Act of 2004:

- Establishes restrictions on the use of police lines to surround First Amendment protected assemblies;
- Prohibits wrist-to-ankle restraints or flexcuffs in the context of certain mass demonstration arrests;
- Affirms that it is not an offense for persons for demonstrate or parade on the sidewalks, the roadways or other public ways without a permit;
- Requires police to provide an accurate written statement of options for release from police custody in the event of protest-related arrests;
- Requires the prompt processing of persons arrested in connection with a First Amendment assembly and, further, requires a supervisory rank officer to “document and explain” any instance where a protest-related arrestee eligible for and requesting release is not released within 4 hours from the time of arrest;
- Establishes that the policy of the District of Columbia is to avoid issuing general orders to disperse First Amendment activities;
- Requires, in the limited circumstances where dispersal of a protest may be authorized under law, that the MPD shall issue one or more audible orders to those assembled using an amplification system or device, and shall provide persons with an adequate time to disperse and with a clear and safe route for dispersal;

- Prohibits the deployment of officers in riot gear to First Amendment assemblies, except in limited circumstances where there is a danger of violence and, further, requires the commander at the scene to issue a written report to the Chief which is to be made available to the public following any deployment of officers in riot gear;
- Requires officers assigned to First Amendment be equipped with easily visible or “enhanced” badge or name identification that remains visible and allows identification even if officers are wearing riot gear;
- Requires that the MPD promulgate regulations that pertain to the particularized First Amendment interests of reporters and media when present at a First Amendment protected assembly, including mandating that media not be denied the access that is available to members of the general public and be granted additional physical access to areas closed to the general public in order to assist their ability to report on the event. See also 24 D.C.M.R. §2104 (regulations, as promulgated, which among other things establish the policy of the MPD is “that media representatives shall have maximum access to First Amendment assemblies. . . consistent with maintaining public safety. . .”).

In addition, in the context of the Barham litigation, the District of Columbia entered into a written agreement requiring that the Metropolitan Police Department’s Mass Demonstration Handbook shall be amended to state and provide written notice to officers that:

- Parading without a permit, demonstrating without a permit, and participating in a First Amendment Assembly without a permit are not arrestable offenses;
- New restrictions relating to the use of police lines have been imposed by the First Amendment and Police Standards Act of 2004, including specific reference to the substance of those restrictions. Additionally, the agreement requires such notice also be including in the standard 40 hour course given to new officers pertaining to “civil disturbance unit (CDU) training” and including in the standard 8 hour refresher course required of all officers with CDU responsibilities.

The Partnership for Civil Justice Fund is class counsel also in the matter of Becker v. District of Columbia, Civil Action No. 01-00811, which relates to the arrest of nearly 700 persons in connection with the April, 2000 International Monetary Fund / World Bank meetings. An agreement has been recently reached in that class action, which if approved will mandate that:

- Every MPD officer be required to take training on lawful standard operating procedures in the context of First Amendment protected assemblies and mass demonstrations;
- Every police officer assigned to mass demonstration related responsibilities be directed to the First Amendment Rights and Police Standards Act of 2004;
- The MPD make available to all persons inquiring regarding demonstration permits or related activities a copy of the their rights under the First Amendment Rights and Police Standards Act of 2004, the rules implementing that statute, and any forms pertaining to demonstration activities; and
- When the MPD obtains the assistance of outside law enforcement agencies for demonstration related duties, that the MPD brief outside agency commanders of the District of Columbia law and standard operating procedures for protest activity and assign an MPD officer to each such outside agency.

Although not strictly “equitable relief,” Class Counsel believes that the magnitude of the financial settlements in the Barham and Becker mass arrest class action cases will also effect a substantial deterrent effect to prevent recurrence. The two settlements, as proposed and submitted for approval, collectively impose 22 million dollars

in potential monetary payments on the District, a figure which does not include the District's own costs for defending the class action claims or for implementing the document management and indexing system that is required by the Barham settlement (as referenced immediately, below).

**15. What steps have been taken or will be required to be taken by the Settlement Agreement to prevent a recurrence of the loss or destruction of evidence that became an issue in the Barham class action?**

Additional requirements in the Barham settlement agreement are intended to prevent recurrence of loss or destruction of evidence in protest lawsuits, which was identified and documented by Class Counsel at the Partnership for Civil Justice Fund and which became the focus of multiple filings, requests for sanctions and court hearings.

The District has agreed, as a term and condition of the settlement of the Barham class action, if approved by the Court, to:

- Implement a document management system for matters arising from mass demonstrations and protests, encompassing the D.C. Office of the Attorney General and the MPD Office of General Counsel, that provides for the indexing and logging of any documents, things, recordings or materials related to protest-related complaint;
- Require the MPD to issue general orders or policy statements to affirmatively direct that, upon notice of likely litigation, and/or request to preserve documents and records pertaining to alleged police misconduct involving or relating to mass demonstrations or protests, the MPD shall preserve and protect from destruction for a period of no less than three (3) years all documents, records, items, videos or computer files relating to the underlying incident;
- Require that whenever a system is activated to assist in the response to mass demonstrations or protests, all computer files, police communications recordings and documents reasonably related to the event be indexed and preserved for no less than three (3) years;
- Require that whenever any MPD officer is assigned to (or with the capability to) engage in photographic or video recording of mass demonstration activities or protests that documentation shall be maintained reflecting the officer's name, assignment, the equipment and recording media issued, and indexing and logging the return of all media;
- Provide any additional funds needed to pay the costs of the development and operation of the above-referenced document management system for a period of three years, and may be potentially extended up to five years.

In addition, the District has agreed to issue a report every six months for a period of three (3) years to Class Counsel at the Partnership for Civil Justice Fund as to the measures taken to implement the equitable relief set out in the Barham class action settlement. Class Counsel will be provided an advance copy of the report and afforded an opportunity to comment. Each report will be transmitted to Judge Emmet G. Sullivan, will be published and be public, and the comments or response of Class Counsel shall be published as an exhibit or attachment to each public report.

The United States District Court shall retain jurisdiction for the purpose of enforcing the requirements of the Document Management and Retention Requirements for a period of three year duration.

## HOW TO GET A PAYMENT – SUBMITTING A CLAIM FORM

### 16. How can I get a payment?

To qualify for payment you must submit a claim form. A Proof of Claim form is attached to this Notice. You may also get a claim form on the internet at [www.PershingParkSettlement.com](http://www.PershingParkSettlement.com). Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it postmarked no later than **July 15, 2010**.

All claim forms must be completed and postmarked or received no later than **July 15, 2010**, but it is recommended that you complete and mail your Proof of Claim Form as soon as possible. **If you do not timely and properly submit your Proof of Claim Form, you will not receive any money** from the settlement.

### 17. How is it determined that I am an eligible class member?

Only persons who timely and properly submit a Proof of Claim Form will be considered.

The Class Administrator shall be the determinator of the class eligibility of Claimants, consistent with the class definition approved by the Court and the application of certain guidelines.

Claimants whose identity and arrest can be confirmed by reference to law enforcement or government records or documents will be deemed eligible.

The Class Administrator will be provided with law enforcement records, including arrest records, to facilitate this determination.

It is optional, and not necessary, for you to submit arrest-related documents with your Proof of Claim form. The Class Administrator will first try to confirm your eligibility by matching your name against police arrest records. If your name cannot be matched through police arrest records, the administrator will send you a letter and request additional information, including that you provide copies of any arrest related documents or things.

If you so choose, you can facilitate this by submitting with your Proof of Claim form copies (not originals) of any police or court records that show you were arrested (or released, or scheduled to appear in court, etc.). Materials submitted by Claimants need not strictly be denominated as an “arrest record” in order to evidence class qualification. For example, any of the following would be acceptable if they evidence identity and class membership: Citation Release forms, a Notice to Appear at a Court Hearing, a property receipt or bag, a “post and forfeit” form or record.

If you have misplaced or do not have records of your arrest / release, or the records are located somewhere inconvenient or time-consuming to retrieve, you should continue to search for your records, but **do not delay sending in your Proof of Claim**.

Additional procedures will be available for the Class Administrator to determine class eligibility in the absence of confirmation through law enforcement records.

### 18. When would I get my payment?

The Court will hold a hearing on September 17, 2010 to decide whether to approve the settlement. If Judge Sullivan approves the settlement after that, there may be appeals.

If the Court approves the settlement at that hearing, and there are no objections or appeals that delay proceeding, we anticipate that each eligible Claimant will receive his or her award in the course of two payments. We anticipate that the first payment will be issued towards the end of 2010 and will be no less than 60% of your total award. The second payment will be issued within the calendar year of 2011.

Everyone who sends in an eligible claim form will be informed of the progress of the settlement.

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

#### 19. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you are staying in the class, and that means that you can't sue, continue to sue, or be part of any lawsuit against the defendants about the legal issues in *this* case. It also means that all of the Court's orders will apply to you and legally bind you.

By effect of the proposed Settlement Agreement with the District of Columbia, in exchange for your receipt of money and other relief, you will release the District of Columbia and its MPD officers from any further claims.

#### EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from this settlement, but you want to keep the right to sue or continue to sue on your own and with your own attorney about the legal issues in this case, then you must take steps to get out. This is called excluding yourself or "opting out" of the class. The Court will exclude from the class any member who requests exclusion.

#### 20. How do I exclude myself from the settlement?

To exclude yourself from the settlement, you must send a letter by mailing stating that you want to be excluded from Barham, et al. v. Ramsey, et al. Be sure to include your name, current address, current telephone number, your address at the time of the arrest (to facilitate locating you in law enforcement records) and your signature. You must mail your exclusion request postmarked no later than **July 15, 2010** to:

Barham Class Exclusions  
c/o Gilardi & Co. LLC  
P.O. Box 8090  
San Rafael, CA 949123-8090

If you ask to be excluded, you will not get any settlement payment and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue or continue to sue defendants in the future for claims related to the underlying arrest.

#### 21. If I don't exclude myself, can I later sue the MPD or other defendants for the same mass arrest?

No. Unless you exclude yourself, you give up any rights to sue the defendants for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **July 15, 2010**.

#### THE LAWYERS REPRESENTING YOU

#### 22. Do I have a lawyer in this case?

The Court has certified the Partnership for Civil Justice Fund, including attorneys Carl Messineo and Mara Verheyden-Hilliard to represent the Class. These lawyers are called Class Counsel.

You will not be charged for these lawyers. 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.

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.

**23. How will the lawyers be paid?**

The parties will ask the Court to approve payment to Class Counsel of \$2,463,333 for the legal services and costs associated with bringing the class action. The fees would pay Class Counsel for all services rendered, as well as all costs incurred, from investigating the facts, litigating the case over the course of 7+ years, the conduct of scores of depositions, extensive briefing, defending against the appeal of Chief Ramsey and Assistant Chief Newsham, negotiating the settlement, and services to be performed to facilitate the administration and distribution of funds (which will be handled primarily by the Class Administrator).

The amount of attorneys fees and costs will not come out of your compensation of up to \$18,000, nor will it reduce the funds available for the Class Members.

The amount of attorneys fees and costs are set forth in the Settlement Agreement, and constitute a payment fund distinct from Claimants’ Funds.

**OBJECTING TO THE SETTLEMENT**

**24. How do I tell the Court that I object to the settlement?**

If you are a Class Member, you can object to the settlement agreement if you don’t like any part of it. You can submit for the Court’s consideration reasons why you think the Court should not approve it. To object, you must send a letter stating that you object to the proposed settlement agreement in Barham, et al. v. Ramsey, et al. Be sure to include your name, address, telephone number, your signature, and the reasons why you object to the settlement.

The attorneys for the Class and for the defendants will be allowed to file with the Court a written response to any submitted objections.

If you wish to assert any objections, you are required to submit those to three different places postmarked by no later than **July 15, 2010**:

To the Court	To Class Counsel	To Defense Counsel
Clerk’s Office United States District Court for the District of Columbia 333 Constitution Ave. N.W. Washington, D.C. 20001	Carl Messineo <u>Barham</u> Class Counsel Partnership for Civil Justice 617 Florida Ave. N.W. Washington, D.C. 20001	Monique Pressley Assistant Attorney General Office of the Attorney General for the District of Columbia 441 4 <sup>th</sup> Street, N.W. 6 <sup>th</sup> Floor South Washington, D.C. 20001

**25. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don’t want to be a part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE COURT’S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend, and you may ask to speak, but you don’t have to.

**26. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing at **10:00 a.m. on Friday, September 17, 2010**, Courtroom 24A at the United States District Court for the District of Columbia, 333 Constitution Avenue, Washington, D.C. 20001. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are any objections, the Court will consider them. Judge Sullivan will also listen to any Class Members who ask to speak at the hearing. At or after the hearing, the Court will decide whether to approve the settlement.

**27. Do I have to come to the hearing?**

No. Class Counsel will respond to any questions that Judge Sullivan may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to the Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

**28. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter stating that it is your "Notice of Intent to Appear at Fairness Hearing in Barham, et al. v. Ramsey, et al." Be sure to include your name, address, telephone number and your signature. The Notice of Intent to Appear must be postmarked no later than **July 15, 2010**, and be sent to the Clerk of the Court, Class Counsel and Defense Counsel at the three addresses set forth in question 24, above. You cannot speak at the hearing if you have excluded yourself or opted out of the Class.

**IF YOU DO NOTHING**

**29. What happens if I do nothing at all?**

If you do nothing, 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 Agreement. However, because you did not file a claim, you will not be entitled to any money from the settlement.

**GETTING MORE INFORMATION**

**30. Are there more details about the settlement?**

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to Barham, et al. v. Ramsey, et al. Settlement, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael, CA 94912-8060, or by visiting [www.PershingParkSettlement.com](http://www.PershingParkSettlement.com).

**31. How do I get more information?**

You can call 1-877-678-0736 toll free; write to Barham, et al. v. Ramsey, et al Settlement, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael, CA 94912-8060; or visit [www.PershingParkSettlement.com](http://www.PershingParkSettlement.com), where you will find answers to common questions about the settlement, a Proof of Claim Form, plus other information to help you determine whether you are a Class Member and eligible to receive money and participate in the Class Settlement Agreement.