

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Garcia v. Los Angeles County Sheriff's Department, et al.

Case No. CV 09-8943- DMG (SHx)

To: All Inmates of the Los Angeles County Jail Who Are Eligible For Special Education and Related Services.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.

This Notice is being given by Order of the Court to individuals who may be members of a class of inmates and potential inmates of the Los Angeles County Jail affected by the settlement of a class action lawsuit called *Michael Garcia v. Los Angeles County Sheriff's Department, et al.* Case Number CV 09-8943- DMG (SHx).

The District Court has scheduling a hearing to consider the settlement on July 28, 2017 at 10 a.m., at the Central District of California Courtroom 8C, 8th Floor of the United States Courthouse, 350 W. 1st Street, Los Angeles, CA 90012. This hearing is referred to as the Final Settlement Approval Hearing.

SUMMARY OF THE LAWSUIT

In December 2009, Michael Garcia ("Plaintiff") filed a class action lawsuit in the United States District Court for the Central District of California (the "District Court"). Plaintiff, who was incarcerated at the Los Angeles County Jail ("LACJ"), claimed in the lawsuit that he did not receive the special education and related services he was entitled to while he was there. Plaintiff brought the lawsuit against the County of Los Angeles and Los Angeles County Sheriff's Department (together the "Sheriff's Department"), Los Angeles County Office of Education, Los Angeles Unified School District, California Department of Education, and Hacienda La Puente Unified School District. The Plaintiff sought injunctive and declaratory relief and attorneys' fees.

On April 29, 2010, the District Court ruled that the claims for injunctive and declaratory relief could go forward on behalf of a class defined as "All Students who are or were eligible for special education and related services under 20 U.S.C. §§ 1400 *et seq.* while detained in any Los Angeles County Jail facility, and who: (a) are currently detained at any LACJ facility; (b) are detained at any LACJ facility in the future" ("Class Members")."

The District Court also appointed Disability Rights Legal Center and Milbank, Tweed, Hadley & McCloy LLP to serve as counsel to the class in this lawsuit ("Class Counsel").

DESCRIPTION OF THE PROPOSED SETTLEMENT AGREEMENT

The Settlement Agreement provides, in summary, that the:

1. Sheriff's Department will continue to ask individuals who are being processed in the jail questions to help identify inmates who are eligible for special education services during their incarcerations.
2. Sheriff's Department will notify inmates, by displaying signs and providing a pamphlet, that special education and related services are available to eligible inmates in the LACJ.
3. Sheriff's Department agreed to, and has designated a person to be responsible for facilitating special education services in the LACJ.
4. Sheriff's Department agreed to, and has modified its grievance form to include a box titled "Special Education / IEP" that individuals may check if they want to request special education while in the LACJ.
5. Sheriff's Department will ensure each LACJ facility has space available for the provision of special education services.

6. If an administrative due process hearing takes place inside LACJ, eligible students will be able to participate.
7. Sheriff's Department will train its personnel about the availability of special education and related services in LACJ.
8. The Court will retain jurisdiction to enforce this Agreement for two years.
9. Sheriff's Department will pay \$200,000 for attorneys' fees and costs to Class Counsel.
10. Sheriff's Department will also pay up to \$10,000 for the cost associated with monitoring Agreement to Plaintiff's lawyers if the Sheriff's Department fails to comply with the above requirements and Class Counsel is forced to seek relief from the Court.
11. Plaintiff has agreed to settle and release all of his claims against the County. Class Members have agreed to release and settle all class claims for injunctive relief, but do not release any future claims or claims for compensatory education or damages claims.

OBJECTIONS OR COMMENTS TO PROPOSED SETTLEMENT

Class Members have a right to object to the terms of this Settlement. To be considered by the District Court, Class Member objections can be made via phone or in writing. Objections must be submitted to Class Counsel no later than June 22, 2017 at the contact information listed below:

DISABILITY RIGHTS LEGAL CENTER

350 S. Grand Ave, Suite 1520

Los Angeles, CA 90071

Toll-free Telephone: (866) 752-6679

Email: DRLC@drcenter.org

Objections must include all of the following information:

- 1) The objector's contact information (name, address, phone number and/or email);
- 2) An explanation of the basis for the objector's objection to the Settlement Agreement; and 3) Whether the objector intends to appear at the Final Settlement Approval Hearing on [DATE].

All information submitted to Class Counsel will be provided to counsel for the Sheriff's Department and the District Court. It is not necessary for Class Members to appear at the Final Settlement Approval Hearing. Any Class Member who has submitted a timely objection as provided above and who wishes to appear at the Final Settlement Approval Hearing must give notice, either in writing or by the phone number provided, at least 5 days in advance of the Final Settlement Approval Hearing, to counsel for all Parties in his/her objection of his/her intention to do so. Objectors may withdraw their objections at any time

HOW TO GET MORE INFORMATION

This is a summary of the Settlement Agreement. You can go to the Clerk's Office any time during regular business hours to look at the pleadings in this case and the Settlement Agreement. The Clerk's Office is located at the Spring Street Federal, 312 North Spring Street, Los Angeles, CA 90012-4701. You can also contact Class Counsel for more information as follows:

DISABILITY RIGHTS LEGAL CENTER

350 S. Grand Ave, Suite 1520

Los Angeles, CA 90071

Toll-free Telephone: (866) 752-6679

Website: www.DRLCenter.org

Email: DRLC@drcenter.org

DO NOT CALL OR WRITE TO THE COURT REGARDING THIS CASE