

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

D'ANGELO FOSTER and AMANDA
UNDERWOOD, on behalf of themselves and
those similarly situated,

Plaintiffs,

v.

CITY OF ALEXANDER CITY and WILLIE
ROBINSON, in his official and individual
capacities,

Defendants.

Case No. 3:15-cv-647-RCL

**NOTICE OF PROPOSED SETTLEMENT OF CLASS
ACTION AND SETTLEMENT HEARING**

Your legal rights are affected whether you act or don't act.

Read this notice carefully.

QUESTIONS? CALL 334-956-8308 OR 1-855-252-5601 (TOLL FREE)

You may be affected by a class action settlement based on your arrest and jailing by the City of Alexander City. **To claim payment, you must take action by June 21, 2017.** These are the actions you can choose to take:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM	The only way to get a payment is to submit a claim form.
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against the Defendant about the legal claims in this case.
OBJECT	Write to the Court about why you don't like the settlement. You can object and also submit a claim for payment.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement. You can speak in Court and also submit a claim.
DO NOTHING	Get no payment. Give up rights.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will only be made if the Court approves the settlement and after any appeals are resolved. **Please be patient.**

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1. What is this Notice about?

This is an official court notice to let you know about a proposed Settlement in this "class action" lawsuit and how you may claim a share of the Settlement. You are considered a class member in this case if you were arrested and jailed by the City of Alexander City at any time between September 8, 2013, through September 8, 2015, because you were did not pay court-ordered costs and fines in full on the day you were sentenced to those costs and fines. If you do not think the settlement is fair, you can object, and this notice will tell you how to make such an objection. This notice also informs you of your rights if you do not want to be a member of the class.

2. What is this "class action" lawsuit?

A "class action" lawsuit is a lawsuit in which a few people, called the Class Representatives, sue on behalf of people who have similar claims. The Class Representatives and the people with similar claims are together called a Class, or Class Members. One Court resolves the issues for all Class Members, except those who expressly exclude themselves from the Class. Here, D'Angelo Foster and Amanda Underwood were appointed by the Court to represent the Class as Class Representatives. The Class Representatives and Class Members are represented by attorneys from the Southern Poverty Law Center and Patterson Belknap Webb & Tyler LLP. United States District Court Judge Royce C. Lamberth is in charge of this class action.

3. What is the lawsuit about?

The individuals who filed the lawsuit claimed that the City of Alexander City and the Alexander City police chief violated the Fourth, Sixth, and Fourteenth Amendments to the United States Constitution and committed the tort of false imprisonment by arresting those who did not pay fines and costs owed to the municipal court on the date of sentencing, and jailing them until payment was made on their behalf or until they "sat out" their fines.

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4. What is the status of the lawsuit?

After more than a year of litigation, the exchange and review of numerous documents, and the taking of depositions (sworn testimony from witnesses), the parties engaged in mediation and agreed to the proposed Settlement. The Class Representatives and their attorneys think the Settlement is fair and is best for everyone who had claims in this lawsuit. **Your rights could be affected by this Settlement. You should read this Notice carefully to decide whether you want to be part of the Class and whether you think the Settlement is fair.**

5. How do I know if I am part of the proposed Settlement?

If you were (a) sentenced to fines or costs in the Alexander City municipal court, (b) were incarcerated because you did not pay the fines and costs in full on the day you were sentenced, and (c) if your incarceration took place between September 8, 2013, and September 8, 2015, you are a member of the “Class.”

6. What if I am not sure if I am part of the proposed Settlement?

If you are not sure whether you are part of the Class and this proposed Settlement, you can call the attorneys for the Class Representatives and the Class Members at 334-956-8308 or 1-855-252-5601 (toll free).

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7. What are the terms of the proposed Settlement?

The proposed Settlement between the Class Representatives and the City of Alexander City and police chief Willie Robinson sets forth in detail the terms and conditions of the Settlement. In summary, the proposed Settlement provides that each eligible Class Member who files a valid and timely claim will receive \$500.00 for each day that the Class Member was incarcerated by the City because the Class Member did not pay court-ordered costs and fines on the day they were sentenced. The Class Member will, in exchange for receiving the settlement funds, waive any and all claims against the City of Alexander City and the police chief for this incarceration.

8. Who else gets money from the Settlement?

The two Class Representatives will receive additional compensation of \$15,000 each for their role in bringing this lawsuit and for participating in depositions and other aspects of the litigation. Any money that is not claimed by Class Members will be shared among the Class Members who have claimed money. Funds that cannot be delivered to Class Members who have claimed money will be donated to Volunteer Connections of Central Alabama. The lawyers who represented the Class Representatives and the Class Members will receive \$ 202,000 to cover the costs of litigation, including costs for filing the lawsuit, taking depositions, and for their attorneys' labor.

9. What are my rights as a member of the "Class"?

As a member of the Class, you have the right to receive money from the Settlement. As a member of the Class, you are also giving up your rights to bring a separate claim against the City of Alexander City or its police chief Willie Robinson for your past incarceration for inability to pay court-ordered costs and fines.

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TO CLAIM YOUR MONEY YOU MUST FILE A CLAIM FORM.

A Claim Form is included with this Notice. The Claim Form already has your name on it and includes the payment you will receive from the Settlement.

If you want to file a claim to receive your money, you should fill out the Claim Form and return it by mail to the attorneys for the class at the Southern Poverty Law Center at:

**Southern Poverty Law Center
Attn: Alexander City Settlement
400 Washington Avenue
Montgomery, Alabama 36104**

You can also fax the form to 334-956-8481 or email it to AlexCityClaims@splcenter.org.

Your Claim Form **must be postmarked** (if you send it by mail) or **received** (if you send it by fax or e-mail) before June 21, 2017, for you to be eligible to receive payment. It is a good idea to call the Southern Poverty Law Center after you send your Claim Form to confirm that it was received.

Payments will be processed as soon as possible after the proposed Settlement becomes final. **Please be patient.**

IF YOU DO NOT MAIL, FAX, OR E-MAIL A CLAIM FORM TO THE SOUTHERN POVERTY LAW CENTER BEFORE JUNE 21, 2017, YOU WILL NOT BE ELIGIBLE TO RECEIVE PAYMENT PURSUANT TO THIS SETTLEMENT. If you do not make a Claim and you do not exclude yourself from the case as described in Section 12 (below), you are giving up your rights to receive money. You are also giving up your rights to ever bring a lawsuit against the City of Alexander City or police chief Willie Robinson for the claims and time periods alleged in this lawsuit.

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On your claim form, you can choose to receive payment by check sent to the address you provide or by Western Union. For this reason, **IT IS VERY IMPORTANT THAT THE ATTORNEYS HAVE YOUR CURRENT CONTACT INFORMATION.**

Please note **YOU WILL LOSE YOUR RIGHT TO ANY SETTLEMENT MONEY IF YOU DO NOT CASH YOUR CHECK WITHIN 90 DAYS AFTER THE ATTORNEYS OR THEIR AGENTS NOTIFY YOU OF THE AVAILABILITY OF YOUR SETTLEMENT MONEY.**

12. How do I opt out of this “class action”?

If you do NOT want to participate in the class action, you have the right to be excluded from the Class and not receive any money from the Settlement. If you choose to be excluded from the class, you will NEVER be able to make any claim for this Settlement money; however, you may have the right to bring your own lawsuit against the City of Alexander City and police chief Willie Robinson within the time period allowed under the law for the claims alleged in the lawsuit. If you do not wish to be included as a Class Member, **you must opt out before June 21, 2017.** If you fail to opt out by **June 21, 2017**, you give up your right to be excluded from the class, which means that you cannot bring a separate lawsuit against the City of Alexander City and police chief Willie Robinson for the same claims alleged in the current lawsuit. If you do not opt out you will be bound by the Settlement Agreement and are eligible to file a claim for the settlement money. You cannot opt out of the Class and be eligible to receive settlement money. **To opt out from the class action you must mail a letter to the Court, postmarked on or before June 21, 2017, stating specifically that you want to opt-out of this case.** You should mail this letter to:

**Clerk of the Court
United States District Court – Middle District of Alabama
1 Church Street
Montgomery, AL 36104**

You should include in your letter the name of the case (*Foster, et al. v. City of Alexander City, et al.*) and the case number (3:15-cv-647-RCL). You must also

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include your name, address, and telephone number.

13. What if I think the Settlement is unfair?

There will be an in-person hearing before federal district judge Royce C. Lamberth on August 4, 2017, at the United States Courthouse, 1 Church Street, Montgomery, Alabama 36104 to decide whether the settlement is fair, reasonable, and adequate. If you're a Class Member, you can object to the settlement if you don't like any part of it. **If you want to object to the settlement you must mail a letter to the Court at the following address, postmarked on or before June 21, 2017:**

**Clerk of the Court
United States District Court – Middle District of Alabama
1 Church Street
Montgomery, AL 36104**

You should include in your letter the name of the case (*Foster, et al. v. City of Alexander City, et al.*) and the case number (3:15-cv-647-RCL). You should write out all of the reasons you believe the settlement should not be approved, with as much explanation as you desire to include. You must also include your name, address, and telephone number, and you must sign the letter. The hearing on August 4, 2017 will be your only opportunity to object in person to the terms of the Settlement. The Judge will consider any timely objections you submit if you are a Class Member, even if you do not attend the in-person fairness hearing.

You do not have to be present at the hearing to receive your share of the settlement money. If you submit a claim to get your share of the Settlement, you will receive your share, provided the Settlement is approved by the Judge. You may file an objection even if you also submit a claim form.

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14. What happens if I do nothing at all?

If you do nothing you will get no money from this Settlement. In addition, unless you exclude yourself as explained in Section 12 (above), you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the City of Alexander City or police chief Willie Robinson about the issues and time period covered by this case ever again.

15. What if I want further information?

If you have questions about the settlement, need help understanding this Notice, or want a complete copy of the Settlement Agreement, you may contact the lawyers for the Class Representatives who brought the lawsuit by writing or calling:

**Southern Poverty Law Center
Attn: Alexander City Settlement
400 Washington Avenue
Montgomery, Alabama 36104**

**Email: AlexCityClaims@splcenter.org
Phone: 334-956-8308 or 1-855-252-5601 (Toll Free)**

DO NOT CALL THE COURT OR THE CLERK OF THE COURT for further information about this settlement.

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