

ATTACHMENT 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JESSE P. SCHULTZ, III, *et al.*,

Plaintiffs,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

Civil Action No. 18-120 (ABJ)

CLASS ACTION SETTLEMENT AGREEMENT AND RELEASE

Plaintiffs and Class Representatives Jesse P. Schultz, III, John G. Baker, and Alexander Stokes Contompasis have sued defendants the District of Columbia, Peter Newsham, Lamar Greene, Robert Adler, Jeffery Carroll, Keith Deville, Paul Niepling, Michael Howden, Melvin Washington, Gregory Rock, Daniel Thau, and Anthony Alioto (collectively, Defendants), in this matter, *Schultz, et al. v. District of Columbia, et al.*, Civil Action No. 18-120 (ABJ), asserting claims of constitutional violations pursuant to 42 U.S.C. § 1983, common law tort, and the District of Columbia First Amendment Assemblies Act, and seeking damages, declaratory and injunctive relief and attorney's fees and costs.

In reliance upon the representations contained here, and in consideration of the mutual promises, covenants and obligations in this Settlement Agreement (Agreement), and for good and valuable consideration, Plaintiffs and Defendants, through their undersigned counsel, agree and stipulate as follows:

I. Definitions

A. "Claimant(s)" – Class Member(s) who file claims pursuant to the procedures set forth in this Agreement.

B. “Claims Period” – Period during which eligible Class Members may submit claim forms. The Claims Period begins on the date notices are sent to potential Class Members and ends on the Claims Submission Deadline.

C. “Claims Submission Deadline” – Deadline for eligible Class Members to submit claim forms for monetary payments.

D. “Class Administrator” or “Administrator” – Heffler Claims Group, LLC.

E. “Class Counsel” or “Plaintiffs’ Counsel” – Jeffrey L. Light of the Law Office of Jeffrey L. Light.

F. “Class Member(s)” – Member(s) of the Conditions of Confinement and/or False Arrest Class.

G. “Class Representatives” – Jesse P. Schultz, III, John G. Baker, and Alexander Stokes Contompasis.

H. “Class Settlement Fund” – The cumulative total of the Class Representatives’ Funds, the Conditions of Confinement Claimants’ Funds, the False Arrest Claimants’ Funds, the Attorney’s Fees and Costs Funds, and the Notification and Administration Funds.

1. “Class Representatives’ Funds” – That portion of the Class Settlement Fund awarded and distributed to each of the Class Representatives on an equal basis.
2. “Conditions of Confinement Claimants’ Funds” – That portion of the Class Settlement Fund to be awarded and distributed to Conditions of Confinement Class Members.
3. “False Arrest Claimants’ Funds” – That portion of the Class Settlement Fund to be awarded and distributed to False Arrest Class Members.

4. “Attorney’s Fees and Costs Funds” – That portion of the Class Settlement Fund to be awarded as attorney’s fees and costs to Class Counsel.

5. “Notification and Administration Funds” – That portion of the Class Settlement Fund to be used to compensate the Class Administrator and any third parties who may provide related services, to provide False Arrest and Conditions of Confinement Class Members notification of the Settlement, to advertise and communicate notice, and to administer the Settlement Agreement and distribution of funds.

I. “Conditions of Confinement Claimant(s)” – Conditions of Confinement Class Member(s) who file claims pursuant to the procedures set forth in this Agreement.

J. “Conditions of Confinement Class” – Individuals who (i) were arrested at a location on or near 12th and L Street, NW in the District of Columbia on January 20, 2017; (ii) did not arrive at a booking facility less than two hours after the time of arrest; and (iii) are not plaintiffs in *Horse, et al. v. District of Columbia, et al.*, Civil Action No. 17-1216 (ABJ) (*Horse*).

K. “Conditions of Confinement Class Members” – All persons within or encompassed by the definition of the Conditions of Confinement Class.

L. “District Court” or “Court” – The United States District Court for the District of Columbia.

M. “False Arrest Claimant(s)” – False Arrest Class Member(s) who file claims pursuant to the procedures set forth in this Agreement.

N. “False Arrest Class” – Individuals who (i) were arrested at a location on or near 12th and L Street, NW in the District of Columbia on January 20, 2017; (ii) were not convicted of

or pled guilty to committing a crime in connection with that protest; (iii) attest that they were not committing a felony or misdemeanor during that protest; and (iv) are not plaintiffs in *Horse*.

O. “False Arrest Class Members” – All persons within or encompassed by the definition of the False Arrest Class.

P. “Fairness Hearing” – The final hearing on the fairness of this Settlement Agreement, at which the Court will determine whether to grant Final District Court Approval.

Q. “Final District Court Approval” – The Order, following submission of this Settlement Agreement to the Court, by which the District Court grants final approval of the Settlement Agreement.

R. “Individual Defendants” – Peter Newsham, Lamar Greene, Robert Adler, Jeffery Carroll, Keith Deville, Paul Niepling, Michael Howden, Melvin Washington, Gregory Rock, Daniel Thau, and Anthony Alioto.

S. “Parties” – All parties to this Settlement Agreement, to include all Plaintiffs and all Defendants.

T. “Plaintiffs” – All named plaintiffs in this action.

U. “Preliminary District Court Approval” – The Order, following submission of this Settlement Agreement to the Court, by which the District Court grants initial and preliminary approval of the Settlement Agreement.

V. “Time of the arrest” – 10:50 a.m. on January 20, 2017.

II. Monetary Relief

A. Monetary Settlement for the Conditions of Confinement and False Arrest Classes, Class Representatives, Attorney’s Fees, and Administration of the Class Fund

The Class Settlement Fund is \$995,000. The fund is broken down as follows:

1. The Class Representatives shall collectively receive a total of \$7,500 (\$2,500 per named Class Representative) in addition to the compensation received from the Conditions of Confinement and/or False Arrest Claimants' Funds.

2. The allocation of funds to the Conditions of Confinement Claimants' Fund is \$102,900. Each member of the Conditions of Confinement class shall receive compensation from the Conditions of Confinement Claimants' Fund if a timely notice of claim is submitted to and approved by the Class Administrator in the following manner:

- a. Two shares shall be allocated and awarded to each claimant who arrived at a booking facility at least two hours after their arrest, but less than four hours after their arrest.
- b. Three shares shall be allocated and awarded to each claimant who arrived at a booking facility four or more hours after their arrest, but less than six hours after their arrest.
- c. Four shares shall be allocated and awarded to each claimant who arrived at a booking facility six or more hours after their arrest.
- d. The amount of each share shall be determined on a *pro rata* basis from the Conditions of Confinement Claimants' Fund, subject to a maximum of \$680.

The District shall receive reversion of any unallocated funds.

3. The allocation of funds to the False Arrest Claimants' Fund is \$800,000. Each member of the False Arrest class shall receive a *pro rata* share of the False Arrest Claimants' Fund, subject to a maximum of \$5,000, if a timely notice of claim is submitted to and approved by the Class Administrator. The District shall receive reversion of any unallocated funds.

4. The attorney's fees and cost allocation is \$60,000.

5. The cost of administering the funds and determining or adjudicating submitted claims is allocated to be \$24,600. In the event that the actual costs for Notification and Administration exceed \$24,600, half of the excess costs will be paid from the Conditions of Confinement and the other half of the excess costs will be paid from the False Arrest Claimants' Funds. In the event that the actual costs for Notification and Administration are less than \$24,600, the half of the remainder of the Notification and Administration Funds will be allocated to the Conditions of Confinement and the other half of the remainder of the Notification and Administration Funds will be allocated to the False Arrest Claimants' Funds.

B. Timing of Deposits by the District of Columbia

1. The District of Columbia shall deposit funds into an escrow account to be administered by the Class Administrator in accordance with the timing and schedule set forth in this Agreement. The deposit of funds into the escrow account is distinct from the actual disbursement of funds from the escrow account to recipients. The timing of Distribution of Funds to Class Representatives, Class Administrator, and Claimants, and Payment of Attorney's Fees and Costs shall be as follows.

2. Within 30 days of the District Court's Preliminary Approval of the settlement, the District of Columbia will deposit the \$24,600 constituting the Notification and Administration Funds.

3. Within 45 days of the Final District Court Approval, the District of Columbia will deposit the Class Representatives' Funds, the Conditions of Confinement Claimants' Funds, the False Arrest Claimants' Funds, and the Attorney's Fees and Costs Funds.

4. Plaintiffs shall petition the Court for authority to release funds to the Class Representatives, Claimants, and Class Counsel.

5. No funds may be distributed to the Class Representatives, Class Members/Claimants or Class Counsel (including attorney's fees and costs) without both Final District Court Approval of the settlement and the exhaustion of all appeals and any period of time in which an objector may seek review by way of a Writ of Certiorari to the United States Supreme Court.

6. If there are no objections, the Class Administrator shall issue payments within 30 days after the District of Columbia deposits the Class Representatives Funds, Conditions of Confinement Claimants' Funds, and False Arrest Claimants' Funds. If there are objections, the Class Administrator shall issue payments within 30 days of the exhaustion of all appeals and any period of time in which an objector may seek review by way of a Writ of Certiorari to the United States Supreme Court.

7. Interest accrued on any funds in escrow will be allocated to the Conditions of Confinement and False Arrest Claimants' Funds in equal part.

8. Any amounts remaining in the Class Settlement Fund 60 days after the Class Administrator has issued all checks to eligible claimants, including funds from any uncashed checks that are no longer negotiable, will revert to the District of Columbia General Fund.

9. In the event the settlement is not upheld on appeal or is reversed upon review by the United States Supreme Court, all funds (with interest) minus the spent administrative costs shall be returned to the District of Columbia.

III. Expungement and Annulment of Arrests

1. As the legal arm of the city government, the District of Columbia Office of the Attorney General will not oppose any motion filed by Plaintiffs or the False Arrest Class Members for the entry of a sealed order that all records pertaining to their arrests on January 20,

2017, be sealed and/or expunged. Class counsel agrees to file any motion to seal/expunge within 30 days of the Claims Submission Deadline.

2. Defendants do not oppose having the Class Administrator assist with the preparation and mailing of any order issued by the Court expunging and annulling the arrest records of the False Arrest Class Members.

IV. Notice to Class Members and Potential Claimants

1. Notice shall be sent as soon as practicable after Preliminary District Court Approval.

2. The Class Administrator shall send a copy of the Notice (Exhibit A) and the Claim Form (Exhibit B) to individuals who were arrested at a location on or near 12th and L Street, NW in the District of Columbia on January 20, 2017, except for those individuals who are plaintiffs in *Horse*.

3. The Class Administrator shall send a copy of the Notice and the Claim Form by First Class mail to the last known address of each Class Member.

4. The Class Administrator shall undertake reasonable efforts, including through public records searches and the use of the United States Postal Service address forwarding database, to determine the current address of Class Members who fail to respond to initial notice or whose initial notice by First Class mail is returned to sender by the United States Postal Service. Under such circumstances, and where such Class Member's current address is discernible, the Class Administrator shall additionally send a copy of the Notice and Claim Form by First Class mail to the current address of such Class Member.

5. During the Claims Period, the Class Administrator shall provide periodic reports to Class Counsel as to the status and progress of the claim submission and administration process.

6. The Class Administrator shall establish a Settlement Website containing information regarding the Settlement, links to the Notice and other relevant case documents, and a link for the online submission of Claim Forms. Class Members submitting online Claim Forms will be required to provide a unique alpha-numeric code. This unique code will be provided on the Notices mailed to Class Members. Class Members may also obtain the required code by contacting the Class Administrator by telephone or email as described on the Notices and on the Settlement Website.

7. The Class Administrator shall establish a toll-free telephone number to receive inquiries and provide information about the Notice and the Settlement.

8. During the Claims Period, the District of Columbia shall publish a link to the Notice to Class Members and Claim Form on the front pages of the Metropolitan Police Department's website (<https://mpdc.dc.gov>) and/or on the front page of the Office of the Attorney General for the District of Columbia's web site (<https://oag.dc.gov>).

V. Deadline for Submitting Claim Forms and To Request Exclusion or To Opt Out

1. The Class Notice shall advise Class Members that they must submit a Claim Form or request exclusion within the Claims Period.

2. The Class Notice shall advise that the Court will exclude from the class, or allow to "opt out" from the class, any Class Member who so requests. Any Class Member wishing to "opt out" or be excluded must so request in writing, by letter postmarked or received in hand by the "opt out" or exclusion deadline.

3. Any Class Member wishing to pursue a claim must file a Claim Form by the claims submission deadline in order to participate in the distribution of Claimants' Funds. Claim Forms

must be postmarked or received in hand by the claims submission deadline. Class Members may also file their Claim Form online on the Settlement Website.

4. The Class Administrator shall mail a reminder letter to each Class Member who has not submitted a Claim Form within thirty (30) days of the initial Notice mailing date.

VI. Class Member Objections

Any Class Member who wishes to object to the terms of this Settlement Agreement shall be required to submit a written statement to the Court no later than 30 days prior to the Fairness Hearing, with copies to counsel, setting forth his or her objections. The statement shall contain the Class Member's name, signature, address, and telephone number, along with a written statement of his or her objection(s) to the Settlement Agreement and the reason(s) for the objection(s). Class Counsel and defense counsel may each file a response to such objections at least 15 days prior to the Fairness Hearing.

VII. Other General Provisions

1. General Release: Plaintiffs shall fully release, forgive and discharge the Individual Defendants and the District of Columbia, its current, former, and future officers, agents, attorneys, officials, servants and employees for all claims that were or could have been asserted by plaintiffs and/or accepting class members in any forum based on the allegations in the Complaint under any theory of liability (including any request for attorney's fees and costs in prosecuting this case). In entering into this Agreement, there is no admission of liability by Defendants or admission of any factual contentions that have been asserted by Plaintiffs in this litigation. The Plaintiffs do not suggest or concede a lack of merit to their claims or to any factual contention that has been asserted by the Plaintiffs in this litigation.

2. No Third-Party Beneficiary Right: No third party who is not a Class Representative or Class Member shall have any rights under this Agreement.

3. Non-Severability: The Parties do not intend this Agreement to be severable absent express written agreement by the Parties.

4. Duty to Defend the Settlement Agreement: The Parties and their counsel agree to defend this Agreement. Counsel for all Parties shall take no position contrary to or inconsistent with the terms of the Settlement Agreement.

5. Termination: If more than 40 Conditions of Confinement Class Members opt out of the Conditions of Confinement Class or more than 40 False Arrest Class Members opt out of the False Arrest Class, Defendants shall have the option to terminate this Agreement.

6. Enforcement: The District Court retains jurisdiction to ensure compliance with this Agreement.

7. Joint Motion for Preliminary Approval: Within two weeks of the signing of this Agreement, the Parties will file a Joint Motion for Preliminary Approval of the Settlement Agreement.

8. Confidentiality: The Class Administrator shall be required to maintain Claimant information and records in strict confidentiality, to be used solely for the purposes of class administration.

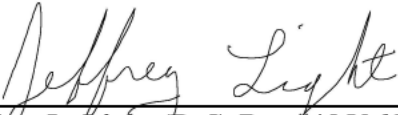
9. Determination of Eligibility: The Class Administrator or its designee shall be the determiner of which Claimants are eligible, consistent with the class definitions approved by the Court.

10. Amendments: With the consent of the Parties, additional provisions may be added to the Agreement to assure appropriate implementation and Court approval. This Agreement may

not be amended or modified in any respect other than by an agreement in writing signed by the Parties and only if such amendment is agreed to prior to notice to the Class Members and Final Approval by the Court. This Agreement creates no obligations or duties on the part of the Parties other than as specifically stated in this Settlement Agreement. The Parties stipulate, agree, and acknowledge that nothing in this Settlement Agreement may be used by any person or entity for any purpose in any legal proceeding other than as stated specifically here.

11. Dismissal With Prejudice: Prior to the Fairness Hearing, and as part of the Final District Court Approval, the Parties will jointly move to dismiss the case with prejudice.

SIGNED AND AGREED TO BY:


Jeffrey L. Light (D.C. Bar #485360)
1712 Eye St., NW
Suite 915
Washington, DC 20006

Counsel for Plaintiffs

DATED: 4/21/2021


Alexander Stokes Contompasis (Apr 21, 2021 16:25 EDT)


Jesse P. Schultz (Apr 21, 2021 14:47 CDT)


Jesse P. Schultz (Apr 23, 2021 13:34 EDT)

KARL A. RACINE
Attorney General for the District of Columbia



FERNANDO AMARILLAS [974858]
Acting Deputy Attorney General
Public Interest Division

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(202) 730-1833 (fax)
micah.bluming@dc.gov

Counsel for Defendants

DATED: April 23, 2021

* Admitted to practice only in the State of New York. Practicing in the District of Columbia under the direct supervision of Fernando Amarillas, a member of the D.C. Bar, pursuant to LCvR 83.2(f).

EXHIBIT A

3XXXX0000000

MUST BE
POSTMARKED
NO LATER THAN
<<Deadline>>

Schultz, et al. v. District of Columbia, et al.

PROOF OF CLAIM FORM

For Office Use
Only

Class Member ID <<RefNum>>
<<FirstName>> <<LastName>>
<<Address>>
<<City>> <<ST>> <<Zip>>

Change of Address information:

CLAIM INFORMATION

Class Member Information

____ - ____ - ____
Social Security Number

____/____/____
Date of Birth

(____) ____ - ____
Work Phone Number

(____) ____ - ____
Mobile Phone Number

(____) ____ - ____
Home Phone Number

____@____.
Email Address

3XXXX0000000

I wish to make a claim as a member of one or both of the classes in *Schultz, et al. v. District of Columbia, et al.*, Civil Action No. 18-cv-120 (ABJ), United States District Court for the District of Columbia, and hereby attest and submit the following information under penalty of perjury as follows:

- I was arrested at a location on or near 12th & L St., NW in the District of Columbia on January 20, 2017.
- I understand that I am NOT eligible to be a member of either class unless I was arrested at a location on or near 12th & L St., NW even if I was arrested somewhere else under protest-related circumstances.
- If I am seeking to be a member of the False Arrest Class, I further attest and submit under penalty of perjury as follows:
 - I was not convicted of committing a crime in connection with the protest that ended at 12th & L St., NW on January 20, 2017.
 - I did not commit a felony or misdemeanor during the protest that ended at 12th & L St., NW on January 20, 2017.
- If I am seeking to be a member of the Conditions of Confinement Class, I further attest and submit under penalty of perjury as follows:
 - To the best of my recollection, the amount of time that elapsed between my arrest (at around 10:50 a.m.) and my arrival at the booking facility was (**Only one option can be selected**):
 - _____ at least 2 hours but less than 4 hours
 - _____ at least 4 hours but less than 6 hours
 - _____ 6 hours or more
 - I understand that the Claims Administrator may also review District of Columbia records to verify the time of my arrival at a booking facility.

Please note: You do not need to have been a protestor or protesting in order to be a member of either class.

Please also note: A conviction related to the protest does not preclude you from making a claim as a Conditions of Confinement class member if you are otherwise eligible to be part of that class.

Address at the time of arrest:

☐ Check this box if your mailing address has not changed since January 20, 2017. (If your address has not changed, there is no need to complete the below address information).

If your address has changed since January 20, 2017, complete the following:

Current Address: _____

City: _____ State: ____ ZIP: ____

This information is requested in order to match claimants against law enforcement records compiled at the time of arrest.

3XXXXX00000000

By signing this form below, I am attesting that the above information is correct and that:

1. I am the person identified above and I am over the age of 18, or, if the person identified above is a minor, I am the parent or guardian of the person identified above.
2. I have read the Settlement Agreement and the Notice of Settlement to Potential Class Members (each of which is available at [website] or by request made to Class Administrator at the address below).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the information given above is true and correct.

Date: __ __ / __ __ / __ __ __ __

Signature

The information provided here is private and will be held in confidence by the Claims Administrator. If you have any questions about the lawsuit, write to us at Schultz v. District of Columbia Settlement, c/o Class Action Administrator, PO Box #####, Philadelphia, PA 19102-##### or visit our website at [www.<settlement.com>](http://www.settlement.com).

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
 Notice of Class Action, Proposed Class Settlement, and Hearing
Schultz, et al. v. District of Columbia, et al., Case No. 1:18-cv-00120 (ABJ)

If you were arrested and detained at a location on or near 12th and L Street, NW in Washington, D.C., in connection with demonstrations against the inauguration of Donald Trump on January 20, 2017, you may be eligible to receive a cash payment, an order expunging your arrest record, or both.

A court authorized this notice. This is not a solicitation from a lawyer.

You may be affected by a class action settlement based on your arrest and detention by the District of Columbia. To claim payment and be eligible to have your arrest record expunged you must take action by _____. These are the actions you can choose to take:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
You May Choose To:	What This Option Means:
Submit a Claim Form	You will get a payment, be eligible to have your arrest record expunged, or both if you qualify. This is the only way to get a payment or expungement from this settlement. Deadline to submit a claim form:
Opt Out	You will get no payment or expungement from this settlement, but you maintain the right to file your own lawsuit about the legal claims in this case if you do so in the time the law allows. Deadline to opt out:
Object in Writing	You may write to the Court about why you do not like the settlement. You may do this regardless of whether you submit a claim form. Deadline to object in writing:
Request to Participate in a Hearing	You may ask to speak in a Court hearing about the fairness of the settlement. You may do this regardless of whether you submit a claim form. Deadline to Request to Participate:
Do Nothing	You will get no payment AND will give up your right to file your own lawsuit. You will not be eligible to have your arrest record expunged as part of this settlement, but you will still have the right to seek expungement on your own.

- 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 and record expungements will only be made if the Court approves the settlement, and only after any appeals are resolved. **Please be patient.**

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 your options, before the Court decides whether to approve the settlement. If the Court approves it, and after any objections and appeals are resolved, 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 *Schultz, et al. v. District of Columbia, et al.*, Case No. 1:18-cv-00120 (ABJ). The people who have sued are called “Plaintiffs” and those that have been sued are called “Defendants.”

2. What is this lawsuit about?

The lawsuit alleges that the District of Columbia, former Metropolitan Police Department Chief Peter Newsham, and ten other police officials engaged in the false arrest of a group of individuals on the morning of January 20, 2017, and confined the individuals in an unconstitutional manner.

The individuals who filed the lawsuit claimed that the District of Columbia and eleven Metropolitan Police Department employees violated the First, Fourth, and Fifth Amendments to the United States Constitution, committed the torts of false arrest and negligence *per se*, and violated the District of Columbia First Amendment Assemblies Act by making arrests without individualized probable cause, failing to issue dispersal orders, and failing to provide access to food, water, and bathroom facilities within a reasonable time.

Money damages, the expungement of arrest records, and attorney’s fees and costs have been sought against the Defendants. The Defendants deny all of these allegations.

3. What does it mean that this is a “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.

This case alleges two Classes: the Conditions of Confinement Class, and the False Arrest Class. These are described in more detail below. Alexander Stokes Contompasis was appointed by the Court as Class Representative for the Conditions of Confinement Class. Jesse Schultz and John Baker were appointed by the Court as Class Representatives for the False Arrest Class. The Class Representatives and Class Members are represented by attorney Jeffrey Light of the Law Office of Jeffrey L. Light. United States District Court Judge Amy Berman Jackson is presiding over this class action.

4. Does the class action involve persons who were arrested during protests at other locations on January 20, 2017?

No. This class action only involves those arrested and detained at a location on or near 12th and L Street, NW in the District of Columbia at approximately 10:50 A.M. on January 20, 2017.

5. What is the status of the lawsuit?

The Plaintiffs in this matter filed this lawsuit on January 19, 2018. The Defendants filed a motion to dismiss the allegations, but Judge Amy Berman Jackson denied most of the motion and ordered that the case could proceed.

After more than three years of litigation, the parties took part in a 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 one or both of the classes and whether you think the Settlement is fair.**

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

There are two classes in this case: the Conditions of Confinement Class, and the False Arrest Class.

You are part of the Conditions of Confinement Class if you were arrested at or near 12th and L Street, NW in the District of Columbia at approximately 10:50 A.M. on January 20, 2017, and you did not arrive at a booking facility less than two hours after the time of your arrest. If you meet these criteria, you are part of the Conditions of Confinement Class even if you were later convicted of a crime you committed that day.

You are part of the False Arrest Class if (1) you were arrested at a location on or near 12th and L Street, NW in the District of Columbia at approximately 10:50 A.M. on January 20, 2017, in connection with the protest of the inauguration of Donald Trump; (2) you were not convicted of a crime in connection with the protest; and (3) you sign a statement attesting that you were not committing a felony or misdemeanor during that protest.

You do not need to have participated in the protest to be a member of either class.

Your membership in one class does not affect your eligibility for membership in the other class. You may be part of both classes or only one class.

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

If you are not sure whether you fall within either Class, you can call the Claims Administrator at _____.

8. What are the terms of the proposed Settlement?

The District of Columbia has agreed to create a \$902,900 fund to be distributed among all Class Members who send in a valid Claim Form that meets all the requirements in the Settlement Agreement. Members of the False Arrest Class who send in a valid Claim Form and sign a form attesting they were not committing any crimes the morning of their arrest will also be eligible to have the record of their arrest expunged.

9. How much will my payment be?

If it is determined that you are a member of either the Conditions of Confinement Class or the False Arrest Class (or both), and you file a claim within the time set by the Court, you will be entitled to compensation from one or both of the Claimant's Funds.

Each eligible member of the False Arrest Class who files a valid claim form will receive an equal share of the \$800,000 False Arrest Claimants' Fund, subject to a maximum of \$5,000. For example, if 200 Class Members file valid claims, each would receive \$4,000; if 160 Class Members file

valid claims, each would receive \$5,000; if fewer than 160 Class Members file valid claims, each would receive \$5,000. Eligible members of the False Arrest Class may have their record expunged of the January 20, 2017 arrest, provided they sign a sworn statement that they were not committing a crime that day, and the Court grants the Class Counsel's unopposed request to expunge the eligible class members' records pertaining to their arrests on January 20, 2017.

Each eligible member of the Conditions of Confinement Class will receive shares of a \$102,900 Conditions of Confinement Claimants' Fund based on the length of time they were in custody without access to food, water, and bathroom facilities. Those held without access to food, water, and bathroom facilities for two or more hours, but less than four hours will receive two "shares" of the settlement; those held four or more hours, but less than six hours will receive three "shares"; those held for six or more hours will receive four "shares" of the settlement.

At this time, it is not possible to say precisely how much each Class Member will receive. However, payments from the Conditions of Confinement Claimants' Fund are subject to a maximum of \$680 per person.

10. Who else gets money from the Settlement Agreement?

The three Class Representatives will receive an additional \$2,500 each for their role in bringing this lawsuit and for participating in various aspects of the litigation. The lawyer who represented the Class Representatives and Class Members will receive \$60,000 to cover the costs of litigation and services rendered. The Claims Administrator who provides notice to Class Members, maintains the website _____, and receives and processes the claims will receive \$24,600 for its services.

11. How does the Settlement Agreement affect my arrest record?

If the Settlement Agreement is approved, the District of Columbia Office of the Attorney General, as the legal arm of the city government, will not oppose any request made by the False Arrest Class Members for the entry of a sealed order that all records pertaining to their arrests on January 20, 2017, be sealed and/or expunged. If the Court grants the False Arrest Class Members' request to expunge records of arrest, the arrests will be declared "null and void" by order of the United States District Court of the District of Columbia and will authorize each False Arrest Class Member to deny the occurrence of his or her arrest that day without penalty.

Regardless of whether this settlement is approved, you may still seek to have your arrest record expunged on your own if you qualify for expungement under District of Columbia law.

12. What are my rights as a member of each “Class”?

Members of either Class have the right to receive money from the Settlement. Eligible members of the False Arrest Class also have the right to have their arrest record expunged. If you are a member of either class, you give up your rights to bring a separate claim against the District of Columbia or its employees for any claim related to the events surrounding your arrest and confinement on January 20, 2017. If you do not want to give up these rights, you must opt out of the Settlement.

TO CLAIM YOUR MONEY YOU MUST FILE A CLAIM FORM.

A Claim Form is included with this Notice. If you want to file a claim to receive your money, you have two options.

Option 1: Fill out the Claim Form and return it by mail to the Claims Administrator at:

[ADDRESS]

OR

Option 2: File a claim through the website _____ by using the unique alpha-numeric code contained on the Claim Form.

If you choose to mail your Claim Form, it must be postmarked or received in hand before _____, for you to be eligible to receive payment. It is a good idea to call the Claims Administrator 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 FILE A CLAIM ON OR BEFORE _____, YOU WILL NOT BE ELIGIBLE TO RECEIVE PAYMENT OR HAVE YOUR ARREST RECORD EXPUNGED PURSUANT TO THIS SETTLEMENT. If you do not make a Claim and you do not opt out of the Settlement, you are giving up your rights to receive money. You are also giving up your rights to ever bring a lawsuit against the District of Columbia or its employees for the claims and time periods alleged in this lawsuit.

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

If you do NOT want to participate in this class action Settlement, you have the right to opt out of both Classes. If you opt out, you will not receive any money from the Settlement or be eligible to have your arrest record expunged, and you will NEVER be able to make any claim for this Settlement money. However, by opting out you may have the right to bring your own lawsuit

against the District of Columbia and its employees within the time period allowed under the law for the claims alleged in the lawsuit.

To opt out from the class action you must mail a letter to the Claims Administrator, postmarked or received in hand on or before _____, stating specifically that you want to opt-out of this case. You should mail this letter to:

[ADDRESS]

You should include in your letter the name of the case (*Schultz, et al. v. District of Columbia, et al.*) and the case number (1:18-cv-00120 (ABJ)). You must also include your name, address, and telephone number.

If you would like to opt out, **you must do so before** _____. If you fail to opt out by _____, you give up your right to be excluded from either Class, which means that you cannot bring a separate lawsuit against the District of Columbia and its employees 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 and expungement of your arrest record. You cannot opt out of the Class and be eligible to receive settlement money.

14. What if I think the Settlement is unfair?

There will be a hearing before United States District Court Judge Amy Berman Jackson on _____, to decide whether the settlement is fair, reasonable, and adequate. Because of modified court operations related to COVID-19, this hearing might be held via a telephone conference line rather than in-person. Information about the hearing will be posted on the Settlement Website as the hearing date approaches.

If you are a Class Member, you can object to the settlement if you do not like any part of it. **If you want to object to the settlement you must mail a letter to the Court, to class counsel, and to defense counsel, postmarked on or before _____:**

To the Court	To Class Counsel	To Defense Counsel
Clerk of the Court United States District Court for the District of Columbia 333 Constitution Ave., NW Washington, D.C. 20001	Jeffrey Light Schultz Class Counsel 1712 Eye St., NW Suite 915 Washington, D.C. 20001	Micah Bluming Duane Blackman Assistant Attorneys General Office of the Attorney General for the District of Columbia 400 Sixth Street, N.W., Suite 10100 Washington, D.C. 20001

You should include in your letter the name of the case (*Schultz, et al. v. District of Columbia, et al.*) and the case number (1:18-cv-00120 (ABJ)). You must also include your name, address, and telephone number, and you must sign the letter. 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. The hearing on _____ will be your only opportunity to state an oral objection 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 fairness hearing.

You do not have to attend the hearing to receive your share of the settlement money. If you submit a valid 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 or speak at the hearing even if you also submit a claim form.**

15. What happens if I do nothing at all?

If you do nothing you will get no money and you will not be eligible to have your arrest record expunged as part of this Settlement. In addition, unless you opt out, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the District of Columbia or its employees about the issues and time period covered by this case ever again.

16. What if I want further information?

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 the Claims Administrator at [ADDRESS], or by visiting www.____.com.

If you have further questions, you can call _____; write to _____; or visit www.____.com where you will find answers to common questions about the Settlement, a Claim Form, and other information to help you determine whether you are a Class Member and eligible to receive money and participate in the Settlement Agreement.

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