

NOTICE OF PROPOSED PARTIAL SETTLEMENT OF HOMELESS PERSONS CLAIMS AGAINST SACRAMENTO COUNTY FOR DAMAGES RESULTING FROM CONFISCATION AND/OR DESTRUCTION OF PROPERTY

IF AT ANY TIME DURING THE PERIOD FROM AUGUST 2, 2005, TO DATE, WHILE HOMELESS, YOU LOST PROPERTY AS A RESULT OF IT BEING REMOVED, CONFISCATED, AND/OR DESTROYED BY SACRAMENTO COUNTY SHERIFF'S, SACRAMENTO COUNTY PARK RANGERS, OR SACRAMENTO COUNTY EMPLOYEES, YOU MAY BE ENTITLED TO MONETARY COMPENSATION DEPENDING UPON ANSWERS GIVEN TO QUESTIONS ON A CLAIM FORM.

A class action lawsuit is presently pending in the United States District Court for the Eastern District of California. If the proposed partial settlement described below receives final approval, homeless persons whose property was confiscated and/or destroyed by Sacramento County Sheriffs, Park Rangers, or other Sacramento County employees from August 2, 2005, to date, will be eligible to receive money from a settlement fund. If you believe you are a member of the class, you must complete a claim form and submit it to qualify for compensation. Claim Forms may be obtained from any of the following sources: 1) The Administration Office of Loaves & Fishes or the Park office at Friendship Park in the Loaves & Fishes compound at 1321 North C Street, Sacramento, CA; 2) the office of the Sacramento Homeless Organizing Committee at 1321 North C Street, Sacramento, CA; 3) Francis House at 1422 C Street, Sacramento, CA; and 4) the office of Class Counsel, the Law Office of Mark E. Merin, 2001 P Street, Suite 100, Sacramento, CA, 95811.

You may also receive a claim form by telephoning (888) 442-2477 (Toll Free), Loaves & Fishes at (916) 446-0874, Sacramento Homeless Organizing Committee ("SHOC") at (916) 442-2156, the Law Offices of Mark E. Merin at 916-443-6911, or by visiting the settlement website and downloading and printing a Claim Form at www.sacshoc.org. **DO NOT CONTACT EITHER THE COUNTY OF SACRAMENTO OR THE UNITED STATES DISTRICT COURT CONCERNING THIS SETTLEMENT.**

YOUR CLAIM FORM MUST BE COMPLETED AND DELIVERED PERSONALLY, OR POSTMARKED NO LATER THAN FEBRUARY 18, 2010.

For more information, please read this notice.

IF YOU WISH TO RECEIVE MONETARY COMPENSATION, YOU MUST OBTAIN, FILL OUT, AND EITHER DELIVER OR MAIL THE CLAIM FORM AS SOON AS POSSIBLE, BUT NO LATER THAN FEBRUARY 18, 2010.

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

SETTLEMENT CLASS

The people who are entitled to recover compensation for having lost property, while homeless, are the following: All persons whose property was confiscated and/or destroyed by Sacramento County Sheriffs, by Park Rangers, or by other County agents or employees from and including August 2, 2005, to date.

This notice informs you of the proposed partial settlement of this action and your rights, if you are a class member, which are affected by this proposed settlement. The Notice summarizes the terms and effects of the proposed settlement, what you can do to participate in it, and how you can obtain money under the settlement.

SUMMARY OF PROPOSED TERMS

A Settlement Agreement was negotiated between the Plaintiffs and the County of Sacramento after assistance of a third party mediator. The Parties are requesting that the Court approve this partial Settlement.

A. Parties to the Settlement

The parties to the Settlement are the named Plaintiffs in *Lehr, et al. v. Sacramento County, et al.*, United States District Court Case No. 2:07-CV-01565 MCE GGH on behalf of themselves and the Settlement Class, and the County of Sacramento and its entities and employees. Counsel for the class is Mark E. Merin of the Law Office of Mark E. Merin, 2001 P Street, Sacramento, CA 95811.

B. Terms of the Settlement

a. Class Fund to Compensate Homeless Persons for Confiscation and/or Destruction of Property by County Officers and Agents

Defendant County will pay \$200,000 under the terms of the settlement which will be used to compensate all persons who, while homeless, lost property as a result of County seizures and destructions from the period August 2, 2005, to date. Homeless persons wishing to recover compensation (either \$350 or \$750 depending upon the level of their loss), will have to obtain and submit claim forms which will be evaluated pursuant to the terms of the settlement and payments distributed, if the Court approves the partial settlement, shortly after the final Fairness Hearing.

b. Payment to Representative Plaintiffs

The ten surviving named individual plaintiffs will each receive either \$2,000 or \$3,000 depending upon whether they had property seized and/or destroyed by Sacramento County.

c. Attorney's Fees & Costs

Class Counsel will receive \$150,000 to compensate them for attorney's fees and costs incurred prosecuting this action.

d. Claims Administration

Up to \$100,000 has been allocated for the costs of administering this settlement. The Court has approved appointment of Sacramento Homeless Organizing Committee ("SHOC") to act as the Claims Administrator who will be responsible for notifying persons of the existence of this proposed settlement, distributing claim forms, receiving and evaluating the claim forms and, after the compensation is approved, distributing payments to class members.

C. Your Options as a Class Member

1. Be Bound by, and Participate in the Settlement

TO QUALIFY FOR A PAYMENT you must personally deliver or mail a completed Claim Form to the Claims Administrator. You have until February 18, 2010, to submit a claim form.

If you need assistance in completing the Claim Form, feel free to contact class counsel, Mark E. Merin, at the Law Office of Mark E. Merin, 2001 P Street, Suite 100, Sacramento, CA 95811, 916-443-6911.

Remember, if you do not submit a timely Claim Form, you cannot get a payment. If you do not submit a claim form, but do not exclude yourself from the class, you will be bound by the terms of the settlement and dismissal entered in this case but you will not receive any money from the County.

By participating in the Settlement you will be waiving all your rights against the County of Sacramento to all claims related to this litigation up to and including the date this settlement is finally approved, even if you are not aware at present of the existence of any such claims. By participating, you will be giving up unsuspected claims in the areas covered by this litigation.

2. Exclude Yourself From the Class

You do not have to take part in this Settlement or be a member of the class. This is called "excluding" yourself. If you do exclude yourself, you cannot get a payment and you cannot object to the Settlement. Any Court orders will not apply to you. To exclude yourself, you must file a Request for Exclusion (opt-out) with the Clerk of the Court at the United States District Court for the Eastern District of California, 501 I Street, Sacramento, California, 95814, on or before February 18, 2010, or as the Court may otherwise direct. You must also sign a request for exclusion letter that states you want to be excluded from *Lehr, et al. v. Sacramento County, et al.*, United States District Court, Eastern District, Case No. 2:07-CV-01565 MCE GGH.

Your exclusion letter must be mailed and postmarked before February 18, 2010, to: *Lehr, et al. v. County of Sacramento, et al.*, c/o Claims Administrator, Post Office Box 952, Sacramento, CA 95812.

If you do not follow these instructions properly, you will lose your right to exclude yourself. If you exclude yourself, you cannot get any money from the Settlement and you cannot tell the Court you do not like the Settlement (which is called Aobjecting@). If you exclude yourself, you are no longer part of the class or the Settlement, but you can sue the County of Sacramento, the Sheriff, the Park Rangers, or individuals, if you choose to do so.

D. Fairness Hearing and Process for Objections.

A fairness hearing will be held on March 25, 2010, at 2:00 p.m., in Courtroom 7, at the United States District Court for the Eastern District of California, 501 I Street, Sacramento, California. If you are a class member and do not exclude yourself, you can tell the Court you do not like the Settlement or some part of it at this hearing. This is called objecting to the Settlement. For example, you can say you do not think the Settlement is fair or adequate. The Court will consider your views.

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

- a. The name and title of the lawsuit, *Lehr, et al. v. County of Sacramento, et al.*, United States District Court Case No. 2:07-CV-01565 MCE GGH;
- b. A statement of each objection you have and the facts that support the objections;
- c. A description of any law or case supporting the objections;
- d. A statement on whether or not you or your lawyer will ask to appear at the Fairness Hearing to talk about your objections, and, if so, how long you will need to present your objections; and
- e. Copies of any documents you or your lawyer will present at the Fairness Hearing.

Individually, or through counsel, any class member has the right to object to the proposed Settlement as a whole, to the amount of attorney's= fees and costs of Class Counsel, or to any portion of either. ANY SUCH OBJECTIONS MUST BE FILED IN WRITING ON OR BEFORE FEBRUARY 18, 2010, IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, 501 I STREET, SACRAMENTO, CALIFORNIA 95814, ATTENTION: CLERK, RE: *LEHR, ET AL. V. COUNTY OF SACRAMENTO, ET AL.*, CASE NO. 2:07-CV-01565 MCE GGH. If you wish to appear and present your objections at the Fairness Hearing, you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired. The Notice of Intention to Appear and any objections must be filed with the Court on or before February 18, 2010. You may be represented by your own attorney. If you are to be represented by an attorney at the hearing, his or her name, address and telephone number must be included in the Notice of Intention to Appear as well.

A copy of the Statement of Objection and/or Notice of Intention to Appear must also be mailed to: Law Office of Mark E. Merin, 2001 P Street, Suite 100, Sacramento, CA 95811, Attention: Mark E. Merin.

E. How to Obtain Further Information

For additional information regarding the proposed Settlement and Claim Form, or a copy of the Settlement Agreement and Claim Form, you or your counsel should contact any of the organizations listed on the front page of this Notice. **DO NOT CONTACT THE COUNTY OF SACRAMENTO OR THE UNITED STATES DISTRICT COURT CONCERNING THIS SETTLEMENT.**

F. Court Approval

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

The case will continue against the City.

This is a proposed partial settlement of *Lehr, et al. v. County of Sacramento, et al.* The plaintiffs in the proposed class still have a claim pending against the City of Sacramento, which includes claims not only for the confiscation and/or destruction of property by City Police and other agents and employees of the City of Sacramento, but also for unequal application against homeless persons of various City ordinances.