

Class and Settlement Notice

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

**RE: *Aichele v. City of Los Angeles, et al.*, Case No. No CV 12-10863-DMG (FFMx) (United States District Court for the Central District of California)**

If you 1) were present on November 30, 2011 in or around the Los Angeles City Hall Lawn area (in the area between Los Angeles Street and Broadway Street, and between Cesar Chavez Avenue and Second Street) at any point between the hours of midnight and 3:00 a.m., and 2) were arrested by LAPD that evening in that area in connection with efforts to disperse the Occupy Los Angeles protest,

You may be a CLASS MEMBER and entitled to MONEY.

There is currently pending a class action lawsuit in the United States District Court, Central District of California, regarding the above matter. The Court has certified the case as a class action, and the parties have entered into a Settlement subject to final court approval. This Notice is to allow you to make a claim in that Settlement.

Police and arrest records show that **you may be a CLASS MEMBER**. Therefore, **you may be eligible to receive MONEY**. To receive any money in this approved Settlement, **you must fill out and mail a Claim Form**.

**Your Claim Form** must be **postmarked** or received by the Administrator no later than **July 6, 2015**.

**If you wish to “opt out,” or be excluded from the Settlement, your opt out letter must be postmarked or received by the Administrator by July 2, 2015.**

Even if you do not submit a Claim Form or opt out by the above deadline, you will be bound by the Settlement, but, if you do not submit a timely claim, you will not receive money.

**If You Wish to Claim Money, Fill Out and Mail the Enclosed Claim Form Today.**

Below are questions and answers designed to explain to you information about this lawsuit, including how to proceed to file a claim or otherwise participate in the Settlement process.

**1. What Is The Class Action Lawsuit About?**

On November 30, 2011, the Los Angeles Police Department (“LAPD”) arrested people in the area of City Hall that they considered part of the Occupy LA demonstrations. Many of those arrested were actively participating in the Occupy activity, but some were not or withdrew in response to police commands. Those arrested were put on City or County buses for several hours. Many were held in jail for one or two days or more because they were denied release on their own recognizance (without having to post bail) even though they qualified for it. This lawsuit challenged the legality of the arrests, and further claimed that the conditions on the buses and the failure to grant own recognizance releases were unlawful. The Defendants have denied all of the allegations in the lawsuit. The parties have now reached a Settlement subject to court approval. The primary defendant is the City of Los Angeles and various City officials; the County of Los Angeles is also a defendant for its role in transporting some arrestees.

**2. Who Is A Member Of The Class?**

You are a member of the class if you were present on November 30, 2011 in or around the Los Angeles City Hall Lawn area (in the area between Los Angeles Street and Broadway Street, and between Cesar Chavez Avenue and Second Street) at any point between the hours of midnight and 3:00 a.m., and were arrested by LAPD that evening in that area in connection with efforts to disperse the Occupy Los Angeles protest.

The class has various sub-groups, which affect how the proposed Settlement is distributed among class members. In addition to the main group (those arrested on City Hall lawn and transported on buses), there is a sub-group of those who were arrested but were not involved in Occupy or had removed themselves from City Hall lawn when ordered to do so (referred to as the Vicinity Sub-Class) and a sub-group of those denied release on their own recognizance although they qualified for it (referred to as the OR Sub-Class).

To qualify for class member compensation, the LAPD and/ or the Criminal Court must have a record of your arrest on November 30, 2011 such that it is possible to identify you individually by true name and other methods of identification and ascertain that you qualify as someone who is a member of the class. Such records are the final way it is determined who is a member of the class.

**3. What Is The Purpose Of This Notice?**

You have a right to know about a proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. Your rights may be affected by this lawsuit.

Notices have been mailed to all Class Members at the last known address available from the records of the LAPD or information gathered by counsel for the class.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are obtained, who is eligible and how to file a claim.

The Court in charge of the case is the United States District Court for the Central District of California, located in Los Angeles, California. The case is known as *Aichele v. City of Los Angeles, et al.*, Case No. No CV 12-10863-DMG (FFMx). The people who brought the case are called Plaintiffs, and the people they sued are called Defendants. The Plaintiffs’ lawyers are called class counsel.

**4. Why Is This A Class Action?**

In a class action, one or more persons, called the Class Representative(s), sue on behalf of a group of people who have similar claims – the Class Members. One court then resolves the issues for all Class Members, except for those who exclude themselves from the class.

**5. Why Is There A Settlement?**

Although there has been no court ruling on the merits of Plaintiffs’ claims, the Court ruled that the claims in this lawsuit could be handled as a class action. Instead of continuing, both sides agreed to a Settlement. That way, both sides are able to avoid the risks and costs of a trial or appeal, the case can be resolved promptly, and the benefits of the Settlement can be made immediately available to the Class Members. The Class Representatives and Class Counsel think that the proposed Settlement is fair to the Class Members and the parties in the case and think that the terms of the Settlement are a fair, reasonable and adequate resolution of this matter.

**6. Are There Lawyers Representing You?**

The Court has approved lawyers (called “Class Counsel”) to collectively represent you. 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. Instead, the lawyers will seek payment from the fund obtained on behalf of the class, as is described further below. 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. The Class Counsel in this case are:

Kaye, McLane, Bednarski & Litt 234 East Colorado Boulevard, Suite 230 Pasadena, California 91101 Tel: (626) 844-7660	Law Office Of Carol A. Sobel 3110 Main Street, Suite 210 Santa Monica, California 90405 Tel: (310) 393-3055	Hadsell Stormer, & Renick 128 North Fair Oaks Avenue Pasadena, California 91103 Tel: (626) 585-9600	Schonbrun, De Simone, Seplow, Harris, & Hoffman 732 Ocean Front Walk Venice, California 90291 Tel: (310) 396-0731
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**7. What Does The Settlement Provide?**

The Settlement provides for payment of a total of approximately \$2,675,000 (of which \$225,000 is paid by the County and the remainder by the City). From the \$2,675,000, the following awards will be made:

- a) An award of attorneys’ fees, in an amount not to exceed 25% of the \$2,675,000 total.
- b) Payment of litigation costs and Settlement Administration fees (anticipated not to exceed \$23,000).
- c) Additional payment of \$5,000 (beyond what the person would be entitled to under the formula for class member distribution) to each individual who was a Named Plaintiff and Class Representative. (This totals \$25,000 for the five Class Representatives.) These plaintiffs will receive this additional payment beyond what they would receive under the Settlement because of the role that they played in the litigation.
- d) Payment of the remainder, estimated to be approximately in the range of \$1,825,000, to the members of the class who file claims for payment (except as explained in the next paragraph).

Because this Settlement covers all possibilities, funds approximating what a particular class member who excludes him or herself would receive will be held back to cover possible defense costs to defend against such claims if they are brought. If funds remain after the cost to defend against such possible claims, they will either be distributed to a charitable organization if the parties can agree, or will otherwise go the State of California. (These remaining funds would be too small to cost effectively distribute among class members.)

**8. Will I Receive Anything From The Settlement?**

If it is verified that you are a Class Member, and you file an approved claim by July 6, 2015, you will be entitled to receive compensation.

The amount you will receive if you do file a claim depends on whether you are a member of the main class only or also a member of the Vicinity or OR Sub-Class (and if the latter, whether you were released **within 36 hours of arrest or more than 36 hours**). Points are assigned for each group and then totaled. Each claimant receives his/her proportionate share based on that claimant’s points and the number of potential class members who submit a valid claim. A full description of the allocation system is contained in the Final Order of Approval and Settlement, which is contained on the website [www.OccupyLASettlement.com](http://www.OccupyLASettlement.com).

**9. What Do I Do To Get Money?**

If you wish to receive money from the Settlement, you must complete and submit the accompanying Claim Form. Read the instructions on the Claim Form carefully. **All Claim Forms must be completed and postmarked (or received by the Administrator) no later than July 6, 2015**, but it is recommended that you complete and mail your Claim Form as soon as possible. **If you do not timely and properly submit your Claim Form, you will not receive any money** from the Settlement, but will still be bound by it.

You can obtain a copy of a Claim Form, by calling 1-888-288-6910 (toll free), writing to the *Aichele v. City of Los Angeles* Settlement Administrator, c/o Gilardi & Co., LLC, P.O. Box 8060, San Rafael, CA 94912-8060, or downloading it from the Internet at [www.OccupyLASettlement.com](http://www.OccupyLASettlement.com).

**10. How Much Will The Lawyers Be Paid?**

The Court has not yet decided how much Class Counsel will be paid. However, they will ask the Court for an award of reasonable attorneys’ fees in the amount of 25% of the total \$2,675, 000 (or \$668,750). The Court may award less than that amount, but not more. You will not be asked personally to pay any Attorneys’ Fees that the Court may award to Class Counsel (but will have to pay separately any attorney you personally hire). In addition, the amount of other expenses and costs incurred in pursuing this class action law suit will be paid from the Settlement. These expenses and costs are separate from and not included in the amount of any attorneys’ fees.

**11. Can I Exclude Myself From The Settlement?**

If you do not want to be a member of the class, or if you want to be able to file your own lawsuit, or be part of a different lawsuit against the Defendants raising the claims involved in this lawsuit, then you must take steps to get out of the class. This is called “excluding yourself” from, and sometimes is referred to as “opting out” of, the class.

Anyone filing an approved claim is guaranteed to receive at least \$4,000. The distribution formula will be adjusted to the extent necessary to ensure that no class member receives less than that amount.

**12. What Do I Do To Exclude Myself From The Lawsuit?**

To exclude yourself, you must send a letter by First-Class mail clearly stating that you want to be excluded from the *Aichele v. City of Los Angeles Settlement*. Be sure to include your name, address, telephone number and signature. The name and address of your attorney is not sufficient. **You must mail your Exclusion Request, postmarked no later than July 2, 2015**, to counsel and the Settlement Administrator as follows:

<i>Aichele v. City of Los Angeles</i> Settlement Administrator c/o Gilardi & Co., LLC P.O. Box 8060 San Rafael, CA 94912-8060	Kaye, McLane, Bednarski & Litt Attn: Julia White 234 E. Colorado Blvd., Ste 230 Pasadena, CA 91101	Los Angeles City Attorney’s Office Attn: Elizabeth Mitchell 200 N. Main, 6 <sup>th</sup> Fl. Los Angeles, CA 90012	Lawrence, Beach, Allen & Choi, PC Attn: Paul Beach 100 W. Broadway, # 1200 Glendale, CA 91210
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You cannot exclude yourself on the phone or by email. If you are excluded, you will not be entitled to get any money from the Settlement, and you cannot object to the Settlement. Nor will you be legally bound by anything that happens in this lawsuit.

Unless you exclude yourself from the class, you remain in the class and give up all of your rights against the Defendants except those available to you under this Settlement. That means that, if you don’t exclude yourself and you also don’t file a claim, you will receive no money but still lose your rights against the Defendants. **So be sure to file your claim.**

**13. What Is The Release Of Claims?**

As part of the Settlement, you will be required to release the claims covered by this lawsuit in exchange for the money you are entitled to receive if you file a claim in this Settlement. The Final Order of Approval and Settlement (which you may view on the website for this lawsuit at [www.OccupyLASettlement.com](http://www.OccupyLASettlement.com)) describes the legal claims against the Defendants you give up by staying in the case. The Released Claims include all claims, demands, causes of action, whether class, individual or otherwise in nature, damages whenever incurred, liabilities of any nature whatsoever, including costs, expenses, penalties and Attorneys’ Fees that were asserted in the complaint, specifically for the arrests, bus condition and failures to release class members on their own recognizance. These Released Claims include any other related complaints, grievances, and/or claims, whether judicial or administrative, and whether actually filed or available. Released Claims do not include any other claim(s) that a Plaintiff or member of the class may have against any Defendant for conduct not covered by this Settlement.

**14. If I Do Not Like The Settlement Or Object To The Attorneys’ Fees, How Do I Tell The Court?**

If you are and choose to remain a Class Member, you can object to the Settlement if you do not like any part of it, or you may object to the request for Attorneys’ Fees. You must give the reason why you think that the Court should not approve the Settlement or the requested Attorneys’ Fees. (A mere statement that “I object” will not be sufficient). Do not contact the Court orally to object. Rather, you must send a written statement with the case name and number (*Aichele v. City of Los Angeles*, Case No. CV 12-10863-DMG (FFMx)) at the top of the page. In addition, provide your name, your address (just giving the address of an attorney who represents you is not sufficient), your telephone number, the date of arrest to the extent known, your signature and the reason why you object. If you are represented by a lawyer, you should also give the name, address and telephone number of that lawyer. **You must mail your objections and any supporting papers by First-Class mail, postmarked no later than July 2, 2015**, to counsel and the Settlement Administrator as follows:

<i>Aichele v. City of Los Angeles</i> Settlement Administrator c/o Gilardi & Co., LLC P.O. Box 8060 San Rafael, CA 94912-8060	Kaye, McLane, Bednarski & Litt Attn: Julia White 234 E. Colorado Blvd., Ste 230 Pasadena, CA 91101	Los Angeles City Attorney’s Office Attn: Elizabeth Mitchell 200 N. Main, 6 <sup>th</sup> Fl. Los Angeles, CA 90012	Lawrence, Beach, Allen & Choi, PC Attn: Paul Beach 100 W. Broadway, # 1200 Glendale, CA 91210
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Submitting an objection will not extend the time within which a Class Member may submit a claim or request exclusion from this Settlement.

A full set of the settlement documents, including the Preliminary Approval Order and the Proposed Final Order of Approval and Settlement and the Motion For Award of Attorneys’ Fees and Costs, is (or will be as soon as they are filed) available on the case website, [www.OccupyLASettlement.com](http://www.OccupyLASettlement.com).

**15. What Is The Difference Between Objecting And Excluding?**

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the class. If you object and the Court rejects your objection, you remain a member of the class and will be bound by any outcome of the case. Excluding yourself is telling the Court that you do not want to be part of the class. If you exclude yourself, you cannot object because the case no longer affects you.

**16. When And Where Will The Court Decide Whether To Approve The Settlement And Attorneys' Fees?**

The Court has scheduled the Fairness Hearing for 10:00 A.M. on August 28, 2015, in the United States District Courthouse for the Central District of California, 312 N. Spring St, Los Angeles, CA 90012, in Courtroom 7 before the Honorable Judge Dolly Gee. At this Hearing, the Court will consider whether the Settlement is fair, reasonable and adequate, and will determine the amount of Attorneys' Fees and costs to be awarded. If there are any objections, the Court will consider and rule on them. We do not know how long this process will take. We do not know if the Hearing will be continued. There will not be a new notice sent out if it is; however, we will provide an update on the website for the case. You may speak at the Hearing but only if you have submitted your comments or objections as provided in the question above entitled "If I Do Not Like The Settlement Or Object To The Attorneys' Fees, How Do I Tell The Court?"

**17. Do I Have To Come To The Hearing?**

No. You may, but need not, attend the Hearing. Class Counsel will answer any questions the Court may have. However, you may come if you choose, at your own expense. If you sent a written objection, you do not have to come to Court to talk about it. As long as you properly submitted your written objection, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

**18. May I Speak At The Hearing?**

You will not be heard unless you have submitted your comments or objections as provided in the question above entitled "If I Do Not Like The Settlement Or Object To The Attorneys' Fees, How Do I Tell The Court?" and have stated in your submission that you wish to be heard. You cannot speak at the Hearing if you exclude yourself. If you have submitted an objection, the Court will decide whether or not to hear from you verbally as well.

**19. 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. However, because you did not file a claim, you will not be entitled to any money from the Settlement.

**20. Are There Circumstances Where Defendants Can Withdraw From The Settlement?**

Because the purpose of a Settlement is to conclude the lawsuit, either the City or the County may withdraw from the Settlement if there are too many exclusions. If the City withdraws but not the County, then the money paid by the County will be distributed equally to those people who were taken to jail on buses driven by County Sheriff's Department members, and the case will go forward against the City.

**21. When Will I Receive Money From The Settlement?**

No money will be paid until 1) after the Settlement Funds are deposited with the Settlement Administrator, which will only occur 30 days after the Settlement is approved and all possibilities of appeal are completed, and 2) until after the date set by the Court as the last day to mail or file a claim. After that, it will likely take at least two months, and quite possibly more, to process all the claims, calculate the amount due to each Class Member and receive the money to send to the Class Members. If you file a claim and do not receive money within six months after July 6, 2015, which is the last day to mail or file a claim, check the website for this case about when mailings are expected, or contact the Class Administrator by either calling 1-888-288-6910 or writing to:

*Aichele v. City of Los Angeles Settlement Administrator*  
c/o Gilardi & Co., LLC  
P.O. Box 8060  
San Rafael CA 94912-8060

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

If you make a claim and receive a check and do not cash it, it will be forfeited and distributed to other class members to the extent possible.

**22. What Happens If There Is Not A Final Settlement?**

Under certain circumstances, it is possible the Settlement might not receive final Court approval (for example, if there are too many people who decide not to participate or if the court for some reason does not approve the Settlement). In that situation, the case would go forward and go to trial.

**23. Are There More Details About The Settlement?**

This Notice merely summarizes the Settlement. You may go to the website titled [www.OccupyLASettlement.com](http://www.OccupyLASettlement.com) to see the complete Settlement documents in the case. If any description in this Notice of the terms in the Settlement documents conflict with the actual Settlement documents, the terms of the Settlement documents control.