

Notice of Proposed Settlement

of Class Action Lawsuit Concerning the Postcard-Only Mail Policy at the Wilson County Correctional Facility

Ogden, et al. v. Figgins, No. 2:16-cv-02268
U.S. District Court for the District of Kansas

Purpose of This Notice

This notice gives information about the settlement of a lawsuit challenging the policy of the Wilson County Correctional Facility (“Jail”) that requires non-privileged mail, sent by or to inmates, to be written on postcards.

Background

This class action lawsuit was filed in April 2016 against the Sheriff of Wilson County, alleging that the Sheriff’s Postcard-Only Mail Policy violates the constitutional rights of inmates and their correspondents. In August 2016, the U.S. District Court for the District of Kansas certified the lawsuit as a class action.

Summary of the Proposed Settlement

The Wilson County Sheriff and Class Representatives Russell K. Ogden, Beatrice Hammer, and John Smith, acting on behalf of detainees at the Jail and their correspondents, have now reached a settlement in the case, which must be approved by the Court before it takes effect.

The proposed settlement has been reached on behalf of the following plaintiff class:

All current and future outside correspondents who wish to write letters to, and/or receive letters from, inmates in the Wilson County Correctional Facility and who are subject to or affected by the Postcard-Only Mail Policy.

The terms of the Settlement are as follows:

Inmates May Send Letters: The Sheriff will not prohibit or restrict Jail inmates from mailing non-privileged letters in envelopes to correspondents outside the Jail, except as set forth in this Notice.

Inmates May Receive Letters: The Sheriff will not prohibit or restrict Jail inmates from receiving non-privileged letters in envelopes from correspondents outside the Jail, except as set forth in this Notice.

No Volume Restrictions on Mail: The Sheriff will not restrict the number of letters or postcards that an inmate can send or receive, unless there is clear evidence that such correspondence (i) poses a safety threat to the Jail, its inmates and/or staff; or (ii) reads of conducting and/or encouraging criminal activity. Additionally, Jail inmates may not correspond with (i) other inmates within the Jail or another correctional facility; or (ii) any individual that is listed as non-contact by a court or law enforcement agency due to domestic violence, endorsed witnesses, or victims of a crime.

Content Regulation Not Covered: This settlement is not intended to restrict any authority the Defendant Sheriff may have to regulate the content of correspondence.

EXHIBIT B

Attorneys' Fees: The Sheriff will pay the Plaintiffs' reasonable attorneys' fees, costs, and litigation expenses, which have been mutually agreed upon, and for which the Parties seek final approval from the Court.

No Monetary Payments to Class Members: No Class Member will receive any monetary payment as part of this Settlement. The Class Representatives, Russell K. Ogden, Beatrice Hammer, and John Smith, will not receive any monetary payment.

Right to Object

The Court has reviewed the proposed Settlement and preliminarily approved it subject to a final Fairness Hearing to consider objections and comments to the Settlement. The Court has set a Fairness Hearing for this purpose, on _____, 2017, at _____.m. in Courtroom _____ of the United States District Court, 500 State Avenue, Kansas City, KS 66101. If there are timely filed, written objections, the Court will consider them, and the Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether or not to approve the Settlement.

If you are a member of the settlement class listed above, you can comment or object to the proposed Settlement. You can tell the Court that you do not like the Settlement, or some part of it. The Court will consider your views, but may approve the Settlement anyway or modify it with approval of the parties.

To object or comment on the proposed Settlement, you must submit a written Statement of Objection or Comment that: (a) identifies the case, *Ogden, et al. v. Figgins*, (b) contains your **name and address**; (c) describes **each objection** or comment you have and explains the **basis of each objection** or comment by providing facts and law. You may submit copies of any documents that support your objections or comments with the Statement of Objection or Comment. If you or a lawyer on your behalf wishes to appear and present such objection or comment 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.

Your Statement of Objection and Notice of Intention to Appear must be sent to the Court at the address below and postmarked or received **no later than** _____, **2017**.

Honorable Julie A. Robinson
U.S. District Judge
U.S. District Court for the District of Kansas
500 State Avenue, Suite 511
Kansas City, KS 66101

Contact Information for Class Counsel:

For Further Information: Copies of the entire proposed Settlement and other relevant filings with the Court may be obtained from: (1) The ACLU of Kansas's website: <http://www.aclukansas.org>; and (2) Class Counsel, upon request, at the addresses below.

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