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24 Attorneys for Plaintiffs

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

27 KEVIN M. SCHILLING, JOHN PINEDO,
28 WILLIAM TELLEZ, on behalf of themselves
and all those similarly situated,

Plaintiffs,

vs.

TRANSCOR AMERICA, LLC, SGT. JOHN
SMITH, OFFICER JEFF BRUMMETT, and
DOES 1 through 100,

Defendants.

Case No. 3:08-cv-00941-SI


**[PROPOSED] ORDER APPROVING
PLAN TO PROVIDE CLASS NOTICE**

On December 3, 2012, the Court presided at a case management conference in the above-captioned matter. At that time, the Court considered and approved, as reasonable and appropriate, the Plaintiffs' proposal to provide notice to class members by publication in the Prison Legal News.

1 It is hereby ordered that notice, substantially in the form attached to this order as
2 “Exhibit 1,” shall be published prominently in the Prison Legal News, in the first issue of the
3 publication in which such notice may be printed following the issuance of this order.

4 SO ORDERED.

5 Dated: 12/12/2012

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SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

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NOTICE OF TERMINATION OF CLASS ACTION AGAINST TRANSCOR AMERICA, LLC

TO: *ALL INMATES AND DETAINEES WHO WERE TRANSPORTED BY TRANSCOR AMERICA, LLC FOR MORE THAN TWENTY-FOUR (24) HOURS CONTINUOUSLY*

If you were transported by TransCor America, LLC from a jail, prison, or state hospital in restraints, remained in the vehicle for more than 24 hours, and were deprived of overnight sleep in a bed between February 14, 2006, and the present, you were a member of a class action that was recently terminated in federal court in San Francisco, California. **YOU MUST NOW YOUR OWN ACTION IF YOU WANT TO PRESERVE YOUR RIGHTS. TIME IS OF THE ESSENCE SO YOU MUST PROCEED IMMEDIATELY!**

WHAT HAPPENED?

A case was filed in federal court, in the District Court for the Northern District of California, on February 14, 2008, against TransCor America, LLC, by Kevin M. Schilling, John Pinedo, and William Tellez; on behalf of themselves similarly situated, alleging that the conditions of transport violated the Constitutional prohibition of cruel and unusual punishment when inmates were transported for more than 24 hours, fully restrained, and deprived of overnight sleep in a bed. The case was initially certified to proceed as a class action and the statute of limitation was then tolled for all persons in the class.

On August 8, 2012, the Court granted the defendants' motion for summary judgment, finding that the mere fact that a person was transported, restrained, and denied overnight sleep in a bed for 24 hours did not violated the Eighth Amendment. On October 11, 2012, the Court denied plaintiffs' motion to amend the class certification order to establish classes of persons transported for two, three, four or more days. The effect of these orders is to restart the clock ticking on the statute of limitations applicable to claims of persons who had been in the originally certified class. Those claims may be barred by the mere passage of time, unless you take immediate action to preserve your rights by filing your own action in court.

HOW DO I DETERMINE IF MY CLAIM IS BARRED?

The statute of limitations is very tricky and varies from state to state. Generally, the statute begins to run when you were injured (the date of your transport). You then have a certain amount of time to pursue your claim by filing an action in court. Sometimes, this period is extended by state statute because of confinement or disability, but these statutes vary from state to state. Sometimes, you must first exhaust administrative remedies by using the prison or jail's grievance procedures, if available. If this class action was filed before your right to file a claim expired, the time to file was stayed or tolled until the court's recent actions when the clock started ticking again. That's why you must immediately consult with attorneys to find out how and when you must act in order to protect your rights.

WHAT HAPPENS IF I DO NOTHING?

If you do nothing, you will lose any right you had to seek relief, in court, for being subjected to unconstitutional treatment during transport on a TransCor America, LLC vehicle.

WHAT DO I DO IF I WANT TO PROCEED?

If you want to pursue your remedies, you must immediately consult with counsel in the state where you presently reside, in Tennessee where TransCor America, LLC has its corporate offices, or in any state through which you were transported, to determine your rights.