

# NOTICE OF SETTLEMENT OF CLASS ACTION

TO:

**ALL WOMEN PRISONERS UNDER THE JURISDICTION OF THE MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) PAST AND PRESENT, WHO DURING THEIR INCARCERATION WERE SUBJECTED TO SEXUAL MISCONDUCT, SEXUAL HARASSMENT AND VIOLATION OF THEIR PRIVACY RIGHTS BY MALE EMPLOYEES OF THE MDOC OR WHO HAVE BEEN RETALIATED AGAINST FOR REPORTING OR RESISTING SUCH ACTIONS.**

1. A class action law suit was filed in 1996 on behalf of all women prisoners who were subjected to sexual abuse, sexual harassment, privacy violations by male staff of the MDOC and/or retaliation for reporting such abuse while incarcerated in a Michigan Department of Corrections' facility. The law suit, entitled *Neal, et al v MDOC, et al*, File No. 96-6986-CZ, is pending in the Washtenaw County Circuit Court before the Honorable Timothy P. Connors.
2. A class action lawsuit was also filed in 2003 on behalf of all women prisoners who were subjected to sexual abuse, sexual harassment, privacy violations by male staff of the MDOC and/or retaliation for reporting such abuse while incarcerated in a Michigan Department of Corrections' facility. This lawsuit, entitled *Anderson, et al v MDOC, et al*, File No. 03-162-MZ, is pending in the Michigan Court of Claims before the Honorable Timothy P. Connors.
3. These law suits claim that the Plaintiff class members were discriminated against in violation of the Elliott-Larsen Civil Rights Act (ELCRA), and the Michigan Constitution, and seek injunctive relief to end the alleged violations of Plaintiffs' rights and money damages for class members to

compensate them for their injuries. The Court has previously certified these actions as class actions and defined the class as set forth above.

### NOTICE OF CLASS SETTLEMENT

4. On June 30, 2009, Plaintiffs entered into a proposed settlement agreement with the Michigan Department of Corrections to resolve all claims for monetary relief for the class in *Neal, et al v MDOC, et al* and *Anderson, et al v MDOC, et al* and to establish a process for resolving the claims for injunctive relief. The cases of *LaCross, et al v Zang, et al*, File No. 05-944-CZ, pending in the Washtenaw County Circuit Court, and *Mason, et al v Granholm, et al*, File No. 05-73943, pending in the United States District Court, Eastern District, will be dismissed and Plaintiffs in those cases will receive compensation for their injuries through settlement of their claims in these actions.
5. On July 15, 2009, the Court preliminarily approved a settlement of the monetary and equitable relief claims in these class actions; preliminarily approved distribution of the settlement in accordance with a Plan of Allocation of the settlement proceeds; and approved this notice of the proposed settlement, distribution and method for all Plaintiffs to object, a mechanism for Plaintiffs injured after September 1, 2004, to opt-out, and the mechanism for filing a claim to participate in the settlement proceeds.
6. If you are or were a prisoner between March 27, 1993 and the present, and you were sexually assaulted, sexually harassed, had your privacy rights violated by male staff of the MDOC while incarcerated, or were retaliated against for reporting such actions, you will be entitled to participate in this settlement and **Bound by any Final Settlement and Order Entered in this case**. If you wish to participate you **MUST** submit a claim form that is **RECEIVED** no later than August 14, 2009, by mailing, faxing or hand delivery to:

Deborah LaBelle, Co-Counsel for Plaintiff Class  
221 N. Main Street, Ste. 300  
Ann Arbor, MI 48104  
734.769.2196 facsimile

A claim form **must be received by August 14, 2009**, to be considered. If a claim form has not been provided to you, you may obtain one by contacting class counsel listed above or by downloading the forms from [www.nealclassaction.com](http://www.nealclassaction.com).

If you were first assaulted after September 1, 2004, and have not previously participated in these cases, you may choose to opt out of the settlement, in which case you will not receive any settlement monies and will not be bound by the final settlement and order of dismissal.

7. The Court has certified this action as a class action and you will be included in the class if you fit the above description unless you requested an exclusion prior to September 1, 2004, or were injured **for the first time, after September 1, 2004**, and you file an opt-out by sending a letter by hand delivery or mail, that is **received no later than August 14, 2009**. The opt-out letter must be sent to the attorneys and the Court at the following addresses:

Counsel for Plaintiff Class  
Deborah LaBelle (P31595)  
221 N. Main St., Ste. 300  
Ann Arbor, MI 48104  
734.996.5620  
734.769.2196 Facsimile  
[info@nealclassaction.com](mailto:info@nealclassaction.com)

Counsel for Defendant MDOC  
John L. Thurber (P44989)  
Assistant Attorney General  
P.O. Box 30217  
Lansing, MI 48909

Court  
Judge Timothy P. Connors  
Washtenaw Co. 22<sup>nd</sup> Circuit  
Washtenaw Co. Courthouse  
101 E. Huron Street  
Ann Arbor, Michigan 48104

If we do not receive a request by **August 14, 2009**, you will be part of the lawsuits and bound by any final settlement and order. If you wish to opt-out, you waive your right to receive any money from the settlement.

**OBJECTIONS:**

8. The Court has preliminarily approved this settlement, subject to objections from the class. If you wish to make any objections to the settlement or the plan of allocation of the settlement funds, you must:
- A. Be a class representative, a class member, an intervening Plaintiff or court appointed personal representative of a class member; **and**
  - B. File your written objections with the Court **and** the attorneys for both parties that **must be received no later than August 14, 2009**, by hand delivery or mailing to the Court **and** the attorneys for the parties at the addresses listed below:

Co-Counsel for Plaintiff Class  
Deborah LaBelle (P31595)  
221 N. Main St., Ste. 300  
Ann Arbor, MI 48104  
734.996.5620  
734.769.2196 Facsimile  
[info@nealclassaction.com](mailto:info@nealclassaction.com)

Co-Counsel for Defendant MDOC  
John L. Thurber (P44989)  
Assistant Attorney General  
P.O. Box 30217  
Lansing, MI 48909

Court  
Judge Timothy P. Connors  
Washtenaw Co. 22<sup>nd</sup> Circuit  
Washtenaw County Courthouse  
101 E. Huron Street  
Ann Arbor, Michigan 48104

9. The Court has scheduled a **fairness hearing for August 20, 2009 at 2:30 p.m.** A fairness hearing allows any Plaintiff who has timely filed an objection to the terms and conditions of the settlement of the class action an opportunity to address the Court prior to the Court ruling on whether to

approve the settlement. The Court will also address and rule upon any challenges to opt-outs at the fairness hearing. The fairness hearing will occur at the following location:

Judge Timothy P. Connors  
Washtenaw County 22<sup>nd</sup> Circuit Court  
Washtenaw County Courthouse  
Second Floor, Courtroom #10  
101 E. Huron Street  
Ann Arbor, Michigan 48104

10. If you choose, you are entitled to be represented by an attorney of your choice at the fairness hearing, at your own cost.
11. If the Court approves the settlement of this class action, all class representatives, class members, personal representatives of class members, and intervening Plaintiffs, will be bound by the terms of the settlement.
12. You should review the terms of the settlement agreement and Plan of Allocation of settlement proceeds because your participation rights are explained in these documents. If you did not receive a copy of these documents, you may obtain them by calling, writing, faxing or e-mailing Plaintiff class counsel for assistance. **Please do not call the Court.** Questions may be directed to Deborah LaBelle, one of the attorneys representing the class, or John Thurber, counsel for the state Defendants, by contacting them at the above listed addresses and numbers.
13. This Notice, together with the settlement agreement, Plan of Allocation and claim forms, shall be mailed to the last known address of any individual who has been identified by class counsel as a class member, by first class mail. This notice of settlement of class action, together with a summary of the settlement and mechanism for obtaining claim forms, shall also be posted and maintained for thirty (30) days, in all Michigan Department of Corrections' facilities, correctional centers and camps, housing women

prisoners. A summary of this notice of settlement of class action, together with a summary of the settlement and mechanism for obtaining claim forms shall be published in the *Detroit News*, *Detroit Free Press*, *Michigan Chronicle* and *Grand Rapids Press* for a period of two (2) weeks following the preliminary approval of this Notice. The cost of publication shall be shared by the parties. Finally, the Plaintiffs will provide notice of the settlement of the class action and ability to access claim forms by the establishment of a website at [www.nealclassaction.com](http://www.nealclassaction.com) and shall maintain this website until final approval of this settlement.

DATED: July 15, 2009

  
TIMOTHY P. CONNORS  
Circuit Court Judge