

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
JEFFREY BARHAM)	
et al.,)	
)	
Plaintiffs,)	Case No.: 02-CV-2283 (EGS)(JMF)
)	
v.)	
)	
CHARLES RAMSEY,)	
et al.,)	
)	
Defendants.)	
_____)	

**NOTICE OF FIRST AMENDMENT TO
SETTLEMENT AGREEMENT**

The *Barham* Class and District defendants respectfully herein inform the Court that they have executed a First Amendment to the Settlement Agreement in this matter. The Proposed Settlement Agreement was submitted as Exhibit 1 to the Joint Motion for Preliminary Approval of Proposed Class Settlement, Notice to Class and Notice of Fairness Hearing, filed on March 5, 2010. The Agreement appears on the Docket as Doc. No. 595-3.

The First Amendment to the Settlement Agreement is attached hereto as Attachment 1.

Respectfully submitted,

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Attorney General for the District of Columbia

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Assistant Attorney General
Equity Section I

On Behalf of the District defendants

DATED: March 29, 2010.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JEFFREY BARHAM, *et al.*,

Plaintiffs,

v.

CHARLES H. RAMSEY, *et al.*,

Defendants.

Civil Action No. 02-2283 (EGS)(JMF)

**FIRST AMENDMENT TO
SETTLEMENT AGREEMENT BETWEEN DEFENDANTS DISTRICT OF COLUMBIA,
FORMER CHIEF CHARLES H. RAMSEY, ASSISTANT CHIEF PETER J. NEWSHAM
AND THE CLASS REPRESENTATIVES ON BEHALF OF THE PLAINTIFF CLASS**

By joint agreement of the parties, the Settlement Agreement is amended as follows:

Section III(B)(2)

The following sentence is added at the end of section III(B)(2) (“Litigation Hold” Procedures and Practices to Prevent Loss or Destruction of Evidence):

Evidence received or reviewed as a result of “Litigation Hold” procedures set forth herein with respect to documents and records pertaining to alleged police misconduct involving or relating to mass demonstrations or protests are subject to the requirements set forth in section (III)(B)(1) (“Document Management System and Protocol; Evidence Indexing and Logging Requirements”).

Section III(B)(3)

The following amendment is made to section III(B)(3) (“Preservation and Indexing of Command Center and Communications Systems Records and Data”):¹

Commencing not later than 120 days following the Court’s final approval of settlement of this matter upon these terms and the exhaustion of any appeals (including any petition for writ of certiorari to the United States Supreme Court), the MPD shall issue policy statements or general orders mandating that whenever a command center or communications system is activated to assist in the management of mass demonstrations and protests or other cases as may be deemed appropriate by the Attorney General, all

¹ As customary, the use of underlining is to indicate the addition of new text within the provision.

computer files, communications recordings / radio runs and documents reasonably related to the event shall be preserved and indexed for a period of no less than three (3) years.

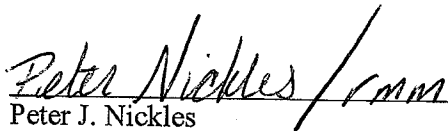
Section IV(I)

The following amendment is made to section IV(I), which pertains to web site based postings of the notice and claim form:

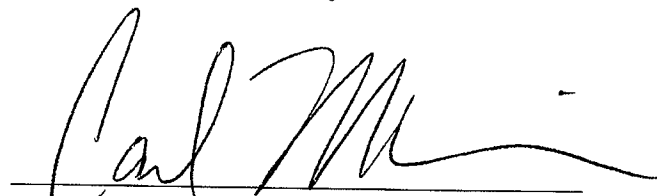
During the Notice and Claim period, the District of Columbia shall publish a link to the Notice to Class Members and Proof of Claim Form on the front page of the Metropolitan Police Department's web site (www.mpdc.dc.gov) and on the front page of the D.C. Office of the Attorney General's web site (www.oag.dc.gov), and Class Counsel shall publish such links on the front page of the web site for the Partnership for Civil Justice Fund (www.justiceonline.org). The links shall be posted during the period between the date that initial notice forms are mailed out through the date/deadline for the mailing of objections.

Signed and Agreed to by:

DATE: 3/29/2010


Peter J. Nickles
Attorney General for the District of Columbia
1350 Pennsylvania Ave. N.W.
Washington, D.C. 20001
on behalf of the District defendants

DATE: 3/29/2010


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