

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT REGARDING MOBILITY  
IMPAIRED INMATES IN SHASTA COUNTY JAILS**

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.**

This Notice is about a proposed settlement in a class action lawsuit against the Shasta County Sheriff's Department and California Forensic Medical Group involving the Americans with Disabilities Act ("ADA"). The lawsuit is called *Jewett et al. v. Shasta County Sheriff's Department, et al.*, Case No. 2:13-cv-0882 MCE AC (PC).

The District Court has scheduling a hearing to consider the settlement on June 28, 2018, at 2:00 p.m., at the Robert T. Matsui United States Courthouse, Courtroom 7, 14th Floor, 501 I Street, Sacramento, CA 95814. This hearing is referred to as the Fairness Hearing.

**ABOUT OF THE LAWSUIT**

Several inmates of the Shasta County Jail and an organization, called Legal Services for Prisoners with Children, filed a lawsuit against the Sheriff, the Shasta County Sheriff's Department, Shasta County and California Forensic Medical Group under the ADA and other laws claiming that inmates with mobility impairments were being denied equal access to programs, services and facilities available to inmates without mobility impairments, and that they were not provided with reasonable accommodations for their disabilities. Specifically, the lawsuit alleges that jail staff did not give inmates with mobility impairments, who need mobility aids, such as wheelchairs, walkers or crutches the same access to jail programs, services, and activities that they offered to inmates without mobility impairments. The lawsuit also alleged that the jail facilities had physical barriers that denied inmates with mobility disabilities access. The Sheriff, the Shasta County Sheriff's Department, Shasta County and California Forensic Medical Group (together, "Defendants") deny any liability or wrongdoing.

This is a class action. In a class action, one or more people or organizations, called Class Representatives (in this case Everett Jewett, Glen Harold Everett, Michael Donald Ackley, and Legal Services for Prisoners with Children ("Plaintiffs")), sue on behalf of people who have

similar legal claims. All of these people are a Class or Class Members. One court resolves the issues for all Class Members. United States

District Judge Morrison C. England is in charge of this class action. The parties have reached a settlement and this notice provides details of that settlement.

The District Court appointed Kecker, Van Nest & Peters LLP, Disability Rights Legal Center, and Atabeck & Associates to serve as the attorneys to the class in this lawsuit (“Class Counsel”).

The Court did not decide in favor of either Plaintiffs or the Defendants in this case. Instead, both sides agreed to a settlement. That way, they avoid the cost, delay, and uncertainty of a trial, and settlement benefits go to the Class Members. The Class Representatives and Class Counsel (the attorneys appointed by the Court to represent the Class) think the proposed settlement is in the best interests of the Class Members taking into account the benefits of the settlement, the risks of continued litigation, and the delay in obtaining relief for the Class if the litigation continues. By agreeing to the terms of settlement, Defendants are not admitting wrongdoing or liability.

### **THE SETTLEMENT CLASS**

The settlement class includes all current and future detainees and prisoners with a Mobility Disability, at any time from May 6, 2011 through the term of the settlement agreement who, because of their disabilities, need appropriate accommodations, modifications, services, and and/or physical access at Shasta County Jail.

### **SUMMARY OF THE PROPOSED SETTLEMENT AGREEMENT**

The following is only a summary of the terms and benefits of the settlement. The written agreement between the parties has the full terms of the proposed settlement. There are instructions below if you want more information regarding this settlement.

The settlement requires Defendants to make various changes and improvements to Shasta

County jail facilities that house or process inmates with mobility impairments. The settlement is for injunctive relief only and does not provide for any cash payment to members of the class, but it also does not limit your right to bring a claim for damages if you have one.

The Defendants have agreed to do the following:

1. Hire an expert who will inspect the jail and identify all areas that do not comply with the ADA and remove and/or remediate all of the physical barriers identified in the expert's report. The expert will also monitor construction by reviewing construction plans, conducting site inspections of completed work and providing written reports to Class Counsel. The expert will use the policy or regulation that gives the greatest level of accessibility to the class. Hire an expert who will review all of the jail-related policies and recommend changes that will be implemented.
2. Hire an ADA Coordinator who will oversee the Jail's compliance with laws relating to accessibility. The ADA Coordinator will also work with jail and CFMG staff to ensure inmates with disabilities receive appropriate accommodations, review any investigation related to inmates' accommodation-related requests and grievances, and monitor mobility-disability-related issues.
3. Amend the Jail grievance form to identify mobility-disability related requests. The grievance process will also be amended such that if a grievance that is designated an ADA grievance is rejected at the second level of the grievance process, the grievance will be submitted to the ADA coordinator for review and the ADA coordinator will submit the grievance and any denial of the grievance to Class Counsel within fourteen (14) days.
4. Provide inmates with mobility impairments equal access to programs and services such as educational and vocational programs, educational and religious activities, and notify inmates with mobility impairments of the programs available to them
5. Implement a system for identifying and tracking all inmates who have mobility disabilities as well as track the reasonable accommodations necessary for inmates with mobility disabilities to participate in the programs, services and activities in the Jail.

6. Provide comprehensive training to all current and future Jail staff for the County, CFMG, or CFMG's successor, regarding the rights of inmates with mobility disabilities under federal and state disability laws and Jail policies pertaining to treatment of inmates with disabilities.
7. Defendants agree to pay Class Counsel's attorney fees and costs. The Court will decide the amount.
8. Defendants also agree to pay Class Counsel's reasonable attorney fees and costs associated with monitoring compliance with the settlement agreement and with dispute resolution.
9. The Court will retain jurisdiction to enforce this Agreement for at least 3 years.
10. The Class Representatives release and settle all of their claims against Defendants for injunctive relief only. Class Members release class claims for injunctive relief, but do not release any future claims or claims for damages.

### **OBJECTIONS TO THE SETTLEMENT**

The Court has given preliminary approval of the Settlement Agreement, and has scheduled a Fairness Hearing before the Honorable Morrison C. England for June 28, 2018 in Courtroom 7, 14th Floor of the United States District Court for the Eastern District of California, 501 I Street, Sacramento, CA 95814, to determine whether the proposed settlement is fair and reasonable and should be finally approved. Although you are not required to attend, as a Class Member, you have the right to attend and be heard at this hearing. This hearing date may be changed by the Court without further notice to the entire Class.

Class Members have a right to object to the terms of the Settlement Agreement. To be considered by the District Court, Class Member objections can be made via phone or in writing. All objections must be postmarked or submitted to Class Counsel by not later than April 25, 2018 at the contact information listed below:

DISABILITY RIGHTS LEGAL CENTER  
350 S. Grand Ave, Suite 1520  
Los Angeles, California 90071  
Telephone: (866) 752-6679  
Email: DRLCenter@drlcenter.org

Objections must include all of the following information:

- (1) The objector's contact information (full name and address. And, if available, phone number and email, and inmate number);
- (2) An explanation of the basis for your objection to the Settlement Agreement;
- (3) A statement that you are a member of the Class alleged herein; and
- (4) A statement whether you intend to appear at the Fairness Hearing.

All information submitted to Class Counsel will be provided to the attorneys for the Sheriff, the Shasta County Sheriff's Department, Shasta County and California Forensic Medical Group and the District Court.

Only Class Members who submitted timely written or telephonic objections in the manner described above will have the right, if they seek it in their objections, to present objections at the Fairness Hearing. Any Class Member who fails to timely submit an objection may not be granted the right to appear before the Court at the hearing to make objections to the adequacy and/or fairness of the proposed Settlement Agreement. Objectors may withdraw their objections at any time.

**IF YOU DO NOT OPPOSE THE SETTLEMENT, YOU DO NOT NEED TO APPEAR OR SUBMIT ANYTHING IN WRITING OR TELEPHONICALLY.**

## **HOW TO GET MORE INFORMATION**

This is a summary of the Settlement Agreement. You can go to the Court any time during regular business hours to look at the pleadings in this case and the Settlement Agreement. The Court is the Robert T. Matsui United States Courthouse, Courtroom 7, 14th Floor, 501 I Street, Sacramento, CA 95814. You can also contact Class Counsel for more information as follows:

### **DISABILITY RIGHTS LEGAL CENTER**

350 S. Grand Ave, Suite 1520

Los Angeles, California 90071

Telephone: (866) 752-6679

Email: [DRLCenter@drlcenter.org](mailto:DRLCenter@drlcenter.org)

**DO NOT CALL OR WRITE TO THE COURT REGARDING THIS CASE**