

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Garcia v. Los Angeles County Sheriff's Department, et al.,

Case No. CV 09-8943-DMG (SHx)

To: All Inmates and Potential Inmates of the Los Angeles County Jail Who Are Eligible For Special Education and Related Services.

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

This Notice is being given by Order of the Court to individuals who may be members of a class of inmates and potential inmates of the Los Angeles County Jail affected by the settlement of a class action lawsuit called *Michael Garcia v. Los Angeles County Sheriff's Department, et al.*, Case Number CV 09-8943-DMG (SHx).

The District Court has scheduling a hearing to consider the class settlement with Defendant CDE on **October 19, 2018 at 10:00 a.m.**, at the Central District of California, United States Courthouse, Courtroom 8C, 350 W. 1st Street, Los Angeles, CA 90012. This hearing is referred to as the Final Settlement Approval Hearing.

SUMMARY OF THE LAWSUIT

In December 2009, Michael Garcia ("Plaintiff") filed a class action lawsuit in the United States District Court for the Central District of California (the "District Court"). Plaintiff, who was incarcerated at the Los Angeles County Jail ("LACJ"), claimed in the lawsuit that he did not receive the special education and related services he was entitled to while he was there. Plaintiff brought the lawsuit against the Los Angeles County Sheriff's Department ("Sheriff's Department"), County of Los Angeles, Los Angeles County Office of Education, Los Angeles Unified School District, California Department of Education (CDE), and Hacienda La Puente Unified School District. Plaintiff sought injunctive and declaratory relief and attorneys' fees.

On April 29, 2010, the District Court ruled that the claims for injunctive and declaratory relief could go forward on behalf of a class defined as "All Students who are or were eligible for special education and related services under 20 U.S.C. §§ 1400 *et seq.* while detained in any Los Angeles County Jail facility, and who: (a) are currently detained at any LACJ facility; (b) are detained at any LACJ facility in the future" ("Class Members")."

The District Court also appointed Milbank, Tweed, Hadley & McCloy LLP and the Disability Rights Legal Center to serve as counsel to the class in this lawsuit ("Class Counsel").

DESCRIPTION OF THE PROPOSED SETTLEMENT AGREEMENT WITH DEFENDANT CDE

The Settlement Agreement provides, in summary, that:

1. CDE will invite the Los Angeles County Sheriff's Department to subscribe to any listserve that the CDE uses to communicate information about special education to and amongst stakeholders;
2. CDE will distribute a Guidance Letter to all school districts, county offices of education, and charter schools regarding their obligations to provide special education services to eligible students in jail;
3. CDE will send to Class Counsel a copy of the Guidance Letter and communication of the Guidance letter that is sent to school districts, county offices of education, and charter schools;
4. CDE will post the Guidance Letter on CDE's website;
5. Using the Guidance Letter, CDE will have discussions with all CDE personnel within the Special Education Division with responsibilities for complaint investigations and/or monitoring regarding school

districts, county offices of education, and charter schools' obligations to provide special education services to eligible students in jail. CDE will have the discussions at least 3 times within 2 years;

6. CDE will send Class Counsel the job titles of CDE personnel who attended the discussion and an outline of the topics discussed;
7. CDE will pay \$90,000 for attorneys' fees and costs to Class Counsel; and
8. Plaintiff releases and settles all of his claims against CDE arising from this lawsuit. Class Members release class claims for all equitable or injunctive relief arising from this lawsuit, but do not release any future claims, money damages claims, or claims for prospective special education or related services or compensation for such services.

OBJECTIONS OR COMMENTS TO PROPOSED SETTLEMENT

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. Objections must be submitted to Class Counsel not later than **September 10, 2018** at the contact information listed below:

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

Objections must include all of the following information:

- 1) The objector's contact information (name, address, phone number and email);
- 2) An explanation of the basis for the objector's objection to the Settlement Agreement; and
- 3) Whether the objector intends to appear at the Final Settlement Approval Hearing on October 19, 2018 at 10:00 a.m.

All information submitted to Class Counsel will be provided to counsel for CDE and the District Court. It is not necessary for Class Members to appear at the Final Settlement Approval Hearing. Any Class Member who has submitted a timely objection as provided above and who wishes to appear at the Final Settlement Approval Hearing must give notice, either in writing or by the phone number provided, to counsel for all Parties in his/her objection of his/her intention to do so. Objectors may withdraw their objections at any time.

HOW TO GET MORE INFORMATION

This is a summary of the Settlement Agreement. You can go to the United States Courthouse any time during regular business hours to look at the pleadings in this case and the Settlement Agreement. The Roybal Federal Building and United States Courthouse is located at 255 E. Temple Street, Room 180 (Terrace Level), Los Angeles, CA, 90012. You can also contact Class Counsel for more information as follows:

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350 S. Grand Avenue, Suite 1520
Los Angeles, California 90071
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Email: DRLC@drlcenter.org

DO NOT CALL OR WRITE TO THE COURT REGARDING THIS CASE