

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JENNIFER REYNOLDS, <i>et al.</i> ,	:	
	:	Civil Action No. 1:07-CV-01688
	:	
Plaintiffs,	:	Judge Thomas I. Vanaskie
	:	
- vs -	:	
	:	
THE COUNTY OF DAUPHIN	:	
	:	
Defendant.	:	
	:	

ORDER PRELIMINARILY APPROVING SETTLEMENT

WHEREAS, the Plaintiffs and Defendant have entered into a Settlement Agreement intended to resolve the litigation pending in this Court; and

WHEREAS, the Settlement Agreement, together with supporting materials, sets forth the terms and conditions for a proposed settlement and dismissal with prejudice of these actions against the Defendant; and

WHEREAS, the Court has before it the parties' Motion for Preliminary Approval of Settlement and Memorandum in Support of Motion for Preliminary Approval of Settlement, together with the Settlement Agreement and supporting materials; and

WHEREAS, the Court is satisfied that the terms and conditions set forth in the Settlement Agreement were the result of good faith, arm's length settlement negotiations between competent and experienced counsel for both Plaintiffs and Defendant.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Order have the meanings assigned to them in the Settlement Agreement and this Order.
2. The terms of the parties' Settlement Agreement are hereby conditionally approved, subject to further consideration thereof at the Final Approval Hearing provided for below. The Court finds that said settlement is sufficiently within the range of reasonableness and that notice of the proposed settlement should be given as provided in this Order.
3. Pursuant to Fed R. Civ. P. 34 the Court conditionally certifies the following settlement class:

All persons who have been placed into the custody of the Dauphin County Prison after being charged with misdemeanors, summary offenses, violations of probation or parole or intermediate punishment, civil commitments, or minor crimes and were strip searched upon their entry into the Dauphin County Prison pursuant to the policy, custom and practice of the County of Dauphin. The class period commences on September 16, 2005 and extends to March 12, 2008. Specifically excluded from the class are Defendants and any and all of their respective affiliates, legal representatives, heirs, successors, employees or assignees.
4. The Court further conditionally finds that Plaintiffs are adequate class representatives for the Settlement Class.
5. The Court further finds that Plaintiffs' Counsel are adequate Class Counsel.
6. The Court approves the Class Notice of Settlement attached hereto as Exhibit A and the Summary Notice for Publication attached hereto as Exhibit B. The Court also approves the Notice Program as set forth in Section IV of the Settlement Agreement.
7. If the Settlement Agreement is terminated or not consummated for any reason whatsoever, the conditional certification of the Settlement Class shall be void, the

Defendant shall have reserved all its rights to oppose any and all class certification motions, to contest the adequacy of Plaintiffs as representatives of any putative class, and to contest the adequacy of Class Counsel as adequate Class Counsel. Additionally, Plaintiffs reserve all of their rights, including the right to continue with the litigation pending at the time of the settlement should the Settlement Agreement not be consummated.

Notice to Settlement Class and Appointment of Settlement Administrator

8. Counsel for the Class (“Class Counsel”) are as follows:

Alan M. Ross, Esquire
Law Offices of Alan M. Ross, Esquire
2001 North Front Street, Suite 220
Harrisburg, PA 17102
Telephone: 717.238.6311

Charles J. LaDuca, Esquire
Alexandra C. Warren, Esquire
Cuneo Gilbert & LaDuca, LLP
507 C Street, NE
Washington, DC 20002
Telephone: 202.789.3960

Elmer Robert Keach, III, Esquire
Law Offices of Elmer Robert Keach, III, PC
1040 Riverfront Center
P.O. Box 70
Amsterdam, NY 12010
Telephone: 518.434.1718

Daniel C. Levin, Esquire
Levin Fishbein Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Telephone: 215.592.1500

Gary E. Mason Esquire
The Mason Law Firm
1225 19th Street, NW
Suite 600
Washington, DC 20036
Telephone: 202.429.2290

9. Beginning no later than sixty (60) days from the date of this Order Preliminarily Approving Settlement, Class Counsel shall cause to be disseminated the notices, substantially in the form attached as Exhibits A and B hereto, in the manner set forth in Section IV of the Settlement Agreement. Such Notice Program will be completed expeditiously pursuant to the terms of the Settlement Agreement. Class Members will have forty-five (45) days from the Notice Date to opt out or to object, and one-hundred twenty (120) days from the Notice Date to file claims. Prior to the Final Approval Hearing, Plaintiffs and/or the Claims Administrator shall serve and file a sworn statement attesting to compliance with the provisions of this paragraph.

10. The notice to be provided as set forth in the Settlement Agreement is hereby found to be the best practicable means of providing notice under the circumstances and, when completed, shall constitute due and sufficient notice of the proposed settlement and the Final Approval Hearing to all persons and entities affected by and/or entitled to participate in the settlement, in full compliance with the notice requirements of Fed R. Civ. P. 23, due process, the Constitution of the United States, the laws of Pennsylvania and all other applicable laws. The Notices are accurate, objective, informative and provide Class members with all of the information necessary to make an informed decision regarding their participation in the Settlement and its fairness.

11. Class Counsel are authorized to retain Garden City Group and I Partners in accordance with the terms of the Settlement Agreement and this Order.

Requests for Exclusion from the Settlement Class

12. Any member of the Settlement Class that wishes to be excluded (“opt out”) from the Settlement Class must send a written Request for Exclusion to the Claims Administrator, so that it is received by the Claims Administrator at the address indicated in the Notice on or before the close of the opt out period. The Request for Exclusion shall fully comply with the requirements set forth in the Settlement Agreement.

Members of the Settlement Class may not exclude themselves by filing Requests for Exclusion as a group or class, but must in each instance individually and personally execute a Request for Exclusion and timely transmit it to the Claims Administrator.

13. Any member of the Settlement Class who does not properly and timely request exclusion from the Settlement Class shall be bound by all the terms and provisions of the Settlement Agreement, whether or not such person objected to the Settlement and whether or not such person made a claim upon, or participated in, the Settlement Fund pursuant to the Settlement Agreement.

The Final Approval Hearing

14. A hearing on final settlement approval (the “Final Approval Hearing”) is hereby scheduled to be held before this Court on no later than one hundred thirty (130) days from the Notice Date, to consider the fairness, the reasonableness, and adequacy of the proposed settlement, the dismissal with prejudice of this class action with respect to the Released Parties that is Defendant herein, and the entry of final judgment in this class

action. Class Counsels' application for award of attorney's fees and costs shall be heard at the time of the Final Approval Hearing.

15. The date and time of the Final Approval Hearing shall be set forth in the Notice, but the Final Approval Hearing shall be subject to adjournment by the Court without further notice to the members of the Settlement Class other than that which may be posted by the Court. Class Counsel will advise members of the settlement class of any scheduling issues by way of the settlement website.

16. Any person or entity that does not elect to be excluded from the Settlement Class may, but need not, enter an appearance through his or her own attorney. Settlement Class members who do not enter an appearance through their own attorneys will be represented by Class Counsel.

17. Any person who does not elect to be excluded from the Settlement Class may, but need not, submit comments or objections to the proposed Settlement. Any Class member may object to the proposed Settlement, entry of Final Order and Judgment approving the settlement, and Class Counsel's application for fees and expenses by serving a written objection.

18. Any Class member making the objection (an "objector") must sign the objection personally. An objection must state why the objector objects to the proposed Settlement and provide the basis to support such position. If an objector intends to appear personally at the Final Approval Hearing, the objector must include with the objection a notice of the objector's intent to appear at the hearing.

19. Objections, along with any notices of intent to appear, must be filed no later than forty-five (45) days from the Notice Date. If counsel is appearing on behalf of more than

one Class Member, counsel must identify each such Class Member and each Class Member must have complied with the requirements of this Order. These documents must be filed with the Clerk of the Court at the following address:

Clerk of the Court
United States District Court
Middle District of Pennsylvania
William J. Nealon Federal Building & U.S. Courthouse
235 N. Washington Avenue
P.O. Box 1148
Scranton, PA 18501

20. Objections, along with any notices of intent to appear, must also be mailed to Class Counsel and counsel for Defendant at the address listed below:

CLASS COUNSEL

**Alan M. Ross, Esquire
Law Offices of Alan M. Ross, Esquire
2001 North Front Street, Suite 220
Harrisburg, PA 17102
Telephone: 717.238.6311**

**Charles J. LaDuca, Esquire
Alexandra C. Warren, Esquire
Cuneo Gilbert & LaDuca, LLP
507 C Street, NE
Washington, DC 20002
Telephone: 202.789.3960**

**Elmer Robert Keach, III, Esquire
Law Offices of Elmer Robert Keach, III, PC
1040 Riverfront Center
P.O. Box 70
Amsterdam, NY 12010
Telephone: 518.434.1718**

**Daniel C. Levin, Esquire
Levin Fishbein Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106**

Telephone: 215.592.1500

**Gary E. Mason Esquire
The Mason Law Firm
1225 19th Street, NW
Suite 600
Washington, DC 20036
Telephone: 202.429.2290**

DEFENSE COUNSEL

Frank Lavery, Esquire
Lavery, Flaherty, Young & Patterson
225 Market Street, Suite 304
Harrisburg, PA 17108

Carol Steinour Young, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

21. Only Class Members who have filed and served valid and timely notices of objection shall be entitled to be heard at the Final Approval Hearing. Any Class Member who does not timely file and serve an objection in writing to the Settlement, entry of Final Judgment, or to Class Counsels' application for fees, costs, and expenses, in accordance with the procedure set forth in the Class Notice and mandated in this Order, shall be deemed to have waived any such objection by appeal, collateral attack, or otherwise.

22. Persons wishing to be heard at the Final Approval Hearing are required to file written comments or objections and indicate in their written comments or objections their intention to appear at the Final Approval Hearing. Settlement Class members need not appear at the hearing or take any other action to indicate their approval.

23. All members of the Settlement Class who do not personally and timely request to be excluded from the Class are enjoined from proceeding against the Defendant for the claims made in the Complaint.

Other Provisions

24. Upon approval of the settlement provided for in this Settlement Agreement, each and every time period and provision thereof shall be deemed incorporated herein as if expressly set forth and shall have the full force and effect of an Order of this Court.

25. All reasonable costs incurred in notifying members of the Settlement Class, as well as administering the Settlement Agreement, shall be paid as set forth in the Settlement Agreement.

IT IS SO ORDERED.

Dated: **April 8, 2009**

s/ Thomas I. Vanaskie _____
Thomas I. Vanaskie
United States District Judge

Legal Notice
United States District Court for the Middle District of Pennsylvania

NOTICE OF PROPOSED SETTLEMENT AND HEARING

If You Entered The Dauphin County Prison From September 16, 2005 To March 12, 2008 And Were Strip Searched Upon Arrival, Then Your Rights Could Be Affected By A Proposed Class Action Settlement.

The United States District Court for the Middle District of Pennsylvania authorized this notice. It is not from a lawyer. You are not being sued.

- This is a proposed settlement of a class action lawsuit alleging that corrections officers employed at the Dauphin County Prison engaged in the illegal strip searches of all individuals charged with only misdemeanors, summary offenses, violations of probation or parole or intermediate punishment, civil commitments, or minor offenses upon their entry into the Dauphin County Prison from September 16, 2005 until March 12, 2008.
- The settlement would entitle each Class Member to an equal share of a \$2,160,500.00 million settlement fund (after payment of administrative costs, an incentive award to the representative plaintiff, and attorneys' fees). The maximum payment to any Class Member shall be \$1,400.00.
- If any money is left over after each claimant has received their share of the settlement fund, States Self-Insured Risk Retention Group may receive some money back. This is detailed later in this notice.
- Visit the settlement website at **[INSERT]** for additional details about the settlement. You may also get additional information by calling 1-800 **[insert phone #]** or by writing to **[insert address]**.
- Your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
Submit a Claim Form	You must submit a Claim Form to receive payment under the settlement. You must submit a Claim Form by [insert date] to receive any money.
Exclude Yourself	If you exclude yourself from the settlement, you

	will not be bound by the settlement or judgment and will not be entitled to a cash payment. You will be free to pursue your claims against the Defendant. This is the only option that allows you to bring or be part of any other lawsuit against the Defendant in this case about the same legal claims that are advanced in this case. You must exclude yourself from the settlement by [Insert Date].
Object	If you do not exclude yourself, you may write to the Court about why you do not like the settlement or the request for legal fees and costs. You must send a written objection to the Court postmarked no later than [Insert Date].
Go to a Hearing	You may ask to speak in Court about the fairness of the settlement or the request for fees and costs.
Do Nothing	You get no payment. You give up your right to sue Defendant on these claims later.

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.
- The Court in charge of this case still must decide whether to give final approval to the settlement. Likewise, payments to class members will be distributed only if the Court grants final approval of the settlement and after any appeals are resolved.

I. WHY DID I GET THIS NOTICE PACKAGE?

You or someone in your family may have been charged with misdemeanors, summary offenses, violations of probation or parole, civil commitments, or minor crimes, in Dauphin County, from September 16, 2005 to March 12, 2008 and been subject to a strip search.

The Court sent you this notice because you have the right to know about a proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the settlement. If the Court approves it, and after any possible objections and appeals are resolved, an administrator appointed by the Court will make the monetary payments that the settlement allows. You will be informed of the progress of the settlement. You should understand that the process of Court approval may take a good deal of time.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them and how to get them.

The Court in charge of this case is the United States District Court for the Middle District of Pennsylvania, United States District Judge Thomas I. Vanaskie presiding. The case is called *Reynolds, et al. v. County of Dauphin*, No. 1:07-CV-01688. The people who brought suit are called the Plaintiffs. Plaintiffs sued the County of Dauphin.

II. WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs claim in this lawsuit that the County of Dauphin illegally strip searched individuals who were charged with misdemeanor crimes, violations of probation or parole or intermediate punishment, or other minor offenses upon their admission to the Dauphin County Prison, in violation of the unreasonable search provisions of the United States Constitution. Defendant denies that it did anything wrong, and contends that even if the County did do something wrong, Plaintiffs and the Class Members are not entitled to any money as a result of being searched.

III. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called the Class Representatives, sue on behalf of all people who have similar claims. All of these people are a Class or Class Members. A class action resolves the issues for all Class Members, except for those who exclude themselves from the Class. United States District Judge Thomas Vanaskie is in charge of this class action.

IV. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a settlement. That way, they avoid the costs and risks of a trial, and the people affected will get compensation. The Class Representatives and their attorneys think the settlement is best for everyone who is alleged to have been illegally strip searched.

V. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

All persons who have been or will be placed into the custody of the Dauphin County Prison after being charged and arrested within the County of Dauphin with misdemeanors, summary offenses, violations of probation or parole, civil commitments, or minor crimes, were or will be strip searched upon their transfer and entry into Dauphin County Prison. The class period commences on September 16, 2005 and extends until March 12, 2008. Specifically excluded from the class are Defendant and any and all of its respective affiliates, legal representatives, heirs, successors, employees or assignees.

The settlement does not cover individuals charged with felony offenses at the time of their entry into the Dauphin County Prison, anyone who entered the Dauphin County Prison after being convicted of (as compared to only being charged with) a crime,

or anyone who entered the Prison but was not strip searched as part of the Prison's booking procedure.

VI. DO I NEED TO PROVE THAT I WAS STRIP-SEARCHED, AND WHAT DOES THAT MEAN?

In filling out the Claim Form, you will affirm, under penalty of perjury, that you were strip searched during the admission process at the Dauphin County Prison. If your name is not contained in Dauphin County's records, you may be asked to provide additional documentation before being allowed to participate in the settlement.

A strip search occurred if, during the admission process, you were ordered to take off all of your clothes by a Dauphin County employee, with that employee watching you undress. Some members of the Class may also have been forced to bend at the waist or manipulate body parts to allow for a visual inspection. If you were searched in this manner when you were booked into the facility, you are a member of the Class and entitled to make a claim. You will need to provide an affirmation on the Claim Form confirming that one of these searches was conducted on you when you entered the Dauphin County Prison.

VIII. HOW DO I KNOW WHETHER THE CRIME FOR WHICH I WAS CHARGED UPON ADMISSION TO THE DAUPHIN COUNTY PRISON QUALIFIES ME FOR INCLUSION IN THE CLASS?

You must have been brought to the Dauphin County Prison before a judge had sentenced you (pre-adjudication) to be eligible to recover, and the charges must have been misdemeanor or summary offenses or violation of probation, parole or intermediate punishment. Everyone brought to the Dauphin County Prison pre-adjudication on misdemeanor and/or summary offenses and/or violation of probation or parole or intermediate punishment and who was strip searched upon admission is eligible under this settlement agreement.

Finally, if you were arrested and brought to the Dauphin County Prison under traffic offenses or traffic warrants, failing to pay fines and contempt, pre-adjudication, you are eligible under the Settlement Agreement. Consequently, if you failed to honor a payment order with a municipal court and were arrested, or failed to appear for a municipal court date and arrested, brought to the Dauphin County Prison and strip searched, you are eligible to receive a settlement payment.

IX. I WAS ADMITTED TO THE DAUPHIN COUNTY PRISON BUT I CAN'T REMEMBER WHAT MY CRIMINAL CHARGES WERE. HOW CAN I FIND THIS OUT, AND HOW DO I KNOW IF THE CHARGE WAS A MISDEMEANOR OR VIOLATION?

There are several ways for potential class members to determine the nature of

their criminal charges. First, you can review your charging documents, which should reflect both your actual charges and whether the charges were a misdemeanor offense. If you do not have your charging document and remember the local court where you were prosecuted, the court clerk will be able to help you find these documents.

If you need additional help determining whether you are a class member, or if you have other questions, you can contact the Settlement Administrator at **[insert number]**.

You can still make a claim if you do not remember your criminal charges if you believe you are a member of the Class, but you may be asked for additional information.

X. I PLED GUILTY TO A CRIME. HOW DOES THIS AFFECT MY RIGHT TO PARTICIPATE IN THE SETTLEMENT?

If you were admitted to the Dauphin County Prison solely on minor charges, as defined above, you can participate in the settlement regardless of how you resolved your criminal charges, including if you pled guilty to those charges. This is provided that you were admitted to the Prison before being sentenced by a court. For most Class Members, this would mean that they were committed to the Dauphin County Prison after they were arraigned before a Judge. If you were sentenced before admission to the Prison (meaning you were committed after pleading guilty or being convicted at trial) you are not a Class Member.

XI. WHAT IF I WAS ADMITTED TO THE DAUPHIN COUNTY PRISON ON MORE THAN ONE OCCASION DURING THE CLASS PERIOD? CAN I STILL PARTICIPATE IN THE SETTLEMENT?

Yes. Individuals who were admitted to the Dauphin County Prison on more than one occasion during the class period can be members of the class and can recover money. They can only recover one payment, however, meaning that you will not be provided with extra payments if you were admitted to the Dauphin County Prison more than one time.

XII. I AM STILL NOT SURE IF I AM INCLUDED.

If you are still not sure if you are included, you can ask for help. You can call **[insert number]** and the Settlement Administrator or Class Counsel may help answer your questions. For more information, you can also visit the website, **[INSERT]**, or you can just fill out the Claim Form and return it to the Settlement Administrator to see if you qualify.

THE SETTLEMENT BENEFITS - WHAT YOU GET

XIII. WHAT DOES THE SETTLEMENT PROVIDE?

States Self-Insured Risk Retention Group has agreed to pay \$2,160,500.00 to resolve this litigation. That money will be used to: 1) compensate Class Members who have been illegally strip searched; 2) pay for notifying Class Members and administering the settlement; 3) pay incentive awards to the named Plaintiffs, Jennifer Reynolds, Ashley McCormick and Devon Shepard; and 4) pay attorneys' fees and expenses. A complete description of the settlement is provided in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [enter website address] or by calling [enter administrator phone number].

XIV. WHAT CAN I GET FROM THE SETTLEMENT?

The settlement provides that all Class Members who make claims will receive an equal share of \$2,160,500.00, minus the costs of notice and administration, an incentive award for the named Plaintiffs, attorneys' fees, and expenses, except that payments to each Class Members will be no more than \$1,400.00. These amounts are dependent on how many claims are received by the Claims Administrator during the claims period, and are subject to change based on the number of claims received. No amount is guaranteed.

If any money is left over after each claimant has received his or her share of the settlement fund, Defendant Dauphin County will receive it.

HOW YOU GET A PAYMENT - SUBMITTING A CLAIM FORM

XV. HOW CAN I GET A PAYMENT?

To qualify for a payment, you **MUST** send in a Claim Form. A claim form is attached to this Notice. You can also get a claim form on the Internet at [INSERT]. Read the instructions carefully, fill out the form, sign it, and mail it postmarked no later than [insert date].

You may be asked for additional documents, and will be contacted in writing. You may want to send in your claim form by Certified Mail, Return Receipt Requested, to ensure that it is received by the Settlement Administrator.

XVI. WHEN WOULD I GET MY PAYMENT?

The Court will hold a hearing on **Friday, October 9, 2009**, to decide whether to approve the settlement. If Judge Vanaskie approves the settlement, there may be appeals. It is always uncertain whether those appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a claim form will be informed of the progress of the settlement. Please be patient.

XVII. WHAT AM I GIVING UP TO GET A PAYMENT OR STAY IN THE

CLASS?

Unless you exclude yourself, you are staying in the Class, and that means you can't sue, continue to sue, or be part of any other lawsuit against Dauphin County, its employees, or its elected officials about the legal issues in *this* case. It also means that all the Court's orders will apply to you and legally bind you. If you sign the claim form, you will agree to release all claims that you have relating to having been strip searched.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this settlement, but you want to keep the right to sue or continue to sue Dauphin County on your own about the legal issues in this case, then you must take steps to preserve these rights. This is called excluding yourself - or is sometimes referred to as "opting out" of the Settlement Class.

XVIII. HOW DO I GET OUT OF THE SETTLEMENT?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *Reynolds et al. v. County of Dauphin*. Be sure to include your name, address, telephone number and your signature. You must mail your exclusion request postmarked no later than **[insert date]** to **[insert address]**.

You can't exclude yourself on the phone or by email. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Dauphin County in the future.

XIX. IF I DO NOT EXCLUDE MYSELF, CAN I SUE DAUPHIN COUNTY FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue Dauphin County for the claims that this settlement involves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* class action to continue your own lawsuit. Remember, the exclusion deadline is **[insert date]**.

XX. IF I EXCLUDE MYSELF, CAN I GET MONEY FROM THE SETTLEMENT?

No. If you exclude yourself, do not send in a claim form to ask for money. But, you may sue, continue to sue, or be part of a different lawsuit against Dauphin County.

THE LAWYERS AND INDIVIDUALS

REPRESENTING YOU

XXI. DO I HAVE A LAWYER IN THIS CASE?

The Court approved Alan M. Ross, Esquire of the Law Offices of Alan M. Ross, Esquire; Elmer Robert Keach, III, Esquire of the Law Offices of Elmer Robert Keach, III, PC; Charles J. LaDuca, Esquire of Cuneo Gilbert & LaDuca, LLP; Gary Mason, Esquire of The Mason Law Firm; and Daniel C. Levin, Esquire of Levin Fishbein Sedran & Berman, to represent you and other Class Members. Together, the lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

XXII. HOW WILL THE LAWYERS AND THE CLASS REPRESENTATIVES BE PAID?

Class Counsel will ask the Court for attorneys' fees and expenses as a percentage of the \$2,160,500 settlement, and payments of \$15,000 for Class Representatives Jennifer Reynolds and Ashley McCormick, and payment of \$10,000 for Class Representative Devon Shepard. The Settlement Agreement provides that thirty percent of the settlement fund will be paid to Class Counsel as an award of attorneys' fees, together with an award for the reimbursement of expenses. These amounts will be deducted from the settlement fund before payments are made to Class Members. The costs of administering the settlement will also be deducted from the settlement fund.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

XXIII. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?

If you are a Class Member, you can object to the settlement if you don't like any part of it. You can give objections why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to *Reynolds et al. v. County of Dauphin*. Be sure to include your name, address, telephone number, your signature, and the reasons why you object to this settlement. Mail the objection to these three different places postmarked no later than **[insert date]**.

COURT

Clerk of the Court
United States District Court
Middle District of Pennsylvania

William J. Nealon Federal Building & U.S. Courthouse
235 N. Washington Avenue
P.O. Box 1148
Scranton, PA 18501

CLASS COUNSEL

Alan M. Ross
Law Offices of Alan Ross
2001 North Front Street, Suite 220
Harrisburg, PA 17102

DEFENSE COUNSEL

Frank Lavery
Lavery, Flahery, Young & Patterson
225 Market Street, Suite 304
Harrisburg, PA 17108

Carol Steinour Young, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

XXIV. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING MYSELF?

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be a part of the class. If you exclude yourself, you have no basis to object because the case no longer legally affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to do so.

XXV. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

On **Friday, October 9, 2009, at 1:30 p.m.** the United States District Court for the Middle District of Pennsylvania will hold a fairness hearing in the Federal Building and U.S. Courthouse, 228 Walnut Street, Harrisburg, PA 17108, in a courtroom to be designated by the Clerk of Court, to determine whether the Class was properly certified

and whether the proposed settlement is fair, adequate, and reasonable. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. This hearing may be continued or rescheduled by the Court without further notice. We do not know how long it will take the Court to give its decision.

XXVI. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer questions Judge Vanaskie may have. But you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

XXVII. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Reynolds, et al. v. County of Dauphin*.” Be sure to include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be postmarked no later than **[insert date]** and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel, at the three addresses in question XXIII. You cannot speak at this hearing if you excluded yourself.

IF YOU DO NOTHING

XXVIII. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing, you will get no money from the settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Dauphin County about the legal issues in this case, ever again. Unless you exclude yourself, you need to file a claim to receive a monetary payment under the settlement.

GETTING MORE INFORMATION

XXIX. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?

This Notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Settlement Administrator at **[insert address]** or by visiting **[insert web address]**.

XXX. HOW DO I GET MORE INFORMATION?

You can call **[insert number]**, write to the Settlement Administrator at **[insert address]**, or visit the website at www.dauphincountystripsearch.com, where you will find answers to common questions about the settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for payment.

COURT ORDERED LEGAL NOTICE

If you were admitted into the Dauphin County Prison between September 16, 2005 and March 12, 2008 and were strip searched upon admission, you could receive a payment from a class action settlement.

A \$2,160,500.00 million settlement has been proposed in a class action lawsuit about the strip search policies of the Dauphin County Prison (“DCP”). If you meet the criteria explained below, you can share in this settlement.

The United States District Court for the Middle District of Pennsylvania authorized this notice. The Court will have a hearing to decide whether to approve the settlement, so that the benefits may be paid.

Who’s Included?

You are a Class Member and could get benefits if (1) you were admitted into the DCP from September 16, 2005 through March 12, 2008, (2) you were charged with misdemeanors, summary offenses, violations of probation or parole or intermediate punishment, civil commitments, or minor crimes, and (3) you were strip searched upon entry into the Correctional Facility without reasonable cause to believe that you were concealing a weapon or other contraband.

What’s This About?

The lawsuit claims that Defendant Dauphin County and its Corrections Officers unlawfully strip-searched everyone admitted into the DCP. The County of Dauphin has denied those claims. The Court did not decide which side was right, but both sides agreed to the settlement to ensure a resolution and to provide benefits to the people who were affected.

What Does the Settlement Provide?

States Self-Insured Risk Retention Group has agreed to pay a total of \$2,160,500.00 to settle the case. That will pay for the claims of the Class Members, the administrative costs of the settlement, an incentive award to the named plaintiffs, and the

attorneys' fees and expenses. You can only make one claim, even if you were strip searched more than once.

Each Class Member who makes a claim will receive an equal share of the portion of the settlement fund allocated to pay claims to Class Members, which, after deducting the other costs set forth above, shall be no more than \$1,400.00.

If any money is left over after each claimant has received their share of the settlement fund, the Defendants may receive some money back from the settlement fund.

How Do You Ask For A Payment?

A detailed Notice and Claim Form package contains everything you need. Just call 1-800-XXX-XXXX or visit the settlement website, **[INSERT]**, to get one. To qualify for a payment, you must send in a Claim Form. **Claim forms are due by [insert date], 2008.**

What Are Your Other Options?

If you want to share in the settlement, all you need to do will be to obtain a Claim Form, as just explained, and return it according to its directions. If you don't want the settlement benefits or don't want to be legally bound by the settlement, you must exclude yourself by **[insert date] 2009**. If you exclude yourself, you can't get any benefits from this settlement, but you could bring a separate case against the defendant, if you want to. If you stay in the settlement, you may object to it by **[insert date] 2009**. The detailed notice, available by calling or visiting the website below, explains how to exclude yourself or object.

The court will hold a hearing in this case (*Reynolds et al. v. County of Dauphin*, Case No. 1:07-cv-01688) on **Friday, October 9, 2009, at 1:30 p.m.**, to consider whether to approve the settlement and a request by the lawyers representing all Class Members (Alan M. Ross, Esquire of the Law Offices of Alan M. Ross, Esquire; Elmer Robert Keach, III, Esquire of the Law Offices of Elmer Robert Keach, III, PC; Charles J. LaDuca, Esquire of Cuneo Gilbert & LaDuca, LLP; Gary Mason, Esquire of The Mason Law Firm; and Daniel C. Levin, Esquire of Levin Fishbein Sedran & Berman) for attorneys' fees and costs. You may ask to appear at the hearing, but you don't have to. For more information, call toll free 1-800-000-0000, visit the settlement website **[INSERT]**, or write to Settlement, P.O Box X, City, State, 00000.