

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Zarkower v. City of New York, et al., 19 CV 3843 (ARR) (JRC)

NOTICE OF CLASS ACTION PROPOSED SETTLEMENT AND HEARING

IF YOU WERE ARRESTED BY THE NYPD IN THE 114TH PRECINCT, ISSUED A DESK APPEARANCE TICKET (“DAT”), AND THEREAFTER FURTHER DETAINED BETWEEN NOVEMBER 11, 2013 AND JUNE 30, 2021, YOU MAY BE ENTITLED TO \$4,000.

The City has agreed to pay money damages to individuals who, after being issued DATs entitling them to be released, were further detained at the 114th Precinct to be subjected to questioning about crimes in the neighborhood, gun possession, or similar general issues unrelated to the individuals’ underlying arrests. This practice of questioning prisoners about neighborhood crime is known as “debriefing.”

This Notice is being sent you by order of the United States District Court for the Eastern District of New York (the “Court”). It describes a proposed settlement (the “Settlement”) of a class action lawsuit asserting claims against the City of New York (“City”) for violating the constitutional rights of individuals issued DATs in the 114th Precinct by excessively detaining them after the issuance of a DAT for the purpose of debriefing them, referred to herein as the “114th Precinct Debriefing Practice.”

TO BE ENTITLED TO RECEIVE MONEY UNDER THIS SETTLEMENT, YOU MUST MEET THE FOLLOWING REQUIREMENTS:

- (1) You were arrested by the NYPD and detained at the 114th Precinct Stationhouse between November 11, 2013 and June 30, 2021; and
- (2) You were issued a DAT; and
- (3) You were further detained after being issued a DAT; and
- (4) You were debriefed during this further detention.

| Summary of Your Legal Rights and Options in this Settlement | | |
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| Your Options | | Due Date |
| Submit a Claim Form | The only way to receive payment. | Claim Form Submitted by: June 6, 2024 |
| Exclude Yourself from the Settlement | Get no payment from the Settlement. This is the only option that allows you to ever be part of any other lawsuit against the City, or anyone else about the claims in this case. | Opt-Out Form Submitted by: March 8, 2024 |
| Object to Settlement | Remain a Class Member but write to the Court about problems or concerns you have with the Settlement. | Objections must be Submitted by: March 8, 2024 |
| Go to the Fairness Hearing | Objectors have opportunity to speak to the Court about the fairness of the Settlement. | Date: September 4, 2024 Time: 10:00 a.m. |
| Do Nothing | Get no payment and give up all rights to sue the City or their employees about the claims in this case. | |

KNOW YOUR RIGHTS. PLEASE READ THIS NOTICE IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED. YOU MAY BE ENTITLED TO MONEY FROM THIS SETTLEMENT.

1. Purpose of this Notice

This Notice explains the Civil Action, the Settlement, the certification by the Court of the Settlement Class, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. The Civil Action

On July 2, 2019, the Class Representative filed a Class Action Complaint against the City, and several NYPD officers in the United States District Court for the Eastern District of New York, on behalf of himself and a class of individuals who were subjected to the 114th Precinct Debriefing Practice. In order to secure certain, prompt and extensive relief for the Class Members and to avoid the risk of future litigation, trial and appeals, the Parties engaged in settlement negotiations for the Class that lasted for over a year. On August 23, 2023, the Parties reached an agreement providing for the settlement of the class action and executed a Stipulation of Settlement. The Parties agree that the Settlement is fair, reasonable and adequate and that it serves the best interest of the Class Members based on all the facts and circumstances.

3. Who is a Class Member?

Everyone who meets the following description is a Class Member: any person who was (1) arrested by the NYPD and detained at the 114th Precinct between November 11, 2013 and June 30, 2021; and who was (2) issued a DAT; and (3) further detained after being issued a DAT; and (4) debriefed during this further detention.

4. Why did I get this Notice?

You have received this Notice because the City's records indicate that you may be a Class Member because you were arrested and issued a DAT between November 11, 2013 and June 30, 2021. You have a right to know about the proposed Settlement of this class action lawsuit and about your options, before the Court decides whether to approve the Settlement.

5. What should I do if I think I am a Class Member but I did not Receive a Notice or a Claim Form?

It is possible that you are a Class Member even though you did not personally receive this Notice. If you believe that is the case, you may request to be included in the Settlement by going to www.DATsettlement.com, or by contacting the Administrator (see Paragraph 15: "How do I get more information") and request that you be mailed a Notice and Claim Form.

6. What does the Settlement provide to each Class Member?

The Settlement provides that each Class Member will receive \$4,000 in compensation.

7. Will the Class Representative Receive a Service Payment?

Class Counsel will apply for a service payment in the amount of \$17,000 to compensate the Class Representative for the time and effort he devoted to representing the Class in this case.

8. What do I need to do in order to receive payment?

To be eligible for a settlement payment, you must timely submit: (1) a Claim Form by the Claim Form Deadline of June 6, 2024; (2) proof of identity by submitting a copy of any of the following: a driver's license or other government-issued identification, an available electric, gas, water, telephone, cable, or other utility bills in such Class Member's name; a lease in such Class Member's name; a passport or visa; a green card or other identification issued by the Immigration and Naturalization Service or the United States Immigration and Customs Enforcement; or other documentation that reliably establishes such Class Member's identity; and (3) a filled-out and signed W-9 form. The Claim Form and W-9 form are enclosed herewith. You do not need to submit proof of identity and the W-9 with the Claim Form, but to be eligible for payment you must submit these documents on or before sixty (60) days after the Court approves the Settlement.

Also be aware that any payment made hereunder is subject to reduction for outstanding New York child support, docketed parking and Environmental Control Board judgments owed to DOF, docketed business tax warrants or judgments owed to DOF, and/or Medicare liens, if any.

The Claim Form, proof of identity, and W-9 can be submitted via the following means:

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| Mail: | Email: |
| Zarkower v. City of New York Settlement Administrator P.O. Box 301132 Los Angeles, CA 90030-1132 | Info@DATsettlement.com |

If you have any questions regarding completing the Claim Form, you may contact Class Counsel or the Administrator. See Paragraph 15 below: “How do I get more information” for their contact information.

Submission of the Claim Form does not guarantee you payment. The Administrator shall be entitled to deny the claim if it is determined based on a review of the City’s records that you do not meet all of the requirements listed in Paragraph 3, above.

If your address changes after submission of your Claim Form, you should inform Class Counsel or the Administrator to ensure you receive payment if and when the Settlement is approved.

9. Release of Claims

Unless you exclude yourself (“Opt-Out”) from this Settlement (see Paragraph 10 below), you will be releasing your claims and cannot sue the City or its agents/employees for the same claims that are covered by this lawsuit. What this means is that you will not be able to bring a lawsuit for anything that occurred before December 8, 2023 related to being excessively detained under the 114th Precinct Debriefing Practice. You are not giving up your right to sue the City for things that are not related to being excessively detained under the 114th Precinct’s Debriefing Practice or any conduct by the City or its agents/employees that occurred after December 8, 2023. The Settlement Agreement describes the Released Claims in detail, so please read it carefully. You can get a copy of the Settlement Agreement online at www.DATsettlement.com. If you have any questions, you can talk to the lawyers listed in Question 15 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

10. What if I want to “Opt-Out” and be Excluded from the Settlement?

If you want to be excluded from the Settlement and keep the right to sue the City or their employees on your own about the legal issues in this case, then you must take steps to Opt-Out of the Settlement. If you exclude yourself from the Class, you will not be legally bound by the Court’s judgments in this Civil Action and you also will not receive any money from this Class Action Settlement. To ask to be excluded, you must send a request for exclusion that contains your name and address, and must be personally signed by you. You can obtain an Opt-Out Form on the class website at www.DATsettlement.com, or submit your own signed writing that contains the following language:

“I understand that I am requesting to be excluded from the Class monetary settlement and that I will receive no money under the Settlement entered into by the City.”

You must submit your request for exclusion by March 8, 2024, via the following means:

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| Mail: | Email: |
| Zarkower v. City of New York Settlement Administrator P.O. Box 301132 Los Angeles, CA 90030-1132 | Info@DATsettlement.com |

If you do not provide written notice of your intention to Opt-Out of the Class, and also do not return a Claim Form, you will not receive payment pursuant to the Settlement and you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit involving the 114th Precinct Debriefing Practice during the Class Period (between November 11, 2013 and June 30, 2021).

11. Do I have a lawyer in this case? How will the lawyers be paid?

The Court has designated attorneys Lissa Green-Stark, Esq. and Brett H. Klein, Esq., by and through Brett H. Klein, Esq., PLLC as Class Counsel in this case. Class Counsel will represent you and other Class Members. You will not be required to pay anything to these lawyers. If you want to be represented by your own lawyer (other than Class Counsel), you may hire one at your own expense. Class Counsel will ask the Court to award them \$400,000 in attorneys’ fees and costs, which will be paid to them by the City, after the Settlement has been approved. The amount that you are entitled to receive under this Settlement will not be affected by the amount that the City is ordered to pay Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

12. How do I tell the Court that I have an objection to the Settlement?

If you are a Class Member and do not exclude yourself from the Settlement, you can object to the Settlement by telling the Court why you think the Settlement should not be approved. To object, you must send a signed letter that includes the following: (1) your name and contact information; (2) a statement stating you object to *Zarkower v. City of New York*, 19 Civ. 03843; (3) the reason you object; and (4) whether you want to speak at the Fairness Hearing. You must mail your objection, postmarked no later than March 8, 2024, to (a) the Clerk of Court, United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201; and (b) *Zarkower v. City of New York*, Settlement Administrator, P.O. Box 301132, Los Angeles, CA 90030-1132.

13. When and where will the Court decide whether to approve the Settlement?

The Court will have a Fairness Hearing to decide whether to approve the Settlement on September 4, 2024 before Hon. James R. Cho at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, NY 11201, in Courtroom 11-D South. You do not have to come to the hearing. If you want to speak at the hearing, you must request to do so when you file an objection (see Paragraph 12 above). You may also enter an appearance in the case through your own attorney. This appearance must be filed with the Clerk’s Office and served on the Administrator and Class Counsel no later than March 8, 2024. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them at the hearing. After the hearing, the Court will decide whether to approve the Settlement.

14. What happens if I do nothing at all?

If you do nothing, you will not get any payment. Unless you Opt-Out (see Paragraph 10, above), you won’t be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the City, or their employees or any other person or entity relating to the 114th Precinct Debriefing Practice.

15. How do I get more information?

Contact Class Counsel or the Administrator for more information, or visit www.DATsettlement.com.

| CLASS COUNSEL | ADMINISTRATOR |
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| Lissa Green-Stark, Esq. Brett H. Klein, Esq., PLLC 305 Broadway, Suite 600, New York, NY 10007 Tel.: (212) 335-0132; Fax: (212) 335-0571 Text Message: (917) 905-0287 Email: lgreen-stark@kleincivilrights.com | <i>Zarkower v. City of New York</i> Settlement Administrator P.O. Box 301132 Los Angeles, CA 90030-1132 (888) 876-0850 Info@DATsettlement.com |