

REVISED EXHIBIT H

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, *et al.*, individually and on behalf
of a class of all others similarly situated;

Plaintiffs,

- against -

THE CITY OF NEW YORK and NEW YORK
CITY HOUSING AUTHORITY;

Defendants.

10 Civ. 0699 (SAS)
ECF Case

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Eleanor Britt, Rikia Evans, Vaughn Frederick, Roman Jackson, Kristin Johnson, Shawne Jones, Patrick Littlejohn, Raymond Osorio, Lashaun Smith, Hector Suarez, and Andrew Washington, individually and on behalf of a class of all others similarly situated (“Plaintiffs”), Defendant City of New York (“City”), and Defendant New York City Housing Authority (“NYCHA”), who are parties to the *Davis, et al. v. City of New York, et al.* class action now pending in the United States District Court, have reached an agreement, subject to approval of the Court, to settle this case (“Settlement Agreement”). This Notice describes the proposed Settlement Agreement and how it may affect your legal rights. The proposed Settlement Agreement will not go into effect until: (1) individuals whose rights may be affected by the proposed Settlement Agreement have had the chance to object to it; and (2) the Court has a hearing and approves the Settlement Agreement as fair, adequate, and reasonable, and all appeals from that approval have been exhausted.

Your rights as a member of the Plaintiff Class are affected by this Settlement Agreement if you are:

- (1) an African-American or Latino resident of a NYCHA apartment—or a family member, authorized guest or visitor of a NYCHA resident—who, since January 28, 2007, has been or would be unlawfully stopped, seized, questioned, frisked, searched and/or arrested for trespass by New York City Police Department (“NYPD”) officers in or around NYCHA residences; and/or
- (2) a NYCHA resident whose family member, authorized guest or visitor, since January 28, 2007, has been or would be unlawfully stopped, seized, questioned, frisked, searched, and/or arrested for trespass by NYPD officers in or around NYCHA residences.

In this lawsuit, the Plaintiff Class alleges that (1) NYPD officers violated federal and state law in their enforcement of New York State trespass laws in public housing residences, and (2) NYCHA violated federal law by creating unreasonable lease terms when issuing its “Highlights of House Rules, Lease Terms and Policy.”

Below is a brief summary of what the Settlement Agreement will address and provide if it is approved by the Court:

- Revisions to the NYPD Patrol Guide that instruct NYPD officers how to conduct interior (or “vertical”) patrols of NYCHA residences in a manner that respects the rights of NYCHA residents and their authorized visitors;
- Revisions to certain NYPD training materials that instruct NYPD officers how to conduct interior (or “vertical”) patrols of NYCHA residences, and how to enforce NYCHA rules when conducting those interior patrols, in a manner that respects the rights of NYCHA residents and their authorized visitors;
- Revisions to a “Trespass Crime Fact Sheet” and a requirement that NYPD officers complete this form after making any arrest for trespass in or around NYCHA residences;
- Revisions to NYCHA’s “Highlights of House Rules, Lease Terms and Policy,” which makes clear that (1) NYCHA residents are asked, but not required, to cooperate with inquiries from NYPD officers, and (2) clarifies the prohibited activity of “lingering” in common areas of NYCHA residences; and
- Full participation in a Court-ordered monitoring process with the parties in the “stop-and-frisk” case, *Floyd v. City of New York*, 08 Civ. 1034, which will reform the NYPD’s training, supervision, monitoring, and discipline policies and practices with respect to trespass enforcement in or around NYCHA residences, and will provide an opportunity for community members, including NYCHA residents, to voice their opinions and experiences during the development of those reforms. This process will be overseen by the Court.

Upon approval by the Court, the Settlement Agreement will resolve and release pending claims of the Plaintiff Class against Defendant City and Defendant NYCHA relating to trespass enforcement that have been or, could have been, asserted in *Davis, et al. v. City of New York, et al.* prior to the date that the Settlement Agreement goes into effect. This Notice does not constitute a determination by the Court concerning the merit or lack of merit of the allegations made by Plaintiffs against Defendants in this case. Further, Defendants do not admit to any liability of any kind in the Settlement Agreement.

The entire Settlement Agreement is available on the following websites:

<http://www.naacpldf.org/DavisClass>

<http://www.legal-aid.org/en/criminal/criminalpractice/davissettlement.aspx>

In addition, the Settlement Agreement is available for review at the Office of the Clerk of the Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312.

If you have questions about the proposed Settlement Agreement, or wish to receive a copy of the Settlement Agreement but do not have access to the Internet to download a copy online, you may contact the following civil rights organization, which serves as counsel for the Plaintiff Class, by telephone or email:

Jin Hee Lee or Rachel Kleinman
NAACP Legal Defense & Educational Fund, Inc.
(877) 301-2201
DavisClass@naacpldf.org

You may, of course, seek the advice and guidance of your own attorney if you desire. The Court cannot respond to any questions regarding this Notice, the lawsuit, or the proposed Settlement Agreement.

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, a hearing (“the Fairness Hearing”) will be held before the Honorable Shira A. Scheindlin, U.S. District Judge, to determine whether a proposed settlement of this action, on the terms and conditions set forth in the Settlement Agreement, should be approved as fair, reasonable, and adequate, as recommended by both the attorneys representing the Plaintiff Class and those representing the Defendants. THE FAIRNESS HEARING WILL TAKE PLACE IN COURTROOM 15C OF THE UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NEW YORK, ON WEDNESDAY, APRIL 22, 2015, BEGINNING AT 4:00 P.M. Any interested person may attend the Fairness Hearing.

YOU DO NOT NEED TO APPEAR AT THE FAIRNESS HEARING OR TAKE ANY OTHER ACTION TO INDICATE YOUR APPROVAL OF THE SETTLEMENT AGREEMENT. You do not need to take any action in response to this Notice.

If, however, you are a Class Member, you have the right to object to and/or comment on the proposed Settlement Agreement. Your comment may be in favor of the proposed Settlement Agreement, or you may object to any aspect of the proposed Settlement Agreement.

IF YOU HAVE ANY OBJECTIONS OR COMMENTS TO THIS SETTLEMENT AGREEMENT AND/OR WISH TO STATE YOUR OBJECTIONS AT THE FAIRNESS HEARING, YOU MUST FOLLOW THE INSTRUCTIONS SET FORTH BELOW.

If you wish to submit written objections or comments to the proposed Settlement Agreement, you must complete and deliver (by mail, private delivery service, personal delivery, or email) a Written Objection Submission Form together with your written objections to the NAACP Legal Defense & Educational Fund, Inc. by April 1, 2015.

If you wish to submit written objections or comments to the proposed Settlement Agreement and speak at the Fairness Hearing, you must complete and deliver (by mail, private delivery service, personal delivery, or email) a Request to Speak Form together with your Written Objection Submission Form and your written objections to the NAACP Legal Defense & Educational Fund, Inc. by April 1, 2015.

Written Objection Submission Forms and Request to Speak Forms are available from Plaintiffs' Counsel by accessing the website addresses or contacting the telephone number and email address listed above. Addresses for Plaintiffs' Counsel are:

NAACP Legal Defense & Educational Fund, Inc.
Attn: Davis Class Settlement
40 Rector Street, 5th Floor
New York, NY 10026
DavisClass@naacpldf.org

Copies of all objections will be forwarded by Plaintiffs' Counsel to Counsel for Defendants and provided to the Court before the Fairness Hearing.