

NOTICE: CLASS ACTION SETTLEMENT
**Santa Clara County Jails: Access for Persons With
Mobility Disabilities**

A proposed settlement has been reached in *Cole v. County of Santa Clara*, N.D. Cal. No. 5:16-cv-06594-LHK. The *Cole* case is a federal class action lawsuit challenging access to programs, services, and activities at the Santa Clara County Jails on behalf of inmates with mobility disabilities. You are a member of this class if you have a mobility disability and are incarcerated in the County Jails.

The Court has preliminarily approved the settlement of this matter. **This notice explains the proposed settlement, how you can see it, and how you can tell the Court whether you think it is fair.**

This action does not seek money damages and none will be awarded. Nor does the proposed Consent Decree release any claims for monetary damages class members may have.

The terms of the settlement are described in a document called the Consent Decree. The Consent Decree implements a document called the “Remedial Plan,” which outlines specific conditions in the jails that the County has agreed to remedy.

Under the Consent Decree, the County will be required to develop implementation plans to reform certain policies, procedures, and practices for providing accommodations to prisoners with mobility disabilities in the Jails, including in the areas of the County’s: (1) intake process; (2) verification of mobility disability process; (3) issuance, retention, and denial of mobility device(s); (4) classification and housing of prisoners with mobility disabilities; (5) tracking of prisoners with mobility disabilities and disability-related needs; (6) provision of programs and services; (7) ADA Coordinator; (8) training of custody and custody health staff; and (9) ADA-related grievance and request systems.

The Consent Decree also requires that the County undertake significant construction to remedy physical barriers at the County Jails including increasing the number of ADA-accessible cells, removing barriers in the County’s booking area, medical areas, dining areas, education and

program areas, yards, and along paths of travel. The County has already begun these efforts and has allocated over \$100 million dollars to ADA jail improvements. Finally, the Consent Decree requires the County to retain experts to monitor the County's implementation of, and compliance with, the Consent Decree. The Consent Decree further provides for plaintiffs' counsel to also monitor the County's compliance.

You can read about these changes in the Consent Decree. The Consent Decree and Remedial Plan will be available in a binder in each housing unit or, alternatively, you can read the Consent Decree and Remedial Plan by completing an Inmate Request Form and asking to see a copy. Custody Staff will provide you a copy within three (3) days of your request.

You can also access the precise terms and conditions of the Consent Decree online at www.dralegal.org or www.rbgg.com, by contacting class counsel at the addresses listed below, by accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California at 280 South 1st Street, Room 2112, San Jose, CA 95113.

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PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THE CONSENT DECREE.

The Court will keep jurisdiction to enforce the requirements of this settlement. The Court will hold a hearing on the fairness of this settlement at 1:30 p.m. on March 21, 2019, before the Honorable Lucy H. Koh at the United States District Court, Northern District of California, San Jose Courthouse, Courtroom 8 - 4th Floor, 280 South 1st Street, San Jose, CA 95113.

The attorneys who brought the class action will ask the Court to have Defendants pay for their attorneys' fees and expenses for the work they have performed and will perform in the future to monitor the County's compliance. The Consent Decree limits the attorneys' fees and expenses to \$1 million for the work done so far and to \$2.2 million for work that will be necessary in the future to implement the Consent Decree and for plaintiffs' counsel to monitor compliance in order to protect the rights of class members.

You may object to the proposed Consent Decree in writing. You may also appear at the Final Approval Hearing, either in person or through your attorney. If you appear through your own attorney you are responsible for paying that attorney. All written objections and supporting papers must include the case name (*Cole v. County of Santa Clara*) and case number (No. 5:16-cv-06594-LHK), as well as your name, address, and signature. Objections must be postmarked no later than **March 7, 2019** and sent to the following address:

Clerk of the Court
United States District Court
Northern District of California
280 South 1st Street
San Jose, CA 95113

Comments may also be submitted by filing them in person at any location of the United States District Court for the Northern District of California.

Please note that the Court can only approve or deny the Consent Decree. The Court cannot change the terms of the Consent Decree.