

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

TO: All people with disabilities who need hand controls or other adaptive devices to operate a vehicle, and who have been or are deterred from purchasing or renting a vehicle from Mobility Works (website located at: www.mobilityworks.com), or from using the company's adaptive equipment installation services. **The settlement described below may affect your rights — please read this notice carefully.**

I. PURPOSE OF THIS NOTICE

The purpose of this notice is to inform members of the proposed settlement class about a proposed settlement that would resolve the class action lawsuit entitled *Community Resources for Independent Living, et al. v. Mobility Works of California, LLC, et al.*, Case No. 4:18-cv-06012-JSW (N.D. Cal). Plaintiffs filed this class action lawsuit in October 2018, alleging that Mobility Works — one of the country's largest providers of wheelchair accessible vehicles for sale or rent, and a major installer of adaptive devices — employed two policies that discriminated against drivers with disabilities. First, Plaintiffs alleged that Mobility Works would not install hand controls or other adaptive devices in rental cars when drivers with disabilities needed and requested them. Second, Plaintiffs alleged that before Mobility Works would install such devices in a vehicle, it required people with disabilities who needed them to undergo unnecessary and burdensome “certification” courses that were not imposed on any nondisabled drivers.

Defendants deny Plaintiffs' allegations, deny that Plaintiffs' requested policy changes are required under the law, and do not admit any liability in connection to this lawsuit. However, after nearly a year of negotiations, the Parties have reached an agreement on a proposed class-wide settlement that would resolve Plaintiffs' lawsuit. This settlement must be approved by the Court. The proposed Settlement Agreement itself, and all related documents, can be found at <https://dralegal.org/mobilityworks-settlement/>, or by contacting class counsel pursuant to the information in Section VII below.

II. SUMMARY OF THE PROPOSED SETTLEMENT

Pursuant to the parties' Settlement Agreement, Mobility Works will install hand controls and certain other adaptive equipment¹ in available rental vehicles upon request and at no charge to customers, provided that they possess a valid license and can verify their ability to use the requested equipment. Mobility Works will also provide licensed drivers who need adaptive equipment installed in any vehicle with two alternatives to the prior “certification” requirement, including the ability to submit a signed statement regarding their ability to use the equipment requested.

¹ In the context of customer rentals of vehicles with adaptive equipment, the term adaptive equipment refers specifically to pedal extensions, spinner knobs, push-rock hand controls, push-pull hand controls, push-right-angle hand controls, and/or push-twist hand controls only.

In addition to the policy changes described above, the Parties' proposed agreement will ensure that information regarding these new policies is easily accessible to potential customers, and that the policies are consistently implemented by Mobility Works employees. The Settlement Agreement also contains provisions to ensure settlement compliance, and to ensure that any disputes that arise during its two-year term are promptly resolved. For example, when publishing its new policies, Mobility Works will include a phone number for settlement-related complaints and will submit evidence of any such complaints to Plaintiffs' attorneys subject to the terms outlined in the Settlement Agreement.

Finally, the Parties' agreement provides that Disability Rights Advocates, the attorneys who represented Plaintiffs and the class, will receive \$150,000 as compensation for their work on the case and expenses incurred, and that individual Plaintiffs Dorene Giacopini and Stuart James will receive \$2,000 each, to compensate them for time spent advocating on behalf of the class. While the Parties negotiated these award amounts with the assistance of a neutral mediator, any awards (including the amounts) must still be approved by the Court.

III. WHO IS IN THE CLASS?

The proposed settlement class consists of "all persons with disabilities who need Adaptive Devices to operate a vehicle, and who have used or attempted to use Mobility Works' rental or installation services between October 1, 2016 and Final Approval, as well as all such individuals who will use or attempt to use Defendants' rental or installation services throughout the Settlement Term." If you (1) have a disability, (2) need hand controls or other adaptive devices to drive, and (3) have used or attempted to use Defendants' services between October 1, 2016 and the present, you are a member of the class.

IV. THE EFFECT OF THE SETTLEMENT ON THE RIGHTS OF CLASS MEMBERS

All class members will be bound by the terms of the Settlement Agreement. If the settlement is approved, all class members will release any and all claims for injunctive relief (e.g., policy or practice changes) against Mobility Works related to the installation of adaptive devices in vehicles Mobility Works offers for rent or sale, or in customers' existing vehicles, that arose before the Settlement Agreement becomes effective. In other words, this agreement will only release the claims actually brought and settled in Plaintiffs' case — **class members' potential monetary (damages) claims against Mobility Works will not be affected, and nor will any claims for discrimination that might take place after the expiration of the settlement's two-year term.**

V. OBJECTING TO THE SETTLEMENT

You can ask the Court to deny approval of this settlement by filing an objection with the Court. **You cannot ask the Court to order a different settlement; the Court can only approve or deny this proposed settlement.** If the Court denies approval, any settlement changes necessary for approval may not be made, and the lawsuit may continue.

If you wish to object to the proposed settlement you must do so in writing. You may also appear at the fairness hearing for final approval of the settlement, either in person or through your own attorney. But if you wish to appear and present your objection orally at the fairness hearing, you must first submit a written objection and in your written objection you must indicate your intention to appear and be heard at the fairness hearing. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*Community Resources for Independent Living, et al. v. Mobility Works of California, LLC, et al.*, Case No. 4:18-cv-06012-JSW), (b) be submitted to the Court either by mailing them to the Clerk of the Court for the United States District Court for the Northern District of California, 1301 Clay Street, Suite 400 S, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be received **on or before May 5, 2020**.

The fairness hearing for this settlement is tentatively set for **May 22, 2020 at 9:00 a.m.**, in Courtroom 5, on the Second Floor of the United States Courthouse at 1301 Clay Street in Oakland, California. However, these details may change – please check the settlement website at <https://dralegal.org/mobilityworks-settlement/> for any changes.

VI. FURTHER INFORMATION

This notice only summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement itself, available at <https://dralegal.org/mobilityworks-settlement/>. Alternatively, you may request a copy of the Settlement Agreement by contacting Class Counsel using the information in Section VII, below; 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 visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 1301 Clay Street, Suite 400 S, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

To obtain a copy of this notice in alternate accessible formats, contact Class Counsel using the information below.

VII. CONTACT INFORMATION

Please do not contact the Court, the Court clerk’s office, or Defense Counsel with questions about this settlement. Any questions must be directed to Class Counsel, who can be contacted by phone, mail, or email as follows:

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