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9 Attorneys for Plaintiffs and Certified Class

10 **[Additional Counsel Listed on Page 2]**

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12

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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16 SANTEYA DANYELL WILLIAMS, MARY
RUTH SCOTT, KAREN LATREECE
17 COLEMAN, PRISCILLA BUNTON, and
ALYCE DENISE PAYNE, on behalf of
18 themselves and all others similarly situated,

Plaintiffs,

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v.

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CITY OF ANTIOCH,

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Defendant.

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McNamara, Ney, Beatty, Slattery,
Borges & Ambacher
THOMAS G. BEATTY (SBN 75794)
JAMES V. FITZGERALD, III (SBN
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Attorneys for Defendant
CITY OF ANTIOCH

No. C-08-2301 SBA

**NOTICE OF PROPOSED CLASS
ACTION SETTLEMENT**

NO.: C-08-2301 SBA

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

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IMPORTANT: PLEASE READ CAREFULLY

To: All African-Americans who have held or currently hold Section 8 housing vouchers in the City of Antioch:

This Notice is being given by Order of the Court to individuals who may be members of a class of current and former African-American Section 8 households affected by the settlement of a class action lawsuit called Williams, et al. v. City of Antioch, et al., Case Number C08-2301 SBA (U.S. District Court, Northern District of California).

The lawsuit claims that the City of Antioch and its Police Department discriminated against African-American Section 8 families based on their race and Section 8 status. The City of Antioch has denied all wrongdoing. There was no finding of intentional discrimination in this lawsuit.

The District Court has scheduled a hearing to consider the settlement on March 8, 2012 at 9 a.m. in Courtroom F, at the United States District Court, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California 94102.

This hearing is referred to as the settlement hearing or the fairness hearing. If the district court approves this settlement, all claims by class members against the City of Antioch for injunctive relief based on claims of discriminatory policing by the Antioch Police Department will be finally resolved in accordance with the terms of the settlement. However, the court's approval of this settlement will not affect the right of class members, other than the five named plaintiffs, to assert claims for damages against the City.

The purpose of this notice is to inform you of:

- **The nature of the lawsuit, and who is a member of the class;**
- **Your right to object to the settlement;**
- **A description of the terms of the proposed settlement; and**

- **How to find out more information about the proposed settlement.**

THE LAWSUIT AND THE CLASS

The lawsuit was filed as a class action in July 2008 by five African-American women participating in the Section 8 Housing Choice Voucher program. The lawsuit claims that the City of Antioch and its Police Department discriminated against African-American Section 8 families based on their race and Section 8 status. The plaintiffs sought damages, injunctive relief, and attorneys' fees.

On September 2, 2010, the Court ruled that the claims for injunctive relief could go forward on behalf of a class defined as "all African-Americans who have held, currently hold, or may hold Section 8 housing vouchers, and all members of their households, who reside, have resided or will reside, in the City of Antioch." The Court also ruled, however, that the named plaintiffs could not seek damages on behalf of the other class members.

The Court's order designated the following lawyers to serve as counsel to the class ("Class Counsel") in this action:

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Lawyers' Committee For Civil Rights
of the San Francisco Bay Area
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4 The Court's order appointed named plaintiffs Santeya Danyell Williams, Mary Ruth
5 Scott, Karen Latreece Coleman, Priscilla Bunton, and Alyce Denise Payne to serve as Class
6 Representatives.

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8 **WHAT ARE YOUR RIGHTS AS A CLASS MEMBER?**

9 You do not need to do anything if you are satisfied with the settlement. If you are
10 dissatisfied with any terms of the proposed settlement described below, you may comment or
11 object to the settlement. If you wish to have your comments or objections considered at the
12 settlement fairness hearing, you must send your comments or objection in writing, on or before
13 February 28, 2012 to Class Counsel and counsel for the City of Antioch at:

14 The Impact Fund

15 125 University Ave., Suite 102 and
16 Berkeley, California 94710

McNamara, Ney, Beatty, Slattery, Borges & Ambacher
Attn. James V. Fitzgerald, III
1211 Newell Avenue, P.O. Box 5288
Walnut Creek, CA 94596

17 If you do not make your objections by that date, you will lose the right to object. Both
18 the envelope and your comments or objection should include the name of the case and the case
19 number. If you do so comment or object, you also have the right to appear personally or through
20 an attorney at the settlement hearing to present your comments or objection to the Court. Except
21 with special permission of the Court, you will not be permitted to object or comment at the
22 hearing if your comments or objection are not received in writing by February 28, 2012.

24 If, after the fairness hearing, the Court rejects the settlement, it will be voided and
25 litigation of the case will continue. However, if that happens, there is no assurance: (a) that any
26 decision at trial would be in favor of class members; (b) that a favorable trial decision, if any,
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1 would be as favorable to the class members as this settlement; or (c) that any such favorable trial
2 decision would be upheld if any appeal was filed.

3 **DESCRIPTION OF THE PROPOSED SETTLEMENT**

4 The Settlement Agreement provides, in summary, that:

- 5
- 6 1. The City of Antioch will not publicly identify African American Section 8 recipients
7 (except as allowed for in the next paragraph).
 - 8 2. APD will send copies of any communications it sends to the Housing Authority of
9 Contra Costa County regarding complaints about identified Section 8 recipients to the
10 Impact Fund for three years.
 - 11 3. The City of Antioch will not retaliate against the five named Plaintiffs or their family
12 members approved to live in their household by the Housing Authority.
 - 13 4. The City of Antioch will not focus on African American Section 8 recipients on either
14 the basis of their race or Section 8 status in its policing efforts, except when race is used
15 specifically to identify a suspect.
 - 16 5. The Plaintiffs will dismiss this case within 30 days after the Court approves the
17 settlement.
 - 18 6. The Court will retain jurisdiction to enforce this Agreement for three years.
 - 19 7. The City of Antioch will pay \$180,000.00, to be divided equally among the five named
20 Plaintiffs.
 - 21 8. The City of Antioch will pay \$180,000.00 for costs and attorneys' fees of Plaintiffs'
22 lawyers.
 - 23 9. Plaintiffs release and settle all of their claims against the City. Class members release
24 class claims for injunctive relief but do not release any claims for damages.
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HOW TO GET MORE INFORMATION ABOUT THE SETTLEMENT

If you have questions about the proposed settlement agreement, or would like to obtain a copy of it, you may contact the lawyers who represent the class, at the address below:

The Impact Fund
125 University Ave., suite 102
Berkeley, California 94710

(510)845-3473, ext. 308

There will be no charge.

Do not contact the district court or the judge.

Dated this ____ day of _____, 2011.

Clerk of the Court
United States District Court- Northern District of California