

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

A court authorized this Notice. This is not a solicitation from a lawyer.

If you receive this Notice, you have been identified as someone who may be entitled to cash benefits and whose rights may be affected by a settlement involving a class action lawsuit against Rutherford County, Tennessee and Providence Community Corrections, Inc. (“PCC”).

If, at any time from October 1, 2011 to October 5, 2017, you incurred court-imposed financial obligations arising from a misdemeanor or traffic case in Rutherford County, and were supervised on probation in that case by PCC or Rutherford County’s Probation Department, you may be a member of the Settlement Class.

- A civil rights class action lawsuit was brought against Rutherford County, Tennessee (“Rutherford County”), PCC and certain individuals associated with PCC (the “PCC Defendants,” and collectively with Rutherford County, the “Defendants”). The lawsuit alleges violations under federal and state law and the U.S. Constitution relating to probation practices in Rutherford County and to fines, fees, costs, and surcharges arising from traffic and misdemeanor cases in the Rutherford County courts. A Settlement has been proposed in this case.
- If you are included in the Settlement, your rights will be affected and you may be able to get benefits.
- If you owed or paid money to PCC, you may be eligible to receive a cash award from a Settlement Fund based on the amount you paid or owed to PCC and the period of time you were on probation with PCC.
- Your legal rights are affected whether or not you act. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM (by April 27, 2018)	Remain in the Settlement: <ul style="list-style-type: none">▪ Submit a Claim Form seeking a payment from the Settlement Fund. The amount will be determined based upon a combination of the fees paid to PCC and the length of time on probation, as described in the Settlement Agreement. Using your information, the Settlement Administrator will determine the size of your payment.▪ Give up your right to be part of another lawsuit, arbitration or proceeding against the Defendants for the same legal claims resolved by this Settlement.
EXCLUDE YOURSELF (by April 27, 2018)	Get <u>out</u> of the Settlement: <ul style="list-style-type: none">▪ Keep your right to be part of another lawsuit, arbitration or proceeding against the Defendants for the same legal claims resolved by this Settlement.▪ Give up your right to receive any benefits from the Settlement.
OBJECT (by April 27, 2018)	Remain in the Settlement: <ul style="list-style-type: none">▪ Write to the Court about why you do not like the Settlement terms.▪ Give up your right to be part of another lawsuit, arbitration or proceeding against the Defendants for the same legal claims resolved by this Settlement.

Questions?

Call the Claims Administrator at 1-888-805-9120 or visit www.PCCRutherfordSettlement.com

GO TO THE FAIRNESS HEARING (June 25, 2018)	Remain in the Settlement: <ul style="list-style-type: none"> ▪ Ask to speak to the Court about the fairness of it. ▪ Give up your right to be part of another lawsuit, arbitration or proceeding against the Defendants for the same legal claims resolved by this Settlement.
DO NOTHING	<ul style="list-style-type: none"> ▪ Get no benefits. ▪ Give up your right to be part of another lawsuit, arbitration or proceeding against the Defendants for the same legal claims resolved by this Settlement.

- Your rights and options – **and the deadlines to exercise them** – are explained in this Notice.
- The Court in charge of this Settlement still has to decide whether to approve the Settlement.
- Payments will be made if the Court approves the Settlement and after any appeals are resolved.

BASIC INFORMATION

1. What is this Notice and why should I read it?

This Notice is to inform you of the proposed Settlement of a class action lawsuit and about all of your rights and options before the Court decides whether to approve it. This Notice describes the lawsuit, the proposed Settlement, your legal rights, what benefits are available and who can get them.

Judge David M. Lawson is overseeing the proposed Settlement in the United States District Court for the Middle District of Tennessee. The proposed Settlement will resolve all of the claims against the Defendants made in *Rodriguez et al. v. Providence Community Corrections, Inc. et al.*, Case No. 3:15-cv-01048 (“*Rodriguez*”) (M.D. Tenn. October 1, 2015), as well as related appeals in *Rodriguez et al. v. Providence Community Corrections, Inc. et al.*, Case Nos. 16-5057, 16-5058, 16-6127, 16-6128, and 16-6129 (6th Cir.). The individuals that sued are called the Named Plaintiffs. The companies and individuals they sued, Rutherford County, Providence Community Corrections, Inc., Jasmine Jackson, Briana Woodlee, Amanda Roberts, Tiarra Smith, and Nisha Hyde Concentra, are called the Defendants.

2. What is a class action?

In a class action, one or more people or entities, called Named Plaintiffs or Class Representatives, sue on behalf of all people who have similar claims. The people included in the Settlement of these class actions are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement.

3. What are the lawsuits about?

The lawsuit alleges that Rutherford County contracted with PCC to provide private probation services to individuals on probation in Rutherford County. The lawsuit alleges that PCC and other defendants provided private probation services, imposed fees, and supervised probationers in violation of federal civil rights laws. The Named Plaintiffs purport to represent a class of individuals who, at any time from October 1, 2011 to October 5, 2017, incurred court-imposed financial obligations arising from a traffic or misdemeanor case in Rutherford County General Sessions or Circuit Court, and were supervised on probation in that case by PCC or Rutherford County’s Probation Department. The lawsuit alleges violations of the Racketeer Influenced and Corrupt Organizations Act (civil RICO statutes), other federal

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and state statutes, the due process and equal protection rights under the U.S. Constitution, and the Fourteenth Amendment to the U.S. Constitution. The lawsuit also alleges abuse of process.

The Defendants deny each and every allegation of wrongdoing, liability and damages that was or could have been made in the lawsuit. The Plaintiffs maintain their allegations against the Defendants.

4. Why is there a Settlement?

The Court has not yet decided in favor of either the Named Plaintiffs or the Defendants. Instead, the parties have agreed to settle the lawsuit. The Defendants are settling to avoid the substantial cost, inconvenience and disruption of litigation. The Named Plaintiffs and Settlement Class Counsel believe that the Settlement is in the best interests of the Settlement Class because it provides an appropriate recovery for Settlement Class Members now while avoiding the substantial risk, expense and delay of pursuing the case through trial and any additional appeals.

5. How do I know if I am included in the Settlement Class?

The Settlement Class includes all persons who, at any time from October 1, 2011 to October 5, 2017, incurred court-imposed financial obligations arising from a traffic or misdemeanor case in Rutherford County General Sessions or Circuit Court, and were supervised on probation in that case by PCC or Rutherford County's Probation Department.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Settlement Class Members who (a) were supervised by or paid fees to PCC between October 1, 2011 and October 5, 2017 or (b) were supervised by or paid probation fees to Rutherford County's Probation Department in or after March 2016 solely because they were unable to pay court-imposed financial obligations and can show that they were unable to pay, do not opt out of the Settlement, and submit a valid Claim Form by the deadline will receive a portion of the \$14,300,000 Settlement Fund. The portion of the fund to be paid to any eligible Settlement Class Member will be determined by the Settlement Administrator. If there are not enough funds to pay all eligible Settlement Class Members in total, each eligible Settlement Class Members' claim will be reduced accordingly. If there are any funds left over after the initial distribution, the payment to each eligible Settlement Class Member will be increased accordingly up to a maximum of five times the payment the Settlement Class Member would be entitled to. Available funds left over after all such disbursements are made, including any awards for attorneys' fees and expenses, will be contributed to the No Exceptions Prison Collective of the Harriet Tubman House.

In addition, Settlement Class Members will also receive injunctive relief against Rutherford County, as specified in Exhibit C to the Settlement Agreement. If Settlement Class Members owe money arising from a misdemeanor probation case in the Rutherford County courts and earn below 125% of the federal poverty line, then they may petition without charge to have those fees waived, and their fees will be waived if they earn below 125% of the federal poverty line, unless the court makes specific findings set forth in the Rutherford County Misdemeanor Probation Injunction Agreement.

7. How do I get a payment?

If you are part of the Settlement Class, were on probation with PCC and submit a valid Claim Form by the deadline, you will receive a payment from the Settlement Administrator after the Settlement is approved and becomes effective. If you were not supervised by PCC and instead were supervised by Rutherford County, then in order to receive payment you must establish that you were placed or kept on supervised probation due to an inability to pay court fees and fines. The Court still has to decide whether to approve

the Settlement. Cash payments will be made to eligible Settlement Class Members if the Court approves the Settlement and after any appeals are resolved.

8. What am I giving up in exchange for the Settlement?

Unless you exclude yourself, you will remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against the Released Persons for the legal issues and claims resolved by this Settlement. The specific rights you are giving up are called Released Claims (see Question 9).

9. What are the Released Claims?

"Released Claims" generally refers to any and all claims, whether known or unknown, that could have been asserted by you in a lawsuit against any of the Released Persons (the Defendants and their affiliates) arising from or relating to the Defendants' actions or omissions in connection with the lawsuit and PCC's probation services in Rutherford County.

The Released Claims are fully described in Section II, Paragraph GG, Section IV, Paragraph B, and Section VIII, Paragraph U of the Settlement Agreement and Release, which is available by calling **1-888-805-9120** or visiting **www.PCCRutherfordSettlement.com**.

EXCLUDE YOURSELF, OBJECT, OR DO NOTHING

10. What does it mean to Exclude Yourself from the Settlement?

If you want to keep the right to sue or continue to sue the Defendants about the facts or claims alleged in the lawsuits, and you don't want a payment from this Settlement, you must take steps to remove yourself from the Settlement Class. This is called excluding yourself or opting out of the Settlement.

11. How do I get out of the Settlement?

If you wish to be excluded from the Settlement Class, you must submit a request for exclusion to the Settlement Administrator by mail to PCC Rutherford Settlement, c/o Dahl Administration LLC, PO Box 3614, Minneapolis, MN 55403-0614 or electronically at www.PCCRutherfordSettlement.com no later than **April 27, 2018**. Your request for exclusion must be signed by you and contain a statement that you want to be excluded from the Settlement Class. If you have any questions concerning these procedures, please contact the Settlement Administrator at **1-888-805-9120**.

You may opt-out for yourself only and may not opt out on behalf of others.

12. If I exclude myself, will I still get a payment from this Settlement?

No. If you exclude yourself, you are telling the Court that you don't want to be part of the Settlement Class in this Settlement. You can only get a payment if you stay in the Settlement Class.

13. If I don't exclude myself, can I sue the Defendants for the same things later?

No. Unless you exclude yourself, you are giving up the right to sue the Defendants for the claims that this Settlement resolves. You must exclude yourself from *this* Settlement Class to start or continue with your own lawsuit or be part of any other lawsuit.

14. How do I object or tell the Court if I don't like the Settlement?

If you are a Settlement Class Member and you do not ask to be excluded, you may object to the terms of the Settlement, the Attorneys' Fee Awards, or the Named Plaintiffs' Incentive Awards. The Court will consider your views before making a decision. To object, you must provide: (a) your name, address, telephone number and, if represented by counsel, of your counsel; (b) a signed declaration stating that you are a member of the Settlement Class; (c) a statement of all objections to the Settlement and the bases for your objections; and (d) a statement of whether you intend to appear at the Fairness Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend. You must include "Case No. 3:15-cv-01048" on each page of the submission.

Your objection must be submitted to at least one of the addresses listed below and be postmarked by **April 27, 2018**. Any of the below parties who receive your objection will share it with the remaining parties.

Clerk of the Court	Settlement Class Counsel
United States District Court 801 Broadway Room 800 Nashville, TN 37203	Elizabeth Rossi Civil Rights Corps 910 17th Street NW, Suite 500 Washington, DC 20006 Telephone: (202) 599-0953
PCC's Counsel	Rutherford County's Counsel
Manny A. Abascal Latham & Watkins LLP 355 South Grand Avenue, Suite 100 Los Angeles, California 90071 Telephone: (213) 485-1234	Josh A. McCreary E. Evan Cope Hudson, Reed & McCreary, PLLC 16 Public Square North Murfeesboro, Tennessee 37130 Telephone: (615) 893-5522

If you do not follow the above instructions, the Court has discretion to determine whether or not you may appear at the final fairness hearing.

15. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class (do not exclude yourself). If you object, you can still receive a payment from the Settlement. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you cannot object or receive a payment because the Settlement no longer affects you.

16. What happens if I do nothing?

If you do nothing and the Court approves the Settlement, you will be bound by its terms, and you will give up your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues or claims resolved by this Settlement. **You must submit a valid Claim Form by the deadline to be eligible to receive payment under the Settlement (see Questions 6-7).**

THE LAWYERS REPRESENTING THE SETTLEMENT CLASS

17. Who represents the Settlement Class?

For purposes of the Settlement, the Court has approved the appointment of the following as Settlement Class Counsel to work on behalf of the Settlement Class:

Alec Karakatsanis
Elizabeth Rossi
Civil Rights Corps
910 17th Street NW, Suite 500
Washington, DC 20006
Telephone: (202) 599-0953

Kyle F. Mothershead
Law Office of Kyle Mothershead
414 Union Street, Suite 900
Nashville, TN 37219
Telephone: (615) 982-8002
Facsimile: (615) 229-6387

You will not be charged for the services of Settlement Class Counsel, who will be paid from the Settlement (see Question 18). If you want to be represented by your own lawyer, you may hire counsel at your own expense.

18. How will the lawyers be paid?

Settlement Class Counsel, and former counsel that previously worked on behalf of the Settlement Class, have not been paid any attorneys' fees and have not been reimbursed for any of their out-of-pocket expenses. As payment for their work in the lawsuits and in obtaining the Settlement, Settlement Class Counsel and former counsel that previously worked on behalf of the Settlement Class intend to ask the Court to approve payment of Attorneys' Fee Awards up to \$1,381,115, plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. After payments are made to any eligible Settlement Class Members, Settlement Class Counsel and former counsel may ask the Court to approve payment for additional attorneys' fees awards and/or other expenses out of the Settlement Fund.

Settlement Class Counsel will also ask the Court to approve Incentive Awards of up to \$10,000 to be paid to the Named Plaintiffs for the time and effort they contributed to the lawsuit and Settlement.

19. When and where will the Court decide whether to give final approval to the Settlement?

The Settlement has already been preliminarily approved by the Court. However, the Court will hold a hearing to decide whether to give final approval to the Settlement. You may attend and you may ask to speak at the hearing, but you don't have to.

The final fairness hearing will be held before Hon. David M. Lawson on **June 25, 2018 at 10:00 a.m. in Room 800 at 801 Broadway, Nashville, TN 37203**. At the hearing, the Court will decide whether the proposed Settlement is fair, reasonable and adequate and decide whether to grant final approval of it. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing (see Question 21). The Court may also decide the amount of fees, costs and expenses to award Settlement Class Counsel (and former counsel) and whether to approve the Incentive Awards.

20. Do I have to come to the Court's hearing?

No. You do not need to attend the final fairness hearing. Settlement Class Counsel will answer any questions the Court may have. If you file an objection to the Settlement, you don't have to come to Court to talk about it, unless the Court requires you to do so. As long as you filed and delivered your written

Questions?

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objection on time, signed it and provided all of the required information (see Question 14) the Court will consider it, although the Court may in its discretion consider an objection even if you do not follow these requirements. If you file an objection and the Court requires you or your attorney's attendance at the hearing, you or your attorney will be notified by the Court or Settlement Class Counsel. If you wish, you or your own counsel may attend the final fairness hearing, at your own expense, but it is not required.

21. May I speak at the Court's hearing?

Yes. As long as you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a written request with the Court saying that it is your "Notice of Intent to Appear at the Fairness Hearing" or have stated that you intend to appear in your objection. You must include your name, address, phone number, and signature. If you plan to have your own attorney speak for you at the hearing, you must also include the name, address and telephone number of the attorney who will appear. Your written request must be sent to the Settlement Administrator (address provided in Question 11) and the Clerk of the Court (address provided in Question 14) by **April 27, 2018**. If you do not follow the above instructions, the Court has discretion to determine whether or not you may speak at the final fairness hearing. The time, date, and location of the hearing may be changed by the Court without additional notice. If you plan to attend the hearing, you should confirm its time, date, and location with the Settlement Administrator.

22. How can I get additional information?

This Notice, the Settlement Agreement, and other documents related to this Settlement are available by contacting the Settlement Administrator at PCC Rutherford Settlement, c/o Dahl Administration LLC, PO Box 3614, Minneapolis, MN 55403-0614 or **1-888-805-9120** or visiting www.PCCRutherfordSettlement.com.

Direct any inquiries to the Settlement Administrator.

Do not contact the Clerk of Court or the Judge except as directed in this Notice.