

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GRETA CAZENAVE, ET AL Plaintiffs VERSUS SHERIFF CHARLES C. FOTI, JR. ET AL Defendants)))))))	CIVIL ACTION NUMBER 00-1246 SECTION A JUDGE JAY C. ZAINEY MAGISTRATE SECTION 5 MAGISTRATE ALMA L. CHASEZ
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CLASS ACTION NOTICE

If you were arrested for only a minor offense and strip searched in the Orleans Parish jail from April 25, 1999 through May 31, 2003, before your first court appearance, you could get a payment from a class action settlement.

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

- A settlement of \$9,375,000, plus interest earned since June 2, 2004, has been proposed in a class action lawsuit about illegal “strip” and “visual body cavity” searches conducted in the Orleans Parish Jail between April 25, 1999 and May 31, 2003. The case is titled *Greta Cazenave, et al. v. Sheriff Charles C. Foti, Jr., et al.*, Docket Number 00-1246 of the United States District Court for the Eastern District of Louisiana. All of the searches complained of occurred during the administration of former Criminal Sheriff Charles C. Foti, Jr.
- The settlement will pay cash to those who submit timely and valid claims, as well as fees and expenses for the lawyers appointed by the Court, incentive awards to the class representatives, and the cost of administering the settlement.

YOUR LEGAL RIGHTS ARE AFFECTED WHETHER YOU ACT OR DON’T ACT.

READ THIS NOTICE CAREFULLY.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT AGREEMENT	
SUBMIT A CLAIM BY AUGUST 2, 2007	The only way to get a payment is by submitting a Proof of Claim and Release. Your claim must be received by the Claims Administrator on or before August 2, 2007.
ASK TO BE EXCLUDED FROM THE SETTLEMENT BY JULY 2, 2007	Write to the Claims Administrator to ask to be excluded. You will get no payment. Your request must be received by the Claims Administrator on or before July 2, 2007.
OBJECT BY JULY 2, 2007	Write to the Claims Administrator if you don’t like the settlement. Your objection must be received by the Claims Administrator on or before July 2, 2007.
GO TO A HEARING ON SEPTEMBER 13, 2007	You can attend a hearing. If you also want to speak at the hearing, you must file a Notice of Intent to Speak. Your Notice of Intent to Speak must be received by the Claims Administrator on or before July 2, 2007.
DO NOTHING	Get no payment. You will still be bound by the settlement. You will not be able to be a part of any other lawsuit against the defendants about the practices which are the subject of this lawsuit.

- These rights and options **and the deadlines to exercise them** are explained in this Notice.
- **The Court in charge of this case has to decide whether to approve the settlement and whether payments will be made to anyone. This process will take months. Please be patient. DO NOT CALL THE COURT.**

QUESTIONS? CALL 1-866-308-7613 TOLL FREE, OR VISIT www.nolastrapsearch.com

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about a proposed settlement of this class action lawsuit, including the right to claim money, the right to exclude yourself from the settlement and your other options, before the Court decides whether to give final approval to the settlement. If the Court approves the settlement, and after any appeals are resolved, payments will be made to everyone who submitted a timely and valid claim. This Notice explains the lawsuit, the settlement, your legal rights, your options, what benefits are available, who may be eligible for them, and how to get them.

2. What is the lawsuit about?

This lawsuit claims that the Orleans Parish Criminal Sheriff's Office (OPCSO) conducted illegal "strip" and "visual body cavity" searches on people who were arrested for minor offenses only (not involving weapons or drugs) who, before their first court appearance or release (whichever happened first), were transferred from the OPCSO Intake and Processing Center (IPC) to general population. This lawsuit claims that these searches were done as part of a blanket policy which was in violation of the right to be free from an unreasonable search and the right to privacy. This lawsuit has been going on for over six years and covers strip and visual body cavity searches conducted from April 25, 1999 through May 21, 2003. As a result of this lawsuit, the OPCSO adopted new, constitutional policies and practices.

3. What is a "strip" search?

A "strip" search is the removal or rearrangement of an arrestee's clothing, including undergarments, when ordered by an OPCSO deputy to change into jail uniforms, which exposed the arrested person's genital area, anus, buttocks and/or breasts (in the case of women), to possible view by deputies and other prisoners.

4. What is a "visual body cavity" search?

A "visual body cavity" search occurred when an individual, after stripping, was ordered by OPCSO deputies to bend over, spread his or her buttocks cheeks, squat, cough, and/or lift testicles or breasts for inspection purposes, in front of deputies and sometimes other prisoners.

5. What is a minor offense?

A minor offense includes one or more traffic offenses, misdemeanors, petty offenses, or violations of municipal or parish ordinances, none of which involves weapons or drugs. It does not include any felonies.

6. Why is this a class action?

In a class action, one or more people, called "Class Representatives," sue on behalf of people who have similar claims. All these people form a "Class" and each individual is a "Class Member." One court resolves the issues for all Class Members. With a class action, each individual doesn't have to file his or her own lawsuit but can get some money through a simple claims process.

The United States District Court for the Eastern District of Louisiana is overseeing this class action lawsuit. The case is known as *Greta Cazenave, et al. v. Sheriff Charles C. Foti, Jr., et al.*, Docket No. 00-1246. The people who sued are called the "Plaintiffs"; the people who are being sued, the "Defendants," are associated with the Orleans Parish Criminal Sheriff's Office ("OPCSO").

7. Why is there a settlement?

Both sides agreed to a settlement to avoid the cost and risk of a trial, so that the people affected can get some money in exchange for releasing the Defendants from liability. The Defendants deny that they did anything wrong. All of the strip and visual body cavity searches complained of occurred during the administration of former Criminal Sheriff Charles C. Foti, Jr. The Class Representatives and the class lawyers think the settlement is best for all Class Members.

A document called a Class Action Settlement Agreement provides more details about the settlement and is available at www.nolastripsearch.com.

WHO IS IN THE SETTLEMENT?

To see if your rights will be affected by this settlement or if you will get money from the settlement, you first have to determine if you are a Class Member.

8. How do I know if I am part of the settlement?

The Court decided that Class Members in the settlement are: Every person arrested only on “minor offenses” who entered the Intake and Processing Center (“IPC”) operated by the Orleans Parish Criminal Sheriff’s Office (OPCSO), during the time periods set forth below, who was required to submit to any or all of the following procedures, prior to his or her first court appearance or release, whichever came first.

If you fit into any of the Sub-classes below, you are part of the settlement:

Sub-Class A: You were strip **and** visual body cavity searched in the presence of OPCSO deputies and/or other prisoners from April 25, 1999 through February 14, 2002.

Sub-Class B: You were strip searched when you were ordered to change into clothes given to you by OPCSO in the presence of OPCSO deputies and/or other prisoners from February 15, 2002 through May 31, 2002.

Sub-Class C: You were strip searched when you were ordered to take off your OPCSO garment, in the presence of OPCSO deputies and/or other prisoners, as you were being admitted to Templeman III from the IPC from June 1, 2002 through May 31, 2003.

9. What if I pled guilty or was found guilty of the minor offense?

If you were only charged with a minor offense, you are included and can participate in the settlement even if you pled guilty or were found guilty of the minor offense.

10. What if I was arrested for a felony and a minor offense at the same time?

If you were arrested for a felony at the same time you were arrested for a minor offense (even if the felony was later reduced to a minor charge or dropped) you are **not** included in the settlement for that arrest.

11. What if the minor offense I was arrested for involved weapons or drugs?

If you were arrested for a minor offense which involved weapons or drugs you are **not** included in the settlement for that arrest.

12. What if I was strip or visual body cavity searched on different dates than those in the settlement?

You are **not** a member of any Sub-Class and cannot get a payment unless you were strip or visual body cavity searched during at least one of the Sub-Class periods above. If you were strip searched on dates different from these, those searches would not be part of this lawsuit.

13. What if I was strip or visual body cavity searched after my first court appearance?

If you were strip or visual body cavity searched after you had already appeared in court, you cannot get a payment from the settlement; you are **not** a member of any Sub-Class.

14. What if I’m not sure whether I’m included in the settlement?

If you are not sure whether you are included in the settlement, you may call the toll-free number 1-866-308-7613 with questions. You may also write with questions to OPCSO Strip Search Class Action Settlement, c/o Analytics, Incorporated, Claims Administrator, P.O.Box 2007, Chanhassen, MN, 55317-2007; or view the website at www.nolastripsearch.com; or look at the court case online through PACER (Public Access for Court Electronic Records) at pacer.psc.uscourts.gov/regform.html.

THE SETTLEMENT BENEFITS--WHAT YOU GET

15. What does the settlement provide?

A settlement fund of \$9,375,000, plus interest earned since June 2, 2004, has been established. After deducting attorneys' fees, their expenses, payments to Class Representatives and the costs of administering the settlement, the remaining amount (the "Net Settlement Fund") will be divided up and distributed to people who submit timely and valid claims on a Court-approved Proof of Claim and Release form.

16. How much will my payment be?

The amount you get cannot be determined at this time because it depends on which Sub-Class you are in, and how many valid claims are submitted for each Sub-Class. Each of the Sub-classes has been given a point value: 3 points for Sub-Class A, 1 point for Sub-Class B, and 1.5 points for Sub-Class C. BY WAY OF EXAMPLE ONLY, if each point is later determined to have a value of \$100 then each person in Sub-Class A would receive \$300, Sub-Class B members would get \$100, and Sub-Class C members would get \$150. More information on how your payment will be calculated is available in the Settlement Agreement, which can be read or copied at www.nolastrapsearch.com.

17. What if I was strip or visual body cavity searched more than one time?

If you were strip or visual body cavity searched more than one time during any Sub-Class periods, you will be paid for only one (1) search, at the highest point level, whatever that is.

18. If I'm a member of one of the Sub-Classes, can I file my own lawsuit for what happened to me?

Only if you file a timely and valid request to exclude yourself ("opt out") from the settlement. Otherwise, the settlement releases the OPCSO, and its present and former sheriffs, wardens, deputies and other employees from any claims that you may have against them which are covered by this lawsuit, whether their names appear in the lawsuit or not.

OPTING OUT OF THE SETTLEMENT

19. What if I don't want to be part of this settlement?

You have the right to exclude yourself from this settlement, with or without reason, by sending a timely and valid notice to the Claims Administrator as explained in this section. If you do so, you won't be bound by the settlement, but you also won't receive any of the benefits that may be approved by the Court. You will also have the right to file, at your own expense, a lawsuit for the same conduct that is the subject of this settlement. None of the parties to this case or their attorneys make any representation that such a lawsuit will be successful.

If you wish to exclude yourself from this lawsuit, you must prepare and sign a written request for exclusion which states unambiguously that you desire to exclude yourself from the settlement and deliver it to the Claims Administrator so that it is received on or before July 2, 2007. Facsimile or electronic mailings are not acceptable and will not be considered. Your request for exclusion should also include your date of birth, and a mailing address and/or phone number where you can be contacted. At the same time you deliver your request for exclusion to the Claims Administrator, you must also send copies to the attorneys for the parties. The addresses of the Claims Administrator and the attorneys for the parties are set forth below in Question 26.

HOW DO YOU GET A PAYMENT--SUBMITTING A CLAIM FORM

20. How can I get a payment?

To ask for a payment, you must complete and submit the attached Proof of Claim and Release (the "claim form"). You can also get a claim form at www.nolastrapsearch.com, or by calling 1-866-308-7613, or by writing to the address below.

Claim Forms must be received at the address below no later than August 2, 2007:

OPCSO Strip Search Class Action Settlement
c/o Analytics Incorporated, Claims Administrator
P.O. Box 2007
Chanhassen, MN 55317-2007

QUESTIONS? CALL 1-866-308-7613 TOLL FREE, OR VISIT www.nolastrapsearch.com

21. When would I get my payment?

You can't get paid until after the settlement is finally approved by the Court, any appeals are over, and all fees and expenses have been paid. There is no way to tell right now when this would happen. Please be patient

22. Do I need to have proof that I was strip and/or visual body cavity searched?

No. If the OPCSO records show that you are a member of a Sub-Class, you do not have to provide proof that you were strip searched or had a visual body cavity search.

THE LAWYERS REPRESENTING YOU

23. Do I have a lawyer in the case?

The Court has appointed Samuel S. Dalton, Mary E. Howell, D. Majeeda Snead, and Christina R. L. Norris as Class Counsel to represent you and other Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

24. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees in the amount of 35% of the settlement fund, plus reimbursement of their expenses. The Court may award more or less than these amounts.

25. How much do the Class Representatives get paid?

The Class Representatives have been helping the Class Counsel on behalf of all the Class Members. They have had to attend meetings, do affidavits, participate in mediation and consult with the attorneys. The Court has been asked to approve incentive awards to the Class Representatives ranging from \$5,000 to \$20,000, based on their involvement and participation.

OBJECTING TO THE SETTLEMENT

26. What if I don't like the settlement?

If you're a Class Member, and don't want to exclude yourself, you can still object to the settlement if you don't like any part of it, including the amount of Class Counsel's fees and expenses and the Class Representatives' awards. To object, you must do so in writing. You will have to provide your name, address, telephone number and the reasons why you object to the settlement, and personally sign your objection under penalty of perjury. The Court will consider your views. If you desire to be heard before the Court considers your objection, you must ask for a hearing in writing at the same time you file your objection and tell the Court that you intend to appear at a hearing. If you have a lawyer, you must provide your lawyer's name, address and phone number. To be considered, your objection must be received by the Claims Administrator no later than July 2, 2007. Facsimile or electronic mailings are not acceptable and will not be considered. You must also send a copy of your objection to the counsel in the case. The addresses for the Claims Administrator and for counsel are:

CLAIMS ADMINISTRATOR	CLASS COUNSEL	DEFENSE COUNSEL
<p style="text-align: center;">OPCSO Strip Search Class Action Settlement, c/o Analytics, Incorporated, Claims Administrator P.O. Box 2007 Chanhassen, MN 55317-2007</p>	<p style="text-align: center;">Samuel S. Dalton P.O. Box 10501 Jefferson, LA 70181</p>	<p style="text-align: center;">T. Allen Usry Usry, Weeks, & Matthews 1615 Poydras Street Suite 1250 New Orleans, LA 70112</p>

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement and to consider any objection to it. You may attend, but you don't have to. You may also ask to speak at the hearing but to do so you must have filed written notice of your intention to speak as explained in Question 29.

27. When and where will the Court have the hearing to decide whether to approve the settlement?

The Court will hold a hearing at 9:00 a.m. on September 13, 2007 at the Hale Boggs Federal Building, 500 Poydras St., New Orleans, LA in Courtroom B311, Chief Magistrate Judge Alma L. Chasez, presiding. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will decide whether to approve the settlement, the request for attorneys' fees and expenses, and the awards to the Class Representatives. If there are objections or requests to opt out the Court will consider them.

28. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you sent an objection, you still don't have to come to Court. As long as you file your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

29. May I speak at the hearing?

Yes, but only if you have filed a written request to speak and sent a letter to the Claims Administrator saying that you intend to appear. Be sure to include your name, address, telephone number, and your signature. You must file your notice of intention to appear with the Claims Administrator and send a copy to the lawyers at the addresses listed in Question 26 above. It must be received by the Claims Administrator no later than July 2, 2007.

IF YOU DO NOTHING

30. What happens if I do nothing?

If you do nothing, you will not get any payment from this settlement, but you will still be bound by it. You won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the practices which are the subject of this lawsuit.

GETTING MORE INFORMATION

31. How do I get more information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can read or make a copy of the Settlement Agreement at www.nolastripsearch.com. If there are any inconsistencies between this Notice and the Settlement Agreement, the Settlement Agreement will control and govern. You can also get a copy of the Proof of Claim form at this web-site or by calling 1-866-308-7613.

You can view the Court records at the Clerk's Office, United States District Court for the Eastern District of Louisiana, at 500 Poydras St., New Orleans, LA or online through PACER (Public Access for Court Electronic Records) at pacer.psc.uscourts.gov/regform.html.

If you still have questions, contact:

OPCSO Strip Search Class Action Settlement
c/o Analytics Incorporated, Claims Administrator
P.O. Box 2007
Chanhassen, MN 55317-2007
or call the toll free number: 1-866-308-7613.

DO NOT CALL THE COURT