

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BRONWYN FORD, KATRINA MACK, et al., )  
Plaintiffs )

v. )

SUFFOLK COUNTY, et al., )  
Defendants )  
\_\_\_\_\_

Civil Action No. 98-11346-NG

DISTRIBUTION FORMULA

I. DEFINITIONS

1. A "Claimant" is a person who submits a valid complete Settlement Claim Form postmarked on or before September 20, 2002 to the claims administrator.

2. A "Participating Class Member" is a claimant who has been verified as a class member by the claims administrator after review of the information supplied by the claimant in the Settlement Claim Form.

3. The "Data" is the electronic booking data used by Suffolk County which has been provided to plaintiffs' counsel.

II. PARTICIPATING CLASS MEMBER VERIFICATION

4. The claims administrator will verify that a claimant is a class member by reviewing the information provided by the claimant in the Settlement Claim Form and checking it against the data. This information includes the claimant's name, social security number, date of birth and any alias information.

5. If a claimant cannot be verified as a class member, the claims administrator will send a Notice of Claim Denial to the claimant within 14 days of the deadline for submitting Settlement Claim Forms. A copy of the notice is attached as Exhibit D. Any claimant who disagrees with the determination that she is not a class member may appeal to a special master to be appointed by the Court within 14 days from the date the claims administrator sends the claimant the Notice of Claim Denial. The claimant must submit a written statement with supporting documentary evidence which shows that the data is incorrect or incomplete. The evidence may include a notarized letter from the County, criminal offender's record information (CORI), or certified court documents from the criminal case. The special master will make a determination of class membership within 30 days of the claimant's appeal of claim denial and will report his findings to the claims administrator and class counsel. Rulings by the special master shall be final and binding.

6. Rose King, attorney for Suffolk County, has also agreed to accept telephone calls from claimants to verify the data. If attorney King is able to verify that a claimant is a class member, she will forward the verified class member's booking information to the claims administrator and class counsel. The verified class member will need not appeal to the special master.

7. If claimant is verified as a class member, the claims administrator will identify all of the class member's booking admissions into the Jail during the class period by reviewing the name, Suffolk County unique identification number, social security number and date of birth of the class member.

III. SETTLEMENT CATEGORIES

8. To determine each participating class member's share in the settlement, the claims administrator will place the class member into one of four settlement categories based on the data.

9. Membership in a settlement category will be determined based on the crime charged at time of the participating class member's admission into the Nashua Street Jail. If the participating class member was charged with more than one crime during the class period, the most severe crime determines her membership in a settlement category.

10. The four settlement categories are as follows:

a. **Settlement Category I** consists of class members who were charged with any one of the following crimes during the class period:

<u>CODE</u> <sup>1</sup>	<u>DESCRIPTION</u>
ABD	A&B DOMESTIC/FAMILY ABUSE
DIS	DISORDERLY
LAR	LARCENY OVER
LAU	LARCENY UNDER
MDP	MALICIOUS DEST. PROPERTY
LMV	M/V - LARCENY OF M/V
WOL	M/V - OPER. W/O LICENSE
UWA	M/V - USE W/O AUTHORITY
MVL	M/V - VIOL. OF M/V LAW
NSP	NON-SUPPORT
OUI	OPERATING UNDER INFLUENCE
OTM	OTHER MISDEMEANOR
SMV	RECEIVING STOLEN M/V
RSP	RECEIVING STOLEN PROPERTY
SHO	SHOPLIFTING
THR	THREATEN TO COMMIT CRIME

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<sup>1</sup> The three-letter crime code assigned by Suffolk County during the admissions process at the Nashua Street Jail.

TRE	TRESPASSING
VRO	VIOL. OF RESTRAIN. ORDER
WIT	WITNESS

- b. Settlement Category II consists of all class members who were charged with any one of the following crimes during the class period:

<u>CODE</u>	<u>DESCRIPTION</u>
ABC	A&B ON CORR. OFFICER
APO	A&B ON A POLICE OFFICER
AAF	ACCESSORY AFTER FACT
ACC	ACCESSORY BEFORE FACT
AFF	AFFRAY - COMMON LAW
ASS	ASSAULT - OTHER
ADW	ASSAULT D/W
A&B	ASSAULT & BATTERY
AGA	ASSAULT & BATTERY D/W
RES	ATT. RESCUE PRISONER
ATC	ATTEMPT TO COMMIT A CRIME
CRV	CIVIL RIGHTS VIOLATION
SPR	CONSPIRACY
ESC	ESCAPE
UTT	FORGERY / COUNTERFEITING
FUG	FUGITIVE
OTH	OTHER FELONY
PVL	PAROLE VIOLATION
PBT	POSSESSION BURGLARY TOOLS

- c. Settlement Category III consists of all class members who were charged with any one of the following crimes during the class period:

<u>CODE</u>	<u>DESCRIPTION</u>
A/R	ARMED ROBBERY
ARS	ARSON OR BURNING PROPERTY
AID	ASSAULT IN DWELLING ARMED
ARU	ASSAULT W/I ROB UNARMED
AWI	ASSAULT W/I TO MURDER
ARA	ASSAULT W/I TO ROB ARMED
B&E	BREAKING & ENTERING DAY
BEN	BREAKING & ENTERING NIGHT
BUR	BURGLARY ARMED OR ASLTNG
CAR	CARJACKING
CFA	CARRYING FIREARM W/O LIC
EXT	EXTORTION
HOM	HOMICIDE/MURDER
IAB	INDECENT A&B

IAC	INDECENT A&B ON A CHILD
INW	INTIMIDATING A WITNESS
KID	KIDNAPING
LFP	LARCENY FROM PERSON
MAY	MAYHEM
PFA	POSS. FIREARM W/O ID
ROC	RAPE OF CHILD
STA	STALKING
BUU	UNARMED BURGLARY
ROB	UNARMED ROBBERY
WEA	WEAPONS POSSESSION

d. Settlement Category IV consists of all class members who were charged with any one of the following crimes during the class period:

<u>CODE</u>	<u>DESCRIPTION</u>
CNW	COMMON NIGHT WALKER
CCS	CONSPIRACY VIO DRUG LAWS
PCA	DRUG POSSESSION - CLASS A
PCB	DRUG POSSESSION - CLASS B
PCC	DRUG POSSESSION - CLASS C
PCD	DRUG POSSESSION - CLASS D
PCE	DRUG POSSESSION - CLASS E
DTR	DRUG TRAFFICKING
MDA	MFG/DIST CL. A
MSA	MFG/DIST CL. A SCH. ZONE
MDB	MFG/DIST CL. B
MSB	MFG/DIST CL. B SCH. ZONE
MDD	MFG/DIST CL. D
MSD	MFG/DIST CL. D SCH. ZONE
MDE	MFG/DIST CL. E
DAB	OTHER DRUG CHARGE
PIS	POSS INST ADMIN CONTR SUB
PSA	POSS. W/I CL. A SCH. ZONE
PSB	POSS. W/I CL. B SCH. ZONE
PSC	POSS. W/I CL. C SCH. ZONE
PSD	POSS. W/I CL. D SCH. ZONE
PIA	POSS. W/I TO DIST. CL. A
PIB	POSS. W/I TO DIST. CL. B
PIC	POSS. W/I TO DIST. CL. C
PID	POSS. W/I TO DIST. CL. D
PIE	POSS. W/I TO DIST. CL. E
PRO	PROSTITUTION
SFF	SEX FOR FEE
SEX	SEX OFFENSE - OTHER
UFP	UTTERING FALSE PRESCRIPTION

11. If a participating class member was booked into the Jail more than once during the class period, the class member will be dropped down one category (i.e., from category I to category II, etc., except category IV, the lowest category).

#### IV. POINT DISTRIBUTION

12. The Settlement Fund will be distributed among participating class members, after approval and payment of attorney's fees and expenses and bonuses for class representatives, based on the following formula:

- a. Class members in Settlement Category I shall receive 20 points.
- b. Class members in Settlement Category II shall receive 10 points.
- c. Class members in Settlement Category III shall receive 5 points.
- d. Class members in Settlement Category IV shall receive 1 point.

13. If a participating class member unsuccessfully contests the determination of her membership in a settlement category, she will be penalized by deducting 20% of the point rating she would otherwise have been entitled to.

#### V. SETTLEMENT FUND DISTRIBUTION

14. The Settlement Fund is the \$10 million settlement amount paid to the plaintiffs by the defendants plus any interest accrued up to the date of distribution after payment of attorney's fees and expenses and bonuses.

15. The monetary value of each point shall be determined by dividing the Settlement Fund by the total number of points in the class. The total number of points is determined by multiplying the number of participating class members in each

Settlement Category by its respective number of points and then adding the sub-total points of each Settlement Category.

16. Bonuses will be paid to compensate class representatives and class members who spent time working with class counsel to achieve the settlement. These checks will be paid at the same time as payments to class members. Class members will receive a bonus for each of the following activities as follows:

- a. Serving as a class representatives - \$15,000.
- b. Being the subject of a deposition - \$5,000.
- c. Being selected for a damages trial and preparing to testify - \$4,000.
- d. Providing an affidavit in support of the plaintiff's motion for summary judgment - \$500.
- e. Speaking with newspaper, radio or television reporters about the case before the case was settled - \$1,500.

Class counsel will provide the class administrator with a list of class members entitled to bonuses.

17. Attorney's fees will be 30% of the total settlement, minus the amount of interim attorneys fees already paid to class counsel, subject to approval by the Court.

18. Expenses, including the cost of the claims administrator, the special master and other costs of administration of this settlement, will be paid from the settlement fund subject to approval by the Court. Class counsel shall provide itemization of all such expenses.