



In re Dare v. Knox County Strip Search Litigation

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Welcome to the Knox County Litigation Settlement Home Page.

You could get a payment from a \$3 million dollar class action settlement if you meet all of the following conditions:

1. You were held at the Knox County Jail during the period November 19, 1996 to December 31, 2004.
2. You were held at the Knox County Jail after an arrest but before a bail hearing or first court appearance. This includes arrests on default and other warrants.
3. You were **not** charged with a crime involving drugs, weapons or a violent felony.
4. You were strip searched without evaluation to determine if there was a reason to suspect possession of hidden contraband.

A strip search process is one in which you were required to remove all of your clothes while a corrections officer inspected and viewed your naked body. In some cases, the officer may have required you to either squat cough and open your mouth or expose your body cavity while a corrections officer inspected and viewed your naked body.

You may obtain additional details by reviewing the [Settlement Agreement](#), the [Notice of Hearing and Proposed Class Action Settlement](#), [Claim Form](#), and [Opt Out/Exclusion Form](#), or by clicking on [Case Documents](#).

Note: This website is provided as a service to potential class members. The information provided is in summary form and is not intended as a complete explanation of your rights. For full and complete information, you are directed to review carefully the [Notice of Pendency of Class Action and Proposed Settlement](#).



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> Frequently Asked Questions

This page provides the answers to class members' most frequently asked questions.

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Top Q: Am I being sued?

A: No, you are not being sued.

Top Q: Why did I get this notice?

A: If you received a notice, records show that you may be a class member. To see if you qualify, you must submit a complete **[Settlement Claim Form](#)**, postmarked by February 12, 2007.

Top Q: What is a Class Action and who are Class Members?

A: In a class action, one or more people, called Class Representatives (in this case, Dale Dare), sued on behalf of all people who have similar claims. All of the people who were similarly treated are known as the Class or Class Members. One court resolves the issues for all Class Members.

Top Q: How do I know if I am a Class Member and part of the Settlement?

A: The Court has ruled that you are a Class Member if you meet all four factors below:

1. You were held at the Knox County Jail after November 19, 1996 and before December 31, 2004.
2. You were held at Knox County Jail after an arrest but before a bail hearing or first court appearance. This includes arrests on default and other warrants.
3. You were not charged with a crime involving drugs or weapons or a violent felony.
4. You were strip searched before a first court appearance or while awaiting bail.

The following crimes are violent felonies: aggravated assault, arson, assault on an officer, criminal restraint, elevated aggravated assault, gross sexual assault, kidnapping, manslaughter, murder, rape, and robbery. This list is non-exclusive, and other felony level crimes may be determined to be "violent".

NOTE: You are not a class member if you were either (1) strip searched while you were serving a sentence, (2) you were strip searched after an evaluation which determined there was reason to suspect possession of hidden contraband, or (3) you were arrested for and/or charged with a crime involving drugs, weapons or a violent felony.

Top Q: What if I was at the jail on or before November 18, 1996 or after December 31, 2004?

A: The most serious charge for an arrest will determine your class membership. If any one of the charges was a crime involving weapons or drugs or was a violent felony, you are not a class member for that arrest. You might be eligible for another arrest.

Top Q: How do I opt out if I don't want to be a member of the class?

A: If you wish to opt out of this class action to pursue your own claim against Knox County, you may do so by completing an **"OPT OUT/EXCLUSION FORM"** and submitting it on or before February 12, 2007 to the Dare Claims Administrator, P.O. Box 2006, Chanhassen, MN 55317-2006. You can obtain an Opt Out/Exclusion form from the Claims Administrator at the above address, by calling the Claims Administrator toll free at 1-877-797-5732 or by downloading an **Opt Out/Exclusion** form. To be valid, the form must be postmarked by February 12, 2007.

Top Q: How much will my payment be?

A: We do not know the amount of the payments. If you are eligible you will get a payment for only one strip search. The amount will depend on how many people submit claim forms. The amount per person will decrease as the number of forms submitted increases. Each participating person will receive an equal amount.

Top Q: How can I get a payment?

A: You must fill out the **Settlement Claim Form** completely and mail it to the Claims Administrator. The envelope must be postmarked no later than February 12, 2007; if it is not, your claim will be denied.

The settlement check will be written in your name with your social security number. Your check will be sent to your mailing address. If you move, you must notify the Claims Administrator in writing of your new address or the check will be sent to your old address.

Top Q: When will I get my payment?

A: You cannot be paid until the settlement is approved by the Court and any appeals are over. The Court will hold a hearing at 10:00 a.m. on April 23, 2007, to decide whether to approve the settlement. If the Court approves the settlement and all appeals are completed promptly, you should receive your settlement check by June 1, 2007, unless there are any unforeseen delays.

Top Q: Will I have to pay taxes on my payment?

A: You may have to pay taxes on your payment. You should consult your tax preparer when you file your tax returns. The Claims Administrator will send you a 1099 Form. (If you have questions about backup withholding, Form W-9 or Form 1099, call your tax preparer or the IRS Information Reporting Program Customer Service Section, toll free at (866) 455-7438, 8:30 am to 4:30 p.m., Monday through Friday.)

Top Q: What is a Fairness Hearing?

A: The Court will hold a hearing to decide whether to approve the settlement. The Court will consider whether the settlement is fair, reasonable and adequate. The Court will also decide whether to approve the request for attorney's fees, costs, expenses and the bonuses to class representatives. If the Court approves the proposed settlement, it will affect all class members.

Top Q: When and where is the hearing?

A: The Hearing will be held on April 23, 2007 at 10:00 a.m. in the U.S. District Court of Maine, 156 Federal Street, Portland, ME.

Top Q: Do I have to come to the hearing?

A: Class counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you object to the settlement and you want to explain the objection to the Court you can attend the hearing or hire your own lawyer to attend for you.

Top Q: May I or my lawyer speak at the hearing?

A: Yes, but only if you or your lawyer filed a written objection before the hearing.

Top Q: What if I think the proposed settlement is not fair? What can I do?

A: If you wish to object to the proposed settlement, you must state your objections to the Court in a letter sent to the Dare Settlement Claims Administrator, postmarked by February 12, 2007. The Claims Administrator will forward your objection to the Court and to the lawyers for the plaintiffs and for Knox County. If you want to explain the written objection to the court you, or a lawyer on your behalf, can appear in the U.S. District Court of Maine, 156 Federal Street, Portland, ME on April 23, 2007 at 10:00 a.m. to present your objections.

You may object to the proposed settlement and still be eligible to

receive a payment. You must submit a valid **Settlement Claim Form** even if you object to the settlement, if you wish to claim money should the settlement be approved.

Top Q: Who are the lawyers in this case?

A: The lawyers for the plaintiffs are:

Lipman, Katz & McKee

**Robert Stolt, Esq.,
Sumner Lipman, Esq.**

227 Water Street
P.O. Box 1051
Augusta, ME 04332-1051

Dale Thistle, Esq.

103 Main Street
P.O. Box 160
Newport, ME 04953

Defendant Knox County is represented by:

Wheeler and Arey, P.A.

Peter Marchesi

27 Temple Street
PO Box 376
Waterville, ME 04901

Monaghan Leahy LLP

John J. Wall, III

95 Exchange Street
PO Box 7046
Portland, ME 04112-7046

Sheriff Daniel Davey is represented by:

McCloskey, Mina & Cunniff, LLC

George T. Dilworth, Esq.

12 City Center
Portland, ME 04101

Top Q: How can I obtain additional information on the case?

A: If you wish to view the Court file or a copy of the proposed settlement agreement, you may go to the Clerk of the U.S. District Court of Maine, 156 Federal Street, Portland, ME during regular business hours.