

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

DALE DARE, on behalf of himself and on
behalf of others similar situated,

Plaintiffs

v.

Civil No. 02-251-P-C

KNOX COUNTY and DANIEL DAVEY, in
his individual capacity and in his official
capacity as Knox County Sheriff,

Defendants

Gene Carter, Senior District Judge

**ORDER FOR CLAIMS
ADMINISTRATOR TO REEVALUATE CLAIM DENIALS**

The Court has discovered an error in the claim denial letter sent out by the Claims Administrator explaining the reasons for denial of individual claims. The form letter lists five potential grounds for the denial of an individual's claim and provides a box preceding each ground to be marked to indicate to the claimant the reason for the denial. The first ground for denial of a claim states: "Your strip search followed an arrest on charges which involved weapons, violence or drugs." This is an erroneous statement of the class definition. The class certified by the Court in this case is defined as:

All people who after November 19, 1996, were subjected to a strip search and/or visual body cavity search without evaluation for individualized reasonable suspicion while being held at the Knox County Jail:

(1) after having been arrested on charges that did not involve a weapon, drugs, or a *violent felony*; or

(2) while waiting for bail to be set on charges that did not involve a weapon, drugs, or a *violent felony*;
or

(3) while waiting for an initial court appearance on charges that did not involve a weapon, drugs, or a *violent felony*; or

(4) after having been arrested on a warrant that did not involve a weapon, drugs, or a *violent felony*.

Docket Item No. 21 at 6 (emphasis added). To exclude only those individuals who fall outside the definition, the first ground for denial should properly state: “Your strip search followed an arrest on charges which involved weapons, drugs or a *violent felony*.”

Application of the erroneously articulated standard may have led the Claims Administrator to deny class membership to individuals who in fact satisfy the class definition. Accordingly, the Court **ORDERS** that on or before June 25, 2007:

(1) the Claims Administrator shall reevaluate, in light of the proper standard for class membership, all the individual claims that were denied on the first ground listed in the claim denial letter and correct any mistakes in the determination of class membership;

(2) the Claims Administrator shall file copies of all letters it sends to claimants reversing, after reevaluation, a claim denial;

(3) the Claims Administrator shall file copies of all the letters it previously sent to individuals, which denied claims based on the first ground listed in the claim denial letter;

(4) Plaintiff’s lead counsel, Robert Stolt Esq., shall file a certification stating that he has personally reevaluated with the Claims Administrator all of the individual claims that were denied on the basis of the erroneous standard;

(5) Attorney Stolt’s certification shall include a listing of, and disposition for, all of the reevaluated claims; and

(6) Attorney Stolt shall file documentation to support the outcome of each reevaluation.

/s/ Gene Carter

GENE CARTER

Senior United States District Judge

Dated at Portland, Maine this 18th day of June, 2007.