

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

PAUL MARRIOTT, BARBARA DAVIS,  
and ANDY RIVERA, on behalf of  
themselves and a certified class of others  
similarly situated,

Plaintiffs,

No. 03-CV-0531 (DNH/DEP)

THE COUNTY OF MONTGOMERY,  
*et. al.*,

Defendants.

**PLAN OF DISTRIBUTION**

Defendants County of Montgomery, Michael Amato, Jeffrey Smith, Kevin Snell, Sue Buddles and John Pecora (the "Defendants") have agreed to settle this class action by, among other things, paying \$2.0 million into a Settlement Fund for the benefit of class members and the named plaintiffs in this litigation. Subject to Court approval, Class Counsel intend to distribute the Settlement Fund as set forth below. As more fully set forth in the Settlement Agreement and the Class Notices, class members have the right to submit to the Court objections for its consideration to the Settlement and/or this Plan of Distribution.

**Attorneys' Fees, Costs, Administrative Expenses and Incentive Awards**

Pursuant to the Settlement Agreement and applicable law, Class Counsel intend to seek from the Settlement Fund reimbursement for the costs advanced in the prosecution of this litigation and an award of attorney's fees. Plaintiffs' counsel will apply to the

Court for an award of costs and attorney's fees of no more than thirty percent (30 %) of the settlement fund, or \$600,000. Additionally, Class Counsel proposes to allocate up to \$35,000 of the settlement fund to pay incentive awards to class representatives Paul Marriott (\$12,500), Barbara Davis (\$15,000) and Andy Rivera (\$7,500), who Class Counsel maintain provided assistance to them during the prosecution of this litigation. Deducting for estimated administrative expenses of \$65,000 and for attorney's fees, costs and incentive awards, class counsel estimates that there will be approximately \$1,300,000 in the settlement fund for distribution to class members.

#### **Distribution to Class Members**

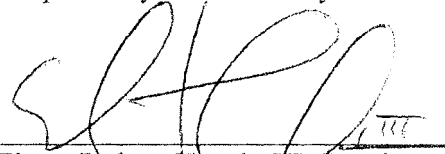
Class Counsel proposes that approximately \$1.3 million of the settlement fund be allocated to pay claims by class members, and that each class member who files a valid claim will receive their *pro rata* share of the settlement fund when the fund is distributed after final approval. Based on data provided by Montgomery County when the initial notice to class members of the certification of this action was mailed in September, 2005, Class Counsel estimates the class size here to be approximately 1,650 individuals. Individuals who were admitted to the Montgomery County Jail on more than one occasion will only be allowed to file one claim against the settlement fund. When considering the claims rates achieved in similar settlements, Class Counsel estimates that each member of the settlement class that files a claim will receive between \$2,000 and \$3,000 as a settlement payment.

#### **Court Approval**

At the time of the final approval hearing, Class Counsel will detail to the Court the final distribution to be made to settlement claimants and the amount to be paid per

claim. Subject to the Court's approval, all proceeds to class members will then be paid based on the final distribution amounts provided at the time of the final approval hearing.

Respectfully Submitted by:



Dated: August 31, 2006  
Amsterdam, New York

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**LEAD COUNSEL FOR PLAINTIFFS**