

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE PROPOSED SETTLEMENT OF A CLASS ACTION COULD AFFECT YOUR RIGHTS IF YOU ARE NOW, EVER WERE, OR EVER WILL BE DETAINED AT THE METROPOLITAN DETENTION CENTER.

- The class action case involves conditions at the Metropolitan Detention Center or MDC and allegations that the Bernalillo County is violating the rights of inmates. The County does not agree that it is violating the rights of inmates at the MDC.
- If the Court approves the proposed settlement of this case, experts in corrections, medical care, and mental health care will review conditions at the MDC. The experts will report to the Court, which will decide if the conditions in and operation of the MDC have improved enough so that the case against the County must be dismissed. If the case is dismissed, the Court will order the County to continue to prevent overcrowding in the jail and take steps regarding classification and housing.
- **Please read this notice carefully.** Your legal rights may be affected whether you act or don't act.

YOUR LEGAL RIGHTS AND OPTIONS

OBJECT IN WRITING	Write a letter to the Court or the lawyers for the inmates about why you don't like the settlement.
OBJECT IN PERSON	If you are not detained at the time of the settlement approval hearing, you may ask to be heard in court about the fairness of the settlement.
DO NOTHING	If you do not object during the time for objecting, the Court will not consider your views when it decides whether to accept or reject the settlement.

- These rights and options—and the deadlines to exercise them—are explained in this notice.

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BASIC INFORMATION

1. What is the purpose of this notice?

The purpose is to give you information about the settlement. You have a right to know about the proposed settlement and your options before the Court decides whether to approve the settlement.

This package explains the lawsuit, the settlement, and your legal rights. The Court in charge of the case is the United States District Court for the District of New Mexico. The case is *McClendon v. City of Albuquerque, et al.*, No. 95-CV-24 JAP.

2. What is this lawsuit about?

This lawsuit addresses a variety of issues regarding jail conditions. Those issues include:

- Mistreatment by jail staff, including excessive use of force and sexual abuse
- Assaults on inmates by other inmates
- Overcrowding
- Classification problems
- Disciplinary system
- Grievance system
- Internal investigation system
- Medical services
- Mental health services
- Discrimination based on disability
- Adequacy of staffing
- Contraband, such as weapons and drugs, in the jail
- Provision of adequate out-of-cell time
- Fire and life safety
- Sanitation and environmental conditions
- Food service
- Access to counsel, legal materials, and law library

- Mail service, including legal mail
- Access to telephones
- Inmate programming
- Access to commissary
- Access to community services
- Access to information
- Competency evaluations

The plaintiffs allege that jail conditions violate the constitutional and statutory rights of the inmates. Bernalillo County denies this.

This is not a lawsuit for money damages. The goal of bringing claims against Bernalillo County is only to improve jail conditions.

The lawsuit also addresses the arrest practices by County and City law enforcement officials. However, the claims about arrest practices are not part of this settlement.

3. 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 are a Class or Class Members. One court resolves the issues for all Class Members. U.S. District Judge James A. Paker is in charge of this class action.

In the *McClendon* case, there are two different groups of class members—a class and a subclass. The subclass consists of people at MDC who have a mental disability or developmental disability. Only those with a mental disability or developmental disability are members of the sub-class. All other people at the MDC are members of the class.

WHO IS PART OF THE SETTLEMENT?

If you are currently detained at the MDC, have ever been detained at the MDC in the past, or might be detained at the MDC in the future, you are part of the settlement. Whether you are a member of the class or subclass depends on whether you have a mental disability or developmental disability, as explained above.

BENEFITS OF THE SETTLEMENT

If the Court approves the settlement, experts in (1) corrections, (2) medical care, and (3) mental health care will review a large variety of different issues regarding jail conditions. The section of this notice called “What is this lawsuit about?” includes a general description of the issues that the experts will review. The check-out audit agreements include a far more detailed list of those issues. Complete copies of all three check-out audit agreements are available at the security desk in each housing unit, in the MDC law library, and on-line at the Bernalillo County web site www.bernco.gov/MDCMcClendon.

After reviewing the conditions, each expert will report his findings to the Court. The lawyers for the inmates and the lawyers for the County will have a chance to make arguments and present evidence in response to the experts’ reports. The Court will decide if the conditions in and operation of the MDC have improved enough so that the case against the County must be dismissed. If the case is dismissed, the Court will order the County to continue to prevent overcrowding in the jail and take steps regarding classification and housing. This is a very general description of the process. The settlement agreement includes a far more detailed description the experts’ reviews, including what the County and its lawyers, the lawyers for the inmates, and the Court may do in response to the experts’ reviews. The entire settlement agreement is available at the security desk in each housing unit, in the MDC law library, and on-line at the Bernalillo County web site www.bernco.gov/MDCMcClendon.

The proposed settlement would not provide money damages to any person.

The proposed settlement would not resolve any claims against the City of Albuquerque. It would only resolve the claims against Bernalillo County.

THE LAWYERS REPRESENTING YOU

Lawyers for the class

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Lawyers for the subclass

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To contact the lawyers and their staff, you may either:

1. call the listed phone numbers at no cost using the phones in the housing units

2. send a letter to one of the addresses listed above

OBJECTING TO THE SETTLEMENT

If you accept the proposed settlement, you do not need to do anything.

If you object to the proposed settlement in general or if you object to specific parts of the agreement, you may tell the Court or the lawyers for the inmates. If you object, you may communicate your objection by either:

1. Mailing a written objection to the Clerk of the Court, U.S. District Court, 333 Lomas Blvd NW, Albuquerque NM 87102 by **Monday, May 23rd, 2016**; or

2. Explaining your objection to the lawyers for the people detained at the MDC by **Monday, May 23rd, 2016**. The lawyers will then describe your objection to the Court before or during the fairness hearing.

Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement.

If you do not submit your objection by [date based on time frame above], the only way you can inform the Court of your objection is to appear in person to address the Court at the fairness hearing.

THE COURT'S FAIRNESS HEARING

The United States District Court will hold a hearing to decide whether to approve the proposed settlement of the *McClendon* class action case. The hearing is scheduled for **10:00** am on **Wednesday, May 25th 2016**, at the United States Courthouse at 421 Gold Avenue SW, Sixth Floor.

At the hearing, the Court will consider all timely written objections it has received directly, all objections that have been shared with counsel for the inmates, and all objections stated in open court during the hearing.

After considering all objections and analyzing the settlement agreement to determine whether it is fair to the class and subclass, the Court will decide whether to accept the settlement.

GETTING MORE INFORMATION

Complete copies of the settlement agreement, including all three check-out audit agreements, are available:

1. at the security desk in each housing unit;
2. in the MDC law library; and
3. on-line at the Bernalillo County web site www.bernco.gov/MDCMcClendon.

If you have questions, please ***do not*** send them to the Court. Please contact the lawyers and their staff.