

Class and Settlement Notice

NOTICE OF CLASS ACTION, PROPOSED CLASS SETTLEMENT AND HEARING

RE: Hoyte, et al. v. Government of the District of Columbia,
United States District Court for the District of Columbia,
Case No. 13-0569 (CRC).

*Este Aviso del Grupo y Acuerdo está disponible en español.
Visite: www.HoyteVDCSettlement.com.*

If, between April 25, 2010 and June 15, 2015, the District of Columbia, through its Metropolitan Police Department (“MPD”): (1) seized your vehicle for a forfeiture determination pursuant to one of its civil forfeiture statutes and held your vehicle for more than thirty days; or (2) seized your currency for civil forfeiture pursuant to one of its civil forfeiture statutes and did not provide you with adequate notice within one year; you may be entitled to receive MONEY. To receive any money in this pending Settlement, you must submit a Claim and Release Form either by U.S. mail or on the website established for the class.

There is currently pending a class action lawsuit involving such issues in the United States District Court for the District of Columbia. The Court has certified the case as a class action, and there is a proposed Settlement. If the proposed Settlement receives final court approval, CLASS MEMBERS are eligible to receive money.

Your Claim Form must be submitted online or received by the Administrator no later than **March 22, 2021**.

If you wish to “opt out,” or be excluded from the Settlement, your opt-out letter must be received by the Administrator by **January 6, 2021**.

If you wish to claim money, submit a claim form online or fill out and mail the enclosed claim form today. **DO NOT WAIT**. If you do not submit a claim in time, you will not receive any money, but will still be bound by the Settlement.

If you receive more than one Claim Form, submit all Claim Forms by mail or online.

NOTICE TO CLASS MEMBERS OF PROPOSED SETTLEMENT AGREEMENT

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY. A SETTLEMENT HAS BEEN PROPOSED IN THE HOYTE CASE THAT MAY AFFECT THE RIGHTS OF CERTAIN PERSONS WHOSE VEHICLES OR CURRENCY WERE SEIZED BY THE DISTRICT OF COLUMBIA FOR CIVIL FORFEITURE.

Why Did You Get This Notice?

1. You should read this notice because you may be entitled to claim money from a class action settlement. The purpose of this notice is to inform you about a proposed settlement in the Hoyte lawsuit. The Settlement may affect the rights of certain people whose vehicles or currency were seized by the District of Columbia for civil forfeiture between April 25, 2010 and June 15, 2015. The Settlement is not final. In order for the Settlement to become final, the judge in this case, the Honorable Christopher R. Cooper, will hear from class members who wish to be heard and will then decide if the Settlement is fair, reasonable, and adequate. If this notice applies to you, you will have an opportunity to file a claim, and indicate in writing if you object to the Settlement, before the judge decides whether to approve it. However, to receive funds from this lawsuit, you must mail the accompanying Claim and Release form or fill out a Claim and Release Form online within the time explained in this Notice.

2. The rest of this notice explains the Hoyte lawsuit, how to determine whether this lawsuit applies to you, the key terms of the proposed Settlement, and how you can file the appropriate papers regarding your participation in the Settlement.

Does This Notice Apply To You?

3. This notice applies to you if the District of Columbia, through its Metropolitan Police Department (“MPD”), seized your vehicle for a forfeiture determination pursuant to one of its civil forfeiture statutes and held your vehicle for more than thirty days (or more than 15 but less than 30 days if the vehicle was not held as evidence) at any time from April 25, 2010 through June 15, 2015 (“the Class Period”).

4. This notice also applies to you if the District seized your currency for civil forfeiture pursuant to one of its civil forfeiture statutes at any time from April 25, 2010 through June 15, 2015 (“the Class Period”), did not return it, and did not provide you with adequate notice within one year.

What Is This Lawsuit About?

5. The Hoyte lawsuit was brought in 2013 by the owner of a vehicle seized for civil forfeiture, pursuant to the District’s civil forfeiture statute, who believed that the District of Columbia should have provided her with a prompt post-seizure hearing in which she could have contested the seizure or the District’s right to keep the vehicle pending the outcome of the final judicial forfeiture proceeding. She then amended her complaint to add other vehicle owners and owners of currency seized for forfeiture who did not receive prompt notice, and to make the lawsuit a class action. The people who represent the classes, called the “class representatives,” are Nickoya Hoyte, Kelly Hughes, Steven May, Romona Person, Dorian Urquart, Shanita Washington, Tanisha Williams, Jarrett Acey, Julius Gordon, Marilyn Langly, Terrence Thomas, and Shane Lucas. They filed the lawsuit on their own behalf and on behalf of all other persons like them (“plaintiffs”).

6. The plaintiffs sued the District of Columbia, whose agency, the Metropolitan Police Department, administered the civil forfeiture statute and held the vehicles and the currency. The District is the “Defendant” here, the party being sued.

7. The plaintiffs and the defendant have written down their agreement in a document called a “Settlement Agreement.” On October 6, 2020 the judge gave preliminary approval to the agreement, but the Settlement is NOT FINAL. The Settlement will be final only after the judge approves it after holding a public hearing called a “fairness hearing.” Before the judge decides to approve the Settlement, you can tell the judge if you do not like any part of it by filing in writing what is called an “objection,” and you can ask the judge to let you speak at the fairness hearing. It is solely up to the judge to decide who will speak at the fairness hearing.

What Are The Key Terms Of The Settlement Agreement?

8. The Settlement Agreement provides for monetary compensation for each class member, based on the length of time their vehicle was held by the District or the amount of the money the District seized from them without adequate notice. In exchange, the settlement class members are releasing all claims related to seizures of vehicles or currency for civil forfeiture during the Class Period.

9. Without admitting any wrongdoing and to avoid litigating these claims, the Defendant has agreed to pay Three Million Nine Hundred and Fifty Thousand Dollars and Zero Cents (\$3,950,000.00) (“the Settlement Amount”), which is divided as follows:

- a. \$1,728,502.89 to be paid to the Settlement Class Members (“SCM Fund”);
- b. \$103,000 for payment to the class representatives to pay their claims and for their special assistance in the case;
- c. Up to \$48,879.00 for sending notice to class members and the other costs of administering the class Settlement;
- d. \$1,777,500.00 for Plaintiffs’ counsel for attorney’s fees;
- e. \$292,118.11 for Litigation Expenses for costs incurred by Plaintiffs’ counsel (if approved by the judge), of which \$256,711.50 will be donated to increase the SCM Fund and the Class Representative Award so that the adjusted SCM Fund available for distribution to SCMs will be \$1,955,214.39.00 and the adjusted Class Representative Award will be \$133,000.00.
- f. In addition, the District will return to Vehicle Forfeiture Class Members any vehicles belonging to that Member remaining in the District’s possession, provided that the Vehicle Forfeiture Class Member holds good title to that vehicle.

How Much Money Will I Receive?

10. The SCM Fund will be distributed to Settlement Class Members who submit timely, valid Claim and Release Forms. The payments to Settlement Class Members who submit timely, valid Claim and Release Forms shall be determined and paid according to the following formula:

Vehicle Forfeiture Class

- a. Each member of the Vehicle Forfeiture Class whose vehicle was held more than 30 days will receive for each compensable over-detention day (that is, for each day after the first 30 day grace period) \$30 if their vehicle was a standard vehicle or \$50 if their vehicle was a specialty vehicle (as classified by Plaintiffs' expert based on rental car industry classifications), except that no Vehicle Forfeiture Class member whose vehicle was held more than 30 days will receive less than \$250, regardless of vehicle type and number of detention days, subject to adjustment as described below.

Each member of the Vehicle Forfeiture Class (1) whose vehicle was held more than 15 but less than 30 days; and (2) whose vehicle was not classified as evidence in the District's EvidenceOnQ database will receive a flat payment of \$250, regardless of vehicle type and regardless of the number of detention days, subject to adjustment as described below.

Each member of the Vehicle Forfeiture Class may receive lower amounts. The portion of the SCM Fund set aside for the Vehicle Forfeiture Class shall be distributed according to the number of valid and timely Claim and Release Forms received. The amounts to be paid to members of the Vehicle Forfeiture Class (not including class representatives) will be adjusted if the amount to be awarded to the Vehicle Forfeiture Class based on valid claims exceeds \$1,755,214.39. In that event, the payments to members of the Vehicle Forfeiture Class will be adjusted on a pro-rated basis among valid claimants, which will result in payments lower than those set forth above.

Forfeiture Notice Class

- b. Each Forfeiture Notice Class Member whose money was seized during the Class Period (and not returned by the District) will receive 75% of the amount seized by the District for forfeiture, subject to adjustment as described below.

Each member of the Forfeiture Notice Class may receive lower amounts. The portion of the SCM Fund set aside for the Forfeiture Notice Class shall be distributed according to the number of valid and timely Claim and Release Forms received. The amounts to be paid to members of the Forfeiture Notice Class (not including class representatives) will be adjusted if the amount to be awarded based on valid claims exceeds \$200,000. In that event, the payments to members of the Forfeiture Notice Class will be adjusted on a pro-rated basis among valid claimants, which will result in payments lower than those set forth above.

11. Whether a claim is valid or not will depend on authenticating your identity according to a review of the relevant records of the D.C. Property Clerk. The proper and complete execution of your Claim and Release Form is very important to that process because it will assist finding you in the D.C. records. If you cannot be located in the relevant records, your claim cannot be verified, and you therefore will not be paid.

12. You may choose among the following three payment methods: (1) a check sent by mail; (2) an ATM card sent by mail; and (3) an electronic payment (“e-payment”) sent online using an e-payment provider or direct bank deposits. Settlement checks will be void if not cashed within ten months and amounts remaining on ATM cards after ten months and electronic payments not activated within ten months will be forfeited. You must have a bank account to receive an electronic payment and you will need to provide your bank account number and routing number.

How Much Will The Lawyers Be Paid?

13. The lawyers representing the plaintiffs will ask the Court for an attorney’s fee of 45% of the total available class fund of \$3,950,000 by motion which Class Counsel will file within 30 days of the last day on which notice is sent. This amount totals \$1,777,500.

14. Case litigation expenses are expected to total \$292,118.11 but the actual number may be slightly higher. As explained above, the Class Counsel will donate \$256,711.50 of the award for litigation expenses for distribution to class members (\$30,000 to class representatives and \$226,711.50 to the SCM Fund for other class members), so that Litigation Expenses paid out of the Settlement Amount will be reduced to \$35,406.61.

15. You will not personally pay any attorney’s fees or case litigation expenses.

Why Is This A Class Action?

16. In a class action, one or more persons, called the Class Representative(s), bring and maintain a lawsuit on behalf of a group of people who have similar claims – the Class Members. A court then resolves the claims for all Class Members, except for those who exclude themselves from the class.

Are There Lawyers Representing You?

17. The Court has approved the plaintiffs’ lawyers to collectively represent you (called “Class Counsel”). You will not be asked to pay your own personal money for the services of these attorneys and their associates and staff in litigating this case and negotiating this Settlement. Instead, the lawyers have sought payment from the defendant, subject to final approval of the court, as is described further below. Only Class Counsel may act on behalf of the class. However, that does not prevent you from hiring your own lawyer to advise you personally about your rights, options or obligations as a Class Member in this lawsuit. If you want to be represented by your own lawyer, you may hire one at your own expense.

What Do I Need To Do To Collect Money?

18. To get money from the Settlement, you must (1) complete the enclosed Claim and Release Form, sign it, and mail it to the Claims Administrator so that it is received on or before **March 22, 2021**; or (2) go to the class website and submit a Claim and Release form online on or before **March 22, 2021**. By accepting the terms of this settlement, you will be waiving your right

to assert a claim against the District of Columbia as it applies to seizures of vehicles or currency during the Class Period. Therefore, if you do not want to waive these claims, you should opt out of this Settlement as described in paragraph 25 of this Notice as set forth below.

19. The name and address of the Claims Administrator is:

Hoyte, et al. v. District of Columbia
c/o JND Class Action Administration
PO Box 91238
Seattle, WA 98111

20. The Class Administrator maintains a website located at www.HoytevDCSettlement.com. You can go to it and obtain additional Claim and Release Forms if you misplace yours, or submit a Claim and Release Form online instead. You can also obtain other information about the Hoyte case on the website.

What Happens If I Do Nothing?

21. If you do nothing, you will not receive any money. You will still be deemed part of the Class Action, and you will be releasing all claims you may have related to the allegations in the case. Thus, it is very important that you act promptly to complete and submit your claim form on time if you wish to receive a payment.

If I Do Not Like The Settlement – Or Some Part Of It – How Do I Tell The Court?

22. Any Settlement Class Member may object to the Settlement, or to any settlement term. Settlement Class Members must object in writing. You must file any objection by **January 6, 2021**. Note that the date to file an Objection is different from and earlier than, the date to submit a claim. If you object to any part of the Settlement Agreement and you want to tell the Judge, you must do the following things:

- You must write a letter to the Judge telling him what you do not like about the Settlement Agreement. Include your name, address, phone number, and signature in the letter.
- On the first page of your letter write in large or underlined letters: “Civil Action No. 13-cv-0569 (CRC): Objections to Settlement Agreement in Hoyte v. District of Columbia.”
- Mail your letter to the following address:

The Honorable Christopher R. Cooper
U.S. District Court for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001

- You must also mail copies of your letter to the lawyers for the plaintiffs and defendant at the following addresses:

Hoyte Class Counsel William Claiborne
Attention: Paralegal Haja Wotorson
717 D Street, N.W., Ste 300
Washington, D.C. 20004

AND

Re: Hoyte Class Action
Andrew J. Saindon, Senior Assistant Attorney General
Attention: Robin Massengale
Office of the Attorney General for the District of Columbia
400 6th Street, N.W., 10th Floor
Washington, D.C. 20001

- If you need help writing your objections, you may ask someone to object on your behalf. The representative must state in the objection that he or she is your representative and explain the nature of the representation and the name of the class member.

23. You may object to all or any part of the Settlement.

24. DO NOT CALL THE COURT. THE COURT WILL NOT ACCEPT PHONE CALLS ABOUT THIS. YOU MUST SUBMIT YOUR OBJECTIONS IN WRITING.

What Do I Need To Do If I Want To Request Exclusion or “Opt Out” From The Settlement?

25. You may request to be excluded, or “opt out,” from the Settlement. Class Members who request to be excluded from the Settlement will NOT receive any money, nor will they have released their claims. They will then be entitled to pursue their claims individually. To request to be excluded from the Settlement, you must prepare and submit a written request with your name and address. The request must state: “I do not want to be part of the plaintiff settlement class in the Hoyte Class Action Case.” The request must be signed by you and mailed to the Claims Administrator received on or before **January 6, 2021**. Note that the date to file an Opt-Out is different from, and earlier than, the date to submit a claim. The request for exclusion must be mailed to the following address:

Claims Administrator at Hoyte, et al. v. District of Columbia
c/o JND Class Action Administration
PO Box 91238
Seattle, WA 98111

What Is the Release of Claims?

26. If you are a class member and have not excluded yourself from the class as described above, you are waiving all your rights to all claims during the class period related to seizures of vehicle or currency for civil forfeiture, including even those you are not aware of at present or do not suspect, in exchange for a monetary payment, as outlined in paragraph 18. By participating, you will not be giving up any other claim(s) that you may have against the District of Columbia that are not covered by this Settlement.

Background of Settlement.

27. Plaintiffs' lawyers believe that this Agreement is fair, reasonable, adequate, and is in the best interest of the class because it provides compensation for past injuries, while acknowledging that the District has substantially eliminated the problems the lawsuit was intended to address. Although the District denies that it has committed any wrongdoing, it believes that further litigation would be protracted, expensive, and contrary to its best interests. Thus, the Parties entered into settlement negotiations which resulted in the Settlement. The Honorable Christopher R. Cooper has determined on a preliminary basis that the Settlement is fair, reasonable, and adequate and in the best interests of the Class.

28. The judge will retain jurisdiction over the case to decide any disputes about compliance with the Settlement Agreement.

29. You may obtain a copy of the entire Settlement Agreement at www.HoytevDCSettlement.com.

28. The lawyers for the plaintiffs are William Claiborne and Bennett B. Borden. Class members do not pay any fees to these lawyers. The fees are subject to approval by the Court. The contact information for Plaintiffs' counsel is:

Hoyte Class Counsel William Claiborne
Attention: Paralegal Haja Wotorson
717 D Street, N.W., Ste 300
Washington, D.C. 20004
1-202-725-6063

When And Where Will The Judge Decide Whether To Approve The Settlement Agreement?

29. A final fairness hearing is set for **March 9, 2021** before the Honorable Judge Christopher R. Cooper of the U.S. District Court for the District of Columbia, at the E. Barrett Prettyman United States Courthouse. The courthouse is located at 333 Constitution Avenue, NW, Washington, DC 20001. The hearing will be held in courtroom 27, circumstances permitting. This hearing and any other hearing in the case may be held virtually, or on a different date, depending on the state of the COVID-19 pandemic, and interested parties should check the Court's website for details of the hearing.

30. At the final fairness hearing, the judge will consider whether the Settlement is fair, reasonable, and adequate. The judge will consider any objections that were made according to the procedures described above. Plaintiffs' and defendant's lawyers will be available to answer any questions that the judge may have.

31. You may speak at the hearing only if you sent your objections to the judge in writing. The judge alone will determine if objectors will speak at the final fairness hearing. If he does, he may decide to allow some and not others to do so.

32. If the judge decides to approve the Settlement, his decision is final and the Lawsuit will end. The class members will no longer be able to petition the courts for the same things they sued about in the Hoyte lawsuit.

33. If the judge does not approve the Settlement, the Lawsuit will continue.

When Will I Receive Money From the Settlement?

34. No money will be paid until after the Settlement is approved and all possibilities of appeal are completed. After that, it will likely take two to three months, and quite possibly more, to process all the claims, calculate the amount due to each Class Member, and send checks, ATM Cards, and electronic payments to the Class Members. If you file a claim and do not receive money within eight months after **March 22, 2021**, which is the last day to mail or file a claim, check the website for this case about when mailings are expected, or contact the Class Administrator by either calling 1-888-681-1215 or writing to the Class Administrator, whose contact information is contained above. Remember that some people who file claims will not be receiving money at all because they do not qualify as class members, and those individuals will be notified that they do not qualify as class members.

All papers filed in the case will also be available on PACER.

Where Can I Learn More?

35. For more details, go to the website titled www.HoyteVDCSettlement.com. The website has links to the complete Settlement documents in this case, as well as the motion for attorney's fees. If you still have questions, you may call 1-888-681-1215 or send an email to info@HoyteVDCSettlement.com.