

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MANUEL BARRIOS, et al.,

Plaintiffs,

v.

THE CITY OF CHICAGO,

Defendant.

No. 1:15-cv-02648

Honorable Joan B. Gottschall

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
AND FINAL FAIRNESS HEARING**

**PLEASE READ THIS NOTICE CAREFULLY. THIS NOTICE IS TO INFORM YOU
OF A PROPOSED SETTLEMENT THAT MAY AFFECT YOUR RIGHTS.**

A federal court authorized this notice.

This is not a solicitation from a lawyer or a notice of a lawsuit against you.

You may be entitled to a payment if you are a member of the Settlement Class that is described in this Notice. The proposed Settlement Agreement is with the City of Chicago, which has agreed to create a Four Million Nine Hundred and Fifty Thousand Dollar and Zero Cents (\$4,950,000.00) cash Settlement Fund from which 356 eligible individuals may receive cash payments. If you are one of the persons who owned one of the 356 vehicles, the cash payment you are presumably entitled to has been determined using data from Kelley Blue Book and by considering the fair market value of your vehicle at the time it was seized.

You may be a member of the Settlement Class if you owned one of the 356 vehicles that were impounded by the City of Chicago under Chicago Municipal Code § 7-24-225 for a State of Illinois drug related offense where the seizure did not result in forfeiture of the vehicle and the City of Chicago initiated contact with your finance company (lienholder) or lessor of the vehicle and demanded that the company take possession of the vehicle, during the period of March 28, 2013 through August 1, 2015, and as a result: (1) you were permanently deprived of your vehicle due to the lienholder taking possession of your vehicle; or (2) you were temporarily deprived of the use and possession of your vehicle.

You can confirm that you are one of the persons eligible under the above definition by seeing if your name appears on the list of “owners” at www.impoundclass.com/Owners.

BASIC INFORMATION

Why Did I Get This Notice?

You received this Notice either because: (i) you requested it; or (ii) City of Chicago records indicate that you may have been the owner of a vehicle impounded by the Chicago Police Department during the Settlement Class Period for a narcotics related offense. If you were the owner of such a vehicle, you may be a member of the Settlement Class.

What Is The Lawsuit About?

The lawsuit claims that the Chicago Police Department wrongfully engaged in a purported policy, pattern and/or practice of depriving owners of vehicles seized for potential drug-related offenses by contacting the finance company (lienholder) or lessor of the vehicle and then transferring the vehicle to those companies without providing the owner of the vehicle with a forfeiture hearing or equal opportunity to recover their vehicle in violation of the owner's due process rights.

By agreeing to the proposed settlement described in this Notice, Defendant makes no admission as to the truth of these allegations, and it denies any and all wrongdoing.

What Is A "Lienholder"?

A lienholder is a lender that legally has an interest in your property until you pay it off in full. The lender — which can be a bank, financial institution or private party — holds a lien, or legal claim, on the property because they lent you the money to purchase it.

How Do I Submit A Claim?

Attached to this Notice is a Claim Form. **YOU MUST FILL OUT AND SIGN THE CLAIM FORM AND SUBMIT IT TO THE CLAIMS ADMINISTRATOR, BY U.S. MAIL, FAX, HAND DELIVERY OR E-MAIL (IN PDF FORMAT):**

**Barrios et al. v. City of Chicago
c/o JND Legal Administration
P.O. Box 91209
Seattle, Washington 98111
Toll Free: 1-888-383-0341
Email: info@impoundclass.com
Website: www.impoundclass.com**

THE PROOF OF CLAIM FORM MUST BE RECEIVED ON OR BEFORE NOVEMBER 18, 2020. IF YOU DO NOT SUBMIT YOUR SIGNED CLAIM FORM BY THIS DEADLINE, YOU WILL BE DEEMED TO HAVE WAIVED YOUR RIGHT TO RECEIVE ANY PAYMENT FROM THE SETTLEMENT FUND.

You must complete the Proof of Claim Form in order to be eligible to receive any benefit from the Settlement, and the Claim Form must be received on time and in accordance with

this Notice. Be advised that in some instances, the Claims Administrator may require you to submit written documentation supporting your Proof of Claim. If you are part of the Class and do nothing, you will not be paid anything and will lose your right to bring a separate lawsuit.

As a Settlement Class member, you will be bound by all proceedings, orders and judgments entered in connection with the proposed settlement and Settlement Agreement, including the release, covenant not to sue, and dismissal with prejudice described below.

What If I Do Not Want To Be Part Of The Settlement?

If you do not want to be a member of the Settlement Class and participate in the proposed Settlement, then you must send a signed statement to that effect that includes your name, address, and telephone number, to the Claims Administrator identified above.

TO BE CONSIDERED TIMELY AND TO EFFECTIVELY OPT OUT OF THE SETTLEMENT, YOUR COMPLETED AND SIGNED OPT-OUT NOTICE MUST BE RECEIVED BY THE CLAIMS ADMINISTRATOR BY NO LATER THAN NOVEMBER 18, 2020. IF IT IS NOT RECEIVED BY THE CLAIMS ADMINISTRATOR BY THAT DATE, YOUR RIGHT TO OPT OUT WILL BE DEEMED WAIVED AND YOU WILL BE BOUND BY ALL ORDERS AND JUDGMENTS ENTERED IN CONNECTION WITH THE SETTLEMENT.

If you choose to opt out of the settlement and the Settlement Class, you will not receive any payment under the proposed settlement and your claims will not be released. You will also not be allowed to comment on or object to the proposed Settlement.

Are There Any Limits On The Amount I Can Recover?

A Claims Administrator hired by Class Counsel will administer the settlement. The Claims Administrator will review all claims and determine whether they are valid.

Eligible individuals may receive a one-time payment of up to the fair market value of their vehicle when it was seized. The total amount of money available from the Settlement Fund for approved claims is limited to \$4,950,000.00, minus Attorneys' Fees, incentive payments to the named Plaintiffs, and Administrative Expenses. If this limit is reached or exceeded, your claim will be pro-rated based on the number of Class Members who file valid and timely Proofs of Claim.

If the number of valid and timely claims submitted is less than the funds available for the payment of claims, then the difference between the total amount of approved claims and the Settlement Fund will be paid to the City of Chicago.

How Is The Validity Of A Claim Determined?

A Claims Administrator will determine whether a claim is timely, valid and payable from the Settlement Fund based on information you provide on the Claim Form and supporting documentation that you provide, as well as information provided by the City. The Claims Administrator has complete and final authority to determine whether a claim shall be valid and paid, and its decision shall be final. In the event that your claim is denied, you will be granted an

additional seven (7) days to provide additional documentation to support your claim. The denial of a claim can be appealed to the District Court. If your claim is denied, the Claims Administrator will provide you with information regarding how to appeal that denial.

Who Are The Attorneys Appointed To Represent The Settlement Class?

The Court has appointed the following attorneys as Class Counsel to represent the Settlement Class:

Edward R. Moor
Moor Law Office, P.C.
One North LaSalle Street, Suite 600
Chicago, Illinois 60602

Paul J. Lytle
Lytle & Milan, LLC
1142 W. Madison St., Suite 306
Chicago, Illinois 60607

How Will The Lawyers Be Paid?

Since the lawsuit began on March 28, 2015, the attorneys representing the Settlement Class have devoted substantial resources and expenditures in pursuing the claims raised in this litigation on behalf of Plaintiffs and the Settlement Class Members purely on a contingent fee basis, and these law firms have received no compensation for their services or reimbursement of their expenses. As part of the proposed Settlement, Class Counsel will ask the Court to approve an amount of attorneys' fees not to exceed 33% or \$1,650,000.00 of the Settlement Fund and for reimbursement of expenses.

Should I Get My Own Lawyer?

You do not need to hire your own lawyer, but you are free to do so. However, if you want your own lawyer to speak for you or appear in Court, you must file a Notice of Appearance. Hiring a lawyer to appear for you in the lawsuit will be at your own expense.

COMMENTING ON THE PROPOSED SETTLEMENT

Can I Comment On, Or Object To, The Proposed Settlement?

If you have comments about, or disagree with, any aspect of the Proposed Settlement, you may express your views to the Court in writing. The written response should include your name, address, telephone number and a brief explanation of your comment or reason for objection. Your written response must clearly identify any and all witnesses, along with their testimony, documents, and other evidence of any kind that you anticipate will be presented at the Final Approval Hearing. The document must be signed to ensure the Court's review. The response **must be received on or before November 18, 2020**, and mailed to:

Clerk of Court
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, Illinois 60604

Your document must clearly state that it relates to Civil Action Number 15-cv-02648.

You must also send a copy of your comment or objection by first class mail to one of the attorneys for the Settlement Class listed above and to one of the attorneys for the Defendants listed below, not later than November 18, 2020:

Allan T. Slagel
Jonathan B. Amarilio
Anne L. Yonover
Taft Stettinius & Hollister LLP.
111 E. Wacker Drive, Suite 2800
Chicago, Illinois 60601

Dismissal With Prejudice, Approval Of The Proposed Settlement And Release Of Claims

If the Court approves the proposed Settlement, it will enter a judgment dismissing the litigation with prejudice as to all claims against Defendant. In addition, Defendant will receive from the Settlement Class (except for those persons that have timely opted out of the Settlement) a release and discharge of all claims, demands, actions, suits, and causes of action that have been brought or could have been brought, are currently pending or were pending, or are ever brought in the future, by any Settlement Class Member against any Defendant, in any forum, whether known or unknown, asserted or unasserted, under or pursuant to any statute, regulation, common law or equity, that relate in any way, directly or indirectly, to facts, acts, events, transactions, occurrences, courses of conduct, representations, omissions, circumstances or other matters referenced in any claim raised in the litigation.

This means that all Settlement Class Members who have not opted out of the settlement will be forever barred from bringing, continuing, or being part of any claim or lawsuit against the City of Chicago, or the Chicago Police Department or their employees, personnel, or representatives, relating to the impoundment of their vehicles. If you fall within the class definition and do not want to be prevented from bringing, continuing or being a part of such a lawsuit, you must exclude yourself from the Settlement Class and proposed Settlement as explained above.

The Court's Final Approval Hearing

The U.S. District Court will hold a Final Approval Hearing on December 18, 2020, at 9:30 a.m. to consider whether the proposed Settlement is fair, reasonable, and adequate. The hearing will be conducted by teleconference. At the Hearing, the Court may decide whether to approve the proposed Settlement and the request for attorneys' fees and reimbursement of expenses. If comments or objections have been timely received, the Court will consider them at that time.

Note: The Hearing may be postponed to a different date without additional notice. Updated information will be posted on the settlement website, www.impoundclass.com.

Must I Attend The Final Approval Hearing?

Attendance is not required, even if you properly mailed a written response. If you or your personal attorney still wants to attend the Hearing, you may contact the Claims Administrator at 1-888-383-0341 or by email at info@impoundclass.com, or you may contact Class Counsel, to obtain the information necessary to attend by telephone. However, it is not necessary that either of you attend. As long as your comment or objection was received before the deadline, the Court will consider it.

If you want your own lawyer instead of Class Counsel to speak at the Final Approval Hearing, you must give the Court a paper that is called a “Notice of Appearance.” The Notice of Appearance should include the name and number of the lawsuit Civil Action Number: 15-cv-02648, and must state that you wish to enter an appearance at the Final Approval Hearing. It also must include your name, address, telephone number, and signature. Your Notice of Appearance **must be received on or before November 18, 2020**. You cannot speak at the Hearing if you ask to be excluded from the Proposed Settlement Class or are not submitting a Claim Form now.

The Notice of Appearance must be filed with the Court at the following address:

Clerk of Court
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, Illinois 60604

The Notice of Appearance must be filed using the following Civil Action Number: 15-cv-02648.

GETTING MORE INFORMATION

Where Do I Obtain More Information?

You can look at and copy the legal documents filed with the Court at any time during regular business hours at the Office of the Clerk of Court, Clerk of Court Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604.

In addition, if you have any questions about the lawsuit or this Notice, you may:

- Contact the Claims Administrator at: 1-888-383-0341 or by email at info@impoundclass.com.
- Visit the website at www.impoundclass.com.

DO NOT CONTACT THE JUDGE OR HER STAFF.