

**YOU ARE GETTING THIS LETTER BECAUSE YOU WERE ON MISDEMEANOR PROBATION IN GILES COUNTY BETWEEN APRIL 23, 2015 AND MARCH 31, 2021. YOU ARE ELIGIBLE FOR UP TO \$518.94!**

**What is happening with Giles County misdemeanor probation?**

People sued over Giles County’s misdemeanor probation system. The people who sued said that they were kept on probation with CPS or PSI because they couldn’t pay; that they sacrificed basic needs to pay fees; and were told they would be arrested or kept on probation if they didn’t pay. A Settlement (a legal agreement) has been proposed to help you, and other people who were on misdemeanor probation, get the benefits you deserve under the law. The Settlement benefits only apply to people on misdemeanor probation (not felony probation) and only in Giles County (no other County).

**How would I benefit?**

I was on misdemeanor probation in Giles County between....	I will receive...
...April 23, 2017 and March 31, 2021 and I <b>did</b> pay probation fees.	\$518.94
...April 23, 2017 and March 31, 2021 and I <b>did not</b> pay probation fees.	\$393.10
...April 23, 2015 and April 22, 2017 and I <b>did</b> pay probation fees.	\$125.84

**What do I need to do to get the money?**

Nothing right now. If the Court approves the Settlement, you will automatically get the money as a check. **If you would like to receive your money via Paypal, Venmo, or other electronic service, go to [www.McNeilSettlement.com](http://www.McNeilSettlement.com).**

*What if my name or address is wrong? Go to this website and complete the form: [www.McNeilSettlement.com](http://www.McNeilSettlement.com)*

**What are all of my options?**

Remain in the Settlement
<p>Do Nothing:</p> <ul style="list-style-type: none"> <li>• Receive a check and cash it within 90 days</li> <li>• Give up your right to sue over the same claims</li> <li>• You can receive your money electronically by changing your payment option here: <a href="http://www.McNeilSettlement.com">www.McNeilSettlement.com</a></li> </ul>
<p>Object (by October 15, 2021)</p> <ul style="list-style-type: none"> <li>• Write to the Court about why you don’t like the Settlement terms</li> <li>• Give up your right to sue over the same claims</li> <li>• Information about how to object is here: <a href="http://www.McNeilSettlement.com">www.McNeilSettlement.com</a></li> </ul>
<p>Ask to speak to the Court (by October 15, 2021)</p> <ul style="list-style-type: none"> <li>• Speak to the Court at the Fairness Hearing</li> <li>• Give up your right to sue over the same claims</li> <li>• Information about how to object is here: <a href="http://www.McNeilSettlement.com">www.McNeilSettlement.com</a></li> </ul>
Get out of the Settlement
<p>Exclude yourself by October, 2021</p> <ul style="list-style-type: none"> <li>• Give up your right to receive money from this Settlement</li> <li>• Keep your right to sue over the same claims</li> <li>• Information about how to exclude yourself is here: <a href="http://www.McNeilSettlement.com">www.McNeilSettlement.com</a></li> </ul>

***What happens next?***

The Court has to decide whether to approve the proposed Settlement.

***What else does the proposed Settlement do?***

It ends private probation in Giles County; makes sure no one is arrested or kept on probation for nonpayment; protects people who can’t afford to pay; requires waiver of past court debts; and more! Visit [www.McNeilSettlement.com](http://www.McNeilSettlement.com) for more information.

***I have QUESTIONS or need HELP!***

Call: 888-477-1779 OR visit this website: [www.McNeilSettlement.com](http://www.McNeilSettlement.com)

**1. What is this Notice and why should I read it?**

This Notice is to inform you of the proposed Settlement of a class action lawsuit and about all of your rights and options before the Court decides whether to approve it. This Notice describes the lawsuit, the proposed Settlement, your legal rights, what benefits are available, and who can get them.

Judge William L. Campbell, Jr. is overseeing the proposed Settlement in the United States District Court for the Middle District of Tennessee. The proposed Settlement will resolve all of the claims against the Defendants made in *McNeil v. Community Probation Services, LLC et al.*, No. 18-cv-00033 (M.D. Tenn. 2021). The individuals that sued are called the Named Plaintiffs. The companies and individuals the Named Plaintiffs sued are called the Defendants.

**2. What is a class action?**

In a class action, one or more people or groups, called Named Plaintiffs or Class Representatives, sue on behalf of all people who have similar claims. The people included in the Settlement of these class actions are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement.

**3. What is the lawsuit about?**

The lawsuit alleges that Giles County, Tennessee, contracted with CPS and PSI to provide private probation services to individuals on misdemeanor probation in Giles County. The lawsuit alleges that Giles County, CPS, PSI, and other defendants acted unconstitutionally and contrary to state and federal law by having misdemeanor probationers supervised by companies with a financial interest in prolonging their supervision and by demanding payments even if probationers could not afford them. The Named Plaintiffs purport to represent classes of individuals who, at any time from April 23, 2015 to the present, were supervised on misdemeanor probation by CPS, PSI, or one of the company's affiliates. The lawsuit alleges violations of the Fourteenth Amendment to the U.S. Constitution and Tennessee law.

The Defendants deny each and every allegation of wrongdoing, liability and damages that was or could have been made in the lawsuit. The Plaintiffs maintain their allegations against the Defendants.

**4. Why is there a Settlement?**

The Court has not yet decided in favor of either the Named Plaintiffs or the Defendants. Instead, the Plaintiffs and Giles County have agreed to settle the lawsuit. Giles County is settling to avoid the substantial cost, inconvenience and disruption of litigation. The Named Plaintiffs and Settlement Class Counsel believe that the Settlement is in the best interests of the Settlement Class because it provides an appropriate recovery for Settlement Class Members now while avoiding the substantial risk, expense and delay of taking the case through trial and any additional appeals.

**5. How do I know if I am included in the Settlement Class?**

There are three Settlement Classes, and individuals might be in multiple Classes: "Class A" means all people (1) who are or will be convicted of a misdemeanor offense in Giles County, and (2) who are required to make payments and/or who are sentenced to probation; "Class B" means all people who were on probation in connection with a misdemeanor offense in Giles County on or after April 23, 2017 through March 31, 2021; and "Class C" means all people who paid CPS Fees and/or PSI Fees while on probation in connection with a misdemeanor offense in Giles County on or after April 23, 2015 through March 31, 2021. Only Classes B and C will receive monetary compensation. Anyone who is convicted of a misdemeanor in Giles County and owes payments or is placed on misdemeanor probation in Giles County will benefit from changes to the system, which is called "Injunctive Relief."

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

Class A: Any person (1) who is or will be convicted of a misdemeanor offense in Giles County, and (2) who is required to make payments and/or who is sentenced to probation will receive injunctive relief, as specified in Exhibit B to the Settlement Agreement. As part of this relief, Giles County will automatically waive all outstanding court debt and probation fees. Injunctive relief will also end the practice of keeping people on supervised probation in Giles County only to make payments, will end any form of probation in Giles County that relies on user payments to fund its activities, and will limit the use of drug tests for individuals on supervised misdemeanor probation in Giles County. Giles County will also recall all outstanding violation-of-probation warrants.

Class B: Settlement Class Members who were on probation in connection with a misdemeanor offense in Giles County on or after April 23, 2017 through March 31, 2021 who do not opt out of the Settlement will receive a portion of the \$2,000,000 Settlement Fund. The proposed Settlement provides \$200,000 to pay the lawyers who represented the Class and \$120,000 to pay the Named Plaintiffs for their work representing the Class. The remaining amount in the Settlement Fund will be \$1,680,000. The portion of the fund to be paid to any eligible Settlement Class Member in Class B will be 80% of \$1,680,000 divided by the total number of people in the Class, which will result in at least \$393.10 per person.

Class C: Settlement Class Members who paid fees to PSI or CPS while on probation in connection with a misdemeanor offense in Giles County at any time from April 23, 2015 to March 31, 2021 will be entitled to receive a cash award equal to 20% of \$1,680,000 divided by the total number of people in the Class, which will result in at least \$125.84 per person.

### 7. How do I get a payment?

If you are part of one or both Settlement Classes B or C and do not opt out, you will receive a payment from the Settlement Administrator after the Settlement is approved and becomes effective. If you do nothing, you will receive this payment in the form of a check. If you would like to receive payment through a different form, including PayPal or Venmo, you can change your form of payment at this website: [www.McNeilSettlement.com](http://www.McNeilSettlement.com).

The Court still has to decide whether to approve the Settlement. Payments will be made to eligible Settlement Class Members if the Court approves the Settlement and after any appeals are resolved.

### 8. What am I giving up in exchange for the Settlement?

Unless you exclude yourself, you will remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against the Defendants for the legal issues and claims raised in this lawsuit. The specific rights you are giving up are called Released Claims (*see* Question 9).

### 9. What are the Released Claims?

"Released Claims" generally refers to any and all claims, whether known or unknown, that could have been asserted by you in a lawsuit against any of the Released Persons (the Defendants and their affiliates) arising from or relating to the Defendants' actions or omissions in connection with the lawsuit.

The Released Claims are fully described in Section IV.B.i. of the Settlement Agreement and Release, which is available by calling **1-888-477-1779** or visiting [www.McNeilSettlement.com](http://www.McNeilSettlement.com).

## EXCLUDE YOURSELF, OBJECT, OR DO NOTHING

### 10. What does it mean to Exclude Yourself from the Settlement?

If you want to keep the right to sue or continue to sue the Defendants about the facts or claims alleged in the lawsuit, and you don't want a payment from this Settlement, you must take steps to remove yourself from the Settlement Class. This is called excluding yourself or opting out of the Settlement.

### 11. How do I get out of the Settlement?

If you wish to be excluded from the Settlement Class, you must submit a request for exclusion to the Settlement Administrator by mail at *McNeil v. CPS*, c/o Atticus Administration, PO Box 64053, St. Paul, MN 55164, by email at [McNeilSettlement@atticusadmin.com](mailto:McNeilSettlement@atticusadmin.com), or electronically at [www.McNeilSettlement.com](http://www.McNeilSettlement.com) no later than **October 15, 2021**. Your request for exclusion must be signed by you and contain a statement that you want to be excluded from the Settlement Class. If you have any questions concerning these procedures, please contact the Settlement Administrator at **1-888-477-1779**.

You may opt out for yourself only and may not opt out on behalf of others.

### 12. If I exclude myself, will I still get a payment from this Settlement?

No. If you exclude yourself, you are telling the Court that you don't want to be part of the Settlement Class in this Settlement. You can only get a payment if you stay in the Settlement Class.

### 13. If I don't exclude myself, can I sue the Defendants for the same things later?

No. Unless you exclude yourself, you are giving up the right to sue the Defendants for the claims that this Settlement resolves. You must exclude yourself from *this* Settlement Class to start or continue with your own lawsuit or be part of any other lawsuit.

### 14. How do I object or tell the Court if I don't like the Settlement?

If you are a Settlement Class Member and you do not ask to be excluded, you may still object to the terms of the Settlement, the Attorneys' Fee Awards, or the Named Plaintiffs' Service Payments. The Court will consider your views before making a decision. To object, you must provide: (i) the name, address, and telephone number of the person objecting and, if represented by counsel, of his/her counsel; (ii) a signed declaration under penalty of perjury stating that he or she is a member of the Settlement Class; (iii) a statement of all objections to the Settlement and the legal and factual bases for such objections; and (iv) a statement of whether he or she intends to appear at the Fairness Hearing, either with or without counsel, and if with counsel, the name of his or her counsel who will attend.

Your objection must be submitted to at least one of the addresses listed below and be postmarked by **October 15, 2021**. Any of the below parties who receive your objection will share it with the remaining parties.

Clerk of the Court	Settlement Class Counsel
United States District Court 801 Broadway Room 800 Nashville, TN 37203	Laura Arandes Elizabeth Rossi Civil Rights Corps 1601 Connecticut Ave. NW, Ste. 800 Washington, DC 20009 Telephone: 931-371-7977

<b>Giles County's Counsel</b>	
Robyn Beale Williams Cassandra M. Crane Farrar & Bates 211 Seventh Ave. North, Suite 500 Nashville, TN 37219 (615) 254-3060	

**15. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class (do not exclude yourself). If you object, you can still receive a payment from the Settlement. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you cannot object or receive a payment because the Settlement no longer affects you.

**16. What happens if I do nothing?**

If you do nothing and the Court approves the Settlement, you will be bound by its terms, and you will give up your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues or claims resolved by this Settlement. If you are in Class B or Class C, you will receive a payment from the Settlement Administrator in the mail or electronically, depending on your preference. You must cash this check within **90 days** of the date the check is issued, or otherwise accept electronic payment by **May 2022**, or the payment will revert back to the Settlement Fund and be redistributed. If you would prefer to receive your payment in a different form, such as PayPal or Venmo, you may elect to change the form of payment by going to this website: [www.McNeilSettlement.com](http://www.McNeilSettlement.com).

**17. What if there is money left over in the Settlement Fund after all of the Class Members have been paid?**

Any money left over in the Fund will be distributed to a charitable organization as a "cy pres award." The charitable organization that will receive any left over money in this case is called Free Hearts. It is an organization based in Nashville and led by formerly incarcerated women. Free Hearts provides support, education, and advocacy in organizing families impacted by incarceration, with the ultimate goals of reuniting families and keeping families together.

**THE LAWYERS REPRESENTING THE SETTLEMENT CLASS**

**18. Who represents the Settlement Class?**

For purposes of the Settlement, the Court has approved the appointment of the following as Settlement Class Counsel to work on behalf of the Settlement Class:

- |  |   |
|--|---|
| Elizabeth Rossi<br>Laura Gaztambide Arandes<br>Eric Halperin<br>Alexandria Twinem<br>Sumayya Saleh<br>Civil Rights Corps<br>1601 Connecticut Ave. NW<br>Suite 800<br>Washington, DC 20009<br>Telephone: 931-371-7977 | Kyle F. Mothershead<br>Law Office of Kyle Mothershead<br>414 Union Street, Suite 900<br>Nashville, TN 37219<br>Telephone: (615) 982-8002<br>Facsimile: (615) 229-6387 |
|--|---|

David W. Garrison  
Scott B. Tift  
Barrett Johnston Martin & Garrison, LLC  
Philips Plaza  
414 Union St., Suite 900  
Nashville, TN 37219  
Telephone: 615-244-2202

Matthew J. Piers  
Chirag G. Badlani  
Kate E. Schwartz  
Hughes, Socol, Piers, Resnick & Dym, Ltd.  
70 W. Madison St., Suite 4000  
Chicago, IL 60602  
Telephone: 312-580-0100

You will not be charged for the services of Settlement Class Counsel, who will be paid from the Settlement Fund (see Question 19). If you want to be represented by your own lawyer, you may hire counsel at your own expense.

**19. How will the lawyers be paid?**

Settlement Class Counsel have not been paid any attorneys' fees and have not been reimbursed for any of their out-of-pocket expenses. As payment for their work in the lawsuits and in obtaining the Settlement, Settlement Class Counsel intend to ask the Court to approve payment of Attorneys' Fee Awards (including costs) up to \$200,000.

Settlement Class Counsel will also ask the Court to approve Service Payments of between \$5,000 and \$25,000 to be paid to the Named Plaintiffs for the time and effort they contributed to the lawsuit and Settlement. There is a range of payments because the Named Plaintiffs performed a range of work on behalf of the Classes. Those who gave more time and energy will be compensated more.

**20. When and where will the Court decide whether to give final approval to the Settlement?**

The Settlement has already been preliminarily approved by the Court. However, the Court will hold a hearing to decide whether to give final approval to the Settlement. You may attend and you may ask to speak at the hearing, but you don't have to.

The final fairness hearing will be held before Hon. William L. Campbell, Jr. on **January 7, 2022 at 1:30 p.m. in Room A826 at 801 Broadway, Nashville, TN 37203**. At the hearing or soon thereafter, the Court will decide whether the proposed Settlement is fair, reasonable, and adequate and will decide whether to grant final approval. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing (see Question 22). The Court may also decide the amount of fees, costs, and expenses to award Settlement Class Counsel and whether to approve the Service Payment.

**21. Do I have to come to the Court's hearing?**

No. You do not need to attend the final fairness hearing. Settlement Class Counsel will answer any questions the Court may have. If you file an objection to the Settlement, you don't have to come to Court to talk about it, unless the Court requires you to do so. As long as you filed and delivered your written objection on time, signed it, and provided all of the required information (see Question 14) the Court will consider it. If you file an objection and the Court requires you or your attorney's attendance at the hearing, you or your attorney will be notified by the Court or Settlement Class Counsel. If you wish, you or your own attorney may attend the final fairness hearing, at your own expense, but it is not required.

**22. May I speak at the Court's hearing?**

Yes. As long as you do not exclude yourself from the Settlement Classes, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a written request with the Court saying that it is your "Notice of Intent to Appear at the Fairness Hearing" or have stated that you intend to appear in your objection. You must include your name, address, phone number, and signature. If you plan to have your own attorney speak for you at the hearing, you must also include the name, address, and telephone number of the attorney who will appear. Your written request must be sent to the Settlement Administrator (address provided in Question 11) and the Clerk of the Court (address provided in Question 14) by **October 15, 2021**. The time, date, and location of the hearing

may be changed by the Court without additional notice. If you plan to attend the hearing, you should confirm its time, date, and location with the Settlement Administrator.

**23. How can I get additional information?**

This Notice, the Settlement Agreement, and other documents related to this Settlement are available by contacting the Settlement Administrator at McNeil v. CPS c/o Atticus Administration PO Box 64053, St. Paul, MN 55164 or 1-888-477-1779 or visiting [www.McNeilSettlement.com](http://www.McNeilSettlement.com).

**Direct any inquiries to the Settlement Administrator.**

**Do not contact the Clerk of Court or the Judge except as directed in this Notice.**