

UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
LOS ANGELES DISTRICT OFFICE

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| <hr/> Lisa Ferguson, Octavia Brown, et al., Class Agents and Class Members, |) | |
| |) | |
| Complainants, |) | EEOC No. 480-2016-00563X |
| |) | Agency No. BOP-2012-0053 |
| v. |) | |
| |) | |
| Acting Attorney General |) | |
| Matthew Whitaker, |) | |
| Department of Justice, |) | |
| |) | |
| Agency. |) | |
| |) | Date: February 25, 2019 |
| |) | |
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NOTICE OF PROPOSED RESOLUTION OF CLASS ACTION

This document contains important information about the Settlement Agreement and deadlines for steps that you must take as it pertains to the above captioned matter. **You must follow the instructions by the deadlines listed in this document** or you will forfeit your right to recover any money from the settlement and to pursue any individual claims against the agency arising out of inmate sexual misconduct and implemented policies relating to female participation in use of force teams.

The parties have reached a proposed resolution of a class action alleging that the Federal Bureau of Prisons, Federal Correctional Complex Victorville (“FCC Victorville” or “Agency”) failed to take adequate measures to prevent male inmates from sexually harassing female employees and implemented discriminatory policies relating to female participation in use of force teams.

THE TERMS OF THE SETTLEMENT

The Agency has agreed to pay \$11 million into the settlement fund. The process for determining how much money each Class Member will receive is described in more detail in the Claim Form attached to this Notice. The Agency has also agreed to change its policies and practices for dealing with inmate sexual misconduct toward staff. These changes are discussed in more detail in the Settlement Agreement and this Notice.

WHAT YOU MUST DO IF YOU ARE COVERED BY THE CLASS ACTION

If you want to recover monetary damages from the settlement, you **MUST** fill out the attached Claim Form. While it is possible to fill out the form and return it by mail, email, or fax, **we strongly urge you to fill out the form online** as this is the only way to ensure that your form is not lost and that your entries are accurate. You can access the Claim Form online by going to the website uspvictorvilleclassaction.com and clicking on the “Claim Form” tab.

There are two important things to keep in mind when filling out your Claim Form:

- (1) **You Should Complete as Much as Possible on Your Claim Form** – While it may be difficult and possibly painful to answer the questions on the Claim Form, it is important that you answer them fully because the Claims Administrator will be taking into account the amount of inmate sexual misconduct you experienced and the amount of harm you suffered when deciding what portion of the settlement fund should be allocated to you. **All of the information you provide will be kept confidential by the Claims Administrator and will NOT be provided to the Agency.**

- (2) **Inmate Sexual Harassment Does Not Only Mean Masturbation** – You should not only talk about inmate masturbation when filling out the Claim Form. If inmates knocked on windows in an attempt to get your attention, made sexual

comments to you, made comments about your body, made sexual gestures, stalked you, left semen in an area where you would find it, or anything else that you viewed as sexual, you should include it in your responses on your Claim Form.

The Claim Form must be returned to the Claims Administrator **by no later than May 26, 2019**, or you will waive any right to recover any money from this case.

If you object to the settlement, you must submit your objection explaining why you disagree with the settlement by no later than March 27, 2019.

WHO YOU SHOULD CONTACT WITH QUESTIONS

Additional information about the settlement is contained online at uspvictorvilleclassaction.com. If you have any questions, you should contact Class Counsel:

Thomas F. Muther, Jr. and/or Joshua L. Klinger
Minahan Muther Klinger, P.C.
5132 W. 26th Avenue
Denver, CO 80212
(303) 986-0054 (phone)
(303) 986-1137 (fax)
victorvilleharassment@cofedlaw.com

You should NOT contact the Agency or the Judge with any questions about the case or settlement.

WHO IS INCLUDED IN THE CASE

If you received this Notice by email or by U.S. mail directly to you by the Claims Administrator (A.B. Data, Ltd.), then the Agency's records show that you are included in the case as a Class Member.

The case covers all women employed by FCC Victorville from 45 days before August 11, 2011, as to the denial of training claim, and 45 days before September 14, 2011, as to the sexual harassment claim, to the date of preliminary approval of this settlement agreement who were denied use of force training and/or subject to sexual harassment.

If you worked at FCC Victorville between August 11, 2011, and (date of approval of preliminary settlement agreement), you are part of the case and **you should take into consideration all of the inmate harassment and all of the harm experienced going back as far as January 1, 2007, when filling out the Claim Form.**

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT | |
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| If You Want to Collect Money from the Settlement | You must submit a Claim Form to the Claims Administrator by May 26, 2019 . |
| If You Disagree with the Settlement and Want to Object | You must submit your objections or comments stating why you think the settlement is unfair to the Class by March 27, 2019 . Even if you submit an objection, you may still submit a Claim Form. If you do not submit a Claim Form by the deadline and the judge denies your objection, you will not be entitled to recover any money from the settlement fund. |
| If You Want to Participate in the Hearing | You must state in your objection that you want the opportunity to be present and speak at the Final Approval Hearing. |

PLEASE NOTE:

IF YOU DO NOT SUBMIT A CLAIM FORM OR OBJECT BY THE DEADLINE, YOU WILL WAIVE YOUR RIGHT TO COLLECT ANY MONEY FROM THE SETTLEMENT AND TO PURSUE YOUR RIGHTS TO CHALLENGE THE INMATE SEXUAL HARASSMENT.