

LEGAL NOTICE

IF YOU ARE OR WERE A WOMAN INMATE AT EDNA MAHAN CORRECTIONAL FACILITY FOR WOMEN IN UNION TOWNSHIP, NEW JERSEY, AT ANY TIME SINCE JANUARY 1, 2014, YOUR RIGHTS MAY BE AFFECTED BY A PROPOSED CLASS ACTION SETTLEMENT

WHAT IS THIS NOTICE ABOUT? Class action lawsuits captioned Nobles, et al. v. Anderson, et al., Docket No. HNT-145-19 (formerly MER-L-2644-17) and Brown, et al. v. State of New Jersey Department of Corrections, Docket No. HNT-76-19 (formerly MER-503-18) (collectively, the “Lawsuit”) were filed in the Superior Court of New Jersey, Hunterdon County on behalf of all women inmates who are or were, at any time since January 1, 2014, incarcerated at Edna Mahan Correctional Facility for Women (“EMCFW”), a prison for women operated by the New Jersey Department of Corrections (“NJDOC”) in Union Township, New Jersey (the “Class”). The plaintiffs in the Lawsuit allege that all female prisoners at EMCFW were subjected to a pattern and practice of sexual abuse and harassment by NJDOC staff since 2014 and that NJDOC administrators failed to prevent, halt or remedy such conduct. NJDOC and its representatives deny any wrongdoing and deny the claims and allegations asserted in the Lawsuit. The court has not ruled on the merits of the plaintiffs’ claims and has made no determination of violations or liability against the defendants. The parties nevertheless have agreed to settle the Lawsuit.

WHY SHOULD I READ THIS NOTICE? You may be a member of the Class. This is a class action lawsuit that the parties have proposed to settle. If the proposed settlement is approved by the court, your legal rights may be affected. This notice describes what the Lawsuit is about, explains the terms of the proposed settlement, tells you who would be covered and what legal claims would be resolved by the settlement if the Court approves it, and explains how individuals can obtain benefits under the settlement.

AM I COVERED BY THIS CLASS ACTION LAWSUIT AND THE PROPOSED SETTLEMENT? You are a member of the Class if you are or were, at any time since January 1, 2014, a woman inmate in the custody of NJDOC who was assigned to EMCFW in Union Township, New Jersey.

WHAT ARE THE TERMS OF THE SETTLEMENT?

Tier 1 - The parties have agreed that each Class member who submits a claim will receive compensation of at least \$1,000 plus \$20 per month (or partial month) that she was assigned to EMCFW since January 1, 2014, regardless of whether she directly experienced sexual abuse or sexual harassment. Class members who were the direct victims of sexual abuse or sexual harassment at any time since 2014 can submit claims for increased compensation that will be decided by a special master as set forth below in Tier 2 and 3. Payment would be issued within 90 days of the Claims Deadline (see below).

Tier 2 - A Class member who claims to have been the victim of sexual harassment must submit a sworn affidavit or certification about her claim, has the option to submit supporting documentation and request a hearing before the special master, and may receive total compensation up to \$4,500.

Tier 3 - A Class member who claims to have been the victim of sexual abuse must submit a sworn affidavit or certification about her claim with supporting documentation, must participate in a hearing before the special master, and may receive total compensation up to \$250,000.

Level	Qualifications	Minimum Compensation	Maximum Compensation	Paid By
Tier 1	Any Class Member who timely submits a Tier 1 claim pursuant to and in full compliance with the requirements of the Settlement Agreement shall receive \$1,000 base compensation plus \$20 for each month or partial month in which a Class Member was assigned to EMCFW during the Class Period	\$1,020	\$2,920	Expected by 1/27/2022
Tier 2	Any Class Member who (i) directly experienced Sexual Harassment and (ii) timely submits a Tier 2 claim shall receive compensation to be determined by the special master up to \$4,500	Tier 1 eligible amount	\$4,500	Undetermined, 90 days after all awards are heard and decided
Tier 3	Any Class Member who (i) directly experienced Sexual Abuse and (ii) timely submits a Tier 3 claim shall receive compensation to be determined by the special master up to \$250,000	Tier 1 eligible amount	\$250,000	Undetermined, 90 days after all awards are heard and decided

“Sexual abuse” means any of the following acts involving both a Class member and NJDOC staff assigned to EMCFW, with or without the willing participation of the Class member: (i) contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (ii) contact between the mouth and the penis, vulva, or anus; (iii) contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire; (iv) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse or gratify sexual desire; and (v) any other intentional contact, either directly or through clothing, with the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to official duties or where the staff member has the intent to abuse, arouse or gratify sexual desire.

“Sexual harassment” means any of the following acts involving both a Class member and NJDOC staff assigned to EMCFW, with or without the willing participation of the Class member: (i) sexual advances or requests for sexual favors; (ii) repeated verbal comments or gestures of a sexual nature to a prisoner by a staff member including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures; (iii) any attempt or threat by a staff member to engage in the activities within the definition of sexual abuse, as set forth above; (iv) any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of a prisoner; (v) voyeurism by a staff member; and (vi) any retaliation by a staff member relating to any report of sexual abuse or otherwise in relation to any report of conduct defined in the preceding items (i)-(v).

By **October 29, 2021** (the “Claims Deadline”), each Class member must submit the enclosed claim form AND a personal affidavit or certification to receive any compensation to the address listed on the claim form. If you are submitting a Tier 2 claim without a hearing request, any other supporting documentation must be submitted with the claim. If you are submitting a Tier 2 claim with a hearing request or a Tier 3 claim with a mandatory hearing, all other supporting documents must be submitted no later than thirty (30) days before the hearing date you are assigned. Class members who fail to timely submit a claim will not receive any compensation but will still be bound by the settlement and release. Class members who submit Tier 1 claims are expected to be paid by

January 27, 2022. Class members who submit Tier 2 or Tier 3 claims will not be paid until all Tier 2 and Tier 3 claims are heard and decided by the special master.

In addition to financial compensation, NJDOC has agreed to implement a system of body cameras to be worn by all NJDOC corrections officers who regularly come in contact with inmates assigned to EMCFW. The defendants have also agreed to pay attorneys' fees and litigation expenses of up to \$3,000,000, subject to court approval.

The foregoing is a summary of the basic settlement terms. The full settlement is set forth in a Settlement Agreement. You can obtain a copy of the Settlement Agreement by contacting the Settlement Administrator, whose contact information is listed at the end of this notice.

WHAT ARE MY RIGHTS?

You may file a motion with the court for permission to intervene in this Lawsuit if you wish. You do not have to intervene. If you do not intervene in this case, your interests will be represented by Class counsel.

You may also opt out of the proposed settlement by September 14, 2021. If you do not want to be bound by the Settlement, you must request to be excluded (opt out) from the Settlement. If you request to be excluded, you will retain any individual rights you have against NJDOC and will not be deemed to have individually "released" NJDOC from any of the released claims. However, you will *not* be eligible to receive compensation under the Settlement, as described above. You also may not object to the Settlement if you request to be excluded.

You may also object to the proposed settlement by September 14, 2021. If you are a Class member, you can object to any part of the Settlement if you do not think it is fair, reasonable, or adequate.

Any objection or opt out should contain the name of this Lawsuit; your full name, current address and telephone number; your signature; and the specific reason(s) for your objection. If you want to be heard orally in opposition to the settlement, either personally or through counsel, you must indicate your intention to appear at the hearing in your written objection.

Any objection to or opt out from the settlement must be in writing, and sent to all of the following addresses, postmarked no later than September 14, 2021:

Clerk, Civil Division
Hunterdon County Justice Center
65 Park Avenue
Flemington, New Jersey 08822

Matthew E. Beck, Esq.
Chiesa Shahinian Giantomasi PC
1 Boland Drive
West Orange, New Jersey 07052

Oliver Barry, Esq.
Barry Corrado & Grassi, PC
2700 Pacific Avenue
Wildwood, New Jersey 08260

Mark Frost, Esq.
Mark B. Frost & Associates
1515 Market Street, Suite 1300
Philadelphia Pennsylvania 19102

Martin Schrama, Esq.
Stark & Stark
993 Lenox Drive, Building 2
Lawrenceville, New Jersey 08648

David Cedar, Esq.
Williams Cedar, LLC
8 Kings Highway West
Haddonfield, New Jersey 08033

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EMCFW Settlement Administrator
Exclusions and Objections
PO Box 3595
Baton Rouge, LA 70821

If you do nothing, you will not get a payment from the Settlement but you will still be bound by the release.

HEARING ON FINAL APPROVAL

On **October 15, 2021, at 1:30 p.m.**, the Honorable Michael F. O’Neill, J.S.C. of the Superior Court of New Jersey, Law Division, Hunterdon County Justice Center, 65 Park Avenue, Flemington, New Jersey 08822, will hold a public hearing to determine whether the proposed settlement is fair, adequate, and reasonable and should be approved. Class members who support the proposed settlement do not need to appear at the hearing or take any other action to indicate their approval. Class members who object to the proposed settlement are not required to attend the settlement hearing. If you want to be heard orally in opposition to the settlement, either personally or through counsel, you must indicate your intention to appear at the hearing in your written objection.

HOW DO I GET MORE INFORMATION? Further information about the settlement, including a copy of the Settlement Agreement, is available on the Settlement Website at www.EMCFWsettlement.com. You may also contact the Settlement Administrator:

By Phone: 1-844-810-1507

By Email: info@EMCFWsettlement.com

By Mail: EMCFW Settlement Administrator
PO Box 3595, Baton Rouge, LA 70821

PLEASE DO NOT WRITE OR TELEPHONE THE COURT, DEFENDANT, OR ANY OF THEIR AGENTS FOR INFORMATION ABOUT THE PROPOSED SETTLEMENT OR THIS LAWSUIT.