

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN DOE, a minor, by and)
through his Mother and next friend)
SHARIEKA FRAIZER,)
)
Plaintiffs,)
)
v.)
)
BONNIE HOMMRICH, et al)
)
Defendants.)

Docket No. 3:16-CV-0799
JUDGE RICHARDSON/BROWN

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

DEFINITION OF THE CERTIFIED CLASS/TO: All juveniles detained in the Rutherford County Juvenile Detention Center who are or were placed in solitary confinement or isolation for punitive reasons, from April 25, 2015 to the present.”

THE PURPOSE OF THIS NOTICE: This notice has three purposes:

- (1) to tell you about the proposed settlement and the fairness hearing;
- (2) to tell you how to obtain more information, including a copy of the full proposed settlement agreement;
- (3) to explain how you may object to the proposed settlement if you disagree with it.

THE BASIS FOR THIS CASE: A class action lawsuit alleged that the Rutherford County Juvenile Detention Center was improperly holding detainees in “solitary confinement” or isolation as a form of punishment or discipline, and that the practice amounted to cruel and unusual punishment that is unconstitutional. The lawsuit also alleged that the Tennessee Department of Children’s Services (DCS) participated in decisions affecting detainees housed at the center and elsewhere and that DCS failed to take any action in order to prevent placement of detainees into “solitary confinement.” The parties have reached a tentative settlement that the Court has preliminarily approved. The settlement is not an admission of wrongdoing or an indication that any law was violated.

A DESCRIPTION OF THE PROPOSED SETTLEMENT: The following description is only a summary of the key points in the proposed settlement agreement. Information on how to obtain a copy of the full, proposed agreement is provided after this summary.

This settlement provides injunctive relief to class members and does not provide financial damages to any person. In particular the settlement provides that “Rutherford County is permanently enjoined from using seclusion for punishment as provided in the Rules, as may be amended or revised by the State of Tennessee.” As referenced in the injunction, the settlement agreement requires Rutherford County to comply with certain rules that the State of Tennessee ratified and implemented during the pendency of this case that apply to all juvenile detention centers. Further, the settlement agreement requires that the State provide reports of its 2018 and 2019 reviews of the Rutherford County Juvenile Detention Center, which are being conducted to ensure compliance with the State’s new rules, to Class Counsel.

As part of the settlement, Plaintiff Doe and the plaintiff class are releasing Defendants from certain claims. In particular, Plaintiff Doe and the plaintiff Class are releasing Defendants from any causes of action, and resulting attorneys’ fees, that could have been brought against them for declaratory relief and/or injunctive relief related to the conduct that is the subject matter of the litigation. For a complete description of the terms, releases and "settled claims," you should obtain a full copy of the proposed settlement agreement. Defendants do not admit any wrongdoing, fault, or liability. The settlement agreement cannot be used against defendants as evidence of any presumption, concession, or admission of any liability, negligence, fault, or wrongdoing in future actions, and may not be used against defendants to establish a presumption in any other litigation.

The agreement also resolves all claims by the Class and Class Counsel for an award of attorneys’ fees and costs. Under the terms of the Settlement Agreement, Plaintiffs’ counsel is being paid fees and expenses by Defendants in the total sum of \$250,000.00, which will be divided among Mark J. Downton and Wesley B. Clark, and Thomas H. Castelli on behalf of the ACLU Foundation of Tennessee, Inc.

FOR FURTHER INFORMATION: THIS IS A SUMMARY OF THE PROPOSED AGREEMENT. TO UNDERSTAND IT FULLY, YOU SHOULD READ THE ENTIRE AGREEMENT. Copies of the proposed settlement may be obtained at no cost to you from the attorneys for the plaintiffs/Class Counsel listed at the end of this Notice. In addition, a copy of the proposed Agreement is also available for viewing on the websites listed below, in the section entitled Websites on which the Settlement Agreement is available for review,

PROCEDURES FOR AGREEMENT OR OBJECTION:

IF YOU AGREE with the proposed settlement, you do not need to do anything at this time. If you wish to attend, you may attend the Fairness Hearing, on the date set forth below.

IF YOU DISAGREE with the proposed settlement, you have a right to object to it and to the dismissal of the remaining claims in the lawsuit. Your objections will be considered by the Court as it reviews the settlement **ONLY IF** you follow these procedures:

1. Objections must be filed in writing by mail with the Clerk of the United States District Court for the Middle District of Tennessee, United States Courthouse, 801 Broadway #800, Nashville, TN 37203.

ALL OBJECTIONS MUST CONTAIN THE FOLLOWING INFORMATION:

- a. Name, address, and telephone number of the person filing the objection.
 - b. A statement of the reasons for the objection.
 - c. A statement that copies of the objections have also been sent to the attorneys listed at the end of this notice.
2. You must send copies of your objections to all attorneys listed at the end of this notice.
 3. The deadline for receipt of written objections by the Court and the attorneys listed below is **June 28, 2019**. Objections filed by mail must be postmarked on or before **June 24, 2019**, to be considered timely. Objections filed or mailed after the above dates will not be considered. Class members who fail to lodge objections on or before **June 28, 2019**, will not be permitted to testify at the settlement hearing.
 4. No later than **July 9, 2019**, the attorneys for plaintiffs and defendants shall file and serve responses, if any, to objections they timely receive from persons opposed to the proposed settlement.

THE FAIRNESS HEARING IN THIS CASE IS SET FOR JULY 19, 2019. CONTACT CLASS COUNSEL, NOT THE COURT, REGARDING THE FAIRNESS HEARING.

WEBSITES ON WHICH THE SETTLEMENT AGREEMENT IS AVAILABLE FOR REVIEW:

Plaintiffs' Website

www.aclu-tn.org

Or

<https://www.brazilclark.com/notice-of-hearing/>

Department of Children's Services' Website

www.tn.gov/dcs.html

Rutherford County's Website

<http://rutherfordcountyttn.gov/jdc/notice-of-settlement.html>

ATTORNEYS' NAMES AND ADDRESSES FOR PLAINTIFFS AND DEFENDANTS:

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