

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**IF YOU ARE DISABLED AND CANNOT USE A SIDEWALK
IN THE CITY OF LOS ANGELES BECAUSE A CURB RAMP
OR CURB CUT IS MISSING OR INACCESSIBLE,
A PROPOSED CLASS ACTION SETTLEMENT
MAY AFFECT YOUR RIGHTS.**

A court authorized this notice. This is not a solicitation by a lawyer.

- A settlement has been proposed in two class action lawsuits involving curb ramps and curb cuts that provide access to sidewalks and other pedestrian pathways located in the City of Los Angeles (the “City”). The lawsuits that will be resolved by the proposed settlement are known as *Saundra Carter, et al. v. City of Los Angeles*, Case No. BC363305, and *Nicole Fahmie v. City of Los Angeles, et al.*, Case No. BC381773. Both of these lawsuits are pending in the Superior Court of the State of California for the County of Los Angeles.
- **The Court has preliminarily approved the proposed class action settlement, authorized this notice, and will next have a hearing to decide whether to finally approve the settlement.**
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
OBJECT	Write to the Court about why you don’t like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	If the settlement is approved by the Court, you will not be able to sue the City in the future for any claims that you may have against the City for non-monetary relief related to the accessibility of any sidewalk, intersection, crosswalk, street or other pedestrian facility located in the City due to (i) the lack of a curb ramp or curb cut, or (ii) a curb ramp or curb cut that is or was damaged, deficient, in need of repair, or otherwise in a condition not suitable or sufficient for use.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement.

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BASIC INFORMATION

1. Why should I read this notice?

The purpose of this notice is to inform you that your rights may be affected by proceedings in two class action lawsuits that are pending before the Honorable Kenneth R. Freeman, Judge of the Superior Court of California, County of Los Angeles (the “Court”). The Court has authorized this notice because you have the right to know about a proposed settlement of these class action lawsuits and about all of your options before the Court decides whether to give final approval to the settlement. This notice explains the lawsuits, the settlement, and your legal rights.

This litigation is known as *Saundra Carter, et al. v. City of Los Angeles*, Case No. BC363305, and *Nicole Fahmie v. City of Los Angeles, et al.*, Case No. BC381773. The persons who sued are called the Plaintiffs. The City of Los Angeles (the “City”) is the Defendant.

2. What is the lawsuit about?

The lawsuits allege that the City violated disability access laws by failing to install, repair or maintain curb cuts or ramps that provide access to and from sidewalks and other pedestrian pathways located in the City. Based on these allegations, the lawsuits assert claims for violation of the California Disabled Persons Act (Civil Code, §§ 54, et seq. [the “DPA”]), California’s Unruh Civil Rights Act (Civil Code, §§ 51, et seq. [the “Unruh Act”]), section 11135 of the Government Code and other laws.

The City denies Plaintiffs’ claims and contends that it complied fully with California and Federal law.

The Court has not decided which side is right.

3. Why is this a class action?

In a class action, one or more people, called Class Representatives, sue on behalf of people who have similar claims. Together, all of the people with similar claims are members of a “Settlement Class” and are called “Settlement Class Members.”

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a settlement. That way, they avoid the cost, delay and inherent uncertainty of a trial, and the people affected will receive the benefit of the remediation program and other measures set forth in the settlement. The Class Representatives and the attorneys think that the settlement is best for everyone who was injured or damaged by the practices alleged in the lawsuits.

WHO IS IN THE SETTLEMENT

5. How do I know if I am part of the settlement?

Everyone who fits into the following description of the “Settlement Class” is a Settlement Class Member:

All persons (including, without limitation, residents of and visitors to the City of Los Angeles) with any Disability who, at any time prior to the date of the Settlement Agreement through the Term of the Settlement Agreement,

- (i) accessed or attempted to access a sidewalk, intersection, crosswalk, street or other pedestrian pathway located in the City but were impaired or unable to do so due to (a) the lack of a curb ramp or curb cut, or (b) a curb ramp or curb cut that was damaged, deficient, in need of repair, or otherwise in a condition not suitable or sufficient for use, or
- (ii) allege that they would have accessed or attempted to access a sidewalk, intersection, crosswalk, street or other pedestrian pathway located in the City but for allegedly being denied such access due to (a) the lack of a curb ramp or curb cut, or (b) a curb ramp or curb cut that was damaged, deficient, in need of repair, or otherwise in a condition not suitable or sufficient for use.

6. What does it mean to be part of the Settlement Class?

If you are in the Settlement Class, that means you cannot sue or be part of any other lawsuit against the City for claims that you may have against the City for non-monetary relief related to the accessibility of any sidewalk, intersection, crosswalk, street or other pedestrian facility located in the City due to (i) the lack of a curb ramp or curb cut, or (ii) a curb ramp or curb cut that is or was damaged, deficient, in need of repair, or otherwise in a condition not suitable or sufficient for use. It also means that all of the Court’s orders will apply to you and legally bind you.

THE SETTLEMENT BENEFITS

7. What does the settlement provide?

The proposed settlement will require the City, with respect to any and all alleged installation, construction, repair or remediation obligations of the City due to the purported inaccessibility to individuals with Disabilities of sidewalks, intersections, crosswalks, streets and other pedestrian facilities located in the City due to the lack of curb ramps or curb cuts, or curb ramps or curb cuts that were damaged, deficient, in need of repair, or otherwise in a condition not suitable or sufficient for use, to perform all of the requirements set forth in the settlement of a similar class action lawsuit, *Willits, et al. v. City of Los Angeles*, Case No. CV 10-05782 CBM (RZx), which is pending in the United States District Court for the Central District of California (the “Willits Settlement”).

The Willits Settlement will require the City to spend approximately \$1.37 billion over the next 30 years to fix or remove access barriers in pedestrian facilities by implementing various measures, including, among other things, installing and fixing curb ramps and repairing broken sidewalks. The City will also perform various other measures to improve the accessibility of pedestrian facilities to individuals with mobility disabilities over the next 30 years, such as creating an access request program, creating an access and construction database, and hiring an ADA Coordinator.

You may obtain further information about the Willits Settlement by visiting www.LosAngelesADASettlement.org, calling the toll free number 1-855-303-0067, or sending a written request to Class Counsel at Schneider Wallace Cottrell Konecky Wotkyns LLP, 2000 Powell Street, Suite 1400, Emeryville, California, 94608.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

The Court has appointed the law firms of Arias Sanguinetti Stahle & Torrijos, LLP and the Law Offices of Morse Mehrban to represent you and all Settlement Class Members. Together, the lawyers are called Class Counsel and can be reached at:

CLASS COUNSEL	
Mike Arias Arias Sanguinetti Stahle & Torrijos, LLP 6701 Center Drive West, 14th Floor Los Angeles, CA 90045	Morse Mehrban Law Offices of Morse Mehrban 15233 Ventura Blvd., Suite 304 Sherman Oaks, CA 91403

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

9. How will the lawyers be paid?

Class Counsel intend to request up to \$855,110 for attorneys' fees and the reimbursement of the costs and expenses for prosecuting the class action. The fees and expenses awarded by the Court will be paid by the City. The Court will decide the amount of fees to award. Class Counsel will also request special service payments totaling \$45,000 (\$5,000 to each of the nine Class Representatives) for their service as representatives on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

10. How do I tell the Court that I don't like the settlement?

If you are a member of the Settlement Class, you can object to any part of the settlement, the settlement as a whole, Class Counsel's requests for fees and expenses, and/or the special service payment to the Class Representatives. However, if the Court rejects your objection, you will still be bound by the terms

of the settlement.

To object, you must submit a letter that includes the following:

- Your full name, current address, and telephone number;
- A statement saying that that you object to the Settlement in *Saundra Carter, et al. v. City of Los Angeles* (Case No. BC 363305) and *Nicole Fahmie v. City of Los Angeles, et al.* (Case No. BC 381773);
- The reasons you object to the settlement, along with any supporting materials;
- Whether you intend to appear at the final fairness hearing with or without separate counsel;
- If you intend to appear at the fairness hearing with separate counsel, the names of all attorneys who will separately represent you; and
- Your signature.

You must file your objection with the Clerk of the Superior Court and serve it on each of the following three addresses, and your objection must be postmarked by **January 14, 2017**:

THE COURT	CLASS COUNSEL	CLASS COUNSEL
Clerk of the Court LA County Superior Court Central Civil West Courthouse 600 South Commonwealth Ave. Los Angeles, CA 90005	Mike Arias Arias Sanguinetti Stahle & Torrijos, LLP 6701 Center Drive West, 14th Fl. Los Angeles, CA 90045	Morse Mehrban Law Offices of Morse Mehrban 15233 Ventura Blvd., Suite 304 Sherman Oaks, CA 91403

Any member of the Settlement Class who does not make and serve his or her written objections in the manner provided above shall be deemed to have forever waived such objections and shall be foreclosed from making any objections to the settlement, by appearance or otherwise.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

11. When and where will the Court decide whether to approve the settlement?

The Court has scheduled a Final Approval Hearing on **March 2, 2017 at 11:00 a.m.**, at Department 310 of the Los Angeles Superior Court, located at 600 South Commonwealth Avenue, Los Angeles, California 90005. The hearing may be moved to a different date or time without additional notice.

At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will also consider any request by Class Counsel for attorneys' fees and expenses as well as the request for the award of special service payment to the Class Representatives. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

12. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense.

13. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that you intend to appear and wish to be heard. Your Notice of Intention to Appear must include the following:

- Your name, address, and telephone number;
- A statement that this is your “Notice of Intention to Appear” at the Final Approval Hearing for the settlement in *Saundra Carter, et al. v. City of Los Angeles* (Case No. BC 363305) and *Nicole Fahmie v. City of Los Angeles, et al.* (Case No. BC 381773);
- The reasons you want to be heard;
- Copies of any papers, exhibits or other evidence or information that you will present to the Court; and
- Your signature.

You must send copies of your Notice of Intention to Appear, postmarked by **January 14, 2017**, to all three addresses listed in response to Question 10.

GETTING MORE INFORMATION

14. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the settlement terms, refer to the Settlement Agreement, which is available at www.asstlawyers.com/CurbCutSettlement. You also may write with questions to Class Counsel at:

CLASS COUNSEL	CLASS COUNSEL
Mike Arias Arias Sanguinetti Stahle & Torrijos, LLP 6701 Center Drive West, 14th Fl. Los Angeles, CA 90045	Morse Mehrban Law Offices of Morse Mehrban 15233 Ventura Blvd., Suite 304 Sherman Oaks, CA 91403

You can also call to request a copy of the Settlement Agreement by calling: (310) 844-9696.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION