

If your cash, car, home, or other property was seized for civil forfeiture, a class action lawsuit may affect your rights and you may be entitled to money.

*This is not a solicitation from a lawyer. You are not being sued.
A federal court has authorized this notice.*

- You are receiving this letter because our records show that Philadelphia law-enforcement officials used a process called “civil forfeiture” to take (and often keep) property or money belonging to you.
- A settlement in a federal class action lawsuit will provide \$3 million to pay those whose property was subjected to a civil-forfeiture petition as of or after August 11, 2012.
- Read this notice carefully. It explains your legal rights and the **deadlines** to exercise them.
- If you wish to participate in the Settlement and receive money, you **must** complete the enclosed Claim Form and return it to **Philadelphia Forfeiture Settlement; Claims Administrator; P.O. Box 1367; Blue Bell, PA 19422** by **August 26, 2019**.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made only if the Court approves the Settlement and after appeals are resolved. Please be patient.

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM FORM	<p><u>The only way to get a payment.</u></p> <p>You must complete the Claim Form and submit it to the Claims Administrator. By participating in the Settlement, you are giving up any right to sue the Defendants for the legal claims in this case.</p>
REQUEST TO BE EXCLUDED (OPT-OUT)	<p><u>The only way to be able to sue the Defendants about the legal claims in this case.</u></p> <p>You must complete the Opt-Out Form and submit it to the Claims Administrator. You will not receive any payment, but you keep any right you may have to file your own lawsuit for the legal claims in this case.</p>
OBJECT	<p><u>The only way to tell the Court why you do not like the Settlement.</u></p> <p>You must complete the Notice of Objection and submit it to the Court and lawyers. You may ask to attend the final hearing and present your objections to the judge.</p>
DO NOTHING	<p><u>Get no payment. Give up your rights.</u></p> <p>If you do nothing, you will not receive any payment under this Settlement and you will give up your rights to sue the Defendants.</p>

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BASIC INFORMATION

1. Why did I receive this notice?

Records of the District Attorney's Office show that you had property seized for civil forfeiture. You are receiving this notice because you have a right to know about a proposed settlement of a class action lawsuit. The lawsuit is known as *Sourovelis v. City of Philadelphia, et al.*, Civil Action No. 2:14-cv-04687-ER. The people who sued are the Plaintiffs. The government agencies and officials being sued are called the Defendants.

This notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible to receive them, and how to get them if the Court approves the Settlement.

2. What is this lawsuit about and who is involved?

On August 11, 2014, four property owners and residents of Philadelphia filed a federal civil rights class action lawsuit in the United States District Court for the Eastern District of Pennsylvania against the City of Philadelphia and the District Attorney's Office. The lawsuit was brought on behalf of all people whose property has been subjected to civil forfeiture proceedings. The First Judicial District of Pennsylvania and its officials were added as defendants in September 2016. U.S. District Judge Eduardo Robreno is in charge of this Class Action.

3. What is a class action?

In a class action, one or more people called Class Representatives sue on behalf of themselves and other people with similar claims. All of these people are the Class or Class Members. In this case, the Class Representatives are Christos Sourovelis, Norys Hernandez, Doila Welch, and Nassir Geiger. The proposed Settlement will resolve the issues for all Class Members who do not request to be excluded.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, after four years of extensive litigation, both sides were able to reach an agreement that avoids the cost of further litigation while still compensating those affected by the Defendants' actions. The Defendants deny any wrongdoing. Although the proposed Settlement requires the Court's approval, both sides believe the Settlement is fair, reasonable, adequate, and in the best interests of the Class Members.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In this lawsuit, Plaintiffs challenge a number of Defendants' civil forfeiture policies and practices as violations of due process under the Fourteenth Amendment to the U.S. Constitution. Specifically, Plaintiffs complain that:

1. the City and District Attorney Defendants failed to provide proper notice or a hearing before seizing real property;
2. the City and District Attorney Defendants compelled property owners to give up constitutional rights in order to have their property returned or forfeiture actions dismissed;
3. the Defendants failed to provide property owners with a prompt and adequate post-deprivation hearing to contest the seizure of their property;
4. the Defendants repeatedly "relisted" forfeiture proceedings, forcing property owners to come to court multiple times or risk losing their property forever;
5. the City and District Attorney Defendants' used forfeited property and its proceeds, which was an unconstitutional conflict of interest;
6. the Defendants had prosecutors control forfeiture proceedings; and
7. the Defendants' administration of courtroom proceedings lacked constitutional safeguards.

The City and District Attorney Defendants settled the first two claims in an earlier settlement agreement, which the Court approved on November 2, 2015. This Settlement concerns the remaining claims.

THE BENEFITS OF THE SETTLEMENT

6. What does the Settlement provide?

The proposed Settlement consists of two consent decrees—legally binding orders that the Defendants must follow once entered by the Court. The Settlement includes the following reforms that address Plaintiffs' claims described above:

- Ensuring that a prompt post-seizure hearing is available for property owners who wish to contest the seizure or have their property returned on a temporary basis while the forfeiture case is pending;
- Implementing new procedures for when forfeiture proceedings can be relisted and ensuring that property owners can request continuances to avoid losing their property by default;
- Prohibiting the Police Department or the District Attorney's Office from using revenue from any forfeiture to pay salaries or for other law-enforcement purposes;
- Requiring that a judge or trial commissioner oversee forfeiture proceedings; and
- Limiting when the City and District Attorney Defendants can seize property for forfeiture.

The Settlement also creates a fund of **\$3,000,000 to compensate individuals**. It is estimated that \$100,000 from this fund will be used to pay for the costs of administering the Settlement. You may be eligible to receive money from this fund.

7. How will the \$3 Million Settlement Fund be distributed to Class Members?

After the costs of administering the Settlement Fund are paid, every Class Member who submits a timely and valid Claim Form (enclosed or online) will receive up to ninety dollars (\$90.00). The Parties may alter this amount after receiving the total number of claims from Class Members so that there is enough money to compensate all Class Members.

Next, the Class Representatives will each receive an Incentive Award of \$2,500.

Then, Class Members who were not convicted in any criminal case associated with their forfeiture will receive up to 100% of the value of their forfeited property, so long as the total of all payments (including the \$90 payment to every Class Member who submits a Claim Form, and the costs of administration) does not exceed \$3,000,000. If all payments exceed \$3,000,000, these Class Members will receive a pro rata percentage of the value of their forfeited property that draws the fund down to \$0.00.

If money remains after the above-described payments have been paid (including the costs of administration), Class Members who received Diversionary Dispositions in associated criminal cases will receive 75% of the value of their forfeited property, so long as the total of all payments described above does not exceed \$3,000,000. If all payments exceed \$3,000,000, these Class Members will receive a pro rata percentage of the value of their forfeited property that draws the fund down to \$0.00.

Seventy-five percent (75%) of remaining funds, up to \$375,000, will be returned to the City. A portion of any remaining funds will be donated to nonprofit or community-based public service organizations located in or providing services in those Philadelphia communities most heavily affected by forfeiture practices, subject to the approval of the Court as to: (1) the selection of the organizations; and (2) the amounts to be distributed to those organizations, once the actual amount of remaining funds is known.

8. What is an “Incentive Award”?

In class actions, the Court may provide Class Representatives an “Incentive Award” in recognition of the time, effort, and risks taken in the litigation of the case on behalf of the Class Members. In this settlement, each Class Representative will receive an Incentive Award of \$2,500 to compensate them for the time and effort they devoted to representing the Class in this case, including the time they spent consulting with Class Counsel about the case.

9. What claims are being released under the Settlement?

Upon final approval of the Settlement, Class Members who do not request to be excluded will fully release or give up any claims that were or could have been alleged in this Class Action. This includes all claims for declaratory, injunctive, or monetary relief related to the claims in this lawsuit that could have been brought against the Defendants.

WHO IS ELIGIBLE FOR A PAYMENT?

10. Am I a Class Member eligible for a payment?

If you fit within the following class definition, you are entitled to a payment if the Court approves the Settlement.

All persons who held or hold legal title to, or otherwise had or have a legal interest in property against which a forfeiture petition (i) was pending in the Court of Common Pleas of Philadelphia County as of August 11, 2012; or (ii) was filed in the Court of Common Pleas of Philadelphia County on or after August 11, 2012, until **April 30, 2019**.

If your property was seized and not returned to you or forfeited, it shall be returned to you promptly if the property is in the possession of the City of Philadelphia or the District Attorney's Office, you have not been convicted in the criminal case associated with the seizure or forfeiture (participation in a diversionary program is not considered a conviction), and the property is not being held as evidence in a criminal case.

If your property was forfeited and sold by the District Attorney's Office, you may be entitled to receive up to the full sale price of your property.

If your property was forfeited but not sold by the District Attorney's Office, you may be entitled to receive up to (i) the tax assessment value of any real property in the year the property was restrained; (ii) the median Kelley Blue Book value of your vehicle in the year it was seized; or (iii) \$250 for each property receipt for other non-cash personal property. In this circumstance, you may be entitled to receive more if you can document the forfeited property has greater value.

Owners of non-cash property can call the Claims Administrator at 1-888-730-9958 who will tell you the maximum amount of payment to which you may be entitled under this Settlement.

You have received this notice because City and District Attorney's Office records reflect that you are a Class Member. It is estimated that there are approximately 25,000 Class Members.

11. Who is the Claims Administrator?

The Claims Administrator is appointed by the Court to receive and process claims, send checks, and otherwise administer the Settlement. You may contact the Claims Administrator to provide updated contact information, make corrections regarding your own information, or ask questions regarding the amount of payment you may be eligible for or the processing of Settlement awards. You may contact the Claims Administrator at:

**Philadelphia Forfeiture Settlement
Claims Administrator
P.O. Box 1367
Blue Bell, PA 19422
1-888-730-9958**

YOUR RIGHTS AND OPTIONS

12. How do I get a payment (submitting a Claim Form)?

To qualify for payment, you **must** complete and sign a Claim Form (included in this notice) and send it to the Claims Administrator at **Philadelphia Forfeiture Settlement; Claims Administrator; P.O. Box 1367; Blue Bell, PA 19422**. You can also complete the Claim Form online at www.PhillyForfeiture.com. The Claim Form must be completed online or postmarked no later than **August 26, 2019**. If you are a Class Member and submit a valid Claim Form, you will receive up to \$90.00, or potentially a larger award if you lost property. By making a claim you are staying in the Class and cannot sue the Defendants about the legal issues in **this** case. You are also legally bound by the Settlement.

13. When would I get my payment?

No payments will be made until the Court approves the Settlement and any appeals have been resolved. The Court will hold a hearing on **Friday, November 1, 2019** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. This process can take time. If you move or change your contact information after you submit a Claim Form, let the Claims Administrator know.

14. How do I request to be excluded from the Settlement?

If you want to exclude yourself from the Settlement, you **must** complete the Opt-Out Form and mail it to the Claims Administrator at **Philadelphia Forfeiture Settlement; Claims Administrator; P.O. Box 1367; Blue Bell, PA 19422**, postmarked by **August 26, 2019**. You can also complete this form online at www.PhillyForfeiture.com. No request for exclusion may be made on behalf of a group of Class Members. If you exclude yourself, you will not be eligible to receive any money and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

15. How do I object to the Settlement?

You can tell the Court that you do not agree with the Settlement or some part of it. If you wish to object to the Settlement, you should send a completed Notice of Objection Form to the Court and Class Counsel, postmarked by **August 26, 2019**. After filing the Notice of Objection Form, you may file a brief statement in support of your objection no later than **September 10, 2019**.

You cannot both object to the Settlement and exclude yourself from the Settlement. If the Court rejects your objection, you will still be bound by the terms of the Settlement and you will not be able to exclude yourself from the Settlement.

If you do nothing, you will release your claims against the Defendants and you will not receive any award from the Settlement.

THE COURT'S FAIRNESS HEARING

16. When will the Court consider whether to grant final approval of the Settlement?

The Court will hold a Fairness Hearing on the Settlement at **9:00 AM** on **Friday, November 1, 2019**, at the United States District Court for the Eastern District of Pennsylvania; James A. Byrne U.S. Courthouse; 601 Market Street; Courtroom 15a; Philadelphia, Pennsylvania 19106. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are any objections, the Court will consider them. The hearing may be postponed without further notice to the Class.

17. Do I have to appear at the Fairness Hearing?

It is not necessary for you to appear at this hearing. If you have timely submitted a Notice of Objection, you may, but are not required to, appear at the hearing to present your objection to the Court. Any attorney who will represent you for the purposes of your objection must file a Notice of Appearance with the Court and serve the Notice of Appearance on Class Counsel and counsel for all Defendants by **September 10, 2019**.

18. What happens if the Settlement is not approved?

If the Settlement is not approved, the lawsuit will continue to be prepared for a class certification hearing, trial, or other judicial resolution.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in this case?

The Court has appointed the **INSTITUTE FOR JUSTICE** and **DAVID RUDOVSKY** of **KAIRYS, RUDOVSKY, MESSING, FEINBERG & LIN** to represent you and other Class Members. Together, the lawyers are called Class Counsel. The Court has determined that Class Counsel are qualified to represent you and all Class Members. You will not be charged for these lawyers. You do not need to hire your own lawyer, but you may do so at your own expense. You can contact Class Counsel at:

INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, VA 22203
Tel: 703-682-9331

20. How will the lawyers be paid?

You do not have to pay the lawyers any fee for their work in this case. Class Counsel have requested an award of attorneys' fees up to \$2,630,000. Thus far, Class Counsel have worked for over four years without receiving any compensation for their services. The below table shows the total number of hours Class Counsel have worked on this lawsuit and the requested hourly rates.

Timekeeper	Years of Experience	Total Hours	Hourly Rates	Amount
Darpana Sheth, Senior Attorney	17	1,872.60	\$500	\$936,300.00
Robert Frommer, Senior Attorney	13	602.50	\$430	\$259,075.00
Daniel Alban, Attorney	12	695.75	\$400	\$278,300.00
Robert Peccola, Attorney	10	2,617.60	\$340	\$889,984.00
Milad Emam, Attorney	6	1,818.75	\$275	\$500,156.25
Gretchen Embrey, Senior Paralegal	22	536.75	\$150	\$80,512.50
Emily Gammon, Paralegal	12	1,457.00	\$125	\$182,125.00
David Rudovsky, Partner	50	248.80	\$650	\$161,720.00
TOTAL		9,849.75		\$3,288,172.75
Requested Fees (more than 20% reduction)				\$2,630,000.00

Defendants will separately pay the fees that the Court awards. These amounts will not come out of the Settlement Fund for payments to Class Members.

GETTING MORE INFORMATION

21. How do I receive more information?

This notice summarizes the proposed Settlement and the terms of the two consent decrees.

The full consent decrees are available at www.PhillyForfeiture.com.

You can learn more about the lawsuit and its history at <https://ij.org/case/philadelphia-forfeiture>.

To obtain copies of the consent decrees in alternative accessible formats, please contact Class Counsel at **703-682-9331**.