

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

ATTENTION ALL INDIVIDUALS WITH MOBILITY DISABILITIES: If you have used, or attempted to use, the pedestrian rights of way in the City of Atlanta and have encountered sidewalks that are broken, uneven, improperly constructed, improperly maintained, obstructed by trees, utility poles, and/or construction; or encountered curb ramps and curb cuts that are missing, broken, or otherwise in a condition not suitable or sufficient for use, you may be a member of the proposed Class affected by this lawsuit. This is a court-authorized notice.

A “Mobility Disability” means any physical or mental impairment that substantially limits a person’s major life activity of ambulating, including, but not limited to a person’s ability to walk, maneuver around objects, or to ascend or descend steps or slopes consistent with the definition of “disability” under Section 302 of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, 12102(2), and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 705(20), 794(a). A person with a Mobility Disability may or may not use a wheelchair, scooter, “other power-driven mobility device” as defined in 28 C.F.R. § 35.104, crutches, walker, cane, brace, orthopedic device, or similar equipment.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.

NOTICE OF CLASS ACTION

The purpose of this notice is to inform you of a proposed settlement in a pending class action lawsuit brought on behalf of individuals with Mobility Disabilities against the City of Atlanta. The proposed class action settlement is set out in a document called a “proposed Consent Decree.” The proposed Consent Decree, which must be approved by the United States District Court before it goes into effect, was reached in the case entitled *Lawson et al. v. City of Atlanta, Georgia*, Case No. 1:18-CV-02484-SDG, filed in the United States District Court for the Northern District of Georgia.

BASIC INFORMATION

This lawsuit alleges that the City of Atlanta (the “City”) violated federal disability access laws by failing to install or otherwise maintain the pedestrian rights of way, including but not limited to sidewalks and curb ramps, to ensure that people with Mobility Disabilities can access the pedestrian rights of way. The City disputes these allegations and denies that it has violated the law.

This is a class action. In a class action, one or more “Class Representatives” sue on behalf of all people who have similar legal claims. In this case, the Class Representatives are Laurel Lawson, James Curtis, and James Turner, who are Atlanta residents or visitors with Mobility Disabilities. In a class action, one court resolves the issues for all Class Members. United States District Judge Steven D. Grimberg is in charge of this class action. The Court has not decided in favor of either the Class Representatives or the City in this case. Instead, both sides agreed to a settlement.

THE SETTLEMENT CLASS

The Settlement Class includes all people with a Mobility Disability who have been or will be denied equal access to the pedestrian rights of way in the City of Atlanta at any time up through the expiration of the Consent Decree as a result of the City's policies and practices with regard to design, installation, repair, and maintenance of its pedestrian rights of way.

SUMMARY OF PROPOSED CONSENT DECREE

The following is a summary of certain provisions of the Proposed Consent Decree. To access a copy of the full Consent Decree, see the "Further Information" section below.

Under the proposed Consent Decree, the City must perform a Self-Evaluation of the City's Department of Transportation ("DOT") Public Rights of Way ("PROW") programs. The Self-Evaluation will identify the DOT PROW programs that are not accessible and usable by persons with Mobility Disabilities. In turn, the Self-Evaluation will be utilized to create the City's Transition Plan for Sidewalks which will identify, among other things, the various physical barriers that limit the accessibility of the DOT PROW programs and a schedule, which will be updated as progress is made, to address the physical barriers that limit the access to the DOT PROW programs.

The City has committed to removing the barriers that are identified in the Transition Plan for Sidewalks. Further, the City will adopt policies, practices and procedures to maintain ongoing accessibility in the PROW. The City will report its progress on an annual basis during the term of the proposed Consent Decree to a Court-appointed Monitor to ensure compliance its obligations in the proposed Consent Decree. The Consent Decree calls for a 25-year period of monitoring.

The City will also establish a complaint intake procedure through its 3-1-1 system to allow members of the public to conveniently report barriers to accessibility to DOT such that these complaints are segregated from other claims that do not involve the PROW. The City has committed to DOT prioritizing complaints that it receives through this process.

RELEASE OF CLAIMS

The proposed Consent Decree resolves and releases, through the end of the Term of the proposed Consent Decree, all claims for injunctive, declarative, or other non-monetary relief arising under the Accessibility Laws that were brought, could have been brought, or could be brought in the future through the Term of the Consent Decree. The proposed Consent Decree does not provide for any monetary relief to Class Members. The Released Claims do not include any claims to enforce the terms of the Consent Decree or any claims for individual relief for personal injuries or property damage resulting from rights of way that do not comply with the Accessibility Laws.

REASONABLE ATTORNEYS' FEES, COSTS AND EXPENSES

Under the proposed Consent Decree, Class Counsel can apply to the Court for an award of attorneys' fees, costs, and expenses from the City to pay them for their work on the case and to reimburse them for the costs they put into the case. The Class and the City have stipulated that

\$600,000 is presumptively reasonable for the work performed by Class Counsel through the date of the Preliminary Approval Order. Class Counsel may apply for additional fees in the event they need to litigate any objections from the Class, and the City may object to Class Counsel's request for additional fees.

Under the proposed Consent Decree, Class Counsel will also receive their reasonable attorneys' fees and costs related to the monitoring of the City's compliance of the Consent Decree throughout the term of the Consent Decree. Class Counsel's attorneys' fees for monitoring the City's compliance with the Consent Decree throughout the term of the Consent Decree shall be capped at \$625,000. If at any time after 15 years, Class Counsel determines that the \$625,000 cap will be inadequate to provide for reasonable attorneys' fees, then Class Counsel may petition the Court for an order requiring the City to pay additional funds, which the Court will consider upon a showing of clear and convincing evidence.

Under the proposed Consent Decree, the Monitor shall receive all fees and expenses arising from monitoring, advising, consulting with, reviewing and evaluating the City's reports required under the Consent Decree. The total monitor fees shall not exceed \$20,000 per year for years 1-12, and \$10,000 per year for years 13-25.

THE COURT'S FINAL APPROVAL/FAIRNESS HEARING

The Court has preliminarily approved the proposed Consent Decree, and has scheduled a "Final Approval" or "Fairness" hearing for Tuesday, April 30, 2024 at 2:00 pm at 1701 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, Courtroom 1706, to decide whether the proposed settlement is fair, reasonable, and adequate, and should be finally approved, as well as whether and how much to award to Class Counsel in reasonable attorneys' fees, costs, and expenses. At the hearing, the Court will consider any objections to the settlement and listen to individuals who wish to speak. As a Class Member, you have the right to be heard at this hearing, but you are not required to attend.

This hearing date is subject to change without further notice. If you wish to be informed of any changes to the schedule, please notify Class Counsel at the address listed below. You may also check the public court records on file in this action at <https://www.pacer.gov/> for any updates.

OBJECTIONS TO THE SETTLEMENT

If you do not want the proposed Consent Decree to be approved, you can ask the Court to deny approval by filing an objection. You cannot ask the Court to order a different settlement or change the settlement; the Court can only approve or reject the settlement. If the Court denies approval, the City will not be required to make the modifications to the pedestrian rights of way as set out in the proposed Consent Decree. Instead, the lawsuit will continue. If that is what you want to happen, you must object. Any objection to the proposed Consent Decree must be in writing.

All written objections and supporting papers must (a) clearly identify the case name and number (*Lawson et al. v. City of Atlanta, Georgia*, Case No. 1:18-CV-02484-SDG), (b) be submitted to the Court either by mailing them to the clerk's office, United States District Court for the Northern

District of Georgia, 1701 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA, 30303, or by filing them in person at any location of the United States District Court for the Northern District of Georgia, and (c) be filed or postmarked on or before Monday, March 25, 2024.

If you submit an objection, it should include the following information: (a) your name, address, and, if available, your telephone number and e-mail address; (b) if you are being represented by counsel, the name, address, telephone number and e-mail address of your attorney; (c) a statement identifying the specific grounds for your objections; and (d) a statement of whether your objection applies only to you, to a specific subset of the class, or to the entire class. **All objections must be submitted or postmarked on or before Monday, March 25, 2024.**

All objections should also be sent to Class Counsel at the following address:

James Radford
Radford Scott LLP
160 Clairemont Ave.
Suite 610
Decatur, Georgia 30030
jradford@radfordscott.com

Andrew Coffman
Parks, Chesin & Walbert, PC
1355 Peachtree St NE #2000
Atlanta, GA 30309
acoffman@pcwlawfirm.com

You may, but are not required to, appear at the Final Approval Hearing scheduled for **Tuesday, April 30, 2024 at 2:00 pm** at 1701 Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303, Courtroom 1706, to have your objection heard by the Court, either by yourself or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

Any Class Member who does not object at or before the Final Approval Hearing will be deemed to have approved the settlement and to have waived such objections and shall not be able to make any objections (by appeal or otherwise) to the settlement.

**IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU NEED NOT
APPEAR OR FILE ANYTHING IN WRITING.**

BINDING EFFECT

The proposed Consent Decree, if given final approval by the Court, will bind all members of the Settlement Class. This will bar any person who is a member of the Settlement Class from prosecuting or maintaining any claim or action released under the terms of the proposed Consent Decree.

FURTHER INFORMATION

This notice summarizes the proposed Consent Decree. For the precise and full terms and conditions of the settlement, please see the proposed Consent Decree available at <https://radfordscott.com/atlanta-sidewalks/>, by contacting Class Counsel at the contact information below, by accessing the Court docket on this case through the Court's Public Access to Electronic Records (PACER) system at <https://www.pacer.gov/>, or by visiting the office of the Clerk of the Court for United States District Court for the Northern District of Georgia, 75 Ted Turner Drive, SW, Atlanta, GA 30303.

You can also obtain more detailed information about the settlement or a copy of the proposed Consent Decree from Class Counsel at any of the following addresses:

James Radford
Radford Scott LLP
160 Clairemont Ave.
Suite 610
Decatur, Georgia 30030
jradford@radfordscott.com

Andrew Coffman
Parks, Chesin & Walbert, PC
1355 Peachtree St NE #2000
Atlanta, GA 30309
acoffman@pcwlawfirm.com

Please do not telephone the Court or the Court Clerk's Office to inquire about this settlement.

To obtain copies of this Notice or the proposed Consent Decree in alternative accessible formats, please contact Class Counsel listed above.