

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:16-cv-2155-WJM-SKC

RAYMOND LYALL, on behalf of himself and all other similarly situated, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER,

Defendant.

**IMPORTANT NOTICE TO ALL PERSONS WHO MAY BE AFFECTED BY THE
POTENTIAL SETTLEMENT OF THE ABOVE LAWSUIT AKA—*THE DENVER
HOMELESS CLASS ACTION*—REGARDING THE PROTECTION OF HOMELESS
PERSON’S 4TH AMENDMENT RIGHTS & PROPERTY (SEE SECTION CALLED
“PROPOSED CLASS ACTION SETTLEMENT AGREEMENT” FOR AN
EXPLANATION OF HOW THIS SETTLEMENT SAFEGUARDS YOUR RIGHTS)**

TO: ALL PERSONS WHO MAY HAVE BEEN AFFECTED BY THE CITY OF
DENVER’S HOMELESS SWEEPS OVER THE PAST SEVERAL YEARS AND WHO MAY
BE DEFINED AS MEMBERS OF A CLASS APPROVED BY THE COLORADO FEDERAL
DISTRICT COURT.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. THIS
NOTICE RELATES TO THE PROPOSED SETTLEMENT OF *LYALL V. CITY AND COUNTY
OF DENVER*, NO. 16-CV-2155-WJM-SKC, A CLASS ACTION LAWSUIT.

THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THIS
SETTLEMENT, YOUR RIGHTS, AND HOW TO HAVE YOUR VOICE HEARD IN THIS
PROCESS. IF THE COURT APPROVES THE SETTLEMENT, YOU WILL BE ABLE TO

ENFORCE THE SETTLEMENT, BUT CANNOT THEN CONTEST THE SETTLEMENT AND WILL NOT BE ABLE TO SUE IN THE SAME WAY AS THE LEGAL ISSUES COVERED IN THIS SETTLEMENT.

Notice of Class Action: A class action lawsuit (the “Lawsuit”) is currently pending involving Raymond Lyall, a homeless person, on behalf of himself and all other similarly situated, and the City and County of Denver.

Identification of Class: The following Class was certified by the Court by Order dated April 27, 2017:

All persons in the City and County of Denver whose personal belongings may in the future be taken or destroyed without due process on account of the City and County of Denver’s alleged custom or practice (written or unwritten) of sending ten or more employees or agents to clear away an encampment of multiple homeless persons by immediately seizing and discarding the property found there.

Summary of proposed settlement: The parties to the Lawsuit have negotiated a proposed settlement (the “Settlement”) that resolves claims made by the Plaintiffs in the Lawsuit.

In negotiations, the Plaintiff Class representatives were represented by Jason Flores-Williams and David A. Lane and Andrew J. McNulty of KILLMER LANE & NEWMAN, LLP. The Defendant in the case is the City and County of Denver. The Defendants are represented by the City Attorney’s Office of Denver. The Plaintiff Class was represented by Garry Anderson, Brian Cooks, Frederick Jackson, Raymond Lyall, William Pepper, and Thomas Peterson.

Proposed Class Action Settlement Agreement. FOR A FREE COPY OF THE FULL PROPOSED SETTLEMENT, SEE CONTACT INFORMATION BELOW. The Class Action Settlement Agreement provides that Denver shall:

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- provide forty-eight hour written notice prior to the removal of personal property that does not pose a public health or safety risk, which is in violation of the Encumbrance Ordinance, and is not located in the area of regular Public Works cleanings or in an area where notice has been provided of a large-scale cleanup;
- provide forty-eight hour written notice prior to the removal of personal property that does not pose a public health or safety risk, which is in violation of ordinances applicable to Parks and Recreational Areas;
- to the extent reasonably possible, shall give at least seven days' notice prior to a large-scale encumbrance cleanup;
- include the following information on any written notice provided for any Public Works regular cleanup or large-scale cleanup: Language indicating that stored property may be retrieved at no cost, without fear of arrest; A phone number for individuals to call who may have questions regarding property retrieval; The location and hours of the storage facility; The length of time that the property shall be stored at the facility and the length of time that the City shall store the property until it shall be disposed of;
- store seized property for sixty days unless the property is determined by a City employee or contractor to pose a public health or safety risk;
- extend the hours the storage facility shall be open to 6:00 a.m. – 8:30 a.m. Monday, Tuesday, Wednesday, and Friday and 12:00 p.m. – 6:00 p.m. on Thursdays;
- create a formal system to provide public notification when unattended personal property has been removed by City employees or contractors and stored;
- retain all forms of identification and prescription medication found in property that is removed and stored by City employees or contractors even after other personal property that is not reclaimed is disposed of;
- place storage lockers in a location at the Minoru Yasui Plaza building. Combination locks shall be provided for the lockers and an estimated 200 lockers shall be available for use depending upon what the space shall accommodate. Lockers shall be accessible Monday through Friday from 7 a.m. to 9 a.m. and 3 p.m. to 7 p.m. Lockers may be used for up to thirty days;
- place a total of fifteen additional trash receptacles in the Ballpark Neighborhood, including the areas of California and Park Ave., 22nd and Stout, and Lawrence and Park Ave;
- place two port-o-lets in Sonny Lawson Park in an area that is accessible twenty-four hours a day. The port-o-lets shall be serviced daily. The City shall also determine the feasibility of placing two port-o-lets in the area near the RiNo sign. If feasible, the City shall place two port-o-lets in this area that are accessible twenty-four hours a day
- place sharps disposal boxes in Governor's Park, Lincoln/La Alma Park, Macintosh Park, and consider whether it is feasible to also place a sharps disposal box in Sonny Lawson Park;
- establish an Advisory Group of people experiencing homelessness and their representatives. The City shall make its public libraries and day centers available for this purpose and shall post advance notice of such meetings in the day centers and libraries.

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The City shall also work with service providers, Denver's Road Home, and/or other advocacy groups to also provide notice of the meetings. At least one mayor staff member shall be present for the regularly scheduled meetings. The advisory group shall have the primary responsibility of providing input on topics to be discussed during the meeting. Meetings of the Advisory Group shall occur once every three months;

- allow use of "homeless ID" cards as a form of picture identification and shall allow the use of labor pay stubs, letters from shelters, and letters from other homeless service providers as documentation for proof of income for participation. The City shall not place a limit on the total number of PLAY passes;
- seek requests for qualifications to operate a Mobile Health Unit ("Unit") and, with a qualifying response to the request for proposal, fund the operation of a Unit;
- train employees and contractors on any changes in policy/procedures and on the procedures/protocols set forth in this Exhibit A. Denver's Road Home shall also develop training on homeless sensitivity for City employees and contractors who regularly interact with people who are experiencing homelessness. The sensitivity training shall take place on an annual basis.

The Agreement also provides that the City and County of Denver will pay reasonable attorneys' fees and costs to the attorneys who represented the Class. The amount of fees and costs paid to the attorneys will be discussed at the Fairness Hearing described below.

Your Rights as a Class Member. The Court has granted Preliminary Approval of the Agreement. The Court will hold a Fairness Hearing on Friday, **September 20, 2019 at 10:00 a.m.** in Courtroom A801 of Alfred J. Arraj United States Courthouse, 901 19th Street, Denver, Colorado, to discuss the fairness of the Agreement, and to decide whether to grant Final Approval. If the Agreement is given Final Approval, all Class members will be bound by the provisions of the Agreement with respect to any and all claims for injunctive relief (and related attorneys' fees and costs) made in this lawsuit.

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If you wish to object to the settlement or speak at the fairness hearing, the Court must **receive** your objection **by mail** no later than **August 30, 2019**. A letter postmarked by that date is not enough. Address your objection or notice to:

Clerk of Court
ATTN: HOMELESS CLASS ACTION SETTLEMENT 16-CV-2155-WJM-SKC
Alfred J. Arraj United States Courthouse
901 19th Street
Denver, CO 80294

If the Court receives your objection on time, the Court will consider your objection even if you don't attend the Fairness Hearing.

How To Get Further Information. If you have any questions about the Lawsuit, the Settlement, or the Agreement, you can get more information by doing one of several things. First, you can attend one of two public meetings concerning the agreement to be held at the Downtown Denver Public Library, 10 W. Fourteenth Ave. Pkwy., Denver on the following dates and times: 3 to 5 p.m., Wednesday, July 10, 2019; and 4 to 6 p.m., Monday August 5, 2019.

Or, you can call Denver Homeless Out Loud with any questions at 720-940-5291, stop by their offices between 2 to 5 p.m., Monday through Friday, 2260 California St., Denver, CO 80205, or email them at: Info@denverhomelessoutloud.org

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