

NOTICE OF CLASS ACTION PROPOSED SETTLEMENT

Celerina Navarro et al. v. The City of Mountain View
United States District Court, Northern District of California
Case No. 5:21-cv-05381-NC

You are receiving this notice because you have been identified as a class member in the above-captioned case according to the following class definition: **“All persons who resided or sought to reside in an oversized vehicle within the City of Mountain View at any time beginning from December 18, 2020, through the conclusion of the Effective Period of the Settlement Agreement. For the avoidance of doubt, Class Members also include all such persons who have a disability within the meaning of the Americans with Disabilities Act (ADA), as defined in 42 U.S.C. § 12102.”** You may also be receiving this Notice because you are a nonprofit that has close contact with class members.

This notice summarizes the proposed settlement agreement (“Agreement” or “settlement”) between the parties in this case, the Plaintiffs and the Defendant, as defined below. For the precise terms of the Agreement or to see a copy of the Agreement, please see the Agreement available at www.lawfoundation.org/rvban by contacting class counsel at the Law Foundation of Silicon Valley at 408-350-7230; or housinghelp@lawfoundation.org; or by accessing the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO ASK ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

AS A CLASS MEMBER YOU ARE HEREBY NOTIFIED that

- Celerina Navarro, Janet Stevens, Armando Covarrubias, Evelyn Estrada, and Alma Aldaco (hereinafter “Plaintiffs”) filed a court case against The City of Mountain View (hereinafter “Defendant” or “the City”).
- The Plaintiffs have reached a proposed settlement agreement with Defendant that will resolve all claims in this case. The Agreement gives Plaintiffs and the members of the Class certain benefits, as described below. It does not provide for payment of any money damages to Class members, since the case was brought not for money damages, but to protect the rights of Class members. The attorneys for the Plaintiffs will seek to recover attorneys’ fees and expenses if this settlement is approved by the court at the final approval hearing.
- This notice is to inform you about the settlement so you can make a decision about your legal rights.

HOW TO RESPOND TO THIS NOTICE:

DO NOTHING If you read the notice and decide you agree with the settlement, you don’t have

to do anything. If the judge decides that the settlement is fair, then you will be required to follow the Agreement.

OBJECT If you read the notice and decide you do not agree with the settlement you can object by notifying the court. Please see below instructions for objecting.

FINAL APPROVAL HEARING: A final approval hearing will take place **on February 15, 2023 at 1 p.m. by Zoom conference**. Please note the date and time of the hearing is subject to change without further notice, which means you may not be notified of changes to the date and time. Please check the PACER website at <https://ecf.cand.uscourts.gov> to confirm the date and time or go to www.lawfoundation.org/rvban for the latest updates.

1. Why are you sending me this notice?

The Judge requires us to send you this notice because the settlement in this case will likely affect your legal rights. This notice tells you about the court case, the proposed settlement we agreed to, and what to do if you agree or disagree with the settlement. You have a right to information concerning the case and the right to express your opinion before the Judge decides whether to approve the proposed class settlement. This case is under the jurisdiction of the United States District Court for the Northern District of California and the judge overseeing this case is Magistrate Judge Nathanael Cousins.

2. What is this case about?

In this case, the City of Mountain View (or Defendant) passed the Narrow Streets Ordinance and Bike Lane Ordinance (hereinafter “Ordinances”), which prohibit oversized vehicles (“OSVs”) from parking on streets 40 feet or less in width and on streets with certain kinds of bike lanes. Passage of the Ordinances reduced the amount of available on-street parking for OSVs in the City of Mountain View. Plaintiffs brought this lawsuit arguing that the Ordinances violated the constitutional rights of people who lived in OSVs in Mountain View.

3. Why is this a class action?

In a class action, one or more people called class representatives sue on behalf of all people who have similar claims (a “class”). The Class Representatives in this case are Celerina Navarro, Janet Stevens, Armando Covarrubias, Evelyn Estrada, and Alma Aldaco. This is a class action because it affects all Mountain View residents living in OSVs similarly; therefore, one class action suit is more effective than several individual lawsuits.

4. Why is there a settlement?

Rather than continuing litigating the case with the Court determining who prevails in the proceeding, the Plaintiffs and the City of Mountain View came to an agreement that is beneficial to all parties, including class members. The Plaintiffs and their attorneys think the settlement is fair and is in the best interests of everyone. As part of the settlement, the City does not admit to any wrongdoing.

5. What are the terms of the settlement?

- The City of Mountain View will ensure at least three miles of streets are available for OSVs to park without overnight restrictions, without any limits on time that is less than 72 hours, and without narrow street or bike lane restrictions.
- The City will distribute a map that shows streets where parking is restricted for OSVs and streets where parking is not restricted by specified laws, including the Ordinances, and thus available to OSVs for parking. The City will make the map available at City Hall, the Mountain View public library, and on its website at: www.mountainview.gov/ParkingRestrictionsMap.
- The City handed out copies of the map to OSV occupants parked on City streets from September 1, 2022 through September 20, 2022.
- As of October 1, 2022, the City can ticket OSVs parked in violation of the Ordinances.
- The map will also be provided with each ticket issued.
- The City will not tow an OSV for violation of either of the Ordinances until at least 72 hours after a parking citation was issued for violation of the Ordinances. Police officers also have discretion to extend the time before towing for good cause.
- However, the City may immediately tow a vehicle for violating the Ordinances if it is blocking traffic, or blocking a driveway, or if the OSV has previously received three tickets for parking in violation of the Ordinances.
- The Agreement explains that people with disabilities may request a reasonable accommodation for their disability, such as more time to move their vehicle, which the City will consider in good faith.
- Plaintiffs and class members will not be able to sue the City over Ordinance related issues based on the identical facts alleged in the complaint.
- There is no monetary settlement in this case as this case was about protecting the rights of people living in oversized vehicles. Additionally, since the City had not been enforcing the Ordinances prior to or throughout the lawsuit, class members could not claim monetary damages under the law.

6. How do I Object to the Settlement?

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, the lawsuit will continue. If that is what you want to happen, you should object.

Any objection to the proposed settlement must be in writing. If you file a written objection on time, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (Navarro et al v. The City of Mountain View; Case No. 5:21-cv-05381-NC), (b) be submitted to the Court either by filing them electronically or in person at any location of the United States District Court for the Northern District of California or by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113, and (c) be filed or postmarked on or before **January 20, 2023**.

7. What happens if I do nothing at all?

If you read the notice and decide you agree with the settlement you don't have to do anything. If the Judge decides that the settlement is fair, then your rights will be determined by the settlement agreement. Regardless of whether you agree with the settlement, if you park an OSV in violation of the Ordinances, your vehicle could be ticketed or towed under the rules set forth in the settlement agreement.

8. Do I have an attorney in this case?

The Law Foundation of Silicon Valley, American Civil Liberties Union of Northern California, Disability Rights Advocates, and King and Spalding are the attorneys for the Plaintiffs in this case. If you want to be represented by your own attorney, you can hire one at your own expense.

9. How will the attorneys be paid?

You will not be required to pay the attorneys for Plaintiffs for their work on this case. The Judge will determine how much the attorneys will get paid.

10. Where can I get Information?

You can visit the website for class counsel, the Law Foundation of Silicon Valley, at www.lawfoundation.org/rvban or contact class counsel at 408-350-7230 or housinghelp@lawfoundation.org.