

Criswell v. Boudreaux
NOTICE OF PROPOSED SETTLEMENT

Criswell v. Boudreaux, Case No. 1:20-cv-01048-DAD-SAB (E.D. Cal.) is a federal class action lawsuit against Tulare County Sheriff Michael Boudreaux challenging conditions at the Tulare County Jails arising from the COVID-19 pandemic. Plaintiffs in the case have alleged constitutional violations relating to the Sheriff's practices and policies in response to the pandemic. Sheriff Boudreaux denies that there have been any constitutional violations at the Tulare County Jails. The parties recognize the high cost and risks involved with continuing to litigate the case in court, so they have proposed to settle the case rather than continue the lawsuit. The court must decide whether to approve the settlement. **This Notice explains the proposed settlement and informs you about your rights under the proposed settlement.**

Who does the proposed settlement affect? All incarcerated persons who are or will be in the Jails until March 31, 2022 are members of a provisional class affected by this lawsuit and proposed settlement. You are a member of this provisional class if you are currently incarcerated in the Jails. The court has provisionally certified this as a class action for settlement purposes.

What is in the proposed settlement? Under the proposed settlement, Sheriff Boudreaux has agreed to implement, or to continue to implement, various policies that help guard against the risk of COVID-19, including policies related to: masking, social distancing, vaccine distribution, vaccine education, COVID-19 testing, quarantining and isolation, out-of-cell time, contact tracing, attorney visitations, information sharing, and medically vulnerable individuals. These policies are aimed at keeping incarcerated persons in the Jails safe from the risk of COVID-19, and are consistent with medical expertise. The settlement also provides that an independent expert will visit the Jails three times to ensure compliance with the settlement and make any recommendations he believes may be necessary. The settlement will last at least until March 31, 2022. The attorneys who brought the class action will ask the Court to have the Sheriff pay the lawyers \$95,000 for their work in bringing the case.

If the court approves the settlement, class members will settle the legal claims identified in the settlement and will agree to stop fighting this lawsuit. Nothing in the settlement will affect your rights in your criminal case.

Plaintiffs and their attorneys believe the settlement provides important rights and benefits for the class and that it is in the best interests of the class to settle the case, while avoiding the expense and delay and potential risks of losing by continuing to

litigate the case. The Sheriff denies any wrongdoing, but is settling the case in order to avoid the expense and resources to keep pursuing the case.

What are your rights? If you like the settlement's terms, you don't have to do anything. If you are not satisfied with the settlement, there is no right to "opt out" of the class. But you do have a right to object to the settlement by filing an objection. To file an objection, you must write to the court about whether and why you object to the settlement. In your objection, you MUST include at the top of the first page the case name (*Criswell v. Boudreaux*) and case number (1:20-cv-01048-DAD-SAB). Objections must be postmarked no later than October 20, 2021 and sent to the following address:

Clerk of the Court
United States District Court
Eastern District of California
2500 Tulare Street
Fresno, CA 93721

The Court will hold a public hearing on the fairness of the settlement on November 29 2021, at 1:30 p.m. in Courtroom 5, Seventh Floor, Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Fresno, CA 93721. You have the right to appear at the hearing. You have a right to appear with an attorney as well, but you must do so at your own expense.

How do I learn more about the case and the settlement? You can learn more about the proposed settlement in the full Settlement Agreement that is available in the Jail library, or a copy will be made available to you for review upon request to a Sheriff's deputy.

If you would like further information about this case or the settlement, you can write Dylan Verner-Crist, American Civil Liberties Union ("ACLU") at 39 Drum Street, San Francisco, CA 94111.