

NOTICE OF SETTLEMENT OF CLASS ACTION LAWSUIT

Brooklyn Center for Independence of the Disabled v. City of New York
Docket No. 11-CV-6690-JMF
United States District Court
Southern District of New York

ATTENTION: All people with disabilities who are within the City of New York and the jurisdiction served by the City's emergency preparedness programs and services. This notice concerns a settlement that may affect your rights. Please read it carefully.

THE CLASS ACTION

This notice is to inform you of the settlement regarding a remedy in a class action lawsuit, *Brooklyn Center for Independence of the Disabled v. City of New York*, No. 11-cv-6690-JMF (S.D.N.Y.) brought on behalf of people with disabilities who are within the City of New York and the jurisdiction served by the City's emergency preparedness programs and services. In November 2013, the Court found the City liable for failing to provide meaningful access to people with disabilities to its emergency preparedness programs and services. A copy of the Court's November 7, 2013 Opinion and Order can be found at www.dralegal.org, www.nyc.gov/mopd, and www.nyc.gov/oem.

The parties have reached a settlement regarding a remedial plan to improve the City's emergency preparedness program. The City has agreed to begin implementing the terms of the settlement, which remains subject to modification by the Court after considering objections, if any, by class members. As set forth below, you have the right to submit to the Court, in writing, any objection you may have to the settlement. Following the close of the objection period, the Court will hold a public hearing to consider whether the settlement is fair, reasonable, and adequate. If the Court determines that it is, you and all other class members will be bound by the terms of the settlement.

SUMMARY OF THE SETTLEMENT

As part of the settlement, a complete version of which can be found at www.dralegal.org, www.nyc.gov/mopd, and www.nyc.gov/oem, the City will be taking a number of steps to address the needs of people with disabilities in its emergency plans:

Disability and Access and Functional Needs (DAFN) Coordinator and Community Panel

The City will hire a Disability and Access and Functional Needs (DAFN) Coordinator, who will be the lead City employee responsible for seeing that the City's emergency plans meet the needs of people with disabilities and comply with state and federal law. The City will also create DAFN Coordinator positions at key City agencies that are involved in emergency response.

A Disability Community Advisory Panel will be established so that the City can gather expertise and feedback from the disability community regarding the City's current and future emergency

plans. The City will hold an annual forum for the public on issues relating to emergency planning for people with disabilities.

Canvassing

By August 2017, the City will create a Post-Emergency Canvassing Operation (PECO) plan designed to rapidly survey households after a disaster to assess and identify the critical needs of people with disabilities. During a canvassing operation, canvassers will go door-to-door carrying a mobile survey tool to input resource requests and refer those requests to appropriate partners for resolution.. Resource requests include but are not limited to food, water, electricity, medical care, and durable medical equipment.

Transportation

By August 2017, the City will estimate the demand for City-provided accessible evacuation and transportation services and will enter into agreements and work collaboratively with appropriate transportation providers to develop the City's accessible transportation plans for pre-storm or forewarned evacuations. The City will also develop plans for the effective deployment of accessible vehicles during notice and no-notice events. The City will develop plans to relocate people with disabilities in frozen zones who have not evacuated and work with partner agencies to resume accessible transportation services as soon as possible after an emergency.

Sheltering

By the end of September 2017, the City will have a minimum of 60 accessible emergency shelters (separate from the 8 Special Medical Needs Facilities currently maintained by the City). The minimum of 60 accessible facilities will be distributed throughout all five boroughs and will have the capacity to shelter approximately 120,000 people with disabilities in the event of an emergency.

Every accessible shelter will have accessible signage, provide for backup power, refrigeration, power strips, and a way-finding kit to assist people with disabilities in utilizing the shelter. The City's reserve supplies will include sufficient numbers of raised toilet seats, accessible cots, mobility aids (canes, crutches, manual wheelchairs), basic medical supplies, and extension cords. CART or ASL interpretation services will be provided at every accessible facility.

High Rise Evacuation

A NYC/ADA High Rise Building Evacuation Task Force will be assembled to address the gaps in the City's planning for the high rise evacuation of people with disabilities from high rise buildings. The Task Force will consist of a committee of representatives from City agencies, subject matter experts, and disability community representatives. At the end of one year, the Task Force will develop recommendations to address high rise evacuation for people with disabilities, which will be implemented as part of a three year Work Plan.

The City will also upgrade the 311 system to include a new natural language IVR system where 311 callers seeking evacuation assistance can speak a combination of designated words to be connected to a dedicated pool of trained specialists who will be able to provide information about high rise evacuation.

Attorneys' Fees

Plaintiffs are represented by Disability Rights Advocates and Sheppard Mullin Richter & Hampton LLP ("Class Counsel"). Class Counsel is still negotiating with the City regarding the amount of attorneys' fees and costs that the City will pay them for their work on this case. If such negotiations do not result in a mutually agreeable amount, Class Counsel will apply to the District Court for legal fees and costs of the litigation of no more than \$6.2 million. The actual amounts awarded will be determined by the District Court to ensure that the amount of attorneys' fees and costs awarded are reasonable.

The settlement does not provide for any monetary relief to be paid to any plaintiffs or members of the class.

OBJECTIONS

You have the right to object to the terms of this settlement by filing a written, signed objection with the Court no later than **December 29, 2014**. You also have the right to appear at a hearing, which will address the fairness of the settlement agreement to the class. That hearing is scheduled for **February 13, 2015 at 10:00 a.m.** in the Courtroom of the Honorable Jesse M. Furman, United States District Judge, Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007. The time and date of the fairness hearing are subject to change by the Court through written order to be docketed publicly on ECF.

Please note that, while the Court will read and consider your written objection whether or not you are present at the fairness hearing, if you wish to speak at the hearing, you must include a sentence in your written objection informing the Court that you wish to speak at the hearing. Written objections must be filed with the Clerk of the United States District Court for the Southern District of New York at the following address:

Clerk of the United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Centre Street
New York, NY 10007
Specifying: *Brooklyn Center for Independence of the Disabled v. City of New York*, Civil Action No. 11-cv-6690-JMF

Objections may be filed in person or may be mailed to the Court at the above address but must be actually received by the Court by the deadline set forth above to be considered. Copies of objections must also be mailed or delivered to counsel for the parties:

Christine Chuang
Disability Rights Advocates
40 Worth Street, 10th Floor
New York, NY 10013
(Counsel for Named Plaintiffs & Settlement Class)

Mark Toews
Senior Counsel
General Litigation Division
New York City Law Department
100 Church Street, Rm. 2-106
New York, NY 10007
Tel: (212) 356-0871
(Counsel for Defendants)