

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

JAYVON WRIGHT, ANTOINE MURREY, KEITH MEDLEY, GREGORY GRIFFIN, AND RASHAD EL, individually	)	
	)	
Plaintiffs,	)	C.A. No. 13-1966-GAM
	)	
v.	)	JURY TRIAL DEMANDED
	)	
CITY OF WILMINGTON,	)	
	)	
Defendant.	)	

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**TO:** All persons who have been or are at risk of being stopped, detained, handcuffed, transported, searched or imprisoned during the period lasting from November 21, 2011 until the Court’s final approval of the Settlement Stipulation by any officer or other member of WPD under circumstances alleged to constitute an unlawful arrest without probable cause resulting from any of the following: (i) officer conduct purportedly pursuant to 11 *Del. C.* § 1902, WPD Directive 6.10K, or any statute, directive, policy, practice, pattern, custom or procedure of detention for purposes of investigation, or 2 hour detention (collectively, the “WPD Detention Practices”); or (ii) any alleged deficiencies in training or supervision concerning or relating to the WPD Detention Practices (the “Putative Settlement Class”).

**PLEASE READ THIS NOTICE CAREFULLY AS IT ADDRESSES A LAWSUIT THAT  
MAY AFFECT YOUR RIGHTS.**

This Notice does not constitute a determination by the Court concerning the merit or lack of merit of the allegations made by the Plaintiffs against the City of Wilmington (“City”) in this case.

**I. INTRODUCTION**

Jayvon Wright, Antoine Murrey, Keith Medley, Gregory Griffin and Rashad El (“Named Plaintiffs”), individually, and in the case of Keith Medley and Rashad El (the “Putative Class Plaintiffs”) on behalf of a class of all others similarly situated, and Defendant City of Wilmington (“City”), who are parties to the above captioned putative class action entitled *Wright v. City of Wilmington*, Civil Action No. 13-1966-GAM (D. Del.) (the “Action”), have reached an agreement, subject to the approval of the Court, to settle the Action (the “Settlement Stipulation”). This Notice describes the proposed Settlement Stipulation and how it may affect your legal rights. The proposed Settlement Stipulation will not go into effect until: (1) individuals whose rights may be affected by the Settlement Stipulation have had the chance to

object to it; and (2) the Court has a hearing and approves the Settlement Stipulation as fair, adequate and reasonable and all appeals from that approval have been exhausted.

Your rights as a member of the Putative Settlement Class are affected by the Settlement Stipulation if you have been or are at risk of being stopped, detained, handcuffed, transported, searched or imprisoned during the period lasting from November 21, 2011 to the date of the Court's final approval of the Settlement Stipulation by any officer or other member of WPD under circumstances alleged to constitute an unlawful arrest without probable cause resulting from any of the following: (i) officer conduct purportedly pursuant to 11 *Del. C.* § 1902, WPD Directive 6.10K, or any statute, directive policy, practice, pattern, custom or procedure of detention for purposes of investigation, or 2 hour detention (collectively, the "WPD Detention Practices"); or (ii), any alleged deficiencies in training or supervision concerning or relating to the WPD Detention Practices.

In the Action, the Putative Class Plaintiffs allege that WPD had a policy, practice, pattern, custom or procedure pursuant to which WPD officers have conducted investigatory stops and detentions under circumstances constituting unlawful arrests. After hard fought litigation, including extensive discovery into the allegations in the Action, and negotiations between counsel for the parties, the Putative Class Plaintiffs and counsel for the Putative Class (from the American Civil Liberties Union of Delaware and the Norman Law Firm, hereinafter "Putative Class Counsel") have concluded, following a thorough investigation, that the terms and conditions of the Settlement Stipulation are fair, reasonable and in the best interests of the Putative Class. In reaching this conclusion, the Putative Class Plaintiffs and Putative Class Counsel have analyzed the benefits of the Settlement Stipulation, the possible outcome of further litigation, and the expense and length of continued proceedings necessary to prosecute the claims through trial, and possible appeals.

By entering into the Settlement Stipulation, the City and WPD do not admit any fault or wrongdoing. The City denies that WPD has (or had) a policy, practice, pattern, custom or procedure pursuant to which WPD officers unlawfully arrest subjects. The City and WPD deny the allegations in the Action and do not admit to liability of any kind in the Settlement Stipulation, or otherwise.

## **II. SUMMARY OF PROPOSED SETTLEMENT**

Below is a brief summary of what the Settlement Stipulation addresses, subject to approval by the Court:

- \* Revisions to WPD directives that instruct officers on the initiation of investigatory stops.
- \* Revisions to WPD directives that describe the duration and scope of investigatory stops, and instruct officers on the proper application of 11 *Del. C.* § 1902.
- \* Revisions to WPD directives that instruct officers on the differences between investigatory stops and *de facto* arrests.

- \* Revisions to WPD directives that instruct WPD officers regarding limitations that apply to decisions to transport a person away from the scene of an investigatory stop.
- \* Revisions to WPD directives that require specific documentation for subjects brought to the police station and held in the temporary holding facility (the “Turnkey”) and notifying officers that a crime report will be required in such circumstances.
- \* Revisions to WPD directives requiring documentation of factual circumstances for each arrest, sufficient for a supervisor to review.
- \* A course and schedule of training for WPD officers regarding the foregoing.

Upon approval by the Court, the Settlement Stipulation will resolve and release all class claims of the certified Class against the City relating to any statute or alleged directive, policy, practice, pattern, custom or procedure, or any alleged deficiencies in training or supervision, involving or resulting in unlawful arrests arising prior to the date the Settlement Stipulation goes into effect. Only class wide claims are being resolved. Other than the claims of the five individual plaintiffs (inclusive of the Class Representatives), which are being resolved in separate settlement agreements, individual damage claims (if any) of members of the Class are not being settled but can only be pursued on an individual, non-class basis.

The Named Plaintiffs in the Action, including the Putative Class Plaintiffs, are settling their individual, non-class damage claims against the City in separate settlement agreements. If approved, the Putative Class Plaintiffs will receive \$10,000 in the case of Mr. El, and \$5500 in the case of Mr. Medley for their individual claims; they will also receive individual incentive awards in the amount of \$4500 for Mr. El, and \$4500 for Mr. Medley. These amounts have been proposed solely for purposes of settlement, in order to avoid the costs, burden and disruption of further litigation, and not as an admission of liability, including for damages in any amount. Concurrently with seeking final approval of the Settlement, Putative Class Counsel will apply to the Court for an award of attorneys’ fees and expenses in an amount not to exceed \$512,163.70, which, if approved, will be paid by the City following the Effective Date, as specified in the Settlement Stipulation.

### **III. HEARING ON PROPOSED SETTLEMENT**

The Court has scheduled a Fairness Hearing for January 8, 2019 at 10:00 a.m. before the Honorable Gerald A. McHugh, U.S. District Judge, at the United States District Court for the District of Delaware, 844 North King Street, Wilmington DE 19801. At the Fairness Hearing the Court will determine (1) whether to approve certification of the Putative Class, Class Representatives and Class Counsel (2) whether the Class Representatives and Class Counsel have adequately represented the Class; (3) whether the proposed Settlement Stipulation is fair, reasonable, and adequate and should be finally approved; (4) whether judgment should be entered dismissing the Action with prejudice and releasing the Settled Claims; (5) whether to approve Class Counsel’s application for an award of attorneys’ fees and expenses, and/or the application for incentive fees for the Class Representatives; (6) any objections to the Settlement or to the application for fees and expenses; and (7) such other matters as the Court may deem

appropriate. The Court has the right to adjourn the Fairness Hearing without further notice to the Class, and to approve the Settlement Stipulation with or without modification.

It is not necessary for you to appear at the hearing and you need do nothing if you do not wish to object to the settlement. You may, however, choose to appear at the hearing, either in person or through an attorney. If you wish to appear at the hearing in person or through your own attorney, you or your attorney **must** notify the Clerk of the Court, John A. Cerino, Office of the Clerk, 844 N. King St., Unit 18, Wilmington, Delaware 19801 and the following attorneys **in writing** by December 19, 2018:

Ryan R. Tack-Hooper  
American Civil Liberties Union of Delaware  
100 W. 10<sup>th</sup> Street, Suite 706  
Wilmington, Delaware 19801  
(302) 654-5326  
rtackhooper@aclu-de.org

Stephen P. Norman  
The Norman Law Firm  
30838 Vines Creek Road, Suite 3  
Dagsboro, Delaware 19939  
(302) 537-3788  
snorman@thenormanlawfirm.com

Kelly E. Farnan  
Richards, Layton & Finger, P.A.  
920 North King Street  
Wilmington, DE 19801  
(302) 651-7705  
farnan@rlf.com

Requests to be heard at the Fairness Hearing filed by attorneys should be filed pursuant to the Electronic Case Filing Procedures for the District of Delaware, which are available on line at <http://www.ded.uscourts.gov/cmecf-information>

#### **IV. OPT-OUT**

You may not “opt out” of the provisions of the Settlement. You may, however, voice objections to the Settlement as discussed below.

#### **V. OBJECTIONS TO THE SETTLEMENT**

If you believe that the Court for any reason should not finally approve the proposed Settlement Stipulation, or any portion of it, you may object to it. You may object through an attorney but need not retain an attorney to object. If you want to object to the proposed Settlement Stipulation, you or your attorney must file an objection in writing with:

Clerk of the Court  
John A. Cerino  
Office of the Clerk  
844 N. King St. Unit 18  
Wilmington DE 19801

with copies to:

Ryan R. Tack-Hooper  
American Civil Liberties Union of Delaware  
100 W. 10<sup>th</sup> Street, Suite 706  
Wilmington, Delaware 19801  
(302) 654-5326  
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920 North King Street  
Wilmington, DE 19801  
(302) 651-7705  
farnan@rlf.com

All objections must be in writing and must be received by the Clerk of the Court on or before December 19, 2018. All objections must state and/or include the following: (1) the name and number of the Action, which are *Wright v. City of Wilmington*, Civil Action No. 13-1966-GAM; (2) the name, address, telephone number and email address of the person (or his/her attorney) intending to object and/or appear at the hearing; (3) proof of membership in the Putative Class; (4) a written statement of objections; (5) the grounds for such objections and any reasons why such Putative Class Member desires to appear and be heard; (6) all documents and writings such person desires the Court to consider. Objections filed by attorneys should be filed pursuant to the Electronic Case Filing Procedures for the District of Delaware, which are available on line at <http://www.ded.uscourts.gov/cmecf-information>. The Court's CM/ECF case filing can be accessed at <http://ecf.ded.uscourts.gov/cgi-bin/login.pl>.

Only members of the Putative Class or their attorneys who have filed written objections shall have the right to present objections orally at the Fairness Hearing, and they will only have the right to do so if they expressly seek it in their written objections.

Unless otherwise ordered by the Court, any members of the Putative Class who do not make their objections or opposition to the Settlement in the manner described above shall be deemed to have waived all objections and opposition to the fairness, reasonableness, and adequacy of the Settlement Stipulation and any other matters pertaining to the claims described therein.

## **VI. ADDITIONAL INFORMATION**

This Notice is a summary and does not describe all of the details of the Settlement Stipulation. The Settlement Stipulation, and all other papers filed in the Action, are available for inspection in the offices of the Clerk of the Court, John A Cerino, Office of the Clerk, 844 N. King St., Unit

18, Wilmington Delaware, 19801. The documents may be examined by any Putative Class Member or by counsel during business hours.

Further information about and copies of this Notice and the Settlement Stipulation are available at [www.aclu-de.org](http://www.aclu-de.org) and [www.TheNormanLawFirm.com](http://www.TheNormanLawFirm.com). If you have additional questions, you may also call Putative Class Counsel, Ryan R. Tack-Hooper at (302) 654-5326 or Stephen P. Norman at (302) 537-3788.

**PLEASE DO NOT CONTACT THE JUDGE DIRECTLY ABOUT THE SETTLEMENT OR THIS NOTICE.**