

YOU ARE A MEMBER OF SUBCLASS II

LEGAL NOTICE

Court of Common Pleas of Philadelphia County, Pennsylvania

NOTICE OF PROPOSED SETTLEMENT AND HEARING

You are receiving this notice because your confidential information relating to your license to carry firearms ("LTCF"), also commonly known as a "gun permit" or "carry permit," may have been disclosed in alleged violation of Pennsylvania law. Your rights could be affected by a proposed class action settlement.

The Court of Common Pleas of Philadelphia County, Pennsylvania authorized this notice. It is not a solicitation from a lawyer. You are not being sued. Please do not contact the Court with questions or concerns about this notice or the Settlement.

- This is a proposed settlement of a class action lawsuit alleging that the City of Philadelphia, and certain of its employees, agencies and departments, disclosed information alleged to be confidential under Pennsylvania law and in particular, 18 Pa.C.S. § 6111(i), through the use of un-enveloped postcards and unprotected clipboards and verbal disclosures. The information allegedly disclosed included names, addresses, and other related LTCF Applicant information ("LTCF Information"). The lawsuit also alleges that certain policies and practices of the Defendants are unlawful and should be changed.
- There are two sets of individuals who are Settlement Class Members. The first group includes those persons whose allegedly confidential information was potentially disclosed by the City of Philadelphia through its sending of un-enveloped postcards. The second group of individuals who are Settlement Class Members are those persons whose allegedly confidential information may have been disclosed through the City's use of sign-in clipboards in the Gun Permit Unit or who may have had their LTCF Information disclosed through verbal disclosures at the GPU; however, the Court previously ruled that this was not a violation of Pennsylvania law.
- The Settlement would entitle the first group (*i.e.* Subclass I) to a share of a \$500,000.00 Settlement Fund (after payment of an incentive award to the representative Plaintiffs, and attorneys' fees and expenses) and the second group (*i.e.* Subclass II) would receive the benefit of certain policy changes by the City to ensure that confidential LTCF applicant information is not disclosed.
- Visit the Settlement Website at **www.philaltcfclassaction.com** for additional details about the Settlement. You may also get additional information by calling **1-877-245-9611** or by writing to **Philadelphia Class Action, c/o Settlement Administrator, P.O. Box 1607, Blue Bell, PA 19422**.
- Your legal rights are affected regardless of whether you act or don't act. **Read this notice carefully.**

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Do Nothing	If the Settlement is approved by the Court and not overturned on appeal, you will receive a payment under the Settlement, the sum of which will depend on the amount of attorneys' fees and expenses awarded by the Court, the amount of any incentive award for the representative Plaintiffs, and whether you are a member of Subclass I or Subclass II.
Exclude Yourself	If you exclude yourself from the Settlement, you will not be bound by the Settlement or judgment and will not be entitled to any payment or benefits as provided for by the Settlement. You will be free to pursue your claims against the Defendants. This is the only option that allows you to bring or be part of any other lawsuit against the Defendants in this case about the same legal claims that are advanced in this case. To validly exclude yourself from the class action and pursue your claims separately, you must do so, postmarked by September 24, 2018.
Object	If you do not exclude yourself, you may file with Class Counsel a document explaining why you do not like the Settlement or the request for legal fees and expenses. To be considered, you must file your written objection with Class Counsel and Defendants' Counsel postmarked no later than September 24, 2018.
Go to a Hearing	You may ask to speak in Court about the fairness of the Settlement or the request for legal fees and expenses.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still must decide whether to give final approval to the Settlement. Likewise, payments, if applicable, to class members will be distributed only if the Court grants final approval of the Settlement and after any appeals are resolved.

I. WHY DID I GET THIS NOTICE PACKAGE?

According to records maintained by the City of Philadelphia, you are a member of a class of people who previously applied to the Gun Permits Unit of the Philadelphia Police Department for an LTCF, and you were mailed an un-enveloped postcard, asked to place your name onto a clipboard at the Gun Permits Unit or may have had your LTCF Information disclosed through verbal disclosures at the Gun Permits Unit, in alleged violation of Pennsylvania law.

You were sent this notice because you have the right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves it, and after any possible objections and appeals are resolved, an administrator appointed by the Court will make, if applicable, the monetary payments that the Settlement allows. You will be informed of the progress of the Settlement. You should understand that the process of Court approval may take several months or longer.

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This document explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of this case is the Court of Common Pleas of Philadelphia County, Pennsylvania, Judge Linda Carpenter presiding. The case is called *A.R., et al. v. City of Philadelphia, et al.*, Case No. 151201740. The name “A.R.” is a pseudonym used to protect the identity of the Plaintiff. The persons who sue are called the Plaintiffs, and those who are sued are called the Defendants.

II. WHAT IS THIS LAWSUIT ABOUT?

The Plaintiff in this lawsuit claims that the Defendants, including the City of Philadelphia, disclosed, through the use of un-enveloped postcards, the LTCF Information of 988 individuals, who applied for or renewed their LTCF and during the process were sent an un-enveloped postcard displaying the individual’s confidential information. The Plaintiff claims that under Pennsylvania law and, in particular, 18 Pa.C.S. § 6111(i), such LTCF Information is confidential and cannot legally be disclosed to the public or to those that are not otherwise entitled to access. The Plaintiff also claimed that the Defendants potentially disclosed confidential LTCF Information through the City’s use of sign-in clipboards and verbal disclosures in the Gun Permit Unit; however, the Court previously ruled that this was not a violation of Pennsylvania law. The Defendants deny that they unlawfully disclosed LTCF Information under Pennsylvania law.

III. WHAT DOES 18 Pa.C.S. § 6111(i) STATE?

The specific law under which the Plaintiff sued can be found in Title 18, Section 6111(i) of the Pennsylvania Statutes and states:

Confidentiality.--All information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant’s name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.

IV. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called the Representative Plaintiffs (also known as “class representatives”), sue on behalf of all people who have similar claims. All of these people are known as a Class, Class Members or Settlement Class Members. A class action resolves the issues for all Class Members, except for those who exclude themselves from the Class. Philadelphia Court of Common Pleas Judge Linda Carpenter is in charge of this lawsuit.

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V. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a Settlement. That way, they both avoid the costs and risks of a trial, and the people affected will receive either financial compensation or the benefit of policy changes by the Defendants. The Representative Plaintiff and his attorney think the Settlement is best for the 988 persons who allegedly had, and the 20,094 persons who may have had, LTCF Information disclosed in alleged violation of Pennsylvania law.

VI. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

If this notice was addressed to you then you are a member of the Settlement Class. Every member of the Settlement Class fits the following overall description:

The 21,082 individuals whose LTCF information was potentially disclosed by Defendants on or after December 18, 2013, through the use of un-enveloped postcards, unprotected clipboards, or through verbal disclosures at the GPU, in alleged violation of 18 Pa.C.S. § 6111(i). Excluded from the Settlement Class are the council members, officers and employees of the Defendants.

The Settlement Class includes the following two subclasses:

Subclass I:

The 988 members of the Settlement Class whose LTCF Information was visible on un-enveloped postcards that were sent to those 988 individuals.

Subclass II:

The 20,094 members of the Settlement Class who potentially placed their names and other information onto LTCF application, renewal or pickup clipboards or who may have had their LTCF Information disclosed through verbal disclosures at the GPU, and who are not members of Subclass I.

VII. DO I NEED TO PROVE THAT MY LTCF INFORMATION WAS DISCLOSED OR THAT I AM A MEMBER OF THE SETTLEMENT CLASS?

No. You do not need to prove that your LTCF Information was disclosed by the Defendants and you do not need to prove that you are a member of the Settlement Class. If this notice was addressed to you then you are a member of the Settlement Class.

VIII. OF WHICH SUBCLASS AM I A MEMBER AND HOW WAS THAT DETERMINED?

The Subclass that you are a member of is set forth on the top of each page of this notice. The records of the City of Philadelphia were carefully reviewed by the Defendants to determine which Subclass you are a member of.

IX. WHAT DOES THE SETTLEMENT PROVIDE?

The City of Philadelphia, on behalf of all of the Defendants, has agreed to pay \$500,000 (Five Hundred Thousand Dollars) to resolve this lawsuit. The money will be used to: (1) compensate Subclass I Members; (2) pay an incentive award of \$300 to the Representative Plaintiff; and (3) pay attorneys' fees

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and expenses. The City of Philadelphia has also agreed to separately pay for the cost to administer this Settlement.

In addition, for Subclass II, the City of Philadelphia has agreed to change certain policies and practices, and to take certain actions, including, but not limited to the following:

- Not send un-enveloped postcards containing LTCF Information.
- Not utilize unprotected sign-in sheets/clipboards containing LTCF Information.
- Not unlawfully divulge the names or current addresses of LTCF applicants during interviews of those applicants.

A complete description of the Settlement is set forth in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting the Settlement Website at www.philaltcfclassaction.com or by calling **1-877-245-9611**.

X. WHAT CAN I GET FROM THE SETTLEMENT AND WHAT DO I NEED TO DO TO GET IT?

The benefits that you will receive from the Settlement depend on whether you are a member of Subclass I or Subclass II. Again, the Subclass of which you are a member is set forth on the top of each page of this notice.

If the Settlement is approved by the Court and not overturned or modified on appeal, each of the 988 members of **Subclass I** will receive a payment. The amount to be provided to each member of Subclass I is expected to be approximately \$304, although the actual amount will depend on the amount of the attorneys' fees and expenses approved by the Court and the amount of the incentive award for the Representative Plaintiff approved by the Court.

Although the members of **Subclass II** will not receive a payment, they will benefit from the policy changes, specified above, and such is not dependent on the amount of attorneys' fees and expenses approved by the Court.

You do not need to do anything to receive your payment, if applicable, or benefit from the policy changes.

XI. WHEN WOULD I GET MY PAYMENT, IF APPLICABLE?

The Court will hold a Final Approval Hearing on **October 12, 2018** to decide whether to approve the Settlement. If Judge Carpenter approves the Settlement, there may be appeals. It is always uncertain whether those appeals can be resolved, and resolving them can take time, perhaps more than a year. If the Settlement is approved by the Court and no appeals are filed, you should receive your payment within a few months of the date that Judge Carpenter approves the Settlement. Everyone will be informed of the progress of the Settlement. Please be patient. You may check the Settlement Website at www.philaltcfclassaction.com from time to time for further information about payment status.

XII. WHAT AM I GIVING UP TO GET A PAYMENT OR STAY IN THE CLASS?

Unless you exclude yourself, you are staying in the Class, and that means you can't sue, continue to sue, or be part of any other lawsuit against the Defendants, its employees, or its elected officials about the

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legal issues in *this* case. It also means that all the Court's orders will apply to you and legally bind you. If you do not exclude yourself, you will agree to release all claims that you have against the Defendants relating to the alleged disclosure of your LTCF Information in relation to the claims raised in this matter.

XIII. HOW CAN I EXCLUDE MYSELF FROM THE SETTLEMENT?

If you do not want a payment from this Settlement, but you want to keep the right to sue or continue to sue the Defendants on your own about the legal issues in this case, then you must take steps to preserve your rights. This is called excluding yourself – or is sometimes referred to as “opting out” of the Settlement Class.

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *A.R., et al. v. City of Philadelphia, et al.*, Case No. 151201740. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request so that it is postmarked no later than September 24, 2018 to **Philadelphia Class Action, c/o Settlement Administrator, P.O. Box 1607, Blue Bell, PA 19422.**

You can't exclude yourself by telephone or e-mail. If you ask to be excluded, you will not get any settlement payment, you cannot object to the Settlement, and you will not be legally bound by anything that happens in this lawsuit and you may be able to sue or continue to sue the Defendants in the future.

XIV. IF I DO NOT EXCLUDE MYSELF, CAN I SUE THE DEFENDANTS FOR THE SAME THING LATER?

No. If you do not exclude yourself, you will give up the right to sue the Defendants for the claims that this Settlement involves, including the disclosure of your LTCF Information through the use of un-enveloped postcards or unprotected sign-in sheets/clipboards. If you have a pending lawsuit regarding the disclosure of your LTCF Information by any of the Defendants, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* class action to commence or continue your own lawsuit. Remember, the exclusion deadline is September 24, 2018.

XV. IF I EXCLUDE MYSELF, CAN I GET MONEY FROM THE SETTLEMENT?

No. If you exclude yourself, you will not receive any money from the settlement, but you may sue, continue to sue, or be part of a different lawsuit against the Defendants.

XVI. DO I HAVE A LAWYER IN THIS CASE?

The Court approved Joshua Prince, Esquire of Prince Law Offices, P.C. to represent you and the other Class Members, as what is called “Class Counsel.” You will not be individually charged for class counsel's representation, as the Court will award attorneys' fees and costs from the Settlement Fund, as discussed below. If you want to be represented by your own lawyer, you may hire one at your own expense.

XVII. HOW WILL THE LAWYERS AND THE REPRESENTATIVE PLAINTIFFS BE PAID?

Class Counsel will ask the Court for attorneys' fees and expenses as a percentage of the \$500,000.00 Settlement and will ask the Court to award an additional incentive payment of \$300 for the Representative Plaintiff. The Settlement Agreement provides that forty percent (40%) of the Settlement Fund will be

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paid to Class Counsel as an award of attorneys' fees and expenses. These amounts will be deducted from the Settlement Fund before payments are made to applicable Class Members in Subclass I. The costs of administering the Settlement will not be deducted from the Settlement Fund and, instead, will be paid separately by the City of Philadelphia.

XVIII. HOW DO I OBJECT TO THE SETTLEMENT IF I DO NOT AGREE WITH IT?

If you are a Class Member, you can object to the Settlement if you don't like any part of it. You can give objections why you think the Court should not approve it. The Court will consider your views. To object, you must, in a manner specified below, file your objection stating that you object to the proposed Settlement in *A.R., et al. v. City of Philadelphia, et al.*, Case No. 151201740. Be sure to include your name, address, telephone number, your signature, the case number (151201740), and the reasons why you object to this Settlement. You must file the objection with Class Counsel and Defendants' Counsel so that it is **postmarked** no later than September 24, 2018:

CLASS COUNSEL: (can only be filed by U.S. Mail)

Joshua G. Prince, Esquire
Prince Law Offices, P.C.
646 Lenape Road
Bechtelsville, PA 19505

DEFENDANTS' COUNSEL: (can only be filed by U.S. Mail)

Michael Miller, Esquire
Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102

XIX. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING MYSELF?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be a part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer legally affects you.

XX. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to do so.

On **October 12, 2018 at 9:30 a.m.**, Judge Carpenter will hold the Final Approval Hearing in Philadelphia City Hall Room 232 (located on the 2nd Floor at 1401 John F Kennedy Blvd, Philadelphia, PA 19107) to determine whether the proposed Settlement is fair, adequate, and reasonable. The Court will listen to Class Counsel, Defendants' Counsel, and to the members of the Settlement Class (or their counsel) who have timely and properly asked to speak at the Final Approval Hearing. The Court will also decide the amount of attorneys' fees and expenses to pay to Class Counsel. If the Final Approval Hearing is rescheduled by the Court the new date will be posted on the Settlement Website at **www.philaltcfclassaction.com**. We do not know how long it will take the Court to make its decision.

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XXI. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer any questions that Judge Carpenter may have. However, you are welcome to come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

XXII. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must appear at the Final Approval Hearing on October 12, 2018. At the appropriate time, Judge Carpenter will ask if anyone would like to speak at the hearing, at which time you should raise your hand. At the Court's discretion, the Court may provide you with a limited time to speak. You cannot speak at the Final Approval Hearing if you excluded yourself.

XXIII. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing and are a member of **Subclass I**, you will eventually receive a check in an amount that is dependent upon the amount of the incentive award provided to the Representative Plaintiff and the amount of attorneys' fees and expenses approved by the Court, unless the Settlement is ultimately not approved by the Court or is overturned on appeal. The amount that you may receive from the Settlement is described above. If you do nothing and are a member of **Subclass II**, assuming the Court approves the Settlement and it is not later overturned, you and the other members of Subclass II will not receive a payment but will benefit from the policy changes applicable to the Defendants, which are specified above.

XXIV. WHAT SHOULD I DO IF I HAVE QUESTIONS OR WANT MORE INFORMATION?

This Notice summarizes the proposed Settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Settlement Administrator at **Philadelphia Class Action, c/o Settlement Administrator, P.O. Box 1607, Blue Bell, PA 19422** or by visiting the Settlement Website at **www.philaltcfclassaction.com**. You can also find answers to common questions about the lawsuit, the Settlement, and about class action lawsuits on the Settlement Website.

Una versión en español de este Aviso de clases puede ser obtenida llamando al Administrador del Acuerdo al **1-877-245-9611**, y también está disponible en el sitio web del Acuerdo: **www.philaltcfclassaction.com**.