

LEGAL NOTICE

Court of Common Pleas of Monroe County, Pennsylvania

NOTICE OF PROPOSED SETTLEMENT AND HEARING

You are receiving this notice because you were previously sent an un-enveloped postcard by the Monroe County Sheriff's Office in relation to your license to carry firearms ("LTCF"), also commonly known as a "gun permit" or "carry permit," whereby your confidential information may have been disclosed in violation of Pennsylvania law. Your rights could be affected by a proposed class action settlement.

The Court of Common Pleas of Monroe 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.

- o This is a proposed settlement of a class action lawsuit alleging that Monroe County, and certain of its employees, agencies and departments, disclosed confidential information under Pennsylvania law and in particular, 18 Pa.C.S. § 6111(i), through the use of un-enveloped postcards. The information 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.
- o The Court has already certified that you are a Class Member and ruled that a violation of 18 Pa.C.S. § 6111(i) occurred in relation to your LTCF Information; however, the Court has not determined what, if any, amount of recovery you are entitled to, and even if the Court determines that you are entitled to a financial recovery, the Defendants have the ability to appeal and challenge that determination. For these reasons, the Representative Plaintiffs and the Defendants have come to a Settlement.
- o The Settlement would entitle the Class Members to a share of a \$4,000,000 Settlement Fund (after payment of an incentive award to the Representative Plaintiffs, class administration fees, and attorneys' fees and expenses), in addition to the benefit of certain policy changes by Monroe County to ensure that confidential LTCF Information is not disclosed.
- o Visit the Settlement website at www.MonroeLTCFClassAction.com for additional details about the Settlement. You may also get additional information by calling 1-800-222-2760 or by writing to Doe v. Monroe County, c/o Settlement Administrator, P.O. Box 1607, Blue Bell, PA 19422.
- o Your legal rights are affected regardless of whether you act or don't act. **Read this notice carefully.**

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 and the amount of any incentive award for the Representative Plaintiffs.
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 7, 2020.
Object	If you do not exclude yourself, you may file with the Court 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 the Court so that it is received no later than September 7, 2020.
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.

- o These rights and options – **and the deadlines to exercise them** – are explained in this Notice.
- o 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.

Una versión en español de este Aviso de clases puede ser obtenida llamando al Administrador del Acuerdo al 1-800-222-2760, y también está disponible en el sitio web del Acuerdo: www.MonroeLTCFClassAction.com.

I. WHY DID I GET THIS NOTICE PACKAGE?

According to records maintained by the Monroe County Sheriff's Office and the Pennsylvania State Police, you are a member of a class of people who previously applied for an LTCF and were mailed an un-enveloped postcard, containing confidential LTCF Information alleged to be in 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.

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 Monroe County, Pennsylvania, the Honorable Russell Shurtleff, of the Court of Common Pleas of Wyoming County specially presiding. The case is called *John Doe 1, et al. v. Monroe County, et al.*, Docket No. 6384 cv 2015. The name "John Doe 1" is a pseudonym used to protect the identity of the primary 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 Plaintiffs – John Doe 1, John Doe 2, Jane Doe 1, and Jane Doe 2 – in this lawsuit claimed that the Defendants, including Monroe County, disclosed, through the use of un-enveloped postcards between September 8, 2009 and March 11, 2016, the LTCF Information of approximately 12,000 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 Plaintiffs claimed 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 Court found that Defendants had violated 18 Pa.C.S. § 6111(i) by sending un-enveloped postcards, which the Defendants contest; however, the Court has not determined what, if any, amount of recovery you are entitled to and even if the Court determines that you are entitled to a financial recovery, the Defendants have the ability to appeal and challenge that determination.

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

The specific law under which the Plaintiffs 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. Wyoming County Court of Common Pleas Judge Russell Shurtleff, specially presiding, is in charge of this lawsuit.

V. WHY IS THERE A SETTLEMENT?

Although the Court found that the Defendants violated 18 Pa.C.S. § 6111(i) by sending un-enveloped postcards, which the Defendants contest, the Court has not determined what, if any, amount of recovery you are entitled to and even if the Court determines that you are entitled to a financial recovery, the Defendants have the ability to appeal and challenge that determination. As a result, both sides agreed to a Settlement. That way, they both avoid the costs and risks of further litigation, and the people affected will receive both financial compensation and the benefit of policy changes by the Defendants. The Representative Plaintiffs and their attorney think the Settlement is best for the Class Members who allegedly had, and the estimated 12,000 persons who may have had, LTCF Information disclosed in alleged violation of Pennsylvania law.

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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 Class. Every member of the Class fits the following overall description:

Those individuals, who allegedly had their confidential license to carry firearms applicant information disclosed by Defendants in violation of their right to privacy and 18 Pa. C.S. § 6111(i) from September 8, 2009 through March 11, 2016, as a result of un-enveloped communications, including, but not limited to, postcards that were (1) sent to the applicant/licensee and the applicant/licensee's references containing information submitted by the applicant/licensee and (2) sent by the applicant/licensee's references to the Defendants.

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 Class. If this notice was addressed to you then you are a member of the Class.

VIII. WHAT DOES THE SETTLEMENT PROVIDE?

Monroe County, on behalf of all of the Defendants, has agreed to pay \$4,000,000 (Four Million Dollars) to resolve this lawsuit. The money will be used to: (1) compensate Class Members; (2) pay an incentive award of \$2,500 (Twenty-Five Hundred Dollars) to each of the four Representative Plaintiffs; and (3) pay attorneys' fees and expenses. In addition, the Defendants have agreed to change certain policies and practices, and to take certain actions, including, but not limited to the following:

- o Not send un-enveloped postcards containing LTCF Information.
- o Not require information beyond the Pennsylvania State Police promulgated LTCF application.
- o Provide annual training to those handling confidential LTCF Information.

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.MonroeLTCFClassAction.com or by calling 1-800-222-2760.

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

If the Settlement is approved by the Court and not overturned or modified on appeal, each of the approximately 12,000 Class Members will receive a payment. The amount to be provided to each member of Class is expected to be approximately \$195 (One Hundred Ninety-Five Dollars), although the actual amount will depend on the amount of the attorneys' fees and expenses approved by the Court, the amount of the incentive award for the Representative Plaintiffs approved by the Court, and the actual size of the Class. You will also benefit from the policy changes, specified above.

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

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

The Court will hold a Final Approval Hearing on **October 8, 2020** to decide whether to approve the Settlement. If Judge Shurtleff 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 Shurtleff approves the Settlement. Everyone will be informed of the progress of the Settlement. Please be patient. You may check the Settlement website at www.MonroeLTCFClassAction.com from time to time for further information about payment status.

XI. 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 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 disclosure of your LTCF Information in relation to the claims raised in this matter.

XII. 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 *John Doe I, et al. v. Monroe County, et al.*, Docket No. 6384 cv 2015. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than **September 7, 2020** to Doe v. Monroe County, c/o Settlement Administrator, P.O. Box 1607, Blue Bell, PA 19422.

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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, but 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.

XIII. 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. 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 7, 2020**.

XIV. 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.

XV. 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.

XVI. 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 \$4,000,000 (Four Million Dollars) Settlement and will ask the Court to award an additional incentive payment of \$2,500 (Twenty-Five Hundred Dollars) for each of the four Representative Plaintiffs. The Settlement Agreement provides that forty percent (40%) of the Settlement Fund will be 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 Class Members.

XVII. 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 send a letter (with sufficient postage) saying that you object to the proposed Settlement in *John Doe I, et al. v. Monroe County, et al.*, Docket No. 6384 cv 2015. Be sure to include your name, address, telephone number, your signature, the case number (6384 cv 2015), and the reasons why you object to this Settlement. Mail the objection to these four different places (with sufficient postage) so that it is **received** by each no later than **September 7, 2020**:

COURT:

Prothonotary of Monroe County
Monroe County Court House
610 Monroe Street
Stroudsburg, PA 18360

JUDGE:

Honorable Russell Shurtleff
Wyoming County Courthouse
One Courthouse Square
Tunkhannock, PA 18657

CLASS COUNSEL:

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

DEFENDANTS' COUNSEL:

David J. MacMain, Esquire
MacMain Connell & Leinhauser
433 W. Market Street, Suite 200
West Chester, PA 19382

XVIII. 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 Class. Excluding yourself is telling the Court that you do not want to be a part of the Class. If you exclude yourself, you have no basis to object because the case no longer legally affects you.

XIX. 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 8, 2020** Judge Shurtleff will hold the Final Approval Hearing in Courtroom 2 of the Wyoming County Courthouse, One Courthouse Square, Tunkhannock, PA 18657 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 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.MonroeLTCFClassAction.com. We do not know how long it will take the Court to make its decision.

XX. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer any questions that Judge Shurtleff 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 mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

XXI. 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 8, 2020**. At the appropriate time, Judge Shurtleff 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.

XXII. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing, you will eventually receive a check in an amount that is dependent upon the amount of the incentive award provided to the Representative Plaintiffs 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.

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

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