

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

D.D. and all other similarly situated, et al., : Case No. 2:10-cv-1097
: :
Plaintiffs, : Judge Sargus
: :
v. : NOTICE TO CLASS RE CLAIMS
: INVOLVING WASHINGTON
WASHINGTON COUNTY, OHIO, et al., : COUNTY JUVENILE CENTER
: :
Defendants. :

TO: ALL PERSONS UNDER TWENTY- TWO YEARS OF AGE AS OF DECEMBER 6, 2010 WHO HAVE BEEN, ARE NOW, OR WILL IN THE FUTURE, BE HELD IN CUSTODY IN THE WASHINGTON COUNTY, OHIO JUVENILE CENTER

1. This notice is sent to inform you about a class action lawsuit (the “class action”) brought on behalf of youth that have been in custody at the Washington County Juvenile Center (“the Center”). **If you fit the description above, you may be a member of the class.**
2. This notice is sent to you pursuant to an order of the United States District Court for the Southern District of Ohio (“the Court”), and Rule 23 (c)(2) of the Federal Rules of Civil Procedure. This case has been pending since December 6, 2010.
3. The plaintiffs allege that Washington County and the other defendants violated the Constitution and other laws that apply to the conditions at the Center. Allegations include that individuals were:
 - locked in detention cells for 23 hours per day, allowing only limited recreation;
 - denied water and hygiene products for extended periods in detention cells;
 - denied privacy due to interactions with staff of the opposite gender;
 - required to wear suicide smocks as punishment;
 - subjected to punishment without due process;
 - forced to work at for profit businesses in the community (for example a strawberry farm) without pay;
 - subjected to arbitrary decisions regarding dead time;
 - required to do humiliating acts, such as clean an entire gym with toothbrushes;
 - denied education and other programming; and
 - denied necessary physical and mental health care.

Washington County and the other Defendants deny these allegations.

4. The Court has certified this proceeding as a class action under Rule 23(b)(2) and (b)(3) of the Federal Rules of Civil Procedure. The Court has appointed eight youth and their guardians to serve as class representatives. The Court has appointed the following attorneys to serve as class counsel:

Alphonse A. Gerhardstein
Jennifer L. Branch

Gerhardstein & Branch, Co. LPA
432 Walnut Street, Suite 400
Cincinnati, Ohio 45202

5. If you are a member of the class, you will be considered a party to this action for all purposes unless you request exclusion pursuant to Rule 23(b)(3). Class members who do not request exclusion from the class will receive the benefit of, and be bound by, any settlement or judgment favorable to the class covering liability, compensatory damages, and punitive damages. **If you wish to remain a member of the class for all purposes, there is nothing you need to do.** There has been no ruling on liability and no determination that the law has been violated. The parties are currently exchanging facts and in the early stages of the lawsuit. The class representatives' attorney fees and costs will be paid out of any recovery of court-awarded fees and expenses and compensatory and other damages awarded to the class, and will be set by the Court. **You will not be charged with costs or expenses, whether or not you remain a member of the class.** However, if you choose to enter an appearance through your own lawyer, you will be responsible for the legal fees of your own lawyer.
6. If you wish to be excluded from the class, you must state this in writing, accompanied by an original signature. Your request must specifically state, "I WISH TO BE EXCLUDED FROM THE CLASS." Your written request for exclusion must refer to the litigation as D.D. v. Washington County, Case. No. 2:10-cv-1097. You must include your name, address, and telephone number in your statement requesting exclusion. Your request for exclusion must be sent by mail and must be postmarked on or before, _____, 2011. Your request for exclusion must be mailed to the Clerk of the United States District Court for the Southern District of Ohio, 85 Marconi Blvd., Columbus, Ohio 43215.
7. Neither the Court's order certifying this case as a class action nor this Notice is intended to suggest that the class has won this case or that the defendants have won this case. This case involves disputed issues that have not been decided. This Notice is to advise you (1) the class action exists, (2) the claims in this action will proceed as a class action for the purposes of litigating the disputed claims, and (3) your rights. The claims described here may not be settled without prior notice to the members of the Class.
8. If you have questions, **do not call the Judge, the Court, or the clerk's office.** If you desire to contact class counsel regarding this class action, please contact Jennifer Branch at the law firm of Gerhardstein & Branch, Co., L.P.A, 432 Walnut Street, Suite 400, Cincinnati, Ohio, 45202, telephone number (513) 621-9100, fax number (513) 345-5543, E-mail address: JBranch@gbfirm.com. If you choose to contact class counsel, please refer specifically to "the Washington County case."
9. This notice is not all inclusive. References to pleadings and other papers and proceedings are only summaries. For full details concerning the class action and the claims and defenses asserted by the parties, you or your lawyer may review the pleadings and other papers filed at the office of the Clerk of the United States District Court during regular business hours or on the following website: www.gbfirm.com.

Clerk, U.S. District Court, Southern District of Ohio

Date: _____