

DIRECT-MAIL NOTICE OF CLASS ACTION SETTLEMENT

ATTENTION: IF YOU RECEIVED A SUMMONS/CITATION, DATED ON OR BEFORE APRIL 15, 2018, FROM THE CITY OF PROVIDENCE IN CONNECTION WITH A SPEEDING VIOLATION CAPTURED BY AN AUTOMATED SCHOOL ZONE SPEED ENFORCEMENT SYSTEM, THIS NOTICE INFORMS YOU OF A PROPOSED CLASS ACTION SETTLEMENT THAT COULD AFFECT YOUR LEGAL RIGHTS. PLEASE REVIEW THIS NOTICE FULLY AND CAREFULLY.

COURT FILINGS RELATING TO THE SETTLEMENT, INCLUDING A COPY OF THE SETTLEMENT AGREEMENT AND COURT'S ORDERS, MAY BE FOUND AT WWW.PROVIDENCERL.GOV.

What is the Notice about?

There is a putative class action lawsuit entitled *Roberta Ricci, et al. v. the City of Providence, et al.*, Case No. 1:18-cv-10171-JJM-PAS (the “**Action**”), pending in the United States District Court for the District of Rhode Island (the “**Court**”) that may affect your legal rights. The Action alleges that, among other things, the City of Providence (the “**City**”) failed to comply with the Rhode Island Automated School-Zone-Speed Enforcement System Act of 2016, R.I.G.L. § 31-41.3 (“**School Zone Speed Act**”) when issuing summonses/speeding citations. In particular, the Action alleges that the summonses used by the City were misleading and deficient.

Although the City believes that the form of summons it used initially was appropriate (“**Original Form of Summons**”), the City revised the Original Form of Summons to make clear that (1) owners are being cited for vehicles exceeding the posted speed limit by ten miles per hour, in violation of R.I.G.L §§ 31-14-1 and 31-14-2, which warrants a civil fine of \$95.00 pursuant to R.I.G.L § 31-41.1.1-4(a), and (2) the City cannot assure owners that payment of the civil penalty will not affect insurance rates in all instances (“**Revised Form of Summons**”). The Revised Form of Summons was put into use as of April 16, 2018. All currently scheduled hearings in connection with the Original Form of Summons will be cancelled and are subject to being rescheduled upon request (as provided below).

The City denies any wrongdoing and any liability whatsoever, and no court or other entity has made any judgment or other determination of any liability. The parties, however, have reached a proposed settlement of the Action (the “**Settlement**”) and believe that the Settlement is in the best interests of the parties and Class Members (as defined below). The Settlement and this Notice have been preliminarily approved by the Court. The purpose of this Notice is to provide the Class Members with a summary of the Settlement and advise them of their legal rights.

Who is a Class Member?

“**Class Members**” are any persons or entities who were issued a summons dated April 15, 2018 or before that was based on information captured by camera systems installed and operated by the City pursuant to the School Zone Speed Act. The following persons are excluded as Class Members: all persons who are attorneys for the Parties and Judges of the Court. A Settlement Class Member (“**Settlement Class Member**”) refers to any Class Member who does not elect exclusion from the Settlement (as described below). **Please note: If this notice was addressed to you, then the City’s records reflect that you are a Class Member.**

What are the benefits of the Settlement and how do I claim them?

Subject to the Court’s approval, any Settlement Class Member will have the option to request a hearing in the Providence Municipal Court to challenge their speeding citation(s) or waive their right to a hearing to challenge their speeding citation(s). Settlement Class Members can request a hearing even if they already paid a fine.

Should a Settlement Class Member request and prevail at the hearing, no fine will be owed and any paid fine will be refunded. Should a Settlement Class Member request a hearing but not prevail, the fine will be reduced by \$20.00. In that instance, if a Settlement Class Member already paid the fine, the City will refund that Settlement Class Member \$20.00. If a Settlement Class Member did not pay the fine, the fine will be reduced to \$75.00 and the Settlement Class Member need only pay that amount to satisfy the citation.

Alternatively, should a Settlement Class Member not request a hearing, that Settlement Class Member's fine will be reduced by \$20.00. If a Settlement Class Member already paid the fine, the City will refund that Settlement Class Member \$20.00. If a Settlement Class Member did not pay the fine, the fine will be reduced to \$75.00 and the Settlement Class Member need only pay that amount to satisfy the citation.

To request a hearing to challenge a speeding citation(s), a Settlement Class Member must submit a properly completed Hearing Request Form (attached hereto) post-marked by the Bar Date, **September 14, 2018**, to the City at the address provided on the form. After the Court finally approves the Settlement, the City will send those Settlement Class Members notice of their new hearing dates. Any Settlement Class Member who does not submit a Hearing Request Form by the Bar Date will be deemed to have waived the right to a hearing. Any such Settlement Class Members will be entitled to either a \$20.00 refund or \$20.00 reduction to unpaid fines as set forth above.

Who represents the Class Members and the City of Providence?

The Court appointed Peter N. Wasylyk, of the Law Offices of Peter N. Wasylyk, 1307 Chalkstone Avenue, Providence, Rhode Island, 02908 (401) 831-7730, and Peter J. Petrarca, of Petrarca & Petrarca Law Offices, 330 Silver Spring Street, Providence, Rhode Island 02904, (401) 273-1111, to represent Class Members as "**Class Counsel**." You do not have to pay Class Counsel, or anyone else, to receive the benefits of the Settlement. The City is represented by David G. Thomas, of Greenberg Traurig, LLP, One International Place, Suite 2000, Boston, MA 02110, (617) 310-6000.

Class Counsel, the Law Offices of Peter N. Wasylyk and Petrarca & Petrarca Law Offices, will request the Court's approval of an award of no more than seventy-five thousand dollars and zero cents (\$75,000.00) in attorneys' fees, costs, and expenses ("**Agreed Fees**"), and if approved, those fees, costs, and expenses will be paid directly by the City. Subject to the Court's approval, the City has also agreed to pay a service award to each named Plaintiff as class representatives in an amount up to five hundred dollars and zero cents (\$500.00) ("**Agreed Service Award**"); for a total service award of three thousand, five hundred dollars and zero cents (\$3,500.00), which also will be paid by the City.

What are my rights and options for participating or not participating in the Settlement?

Option 1: You may accept the Settlement.

If you want to accept the Settlement, you need not do anything beyond submitting a Hearing Request Form if you want to challenge any citation at a hearing in Municipal Court. Subject to the Court's approval of the Settlement, the City will cancel all currently scheduled court hearings that were scheduled pursuant to the issuance of an Original Form Summons. Those who received an Original Form Summons shall have an option to have a hearing scheduled to challenge any citation, receive a refund, or pay a reduced fine (as described above). Those who do not want to request and attend a hearing will either receive a \$20.00 refund (if they already paid the fine) or a \$20.00 reduction of their unpaid fine. You will be considered a Settlement Class Member, you will be bound by the Court's decisions and judgment, and you will lose the right to bring any action against the City on your own concerning the claims being released pursuant to the Settlement (see "**What claims are being released?**" below).

Option 2: You may exclude yourself from the Settlement.

To exclude yourself from the Settlement and retain your own rights to bring a separate action against the City, you must send a letter to the City postmarked no later than the Bar Date, **September 14, 2018**, which must be signed by you personally, provide that you want to be excluded from the Settlement in *Ricci, et al. v. City of Providence*, Case No. 1:18-cv-00171-JJM-PAS, and include your full name, e-mail, mailing address, and telephone number, as further explained in the Settlement Agreement. **Please note: If you mail a timely and valid request for exclusion, you may not object to the Settlement and you may be held responsible for full amount of the citation(s) issued to you.**

Option 3: You may object to the Settlement.

If you do not exclude yourself from the Settlement, you may object to the Settlement. Objections can be made regarding the fairness, reasonableness or adequacy of the Settlement, Agreed Fees, or Agreed Service Award. To object, you must

file a written objection with the Court and deliver the objection to be received by Class Counsel and the City's by the Bar Date, **September 14, 2018**. A written objection must include: (i) the name and case number of the Action; (ii) your full name, address, telephone number; (iii) a statement of each objection; (iv) a written statement detailing the specific reasons, if any, for each objection, including any legal and factual support you wish to bring to the Court's attention and any evidence you wish to introduce in support of the objection(s); (v) the identity of all counsel who represent you and who many appear at the Fairness Hearing; (vi) a list of all persons who will be called to testify in support of the objection at the Fairness Hearing; (vii) a list of all other putative class actions to which you have submitted an objection over the last ten (10) years; and (viii) a statement of whether you or your counsel intend to attend the Fairness Hearing. Objections will be heard by the Court at the Fairness Hearing, which is the hearing during which the Court will be asked to consider and finally approve the Settlement. You may appear at the Fairness Hearing with or without counsel. You may enter an appearance at the Fairness Hearing through counsel, but you will be responsible for retaining such counsel and for paying any fee charged by such counsel. Any such counsel must file a Notice of Appearance with the Court and serve a copy of the Notice of Appearance on Class Counsel and the City's Counsel no later than fifteen (15) calendar days before the Fairness Hearing.

What claims are the Settlement Class Members releasing?

Upon entry of the Final Order and Judgment, the Action will be fully and finally resolved and the plaintiffs and the Settlement Class Members, and each of their respective heirs, legatees, next-of-kin, representatives, beneficiaries, successors, and assigns, will release the City of all claims arising out of or relating to (a) the claims that are alleged or could have been alleged in this Action and (b) any claims arising out of the use of the School Zone Speed Act. A full version of the release and description of the released claims is contained in the Settlement Agreement, which is available at www.providenceri.gov. If you wish to receive a copy of the Settlement Agreement by regular mail, please contact the City at 401-680-7171.

When and where is the Fairness Hearing?

The Court will hold a Fairness Hearing to consider if the Settlement is fair, reasonable, and adequate, and should be granted final approval, on **October 15, 2018**, at 2:00 p.m. at the United States District Court for the District of Rhode Island, One Exchange Terrace, Providence, RI 02903.

Where can I find additional information?

This Direct-Mail Notice contains a summary of the Settlement. Full details are included in the Settlement Agreement, which may be viewed on www.providenceri.gov or by contacting the City at 401-680-7171. A more complete collection of information, including copies of the pleadings, records and other papers on file in the lawsuit, is also available during regular business hours at the Office of the Clerk, United States District Court for the District of Rhode Island, One Exchange Terrace, Providence, Rhode Island 02903. **PLEASE DO NOT CALL THE COURT FOR ADDITIONAL INFORMATION REGARDING THIS SETTLEMENT.**