

1. By Order dated May 4, 2016, the Court certified the following Class:

All persons whose criminal history record information was made available on the Bucks County Correctional Facility Inmate Lookup Tool.

2. This Notice is directed to you because you may be a member of the Class. If you are a member of the Class, your rights will be affected by this Action. If you do not meet the Class definition, this Notice does not apply to you. If you are uncertain whether you are a member of the Class, contact Class Counsel listed in paragraph 23 below, or your own attorney.

3. This Notice is not an admission by Defendants or an expression of any opinion by the Court as to the merits of the Action, or a finding by the Court that the claims asserted by the Class Representative in this Action are valid. This Notice is intended solely to inform you of the pendency of this Action and of your rights regarding it, including the right to request exclusion from the Class. Defendants have denied the Class Representative's claims and contend that they are not liable for any damages to the Class as alleged by the Class Representative.

4. The Class definition may be subject to change by the Court pursuant to Rule 23 of the Federal Rule of Civil Procedure.

DESCRIPTION AND STATUS OF THE LAWSUIT

5. Pennsylvania's Criminal History Record Information Act (CHRIA) prohibits a criminal justice agency, which includes correctional facilities, from disseminating "criminal history record information" to an individual or non-criminal justice agency except as provided in Section 9121 of CHRIA.

6. On December 7, 2012, Plaintiff Daryoush Taha filed a Complaint against Bensalem Township alleging that his criminal history record information, including his mugshot, had been published on a publicly-available electronic search tool (the "Inmate Lookup Tool") in violation of CHRIA.

7. On February 26, 2013, Plaintiff filed an Amended Complaint, which added Bucks County and Bucks County Correctional Facility ("the County Defendants") as defendants in the lawsuit.

8. Plaintiff filed his Second Amended Complaint on July 19, 2013. On August 8, 2013, the County Defendants moved to dismiss the Second Amended Complaint. The court denied the motion on February 21, 2014. The County Defendants answered the Second Amended Complaint on March 13, 2014. On April 9, 2014, Plaintiff filed his Third Amended Complaint, which the County Defendants answered on April 28, 2014.

9. On October 28, 2014, Plaintiff filed his motion for class certification on behalf of himself and the approximately 68,000 other individuals whose criminal history record information was allegedly disseminated to the public through the Inmate Lookup Tool. Defendants opposed the motion on November 25, 2014.

10. On November 25, 2014, the County Defendants filed a motion for summary judgment. Plaintiff opposed the motion on December 18, 2014, and on March 27, 2015 filed his own cross-motion for partial summary judgment against the County Defendants.

11. On March 28, 2016, the Court denied the County Defendants' summary judgment motion and granted Plaintiff's partial summary judgment motion solely on the issue of whether the County Defendants' dissemination of Plaintiff's criminal record history violated CHRIA. The Court ruled in favor of Plaintiff, concluding that the County Defendants had disseminated his criminal history record information in violation of CHRIA. The Court dismissed Plaintiff's claim for "actual and real damages" under CHRIA because the Court concluded that he did not demonstrate an economic injury, but allowed him to pursue his claim for exemplary and punitive damages of between \$1,000 and \$10,000 per violation as provided for under CHRIA.

12. On May 4, 2016, the court granted Plaintiff's motion to certify the class, appointed Plaintiff Daryoush Taha as the Class Representative, and appointed Seeger Weiss LLP and Abramson & Denenberg, P.C. as Class Counsel. Kohn, Swift & Graf, P.C. was then substituted for Seeger Weiss LLP as Class Counsel. The Court's Order certifying the Class does not guarantee Class Members will receive money or benefits; that will be decided later in the lawsuit.

13. On May 5, 2016, the County Defendants filed a motion to certify for interlocutory appeal the order granting Plaintiff's motion for partial summary judgment. The court denied the County Defendants' motion on May 20, 2016.

14. On May 17, 2016, the County Defendants filed with the Third Circuit Court of Appeals a request to appeal the trial court's order certifying the class, which the Third Circuit granted on July 5, 2016.

15. On July 6, 2017, the Third Circuit Court of Appeals affirmed the order of the trial court certifying the class.

16. The Court has not yet decided whether there will be an award of exemplary and punitive damages in favor of the Class Representative and the Class and against the County Defendants. Plaintiff alleges that the County Defendants' conduct in violating CHRIA was "willful," and that each posting of a Class members' criminal record history information constituted a separate and independent violation of CHRIA, entitling each Class member to a minimum of \$1,000 and a maximum of \$10,000 in punitive damages, such individual amounts to be determined at trial. The County Defendants deny that their conduct was "willful," and contend that even if their actions constituted a willful violation of CHRIA, there was only a single violation, creating a maximum punitive damages liability to the class of \$10,000.

YOUR RIGHTS AS A CLASS MEMBER

17. A class action is a type of lawsuit in which one or several individuals or entities prosecute claims on behalf of all members of a group of similarly situated persons and entities to obtain monetary or other relief for the benefit of the entire group. Class actions avoid the necessity of each member of a class having to file his, her or their own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class.

18. If your criminal history information was posted on the Bucks County Correctional Facility's Inmate Lookup Tool before June 18, 2013, you are a member of the Class. If you are a member of the Class, you must decide whether to remain a member of the Class. If you are a member of the Class and wish to be excluded from the Class, you must request exclusion in accordance with the procedures set forth in paragraphs 19-22 below. ***If you want to remain a member of the Class, you do not need to do anything at this time.*** Your decision is important for the following reasons:

- a. **If you choose to remain a member of the Class**, you will be bound by all past, present and future orders and judgments in the Action, whether favorable or unfavorable. If any money is awarded to the Class, either through a settlement with Defendants or a judgment of the Court after a trial, you may be eligible to receive a share of that award. However, if you remain a member of the Class, you may not pursue a lawsuit on your own behalf with regard to any of the issues in this Action. **This means that you will not be able to pursue any individual case against Defendants for "actual and real" damages under CHRIA related to your personal situation.** Please note that if you remain a member of the Class, you will not be personally responsible for Class Counsel's attorneys' fees or costs. Class Counsel has agreed to represent the Class on a contingent fee basis, which means that they will not be awarded fees and costs to be approved by the Court unless they succeed in obtaining a recovery from one or more Defendants. Any attorneys' fees for Class Counsel will be awarded by the Court from the settlement or judgment, if any, obtained on behalf of the Class. As a member of the Class, you will be represented by Class Counsel. Alternatively, you may remain a member of the Class and elect to be represented by counsel of your own choosing. If you do retain separate counsel, you **will** be responsible for that attorney's fees and expenses, and that attorney may enter an appearance on your behalf by filing a Notice of Appearance with the Court and mailing it to Class Counsel at the address set forth in paragraph 23 below on or before **March 30, 2018**.
- b. **If you choose to be excluded from the Class**, you will not be bound by any orders or judgments in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action. You will retain any right you have to individually pursue any legal rights that you may have against any Defendant with respect to the claims asserted in the Action. Please refer to paragraphs 19-22 below if you would like to request exclusion from the Class.

HOW TO BE EXCLUDED FROM THE CLASS

19. To exclude yourself from the Class, you must send a letter by First-Class Mail stating that you “request exclusion from the Class in *Taha v. Bucks County et al.*, No. 12-CIV-06867 (E. D. Pa.)” Your request must state your full name, address and telephone number, and be signed. If you are signing on behalf of a Class Member (such as an estate), please indicate your full name and the basis of your authority to act on behalf of the Class Member. You must mail your exclusion request, postmarked no later than **March 30, 2018**, to:

**Bucks County CHRIA Litigation
ATTN: EXCLUSIONS
1650 Arch Street, Suite 2210
Philadelphia, PA 19103**

20. You cannot exclude yourself from the Class by telephone, facsimile or email. Requests for exclusion that do not comply with the above requirements will be invalid, unless otherwise accepted by the Court, subject to any objections of the parties to be resolved by the Court.

21. Do not request exclusion if you wish to participate in this Action as a member of the Class.

22. If you properly request exclusion from the Class, you will not be bound by any orders or judgments in this Action, but you also will not be eligible to share in any recovery that might be obtained in this Action. If you properly request exclusion, you will be entitled to pursue an individual lawsuit, claim or remedy, if available, which you may have, at your own expense. Please note, if you decide to exclude yourself from the Class, you may be time-barred from asserting the claims covered by the Action by a statute of limitation or repose.

CLASS COUNSEL

23. The Court appointed the law firms of Kohn, Swift & Graf, P.C. and Abramson & Denenberg, P.C. as Class Counsel. If you have any questions concerning the matters raised in this Notice, you may contact Class Counsel as follows:

Alan E. Denenberg
adenenberg@adlawfirm.com
ABRAMSON & DENENBERG
1315 Walnut Street, Suite 1200
Philadelphia, PA 19107
Telephone: (215) 546-1345
Facsimile: (215) 546-5355

Jonathan Shub
jshub@kohmswift.com
KOHN, SWIFT & GRAF, P.C.
One South Broad Street, Suite 2100
Philadelphia, PA 19107
Telephone: (215) 238-1700
Facsimile: (215) 238-1968

24. As noted above, unless you elect to retain your own personal lawyer, if you remain in the Class, you will not have any direct obligations to pay the costs of the litigation. If there is a recovery by the Class in this Action, all costs and expenses of the Action, including Class Counsel's attorneys' fees, will be paid from that recovery in an amount approved by the Court.

PLEASE KEEP YOUR ADDRESS CURRENT

25. To assist the Court and the parties in maintaining an accurate list of Class Members, you are requested to mail notice of any changes in your address to:

**BUCKS COUNTY CHRIA LITIGATION
1650 Arch Street, Suite 2210
Philadelphia, PA 19103**

26. If this Notice was forwarded to you by the Postal Service, or if it was otherwise sent to you at an address that is not current, you should immediately contact the Administrator at the address above, or by calling the Administrator toll-free at 1-844-448-7077, or by sending an email to the Administrator at CHRIALitigation@AdministratorClassAction.com and providing them with your correct address. If the Administrator does not have your correct address, you may not receive notice of important developments in this Action.

WHERE YOU CAN FIND ADDITIONAL INFORMATION

27. This Notice provides only a summary of the lawsuit and the claims asserted by Class Representative. For more detailed information regarding the Action, you may contact Class Counsel or visit www.chrialitigation.com. You may also contact the Administrator at the address listed in paragraph 25 above or by email at CHRIALitigation@AdministratorClassAction.com.

28. All orders, and other documents filed in this Action, are available at <http://www.pacer.gov> or at the office of the Clerk of the Court, United States District Court for the Eastern District of Pennsylvania, U.S. Federal Building and Courthouse, Second Floor, 601 Market Street, Philadelphia, PA 19102, under Case No. 12-CIV-06867.

**PLEASE DO NOT CALL OR WRITE TO THE COURT OR CLERK OF THE COURT
REGARDING THIS NOTICE.**

DATED: January 29, 2018

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF
PENNSYLVANIA