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20
21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF RIVERSIDE

23 SHIRLEY FREEMAN; DANIEL FREEMAN;
24 and TIFFINE HANSBROUGH; on behalf of
25 themselves and all others similarly situated,

26 Petitioners/Plaintiffs,

27 vs.

28 RIVERSIDE COUNTY; RIVERSIDE
COUNTY PROBATION DEPARTMENT;
CHIEF PROBATION OFFICER RONALD L.
MILLER, in his official capacity,

Respondents/Defendants.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JAN 17 2023

L. Howell
L. Howell

Case No. RIC2001772

**ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 24, 2023
Time: 8:30 a.m.
Dept: 01

Complaint filed: June 1, 2020

1 This matter comes before the Court on Plaintiffs' Unopposed Motion for Preliminary
2 Approval of their Class Action Settlement (Motion), which requests that this Court (1) grant
3 preliminary approval of the Settlement Agreement and Release; (2) approve the proposed Notice
4 of Class Action Settlement (Notice), the proposed exclusion form, and the proposed objection
5 form, and order their distribution to Class Members; (3) approve Rust Consulting, Inc., as the
6 Settlement Administrator; and (4) schedule a hearing for final approval.

7 The Court has reviewed the Motion and the Memorandum of Points and Authority; the
8 Settlement Agreement; the Notice, including the exclusion and objection forms; the Proposed
9 Order; and all declarations and exhibits submitted with Plaintiffs' Motion, including the
10 supplemental documents submitted on December 15, 2022, and January 12, 2023. The Court
11 GRANTS the Motion and ORDERS as follows:

- 12 1. Based on the record before it, the Court tentatively finds that the terms of the
13 Settlement Agreement, including the Addendum to the Agreement, attached as Exhibit
14 N to the Second Supplemental Declaration of Rebecca Miller, meet the requirements of
15 California Rules of Court Rule 3.769(c), and are fair, adequate, and reasonable for the
16 Class. The Court's preliminary approval is subject to change pending the outcome of
17 the final settlement approval hearing set herein.
- 18 2. The Court finds that the form and content of the Notice, attached as Exhibit A to this
19 Order, meets the requirements of Rule 3.769(c). The Court also approves the form and
20 content of the exclusion and objection forms attached as Exhibits B and C to this
21 Order.
- 22 3. Rust Consulting (Rust) shall serve as the Settlement Administrator. Rust shall: (1)
23 administer the Notice and Settlement, pursuant to Settlement Agreement Sections E, F,
24 G, H, and I. Rust shall also perform the following duties with respect to the Notice,
25 exclusion form, and objection form:
 - 26 a. The Settlement Administrator shall send the Notice, in English and Spanish,
27 within twenty days of the Court's order granting preliminary approval via First-
28

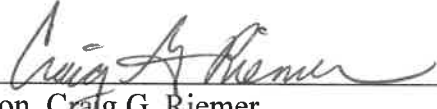
1 Class U.S. Mail. The Notice shall provide Class Members at least 45 days from
2 the date of mailing to submit exclusion and objection forms.

- 3 b. The Notice shall be accompanied by the exclusion form, attached as Exhibit B.
4 Exclusion forms shall be submitted to the Settlement Administrator, rather than
5 filed with the Court, and the Administrator shall send copies of each completed
6 exclusion form to counsel for the parties. The Settlement Administrator shall
7 file a declaration concurrently with the filing of a motion for final approval,
8 authenticating copies of every exclusion form received by the Administrator.
- 9 c. The Notice shall be accompanied by the objection form, attached as Exhibit C.
10 Objection forms shall be submitted to the Settlement Administrator, rather than
11 filed with the Court, and the Administrator shall send copies of each objection
12 form to counsel for the parties. The Settlement Administrator shall file a
13 declaration concurrently with the filing of any motion for final approval,
14 authenticating a copy of every objection form received by the Administrator.
- 15 d. The Settlement Administrator shall notify any objecting party of any
16 continuance of the hearing of the motion for final approval.
- 17 e. Within 10 court days from the date of this order, the parties will comply with
18 their duties to post copies of the Notice and exclusion and objection forms, as
19 provided for in Section E.4. of the Settlement Agreement.

- 20 4. The Settlement Approval and Fairness Hearing shall be conducted on May 18, 2023, at
21 8:30 A.M. in Department 1.

22
23 **IT IS SO ORDERED.**

24
25 DATED: January 13, 2023



26 Hon. Craig G. Riemer
27 Superior Court Judge
28

EXHIBIT A

**CLASS ACTION SETTLEMENT
IN LAWSUIT AGAINST RIVERSIDE COUNTY
ABOUT THE ASSESSMENT AND COLLECTION
OF JUVENILE DETENTION FEES**

A court approved this Notice. This is not an advertisement or solicitation.

READ THIS NOTICE --- YOU MAY BE ENTITLED TO MONEY

Have you made payments to Riverside County or the Enhanced Collection Division of the Superior Court (ECD) for time your child spent in juvenile hall or another juvenile placement? Or was your tax refund taken or were your wages garnished to pay for those fees?

If so, you may be entitled to receive money from the Settlement of a class action lawsuit. The lawsuit claims that the way Riverside County charged and collected juvenile fees violated your rights. Under the Settlement, Riverside County has agreed to pay money to refund a portion of the fees that were collected.

AN ESTIMATE OF YOUR SHARE OF THE SETTLEMENT CAN BE FOUND ON PAGE __.

To receive your share, you do not have to file a claim or take any other action. You must notify the Settlement Administrator only if you have an address change.

This Notice provides information about the lawsuit and the Settlement. It also tells you about your rights. Before the Judge approves the Settlement, you can check to see what was agreed to in the Settlement. You can also ask any questions you may have. If you disagree with anything, you can tell the Judge. You can also ask to not be part of the settlement.

To learn more, keep reading.

1. What is the lawsuit about?

The lawsuit is called *Shirley Freeman v. County of Riverside*, Case No. RIC2001772. The lawsuit challenges Riverside County's policies and practices of charging and collecting detention fees from parents and guardians with a child in the juvenile justice system. These detention fees are sometimes called costs of support or placement fees, too.

The lawsuit claims that Riverside County did not follow California law (Welfare and Institutions Code Sections 903 and 903.45) when it charged and collected detention fees from parents and guardians. The lawsuit also claims that Riverside County's collection practices violated parents' and guardians' constitutional due process rights.

Riverside County denies it did anything wrong, but has agreed to settle the lawsuit and refund a portion of the detention fees collected.

2. Who is involved in the lawsuit?

This lawsuit was originally filed by two grandparents and a parent who were subject to Riverside County's policies and practices of charging and collecting detention fees. They are the "plaintiffs" in this lawsuit.

The lawsuit was filed against Riverside County. The County is the "defendant" in this lawsuit.

3. What is the lawsuit asking for?

The lawsuit seeks an order from the Court declaring that Riverside County's policies and practices were illegal. The lawsuit also seeks money to refund parents and guardians for detention fees that Riverside County collected.

To find out more information or get a copy of the lawsuit, call <<settlement administrator's phone number>>, or visit the Settlement Administrator's website at <<settlement administrator's website>> or Class Counsel's website at <<class counsel's website>>. The case is assigned to Department 1 of the Riverside Historic Courthouse located at 4050 Main Street, Riverside, CA 92501. You can view the case file online at: <https://epublic-access.riverside.courts.ca.gov/public-portal/>

4. What is a class action?

In a class action, one or more persons—called the “class representatives”—sue on behalf of a group of people who may have been harmed by the same problem—the “class members.” Shirley Freeman and Daniel Freeman are the class representatives in this lawsuit. With a class action, one judge can decide whether a law was broken and whether to fix the problem for class representatives and class members at the same time.

This lawsuit is a class action. The class consists of “all parents and guardians from whom Riverside County received a payment in a juvenile case for costs of support from December 21, 2016, through April 21, 2020.”

5. Who is in the class?

You are a class member if:

- You are a parent or guardian who made payments to Riverside County or ECD for detention fees from December 21, 2016, through April 21, 2020, or
- You are a parent or guardian who had your wages or tax refund taken between December 21, 2016, and April 21, 2020 to pay for detention fees charged by Riverside County or ECD.

You have received this Notice in the mail because the payment records indicate that you are a class member. If you did not receive this Notice in the mail and you believe that you are a class member, you should contact the Settlement Administrator. If you are not sure whether you are a class member or have any questions about this Notice, you should contact the Settlement Administrator.

The Settlement Administrator’s contact information is [REDACTED].

6. What is a Settlement?

A Settlement means that both sides of the lawsuit—the parents and guardians and Riverside County—have agreed to fix problems claimed in the lawsuit without a trial. If the plaintiffs and defendants can agree to a solution to the lawsuit, that can get money to class members faster than going to trial.

Because the Settlement in this case impacts class members who are not directly involved in the lawsuit, the Court must approve the Settlement. The class representatives and their lawyers in this case think that the proposed Settlement is fair, reasonable and adequate as to members of the class.

7. What does the Settlement include?

Under the proposed Settlement, Riverside County will pay \$540,307 that will be used to refund class members for a portion of the juvenile detention fees that they paid. The Settlement also pays class counsel for costs related to the lawsuit and for their time spent on the lawsuit and gives each class representative \$7,500 for the time, effort, and risks they took to file the lawsuit. In exchange, plaintiffs and class members agree to give up their rights to bring a different lawsuit in the future against the County about the same County policies and practices used to collect detention fees in this lawsuit.

If you disagree with the Settlement, see section 15 for your options.

8. Will I receive anything from the Settlement?

If the Settlement is approved, class members will receive a partial refund of their total payments to Riverside County for detention fees in their child's juvenile case. **You do not need to file a claim in order to receive your refund check.** The Settlement Administrator (see section 11 for more information) has a record of your payment history and will mail your refund check to your address.

The amount each class member will receive depends on how much Riverside County collected from them for detention fees. All class members will receive approximately 25% of the total fees they paid, but the dollar amounts will be different based on the amount that was collected from them. That means a person who paid more in detention fees will receive a larger refund. The minimum payment any Class Member will receive is \$25.

According to the payment records, \$[merge field] was collected from you for detention fees. The amount of your refund will be at least \$ [mail merge field]. Your refund may be higher if some class members ask to be excluded from the Settlement. **You must cash your refund check within 120 days of the issue date, or the check will become void.** You may receive a second refund payment mailed to you if a large number of class members do not cash their checks.

NOTE: If you or your family receive state or federal means-tested benefits (such as Calfresh, CalWorks, General Assistance (GA), CAPI, SSI, Medi-Cal, etc.), the refund payment may impact income or resource limits for those programs. If you have questions about how the refund payment may affect your public benefits, you can apply for free legal services with Inland Counties Legal Services by calling (888) 245-4257 or by submitting an online application at <https://www.inlandlegal.org/get-help/>.

9. When will I receive my payment?

Payments will be made several weeks after the Court enters a final judgment and after any appeals are decided. This process will probably take several months. If you want to check on when payments will be mailed, you can visit the Settlement Administrator's website [\[redacted\]](#) or call the Settlement Administrator at [\[redacted\]](#).

10. Are there lawyers representing you?

Yes, if you are a class member, there are lawyers representing you. The Court approved a team of lawyers to represent the class representatives and class members, called class counsel. These are the lawyers that have been handling the lawsuit since it was filed on March 27, 2020. They include lawyers from two nonprofit organizations: Western Center on Law & Poverty and National Center for Youth Law. You can contact class counsel in the following ways:

National Center for Youth Law

Name of Rep: Hong Le (English)

Phone: (510) 214- 3408

Email: hle@youthlaw.org

Mail: National Center for Youth Law

Attn: Hong Le

1212 Broadway, Suite 600

Oakland, CA 94602

Western Center on Law & Poverty

Name of Rep: Rebecca Miller (Spanish)

Phone: 213-235-2642

Email: rmiller@wclp.org

Mail: Western Center on Law & Poverty

Attn: Rebecca Miller

3701 Wilshire Blvd., Suite 208

Los Angeles, CA 90010

You do not have to pay for any of the work the lawyers did on this lawsuit. These lawyers will not charge you or any other class members for their work on the lawsuit. Riverside County will pay the lawyers once the court approves the amount that the lawyers will be paid.

If you do not opt out, you do not need to hire your own lawyer because class counsel represents the Class on your behalf. However, you can hire a lawyer to appear in Court for you if you want someone other than class counsel to speak for you. If you hire your own lawyer, you will be responsible for paying for the lawyer.

11. Who is the Settlement Administrator and what do they do?

The Settlement Administrator is: Name and contact information

The Settlement Administrator is responsible for sending class members Notice of the proposed Settlement. They will also send refund checks to class members if the Settlement is approved. If there are changes to your address, you should contact the Settlement Administrator as soon as possible to let them know. If you want a copy of the final settlement notice, you must contact the Settlement Administrator to ask for one.

Riverside County will pay for the cost of the Settlement Administrator. This expense will not be deducted from the Settlement Fund. The estimated cost of the Settlement Administrator is \$27,885, plus an additional \$8,927 if class members receive a second refund payment. This estimate is based on the services and projected staff time required to carry out the administration of the settlement. The final cost may be more or less than this estimate depending on the actual services and staff time expended by the Settlement Administrator.

12. What is the release of claims?

In exchange for the Settlement, you release, or give up, the claims included in the lawsuit. The release says:

The Plaintiffs and Participating Class Members, on behalf of themselves, their heirs, executors, administrators, representatives, attorneys, successors, assigns, agents, affiliates, and partners, and any persons they represent, by operation of any final judgment entered by the Court, fully, finally, and forever release, relinquish, and discharge the Defendant of and from any and all of the Settled Claims.

This means that you will not be able to file a different lawsuit about Riverside County's policies and practices of charging and collecting juvenile detention fees for any juvenile case in which you made a payment between December 21, 2016, and April 21, 2020.

Instead, you agree that the Settlement resolves these claims. You are not giving up the right to file a lawsuit about other issues that you may have related to Riverside County.

If you do not want to give up your claims or if you disagree with the Settlement, see section 15 for your options.

13. What is the process for the Court to approve the Settlement?

Class counsel have filed the proposed Settlement agreement with the Court. The Settlement Administrator sent the Notice of the proposed Settlement to all class members, which is this Notice that you are reading. The Court will hold a fairness hearing to determine if the proposed Settlement should be approved. If the Court decides that the Settlement is fair, reasonable, and adequate, it will approve the Settlement. The Settlement will then become final.

At this stage, the Court has only decided that the proposed Settlement might be fair, reasonable, and adequate. The Court will make a final decision on those issues at the final hearing (fairness hearing). See section 15 (below) for information regarding the Court's fairness hearing and how you can participate in it or tell the Court what you think about the Settlement.

14. How much will the lawyers be paid?

You will not be asked to personally pay any attorneys' fees to class counsel. Instead, the County will pay class counsel, after the Court approves the amount of attorney's fees and costs. The Court will be asked to award class counsel \$525,000. The Court can award less than that amount, but not more. This money is separate from and will not reduce the amount of money available to refund class members for detentions fees.

15. What can I do about the Settlement?

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE YOUR REFUND CHECK	<p>Class members will NOT have to submit a claim form to receive their refund check. If you want to be part of the Settlement and receive your refund check, you do not need to do anything. You will be bound by the Settlement, and you will give up your right to sue Riverside County separately about the same legal claims in the lawsuit.</p>
EXCLUDE YOURSELF (OPT OUT)	<p>You are entitled to exclude yourself from the Settlement by completing a Request for Exclusion Form and sending it to the Settlement Administrator postmarked no later than [redacted]. There is a Request for Exclusion Form attached to the end of this Notice.</p> <p>If you exclude yourself, you will not receive any payment under the Settlement. You will retain all of the claims that will be given up by class members in the Settlement. If you exclude yourself, you cannot also object, because the Settlement no longer affects you.</p>
OBJECT TO THE SETTLEMENT	<p><u>If you object to (meaning that you disagree with) the Settlement or attorneys' fees</u>, you must mail the Objection Form explaining why you object to the Settlement Administrator postmarked no later than [redacted]. The Objection Form is attached to the end of this Notice.</p> <p>The Settlement Administrator will give your objection to the judge assigned to this case, the Honorable Craig G. Riemer. If the Settlement is approved after your objection, you will remain a member of the class and will give up the claims that are released by the Settlement.</p>
ATTEND HEARING ABOUT THE SETTLEMENT	<p><u>If you want to go the Court's hearing about the Settlement</u>, you can go to the hearing on <<date>> in Department 1 of the Riverside Historic Courthouse at 4050 Main Street, Riverside, CA 92501. Only class members who file a written statement by the deadline above are eligible to speak at the hearing. Because the hearing date could change, please check the website listed below for updates.</p>

16. Are there more details about the Settlement?

Yes. This Notice summarizes the main terms of the Settlement. You can find a copy of the entire Settlement Agreement at the following locations:

Riverside County Superior Court

The Settlement Agreement is attached as Exhibit N to the Second Supplemental Declaration of Rebecca Miller (Class Counsel) in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement filed on January 12, 2023. The case is assigned to Department 1 of the Riverside Historic Courthouse located at 4050 Main Street, Riverside, CA 92501. You can view the case file online at: <https://epublic-access.riverside.courts.ca.gov/public-portal/>

Settlement Administrator: <<website>>

Class Counsel: <<website >>

If you have more questions, you can contact class counsel or the Settlement Administrator. Their phone numbers are listed on pages ___ and ___ above.

IMPORTANT:

- 1. If you move or change your address, send the Settlement Administrator your new address. It is your responsibility to keep a current address on file with the Settlement Administrator to ensure receipt of your refund check.**
- 2. It is strongly recommended that you keep a copy of any request for exclusion and/or objection that you submit, and proof of timely mailing, until after the Final Approval hearing.**

EXHIBIT B

REQUEST FOR EXCLUSION FROM CLASS (OPT OUT) FORM

Shirley Freeman v. County of Riverside
Riverside County Superior Court, Case No. RIC2001772

This is NOT a Claim Form. DO NOT use this Form if you wish to remain part of the Class Action Settlement. You must complete this form if you do not wish to be part of (exclude yourself from) the Class Action Settlement.

By signing and returning this form, I confirm that I do not want to be included in the Settlement of the class action lawsuit referenced above.

I understand that by opting out, I am giving up my right to receive my refund check under the Settlement.

By opting out, I understand that I retain all the claims and the right to file my own individual lawsuit against Riverside County.

By providing the following information, I affirm that I want to be excluded from (opt out of) this class:

Name:

	First Name	Middle Initial	Last Name
--	------------	----------------	-----------

Address:

	Street	City	State	Postal Code
--	--------	------	-------	-------------

Telephone:

Area Code/Phone No. (Ext. if applicable)

Date

Signature

This form must be postmarked to the Settlement Administrator NO LATER THAN [date 45 days after mailing] at the address below, or else you will lose your right to exclude yourself or opt out.

SETTLEMENT ADMINISTRATOR [CONTACT INFO]

EXHIBIT C

OBJECTION TO CLASS ACTION SETTLEMENT FORM

Shirley Freeman v. County of Riverside
Riverside County Superior Court, Case No. RIC2001772

You have the right to object to the Settlement, or any of its terms. To object, you must not have submitted a Request for Exclusion Form. If you choose to object, you must complete this form and send it back to the Settlement Administrator, postmarked NO LATER THAN [date 45 days after mailing].

Name:

First Name Middle Initial Last Name

Address:

Street City State Postal Code

Telephone:

Area Code/Phone No. (Ext. if applicable)

Describe the basis of your objection in the space provided below and on the reverse side of this form. You may enclose additional pages if you need more space.

By signing below, I hereby confirm that I want to object to the Settlement for the reasons stated herein.

Date Signature

This form must be postmarked to the Settlement Administrator NO LATER THAN [date 45 days after mailing] at the address below, or else you may lose your right to object.

SETTLEMENT ADMINISTRATOR [CONTACT INFO]

