

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

ATTENTION: ALL PERSONS WITH A MOBILITY DISABILITY: If you have used, tried to use, or think you will use any of the City of Baltimore's sidewalks, crosswalks, curbs, curb ramps, walkways, pedestrian rights of way, pedestrian under-crossings, pedestrian overcrossings, or other pedestrian pathways, and have had or will have difficulty using them because they were too steep, narrow, damaged, or in need of repair, **you may be a member of the proposed settlement class in this lawsuit.** This is a court-authorized notice.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.

NOTICE OF CLASS ACTION

This notice is to inform you of a proposed settlement in a pending class action lawsuit brought on behalf of persons with mobility disabilities against the Mayor and City Council of Baltimore ("the City"). The proposed class action settlement is set out in a document called a "Partial Consent Decree." The Partial Consent Decree, which must be approved by the United States District Court before it goes into effect, was reached in the case entitled *Goodlaxson, et al. v. Mayor and City Council of Baltimore*, Case No. 1:21-cv-01454-JKB, pending in the United States District Court for the District of Maryland.

BASIC INFORMATION

In 2021, a lawsuit was filed alleging that the City did not follow federal disability access laws because it failed to install or maintain curb ramps and sidewalks (pedestrian walkways) that were accessible to people with mobility disabilities. The City disputes this and denies that it has violated the law.

This case is a class action. In a lawsuit of this type, one or more "Class Representatives" (in this case Susan Goodlaxson, Janice Jackson, Keyonna Mayo and the Image Center), sue for Class Members with similar issues. One court resolves the issues for all Class Members. United States District Judge James K. Bredar is in charge of this class action. The Court did not decide in favor of either the Class Representatives or the City. Instead, both sides agreed to a settlement.

THE SETTLEMENT CLASS

The Settlement Class includes all persons (including residents of and/or visitors to the City) with any mobility disability, who, at any time prior to the court judgment granting final approval to the Partial Consent Decree, have been denied full and equal access to the City's pedestrian right of way due to the lack of a curb ramp, or due to a pedestrian walkway or curb ramp that was damaged, in need of repair, or otherwise in a condition not suitable or sufficient for use.

SUMMARY OF THE PROPOSED PARTIAL CONSENT DECREE

The City has agreed to changes that will improve curb ramps and pedestrian walkways for people with mobility disabilities. Below is a summary of the settlement. To access a copy of the Partial Consent Decree, see the “Further Information” section below.

1. Pedestrian Walkway Fixes and Curb Ramp Installation and Fixes

The proposed Partial Consent Decree requires the City to spend a minimum amount of money per fiscal year for four (4) years on improving the accessibility of curb ramps and pedestrian walkways to people with mobility disabilities according to the following schedule: a minimum of \$8 million per year for the 2024-2025 fiscal year and a minimum of \$12 million per year for the 2025-2028 fiscal years. But, if the City receives more Highway User Revenue funding than it anticipates when putting together its annual budgets, the City will spend the following minimum amount of money in each of those fiscal years on improving the accessibility of curb ramps and pedestrian walkways to people with mobility disabilities: \$10 million for the 2024-2025 fiscal year, \$12.5 million for the 2025-2026 and 2026-2027 fiscal years and \$15 million for the 2027-2028 fiscal year.

During the 2024-2025 fiscal year, the City will use 70% of that money for accessible curb ramps and 30% of that money for accessible pedestrian walkways. After the first year, the City shall spend 65% of its money for accessible curb ramps and 35% on accessible pedestrian walkways.

The City has also agreed to inspect and document the accessibility of its pedestrian walkways on a 10-year cycle. The City will also remove plants, overgrown areas, and things blocking the pathways. It will also let property owners know to fix the pedestrian walkways next to their properties.

2. New Construction and Alteration Obligations and Inspections

All future work on curb ramps and pedestrian walkways must follow disability access standards. The City shall approve the design and construction as well as inspect and replace newly constructed curb ramps and pedestrian walkways that are inaccessible to people with mobility disabilities. The City is also required to install or fix curb ramps when building new or fixing existing streets or pedestrian walkways, and will install accessible curb ramps when resurfacing City streets.

3. Program Access Obligations and Prioritization

When improving its existing curb ramps and pedestrian walkways, the City will prioritize the following locations: (1) City government offices and facilities; (2) transportation corridors; (3) hospitals, medical, assisted living and similar facilities; (4) public accommodations such as commercial and business zones; (5) facilities containing employers; and (6) residential neighborhoods. The City will give highest priority to “equity priority areas” and will ensure that the benefits of the settlement are spread across the City fairly.

4. ADA Coordinators

The City will appoint an ADA coordinator for the Department of Transportation and an ADA Coordinator for the Pedestrian Rights of Way. Both ADA coordinators will be experienced and knowledgeable about current disability access standards.

5. Access Request System

People with mobility disabilities can submit requests to have pedestrian right of way access barriers removed or fixed. The City will review requests within sixty (60) days of when they are made. The City will try its best to finish each request within nine (9) months but if the removal or fix is impossible, it will make it as accessible as it can.

6. Maintenance and Asset Management Database

The City will develop a policy for maintaining accessible curb ramps and pedestrian walkways and create a database of information about the accessibility of curb ramps and pedestrian walkways including slopes, widths and any access barriers in the curb ramps or pedestrian walkways.

7. Monitoring

The City will provide Class Counsel with regular reports about its compliance with these obligations and Class Counsel will meet with and inspect the City's work.

8. Future Negotiations

Twelve months before the Partial Consent Decree ends, the Parties shall begin negotiating to make the City's remaining curb ramps and pedestrian walkways accessible to people with mobility disabilities. Any agreement will be part of the next consent decree.

STAY OF CLASS CLAIMS

All claims for non-monetary relief that could have been brought in this lawsuit related to the accessibility of curb ramps and pedestrian walkways are stayed. The settlement does not release or stay any claims for monetary damages that settlement class members may have.

PAYMENTS TO CLASS REPRESENTATIVES

The City has agreed to pay Susan Goodlaxson, Janice Jackson, Keyonna Mayo and The Image Center a service award in the amount of \$10,000 each for their service to the settlement class. The Court will decide if they should get the \$10,000 and any the payments will not come from the money being used to install and fix curb ramps and pedestrian walkways.

REASONABLE ATTORNEYS' FEES, COSTS AND EXPENSES

The settlement class is represented by Disability Rights Advocates, Disability Rights Maryland and the law firms Goldstein, Borgen, Dardarian & Ho and Fox & Robertson (who together are "Class Counsel"). Class Counsel will ask the Court to order the City to pay them for their reasonable attorneys' fees, costs and expenses based on the amount of time, costs and expenses Class Counsel have spent on bringing, negotiating, and resolving the case. Class Counsel will not ask for more than \$1.75 million for their attorneys' fees, costs and expenses through the date that the Court approves the Partial Consent Decree. The Court will decide how much they should get. The amount the Court awards will not come from money being used to install and fix curb ramps and pedestrian walkways.

Class Counsel shall also be entitled to be paid for their time and costs spent on monitoring the work that the City does to meet the promises in the Partial Consent Decree. The amount that Class Counsel are paid for that work will not come from money being used to install and fix curb ramps and pedestrian walkways either.

THE COURT'S FINAL APPROVAL HEARING

The Court has preliminarily approved the Partial Consent Decree and has scheduled a hearing for March 27, 2025, at 11:00 a.m. in the Courtroom of the Honorable James K. Bredar, United States District Court for the District of Maryland, 101 West Lombard Street, Chambers 5A, Baltimore, MD 21201, to decide whether the settlement is fair, reasonable, and adequate, and should be finally approved, as well as whether to award service payments to the Class Representatives and how much to award to Class Counsel in reasonable attorneys' fees, costs and expenses. At the hearing, the Court will consider any objections to the settlement and listen to people who wish to speak. You have a right to be heard at this hearing, but you are not required to attend.

This hearing date is subject to change without further notice. If you wish to be informed of any changes to the schedule, please notify Class Counsel at the addresses listed below. You may also check <https://gbdhlegal.com/cases/goodlaxson-et-al-v-mayor-and-city-council-of-baltimore/> or the public court records on file in this action at <https://www.pacer.gov/> for any updates.

OBJECTIONS TO THE SETTLEMENT

You can ask the Court to not approve the Partial Consent Decree by filing an objection. You cannot ask the Court to order different terms; the Court can only approve or reject the Partial Consent Decree. If the Court denies approval, the City will not be required to make changes to the pedestrian rights of way as set out in the Partial Consent Decree. Instead, the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed Partial Consent Decree must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections must (a) clearly identify

the case name and number (*Goodlaxson, et al. v. Mayor and City Council of Baltimore*, Case Number 1:21-cv-01454-JKB), (b) be submitted to the Court, with a copy to Class Counsel, either by mailing them to the Clerk, United States District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201, or by filing them in person at any location of the United States District Court for the District of Maryland and (c) be filed or postmarked on or before March 17, 2025. You may also appear at the hearing on March 27, 2025 at 11:00 a.m. to object to the Partial Consent Decree.

IF YOU DO NOT TIMELY MAKE AN OBJECTION AS DESCRIBED ABOVE, YOU WILL HAVE WAIVED YOUR OBJECTION AND SHALL BE PREVENTED FROM MAKING ANY OBJECTION TO THE PARTIAL CONSENT DECREE.

IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU NEED NOT APPEAR OR FILE ANYTHING IN WRITING.

FURTHER INFORMATION

This notice only summarizes the terms of the Partial Consent Decree. If you want more details, please see the Partial Consent Decree available at <https://gbdhlegal.com/cases/goodlaxson-et-al-v-mayor-and-city-council-of-baltimore/> or by accessing the Court docket on this case through the Court's Public Access to Electronic Records (PACER) system at <https://ecf.mdd.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

For more details or a copy of the Partial Consent Decree, you can contact Class Counsel at the following addresses, emails and telephone numbers:

Linda M. Dardarian
Ginger L. Grimes
GOLDSTEIN, BORGEN, DARDARIAN & HO
155 Grand Avenue, Suite 900
Oakland, CA 94612
ldardarian@gdbhlegal.com
ggrimes@gdbhlegal.com
510-763-9800

Timothy Fox
FOX & ROBERTSON
1 Broadway Suite B205
Denver, CO 80203
tfox@foxrob.com
303-951-4164

Gabriel Rubinstein
DISABILITY RIGHTS MARYLAND
1500 Union Avenue, Suite 2000
Baltimore, MD 21211
GabrielR@disabilityrightsmd.org
410-727-6352

Madeleine Reichmann
DISABILITY RIGHTS ADVOCATES
655 3rd Avenue, 14th Floor
New York, NY 10017
mreichman@dralegal.org

Jinny Kim
DISABILITY RIGHTS ADVOCATES
2001 Center Street, Third Floor
Berkeley, CA 94704
jkim@dralegal.org
(510) 519-9790

Please do not call the Court or the Court Clerk's office to ask about this settlement.

To obtain copies of this Notice in alternative accessible formats, please contact Class Counsel listed above.