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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

DAN MCKIBBEN, et al.,  
  
Plaintiffs,  
  
vs.  
  
JOHN MCMAHON, et al.,  
  
Defendants.

Case No. 14-2171-JGB-SP  
[Hon. Jesus G. Bernal]

**DECLARATION OF JENNIFER M. KEOUGH REGARDING SETTLEMENT ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator in the above-captioned litigation (“Action”) for the purposes of administering the Settlement Agreement preliminarily approved by the Court in its Order (1) Granting Plaintiffs’ Unopposed Motion for Certification of Settlement Classes, and (2) Granting Preliminary Approval of Class Settlement (the “Order”) dated September 10, 2018.

1 The following statements are based on my personal knowledge and information provided to me by  
2 other JND employees working under my supervision, and if called on to do so, I could and would  
3 testify competently thereto.

4 **CLASS MEMBER DATA**

5 3. On September 12, 2018, JND received three spreadsheets containing, among other  
6 information, the names, booking numbers, mailing addresses, and date of birth of individuals identified  
7 as potential Settlement Class Members. The spreadsheets contained contact information and other  
8 identifying data for a total of 1,349 potential Settlement Class Member records.  
9

10 4. Prior to mailing notices, JND analyzed the raw data to remove duplicate records. JND  
11 identified 689 duplicate records, resulting in 660 unique Settlement Class Member records. JND also  
12 updated Settlement Class Member contact information using data from the National Change of  
13 Address ("NCOA") database<sup>1</sup> maintained by the U.S. Postal Service. A total of 22 addresses were  
14 updated. This Settlement Class Member data was promptly loaded into a database established for this  
15 Action.  
16

17 5. For Settlement Class Members whose mailing address was blank, incomplete, or listed  
18 as "transient," the Settlement Class Member's name was run through the California Department of  
19 Corrections and Rehabilitation ("CDCR") database in order to identify those Settlement Class  
20 Members currently in CDCR custody. As a result, JND updated 18 Settlement Class Member records  
21 to whom notice should be sent at their CDCR housing location.  
22

23 6. Pursuant to the Settlement Agreement, JND conducted advanced address research (via  
24 skip-trace databases) to identify updated mailing addresses and e-mail addresses for the Settlement  
25  
26

27 <sup>1</sup> The NCOA database is the official United States Postal Service ("USPS") technology product which makes change of  
28 address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained in the database for 48 months.

1 Class Members, and identified 1,209 valid e-mail addresses. This Settlement Class Member data was  
2 added to the database established for this Action.

3 **MAIL NOTICE**

4 7. On September 24, 2018, JND mailed the Court-approved Class Notice and Claim Form  
5 (the “Notice”) via U.S. Postal Service regular mail to the 660 unique Settlement Class Members  
6 identified in the initial data file. A representative copy of the Notice is attached as **Exhibit A**.

7  
8 8. As of the date of this Declaration, JND tracked 206 mailed Notices that were returned to  
9 JND as undeliverable. Of these undeliverable Notices, JND re-mailed two Notices to forwarding addresses  
10 provided by the U.S. Postal Service, and one forwarded Notice was returned as undeliverable. For the  
11 remaining undeliverable Notices, JND conducted additional research via the CDCR and West Valley  
12 Inmate Locator databases and identified 37 Settlement Class Members in custody. JND re-mailed the  
13 Notice to the 37 Settlement Class Members and, as of the date of this Declaration, no Notices have been  
14 returned as undeliverable.

15 **E-MAIL NOTICE**

16  
17 9. On September 26, 2018, JND e-mailed the court-approved summary e-mail notice (the  
18 “E-mail Notice”) to each of the 1,209 valid e-mail addresses on the Settlement Class Member List. A  
19 sample of the E-mail Notice is attached hereto as **Exhibit B**.

20 **TOLL-FREE NUMBER**

21 10. On September 24, 2018, JND established a case-specific toll-free number  
22 (1-844-877-5925), which individuals may call to obtain additional information regarding the  
23 Settlement. The toll-free number is available 24 hours a day, seven days a week in both English and  
24 Spanish. JND will continue to maintain the toll-free telephone number at least until the Effective Date.

25  
26 11. As of the date of this Declaration, the toll-free number has received 141 calls.

**WEBSITE**

1  
2 12. On September 24, 2018, JND established a Settlement website,  
3 [www.altsettlement.com](http://www.altsettlement.com), which hosts copies of important case documents, answers to frequently  
4 asked questions, and provides JND contact information for telephone, mail or e-mail contact.

5 13. As of the date of this Declaration, the Settlement website has tracked 6,505 unique  
6 users who registered 13,141 page views.

7 14. JND will continue to update and maintain the website for the duration of the  
8 administration process.  
9

10 **PUBLICATION**

11 15. On December 21, 2018, JND began an internet advertising campaign to inform  
12 potential Settlement Class Members about the Settlement. This campaign included a banner display  
13 linking to the Settlement Website in promoted posts on Facebook. The campaign concluded on  
14 January 7, 2019. A copy of the banner display is attached hereto as **Exhibit C**.

15 **REQUESTS FOR EXCLUSION**

16 16. The Settlement Agreement and Release informed Settlement Class Members that any  
17 Settlement Class Member who wanted to exclude themselves from the Settlement (“opt-out”) must  
18 mail a letter to JND stating that they desire to opt out of the Settlement or otherwise not participate  
19 in the Settlement, postmarked on or before January 7, 2019.  
20

21 17. As of the date of this Declaration, JND has not received any opt-out requests.  
22

23 **OBJECTIONS TO THE SETTLEMENT**

24 18. The Notice informed recipients that any Settlement Class Member who wanted to  
25 object to the approval of the Settlement could do so by submitting a written statement to JND  
26 postmarked on or before January 7, 2019.

27 19. As of the date of this Declaration, JND has not received any objections to the  
28 proposed Settlement.



# **Exhibit A**

**ALT Settlement**  
c/o JND Legal Administration  
P.O. Box 91307  
Seattle, WA 98111

**CLASS ACTION CLAIM FORM**

List ID:  
[NAME]  
[ADDRESS]  
[CITY], [STATE] [ZIP]

Name/Address Changes (if any). Please enter below:

\_\_\_\_\_  
First Name Last Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip

Please provide the following personal identification information:

Email address: \_\_\_\_\_

( ) \_\_\_\_\_  
Area Code Daytime Telephone Number

( ) \_\_\_\_\_  
Area Code Evening Telephone Number

Last four digits of Social Security Number: \_\_\_\_\_

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Month Day Year

Other names used beginning 2004: \_\_\_\_\_

I understand that, if I received this preprinted form in the mail, and it is confirmed that I am a member of the Damages Class, I am entitled to receive compensation based on a formula approved by the Court that takes into account the alleged severity of conditions challenged in the lawsuit, including (1) variations in conditions over time (with the most allegedly discriminatory and restrictive conditions occurring before October 2014); and, (2) variations in inmates' sentencing status, security classification, and work eligibility (with sentenced, work-eligible inmates allegedly experiencing the most discriminatory conditions).

I understand my entitlement to compensation will be determined exclusively by records of the San Bernardino County Sheriff's Department ("SBCSD"). I also understand that, if I downloaded a claim form from the website, or otherwise obtained a blank form, whether I am a class member and the amount I can receive will be determined from SBCSD's electronic records.

I understand that the amount I may receive from this settlement may vary depending on the number and extent of claims filed, and that the settlement is explained more fully in the Class Notice mailed to class members and in documents posted on the Class Administrator's website.

You must mail this Claim Form with a postmark **NO LATER THAN JANUARY 7, 2019**,  
in order to receive money from the class fund. **ACT NOW**

If your Claim Form is not mailed with a postmark no later than, January 7, 2019, you will not be considered a member of the class even if you wish to be, but you still will be bound by the settlement and will not receive any money. **DO NOT DELAY.**

The information given in this Claim Form is private, and will be held in strictest confidence, except as needed by the Parties and Settlement Administrator. If you have any questions about this lawsuit, write to us at ALT Settlement, c/o JND Legal Administration, P.O. Box 91307, Seattle, WA 98111; contact us by e-mail at info@ALTSettlement.com; or visit our web site at www.ALTSettlement.com.

**YES, I WISH TO MAKE A CLAIM.**

By signing this form below, I am confirming that the above information is correct and that:

- 1. I am the person identified above and am over the age of 18.
- 2. I have not received money or compensation for any of the claims involved in this case.
- 3. I will abide by, and be limited to, the formula for damages approved by the Court.
- 4. I will keep the Settlement Administrator informed of my whereabouts at all times.

I declare under penalty of perjury that the information given above is true and correct.

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Signature: \_\_\_\_\_

# **Exhibit B**

Dear [NAME],

There is a pending class action lawsuit challenging alleged discriminatory treatment of gay, bisexual and transgender (“GBT”) inmates who were housed in the Alternative Lifestyle Tank (“ALT”) Unit of the West Valley Detention Center (“WVDC”). The lawsuit was filed in 2014 in the United States District Court, Central District of California. Instead of continuing the litigation, both sides have agreed to a settlement. If the proposed settlement receives final court approval, class members are eligible to receive money.

If you are gay, bisexual or transgender and were housed in the ALT between October 22, 2012 and March 31, 2018, you may be a class member and entitled to receive money but only if you take action and file a claim.

Una Notificación de acción colectiva está disponible en español. Llame sin cargo al: 1-844-877-5925 o visite el siguiente sitio web: [www.ALTSettlement.com](http://www.ALTSettlement.com).

### **Am I affected?**

You are a class member and may be entitled to money if you were housed in the ALT between October 22, 2012 and March 31, 2018. The amount of your compensation is based on a formula that weighs various conditions that applied to ALT residents. Whether you are a class member is determined solely from San Bernardino County Sheriff’s Department’s records.

### **What does the settlement provide?**

The settlement provides for injunctive relief (changes to how the ALT and the San Bernardino County jails operate in the treatment of GBT inmates), as well as payment of compensation to the class members and attorneys’ fees. The total damages to the class is \$950,000, from which the costs of class administration, the experts/consultants retained by Plaintiffs, the mediation costs, and payments of special compensation to the Class Representatives will be paid. The remaining funds will be divided among the class members who file timely claims, based on a formula approved by the Court. There is also provision for attorney’s fees and costs of up to \$1.1 Million.

### **What must I do to get money?**

If you wish to receive money from the settlement, you must complete and submit a Claim Form. **All Claim Forms must be completed and postmarked no later than January 7, 2019, but in order not to miss out on this opportunity, you**

**should complete and mail your Claim Form as soon as possible.** If you do not timely and properly submit your Claim Form, you will not receive any money from the Settlement.

If you need a copy of the Claim Form, please call 1-844-877-5925 (toll free) or write to the ALT Settlement Administrator, c/o JND Legal Administration, P.O. Box 91307, Seattle, WA 98111, or download the Form from the Internet at [www.ALTSettlement.com](http://www.ALTSettlement.com).

### **What are my options?**

If you do not want to be a member of the class, or if you want to be able to file your own lawsuit or be a part of a different lawsuit against the Defendants raising the claims involved in this lawsuit, you must exclude yourself by January 7, 2018. If you exclude yourself, you can't get a payment from the Settlement. If you stay in the Class, you may object to all or part of the settlement by January 7, 2019. The Settlement website, [www.ALTSettlement.com](http://www.ALTSettlement.com), describes how to exclude yourself or object. The Court will hold a Fairness Hearing on February 11, 2019 to consider whether to approve the Settlement. You may ask the Court to appear at the Fairness Hearing but you don't have to do so.

### **How do I get more information?**

This Notice summarizes the proposed Settlement. For more information, you can go to [www.ALTSettlement.com](http://www.ALTSettlement.com) to view the complete Class Notice and Settlement documents in the case and a copy of the Motion for Award for Attorneys' Fees and Costs when it is filed. You may also call the Settlement Administrator toll-free at 1-844-877-5925.

# **Exhibit C**

 **JND Legal Administration**  
Sponsored · 

Inmates housed at the Alternative Lifestyle Tank of the West Valley Detention Center may qualify for MONEY



ALTSETTLEMENT.COM  
**Inmate Discrimination** [Learn More](#)

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