

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

**STEVEN F. COX, KELLY FREEMAN,
RUFUS IRVING, KEITH FASON, ERNIE
KIRK, and DAVID NAGI, individually
and on behalf of all similarly situated
persons,**

Plaintiffs,

v.

No. 1:19-cv-01026-JDB-jay

CITY OF JACKSON, TENNESSEE,

Defendant.

PLAN OF DISTRIBUTION

Defendant City of Jackson, Tennessee, has agreed to settle this class action by paying \$1,000,000, which will be funded \$500,000 by the City and \$500,000 by its insurer, Public Entity Partners, into a Settlement Fund for the benefit of class members and named Plaintiffs in this litigation. The City and PE Partners will also contribute \$50,000 for administrative costs. Subject to Court approval, Class Counsel intend to distribute the Settlement Fund as set forth below. As more fully set forth in the Settlement Agreement and the Class Notices, class members have the right to submit to the Court objections for its consideration to the Settlement and/or this Plan of Distribution.

Administrative Fees

The City and PE Partner will initially contribute \$50,000 for administrative fees, including, but not limited to, hiring a Settlement Administrator, administering the notice program, and sending payments to Class Members. Any administrative costs in excess

of \$50,000 shall be paid from the \$1,000,000 Settlement Fund. Any unused funds from the initial \$50,000 administrative contribution will revert to the City and PE Partners.

Attorneys' Fees, Costs, and Service Awards

Pursuant to the Settlement Agreement and applicable law, Class Counsel intends to seek from the Settlement Fund reimbursement for the costs advances in the prosecution of the Litigation and an award of attorneys' fees. Class Counsel will apply to the Court for an award of these costs and attorneys' fees. Class Counsel's costs shall be no more than \$5,000.00, and the attorneys' fees shall be no more than 1/3 of the \$1,000,000 Settlement Fund. Additionally, Class Counsel proposes to allocate \$5,000 of the Settlement Fund to pay service awards to Class Representatives Rufus Irving (\$2,500) and Keith Fason (\$2,500). Deducting for estimated costs, attorneys' fees, and service awards, Class Counsel estimates that there will be approximately \$610,000.00 in the Settlement Fund for distribution to Class Members.

Distribution to Class Members

Class Counsel proposes that approximately \$610,000.00 of the Settlement Fund be allocated to pay claims by Settlement Class Members. Each Settlement Class Member who submits a valid and timely Claim Form will be entitled to receive \$100 for each day (24-hour period) that the Settlement Class Member was detained after the initial 48-hour period of confinement without having had a probable cause determination made by either a judge or certified clerk or other valid basis for detention (e.g., a pending arrest warrant or capias) during the period of January 18, 2016 and January 18, 2019, up to a maximum of 21 days. If the total amount due on the qualified claims exceeds the Distribution Amount, then the daily rate each Settlement Class Member will receive will be reduced

by a pro-rata amount. Class Counsel estimates that each qualified Settlement Class Member will receive between \$100 and \$2,100 as a settlement payment.

If the total amount of the certified claims is less than the Distribution Amount, then any remaining Settlement Funds shall revert to the City and Public Entity Partners.

Court Approval

At the time of the Final Approval Hearing, Class Counsel will detail to the Court the final distribution to be made to Settlement Class Members and the amount to be paid per claim. Subject to the Court's approval, all proceeds to Settlement Class Members will then be paid based on the final distribution amounts provided at the time of the Final Approval Hearing.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

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