

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN NNEBE, <i>et al.</i> , Plaintiffs, -v- MATTHEW DAUS, <i>et al.</i> , Defendants.	No. 06-cv-4991 (RJS)
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**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT,
OPPORTUNITY TO OBJECT OR OPT OUT, AND FAIRNESS HEARING**

To: All Taxi or For-Hire Vehicle Drivers whose licenses were suspended by the NYC Taxi and Limousine Commission (TLC) based on their being arrested on a criminal charge between June 28, 2003 and February 18, 2020

THE CITY OF NEW YORK HAS AGREED TO A \$140 MILLION SETTLEMENT TO BE DISTRIBUTED TO TLC DRIVERS WHOSE LICENSES WERE SUSPENDED FOLLOWING AN ARREST. YOU ARE A CLASS MEMBER IN THIS LITIGATION AND MAY BE ENTITLED TO PAYMENT FROM THIS SETTLEMENT.

IN ORDER TO CLAIM YOUR PAYMENT, ASSUMING COURT APPROVAL OF THIS CLASS SETTLEMENT, YOU NEED TO RETURN THE ATTACHED CLAIM FORM OR SUBMIT YOUR CLAIM ONLINE AT WWW.TLCSUSPENSIONCLAIMS.COM.

LAS VERSIONES TRADUCIDAS DE ESTE AVISO ESTÁN DISPONIBLES EN WWW.TLCSUSPENSIONCLAIMS.COM.

DES VERSIONS TRADUITES DE CET AVIS SONT DISPONIBLES SUR WWW.TLCSUSPENSIONCLAIMS.COM.

WWW.TLCSUSPENSIONCLAIMS.COM تتوفر النسخ المترجمة من هذا الإشعار على

এই বিজ্ঞপ্তিটির অনূদিত সংস্করণগুলি এখানে উপলব্ধ
WWW.TLCSUSPENSIONCLAIMS.COM.

इस नोटिस के अनूदित संस्करण यहाँ उपलब्ध हैं
WWW.TLCSUSPENSIONCLAIMS.COM.

ਇਸ ਸੂਚਨਾ ਦੇ ਅਨੁਵਾਦਿਤ ਸੰਸਕਰਣ ਇੱਥੇ ਉਪਲਬਧ ਹਨ
WWW.TLCSUSPENSIONCLAIMS.COM.

WWW.TLCSUSPENSIONCLAIMS.COM اس نوٹس کے ترجمہ شدہ ورژنز یہاں دستیاب ہیں

This Notice is to explain to you:

1. What the lawsuit is about
2. The amount of the proposed settlement and how it will be disbursed pending final court approval
3. Your options as a member of the Settlement Class to object to the fairness of the proposed settlement or opt out
4. How to get more information about the lawsuit and settlement

1. What is the Lawsuit about?

There were two related lawsuits: *Nnebe et al. v. Daus, et al.* (Case No. 06-cv-4991) and *Stallworth, et al. v. Joshi, et al.* (Case No. 17-cv-7119). *Stallworth* was closed by the Court and claims and parties have been continued in the *Nnebe* action.

The *Nnebe* action was filed in federal court in 2006 by several TLC drivers and the New York Taxi Workers Alliance (NYTWA). After years of litigation, in 2019, the U.S. Court of Appeals for the Second Circuit ruled that TLC denied suspended drivers their constitutional rights to due process of law because drivers who had been summarily suspended following an arrest did not receive constitutionally-sufficient hearings to provide them an opportunity to contest their license suspension.

In March 2022, the District Court certified a liability class of all Taxi or For-Hire Vehicle Drivers whose TLC licenses were suspended based on arrest any time between June 28, 2003, and February 18, 2020. The Court ruled that all drivers who are members of this class would be entitled to at least nominal damages of one dollar. However, to recover more than nominal damages, class members would need to prove their individual damages at a separate hearing. Thereafter, notice was given to class members that they could request an individual damages hearing.

In November 2023, a bellwether trial was held regarding damages. The Court randomly selected 20 class members who had requested a damages hearing to participate in the bellwether trial. The jury found in favor of the 10 class members who participated in the trial and awarded them damages. The 10 class members who were selected for the trial, but did not participate in the trial, were limited to recovering nominal damages.

Following the November 2023 bellwether trial, the parties agreed to mediate the case. After extensive discussions presided over by a federal magistrate judge and an experienced private mediator, the parties reached this proposed class settlement.

2. What is the Settlement Amount and how will it be distributed?

Under the proposed settlement, the City of New York will pay \$140 million (“the Settlement Amount”). A hearing on the final approval of the settlement is currently scheduled for **August 13, 2025 at 10 a.m.** Subject to Court approval, up to twenty-five

percent of the Settlement Amount that is claimed by class members may be paid from the Settlement Amount for the attorneys' fees. Additionally, subject to Court approval, up to \$15,000 each will be paid from the Settlement Amount to seven individually named plaintiffs and the New York Taxi Workers Alliance, as incentive payments for their services in bringing this lawsuit and serving as Class Representatives. Similarly, subject to Court approval, the ten class members who appeared at the 2023 bellwether trial and won their claims before a jury may have the option of receiving \$15,000 each as incentive payments should they choose to forgo their verdict amounts. The Court may also approve the payment of expenses for pursuing this litigation from the Settlement Amount, including the expenses of notifying class members and administering the settlement.

For complete information about the Settlement or to view the Settlement Agreement or related Court documents, you can contact the Claims Administrator or Class Counsel at the contact information provided below.

The remainder of the Settlement Amount will constitute the Net Settlement Amount and will be distributed to class members who submit timely claims as described below. Settlement Class Members who submit timely Claim Forms will receive a pro rata share based on the length of time their TLC license was suspended according to TLC's records and whether they previously requested an individual damages hearing. The table below shows the potential settlement amounts:

	Per Person Initial Distribution Cap Amounts (prior to deductions for attorneys' fees, expenses, and costs)
Suspended for 25 days or fewer	\$700
26-31 total days suspended	\$750
32 to 60 total days suspended	\$21,000
61 to 90 total days suspended	\$24,000
91 to 120 total days suspended	\$27,000
121 to 210 total days suspended	\$30,000
211 to 390 total days suspended	\$33,000
Suspended for 391 days or more	\$36,000
No Suspension End Date	\$17,000
Did not request an individual damages hearing	37.5% of amounts distributed in accordance with above categories

For class members who had multiple suspensions within the class period, the proposed settlement provides that the suspensions will be added together to calculate the aggregate suspension length. However, any suspension that lasted fewer than 32 calendar days will not be counted toward a cumulative number of suspension days.

The exact amount that you will receive from the Net Settlement Amount will depend upon the number of individuals who submit timely and valid Claim Forms. The final payment that you may receive may be greater or less than the amounts listed above. Certain legally-required deductions, including but not limited to overdue child support and docketed NYC parking judgments, and New York State Exec. Law Section 632-a deductions, where applicable, will be deducted from payments. The Claims Administrator will mail to Class Members who submit timely Claim Forms their pro rata share of the initial settlement payment (see below paragraph regarding possible second distribution) after the City of New York provides the Settlement Amount. As part of the Claim Form, you must affirm that had constitutionally adequate post-suspension hearings been available, you (1) would have requested such a hearing to challenge your post-arrest suspension and (2) believe in good faith that you would have succeeded at such a hearing and your TLC license suspension would have been lifted.

If, following the initial distribution of Settlement Awards, funds remain in the Settlement Amount, a second round of distribution may occur pursuant to the following conditions: if after the first distribution, more than \$250,000 of the Settlement Amount is unclaimed, 60% of the total amount remaining, up to a maximum of \$22,500,000 of the unclaimed amount may be redistributed to Class Members who timely filed claims (to be distributed pro rata, with a cap of an additional 35% of the original Settlement Award per person). The remaining 40% of the unclaimed Settlement Amount will be returned to the City. If less than \$250,000 in settlement funds remain unclaimed after the initial distribution, that amount will be returned to the City without any second distribution. Any unclaimed settlement amounts in excess of \$22,500,000 will be returned to the City. If there are any unclaimed settlement amounts after the second round of distribution, those amounts will be returned to the City.

Class Counsel strongly believe that this is a favorable settlement. While the ten class members who participated in the bellwether trial in 2023 prevailed on their claims before a jury, other Class Members face a risk that they would not be awarded damages during their individual damages hearings. There would also be difficulties and delays in many other Class Members obtaining damages hearings. The Court also ruled that Class Members had to request a damages hearing by January 2023; those Class Members who did not request a hearing by that date would not have been able to seek a hearing as part of this case (and would have had to pursue a separate case). As noted in the chart above, Class Members who did not previously request a damages hearing may claim a payment under the settlement, but at a lower rate than Class Members who did request a damages hearing in this case.

If the Court grants final approval of the Settlement, the lawsuit will be dismissed with prejudice against Defendants and, unless you specifically exclude yourself from the settlement as described below, you will fully release and discharge Defendants from any and all claims that are asserted in the lawsuit. When claims are “released,” that means that a person covered by the release cannot sue Defendants for any of the claims that are released. The claims you are releasing as a member of this settlement are listed at the bottom of the claim form you are required to sign to receive your share of the Settlement.

3. What are your options?

You can participate in the settlement and claim payment or, if you do not want to accept the settlement, you have the right to object to the fairness of this settlement, or to opt out of the settlement. To do either, you must follow the instructions below.

In order to participate in the settlement and receive your payment, you must complete, sign, and send the attached Claim Form to Class Action Administrator by U.S. mail, fax, or e-mail at the address below, or you may submit your claim online at www.TLCSuspensionClaims.com.

**TLC Driver Suspension Case
Claims Administrator
P.O. Box 25226
Santa Ana, CA 92799
info@TLCSuspensionClaims.com
Fax: (714) 824-8591**

To receive your payment after final Court approval, you will also need to submit a City of New York Substitute Form W-9 to the Claims Administrator.

If you wish to object to the proposed settlement, you must mail your written objection as soon as possible, but postmarked no later than **July 21, 2025**, to the Claims Administrator at the address above. Your written objection must set forth: (1) your name, address, and telephone number; (2) why you object and any legal or factual arguments supporting the objection; (3) your signature; and (4) the case name and number: *Nebe et al. v. Daus, et al.*, 06 Civ. 4991 (RJS). Counsel will file all objections received by the Claims Administrator with the Court.

There will be a court hearing on **August 13, 2025 at 10 a.m.**, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10013, Courtroom 21C, at which time Judge Richard J. Sullivan will decide whether to grant final approval of the settlement. You are free to attend this hearing, and if the court permits, voice any objection you may have regardless of whether you have filed a written objection.

If you would prefer not to be bound by this Settlement, you may opt out of the settlement by mailing a request for exclusion to the Claims Administrator no later than **July 21, 2025**. This request for exclusion should include your name and address, and should state: (1) that you are requesting to be excluded from the class settlement in the case *Nebe et al. v. Daus, et al.*, 06 Civ. 4991 (RJS); and (2) that you understand that by excluding yourself from the settlement, you will receive no funds in conjunction with the case. If you exclude yourself, you will not participate in these proceedings, nor will you receive any money from the Settlement Amount. You will retain the right to pursue your claims against Defendants in a separate lawsuit you may bring on your own. **If you decide to opt out of the settlement, Class Counsel will no longer represent you**

regarding your claims against Defendants, and you will not receive any payment under this settlement. You have the right to consult with an attorney of your choosing should you care to do so.

If you do not return the Claim Form enclosed with this Notice to claim payment under this Settlement Agreement, and you do not submit a request for exclusion from settlement, you will not receive any money from the settlement. You will, however, remain a member of the Settlement Class, and therefore will release your claims against Defendants.

If you have any questions about the settlement, please feel free to contact Class Counsel at the contact information listed below. Please do not contact the Court Clerk, the Judge, or defense counsel.

4. How can you get more information?

This Notice is only a summary; it does not fully describe the claims and defenses of the parties, or the full terms of the proposed settlement. The pleadings and all other records in this litigation may be examined during regular business hours at Daniel Patrick Moynihan U.S Courthouse, 500 Pearl Street, New York, New York 10007. If you need additional information about the settlement, you may write to Class Counsel by mail at the following addresses or by e-mail at tlcsuspensioncase@llrlaw.com or by calling (929) 477-9200.

**Shannon Liss-Riordan
Bradley Manewith
Lichten & Liss-Riordan, P.C.
729 Boylston Street, Suite 2000
Boston, MA 02116**

**David T. Goldberg
Donahue & Goldberg, L.L.P.
240 Kent Ave.
Brooklyn, NY 11249**

**Daniel Lee Ackman
Law Office of Daniel L. Ackman
28 Liberty Street, 6th Floor
New York, NY 10005**

5. What if my address has changed?

If this Notice was mailed to you at an old address, or if you move, please advise Class Counsel and/or the Claims Administrator of your current address so that you can receive any future notices and your settlement payment (if you do not opt-out of the settlement). If you are not a member of the Class, you may discard this notice.