

**If You Were Held in the New York City Department of Correction on a
Detainer Issued by U.S. Immigration and Customs Enforcement
Between April 1, 1997 and December 21, 2012**

YOU COULD RECEIVE A SETTLEMENT PAYMENT

*This is a court-authorized Notice. This is not a solicitation from a lawyer. **You are not being sued.***

This notice is from a lawyer, not from the government or from ICE

- There is a Settlement in a class action lawsuit (*Onadia v. City of New York, et al.*) that alleged New York City violated the law when detaining individuals beyond their scheduled release date based solely on a detainer issued by U.S. Immigration and Customs Enforcement. The City denies it did anything wrong.
- People who can get money from the Settlement (also called Class Members) are: anyone who was detained by the New York City Department of Correction beyond the individual's scheduled release date between April 1, 1997 and December 21, 2012, despite all other conditions for the person's release being satisfied and based solely on a detainer issued by U.S. Immigration and Customs Enforcement.
- If you are a Class Member, your legal rights are affected whether you act or not.
- **Please read this Notice carefully. It explains decisions you must make and actions you must take now.**

Summary of Your Legal Rights and Options		DEADLINE
Submit a Claim Form	This is the only way to get a Settlement payment (<i>see</i> Question 18).	August 15, 2025
Exclude Yourself	Get no payment from the Settlement but keep your right to sue New York City about the claims in this lawsuit. (<i>see</i> Question 20).	August 15, 2025
Object	Tell the Court why you don't like the Settlement. (<i>see</i> Question 23).	August 15, 2025
Do Nothing	Get no payment from the Settlement and give up your rights to sue the City of New York about the claims in this lawsuit.	

- This Notice explains your rights, the choices you have, and **the deadline when** you need to act.
- The Court in charge of this case still has to decide whether to approve the Settlement.
- Payments will be made to Class Members with valid claims only after the Court approves the Settlement and any appeals are resolved. If you file a claim, please be patient and check the Settlement website for updates.

BASIC INFORMATION

1. What is this lawsuit about?

The lawsuit claims that the City of New York Department of Correction unlawfully detained individuals beyond their scheduled release date when all other conditions for their release were met based solely on a detainer request issued by U.S. Immigration and Customs Enforcement. The City of New York denies these claims and any wrongdoing.

This Notice is only a summary. More details are provided in the Settlement Agreement available online at www.NYCICESettlement.com.

2. Why should I read this Notice?

The Court authorized the Notice because you have a right to know about a proposed Settlement and your rights and options before the Court decides whether to approve the Settlement. If you are a Class Member, your legal rights are affected whether or not you act.

The Honorable Mitchell J. Danziger of the Supreme Court of the State of New York, County of Bronx is overseeing this case. The lawsuit is known as *Onadia v. City of New York, et. al*, Index No. 0300940/2010. Oscar Onadia was the individual who filed this lawsuit. Mr. Onadia died in 2024. His estate has been appointed Class Representative and is the Named Plaintiff in the lawsuit, represented by the administrator of his estate Iesha Henderson. The City of New York is the “Defendant.”

3. Why is this a class action?

In a class action case, one or more people (in this case Class Representative Oscar Onadia) sue on behalf of themselves and all other people who have similar claims. Together, all of these people are “Class Members.” One court collectively resolves all claims that could be brought against the City by all Class Members, except for those people who choose to exclude themselves from the Class (*see* Question 20).

4. Why is there a Settlement?

Both sides agreed to the Settlement. By agreeing to the Settlement, the attorneys representing the Settlement Class (“Class Counsel”) and the City of New York’s Counsel (“Defense Counsel”) (collectively “Counsel”) avoid the costs, delay, and uncertainty of trial, and Class Members receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that New York City did anything wrong. The parties believe the Settlement is best for everyone affected.

WHO IS INCLUDED IN THE SETTLEMENT

5. Who is included in the Settlement?

The Settlement Agreement defines the Settlement Class as all people who were detained by the New York City Department of Correction beyond the individual’s scheduled release date between April 1,

1997 and December 21, 2012 (the “Class Period”), despite all other conditions for the person’s release being satisfied and based solely on a detainer issued by U.S. Immigration and Customs Enforcement.

An 'Immigration Detainer' or 'ICE Detainer' is a request by U.S. Immigration and Customs Enforcement that asks a law enforcement agency to keep a person for 48 more hours, not counting weekends and holidays. This is beyond the time when someone would usually be let go from jail. This extra time allows ICE to take custody of the person.

6. Could I be included in the Settlement if I don’t know whether I was Overdetained or for how long?

Yes. If you were in a NYC jail during the Class Period and were issued an Immigration Detainer, you can file a claim to check if you were Overdetained. You do not need to know how many days you were Overdetained. You do not need to know the date when you were released. Provide as much information as possible to ensure that the Administrator can verify your eligibility for payment.

7. How long did I have to be Overdetained to be considered?

You were Overdetained if you were discharged from DOC custody one or more days after all conditions of your release had been satisfied.

8. What if I’m still not sure I am included?

If you're not sure whether you are part of the Class, or if you have other questions about the Settlement, get in touch with the Administrator:

Website: www.NYCICESettlement.com
Email: NYCICESettlement@atticusadmin.com
Telephone: 1-800-479-0810
Mail: NYC ICE Settlement
c/o Atticus Administration
PO Box 64053
St. Paul, MN 55164

SETTLEMENT BENEFITS – WHAT YOU CAN GET

9. What does the Settlement provide?

If the Settlement is approved by the Court and becomes final, it will provide payments to Class Members who submit timely and valid claims. The City of New York will pay up to \$92.5 million to a Class Fund that will be used to pay Class Members awards, a \$25,000 service award to the Class Representative, Administrative Costs, and Class Counsel’s attorneys’ fees and costs.

For more details, check out the Settlement Agreement at www.NYCICESettlement.com.

10. What can I get from the Settlement?

You will receive a payment if you fit the definition of a Class Member (*see* Question 5), you submit a timely and valid Claim Form (*see* Question 19), and the Court approves the Settlement and it becomes final.

11. How will my payment be calculated?

Payments are based on the number of days of Overdetention of those Class Members who submit valid claims. Payments cannot be calculated until after the Court has provided final approval of the Settlement.

After the Claim Form Deadline and final approval by the Court, payments will be calculated in accordance with the Settlement Agreement available at www.NYCICESettlement.com.

For purposes of calculating award amounts, the Settlement Class is divided into two groups:

- The “Recent Group” is those Class Members who were held beyond their scheduled release date between February 1, 2007 and December 21, 2012, despite all other conditions of their release being satisfied, and based solely on an ICE Detainer.
- The “Statute of Limitations Group” is Class Members who fit the same description but were held beyond their scheduled release dates between April 1, 1997 and January 31, 2007.

The average Class Member in the Recent Group will likely receive between \$20,000 and \$48,000, and the average Class Member in the Statute of Limitations Group will likely receive between \$10,000 and \$24,000.

Class Members may receive less or more than the amounts listed. Each Class Member’s actual recovery will depend on (1) how many days they were Overdetained; and (2) how many Class Members submit valid claims. For certain Class Members, the NYC Department of Correction may not have reliable data on how many days each person was over-detained; those Class Members’ settlement award will be calculated using the average number of days that a Class Member was Overdetained.

12. What if I was Overdetained more than one time?

Class Members who were Overdetained more than one time during the Class Period are entitled to payment for each instance of Overdetention. Each instance of Overdetention will be treated as separate and independent claims for purposes of the calculations described in Question 11.

13. If I have outstanding liens or claims against me, will that change my Award Amount?

Any amounts you owe for New York child support liens, docketed parking judgments, and business tax judgments will be subtracted from your Award Amount. The Administrator will let you know if there’s any lien or judgment that will be subtracted from your Award Amount. You’ll have the chance to show that you aren’t the person who owes that money.

If you are eligible for a payment over \$10,000 (before deduction of any liens) and New York Executive Law § 632-a (the Son of Sam Law) applies to that payment, the New York State Office of Victim

Services (OVS) may seek a court order requiring the Administrator to hold your funds and permit you to obtain just 10% of your full Award Amount.

A percentage of your payment may be withheld for required backup withholding if you do not include your SSN or ITIN on your Claim Form. (See Question 15).

14. Will my payment affect my government benefits?

There are many different factors that could impact your needs-based government benefits. Please see the Benefits Information Sheet posted on www.NYCICESettlement.com for more information and options that are available to protect your needs-based government benefits before you receive the payment from the Settlement. If you wish, you can also consult the government agency that handles your benefit.

15. What happens if I don't provide my SSN or ITIN?

You are not required to include your SSN or ITIN on the Claim Form and do not need an SSN or ITIN to obtain your settlement award. If you do not include an SSN or ITIN on your Claim Form, the Administrator is required by law to withhold 24% of your payment for back-up withholding. To avoid this withholding from your Award Amount, please include your SSN or ITIN on the Claim Form if you have one.

16. If I submit a claim will my information be shared with ICE?

No. No information that you provide or that the Administrator has for you will be shared with ICE. If you have any questions about how your information will be used or shared, please get in touch with the Administrator at 1-800-479-0810.

17. What if the Class Member eligible for payment has died?

If an eligible Class Member is deceased, the duly appointed legal representative or estate administrator is eligible to receive the payment. The representative will need to file a valid claim and provide documentation that a court has appointed them representative or administrator of the estate.

18. When will I receive my payment?

Class Members who submit valid claims will receive payments only after the Court grants final approval of the Settlement and any appeals are resolved (See Question 29). The Court has scheduled a Fairness Hearing for **10:00 a.m. October 6, 2025** to consider the Settlement and whether it should be approved. Payments will not be available until after the hearing.

If there are appeals, resolving them can take time. Please be patient and check the Settlement website for updates.

HOW TO GET A PAYMENT

19. How can I get a payment?

To qualify for a payment under the Settlement you must complete and submit a Claim Form, so it is postmarked by **August 15, 2025**. You can file a Claim Form online or download a copy of the Claim Form at www.NYCICESettlement.com or emailing NYCICESettlement@atticusadmin.com.

You may be able submit your claim after the **August 15, 2025** deadline. Please check the website for updates on the status of the Settlement.

EXCLUDE YOURSELF FROM THE SETTLEMENT

If you do not wish to be included in the Settlement Class, you have the right to request to be excluded. Filing a Request for Exclusion allows you to retain the right to sue or continue to sue the City of New York on your own for the same claims addressed in this case. Requesting exclusion is also referred to as “opting out” of the Class.

20. How can I get out of the Settlement?

To request exclusion, you must mail a request to the Administrator. The Request for Exclusion must be in writing and include:

1. Your name, address, date of birth, and social security number (if any),
2. A statement communicating that you elect to be excluded from the Settlement Class, and
3. Your signature.

The Request for Exclusion must be sent to the Administrator, so it is received on or before **August 15, 2025** at:

NYC ICE Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

This deadline may be extended under the terms of the Settlement. Please check the website for updates on the status of the Settlement.

21. Can I still get a payment if I request exclusion?

No. If you request exclusion, you are no longer a part of the Settlement Class and won't be able to receive a payment.

22. If I don't exclude myself, can I sue the City of New York for the same thing later?

No. If you do not exclude yourself and the Court approves the proposed Settlement, you will give up or “release” your rights to the claims made in this Settlement.

OBJECT TO THE SETTLEMENT

As a member of the Class, you can let the Court know if you disagree with any part of the Settlement

23. How can I tell the Court I do not like the Settlement?

If you choose to remain a Class Member, you can object to any part of the proposed Settlement. The Court will consider your views.

To object, you must send a letter stating that you object to *Onadia v. City of New York*, Index No. 300940/2010. Your objection must be received by the Administrator on or before **August 15, 2025 at:**

NYC ICE Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

This deadline may be extended under the terms of the Settlement. Please check the website for updates on the status of the Settlement.

Your written objection must include:

- Your name, address, telephone number, and email address if available,
- The Action Name and docket number: *Onadia v. City of New York, et. al*, Index No. 300940/2010,
- Your objections and any specific reasons you may have for them,
- An indication of whether the objection(s) are specific to you, a subset of the Class, or the entire Class,
- All grounds for the objection(s) and any legal support you or your counsel have for them,
- Any evidence you wish to introduce in support of your objection(s),
- An indication of whether you intend to speak at the Fairness Hearing, and
- Your signature.

If you are filing an objection through an attorney, the attorney must serve notice of appearance on Class Counsel and Counsel for Defendant (*See* Question 30) and e-file the notice of appearance using the Court's NYSCEF system no later than **September 5, 2025**.

24. What is the difference between an objection and a request for exclusion?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. If you object, you are still a Class Member and you can submit a Claim Form.

Excluding yourself is telling the Court that you do not want to be part of the Class. You cannot request exclusion **and** object to the Settlement. If you exclude yourself, you have no basis to object or file a Claim Form because the case no longer affects you.

REMAIN IN THE SETTLEMENT

25. What am I giving up if I stay in the Settlement Class?

If the Settlement becomes final, you will give up your rights to sue the City of New York for the claims resolved by this Settlement. The specific claims being released are described in the Settlement Agreement. You can talk to Class Counsel or your own lawyers if you have any questions about Settlement release.

The Settlement Agreement is available online at www.NYCICESettlement.com.

26. What happens if I don't do anything?

If you do not file a claim or request exclusion, you will remain a Class Member bound by the terms of the Settlement but will not receive a payment.

THE LAWYERS REPRESENTING YOU

27. Do I have a lawyer in this case?

Yes. The Court has appointed the attorneys at the below law firms to represent you and other Class Members in this lawsuit. These lawyers are known as "Class Counsel," and you will not be charged for their services. You may hire your own lawyer to represent you, at your own expense, but you are not required to do so.

EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

Matthew D. Brinckerhoff

Debra L. Greenberger

Vasudha Talla

600 Fifth Avenue, 10th Floor

New York, NY 10020

(212) 763-5000

BENNO & ASSOCIATES P.C.

Ameer Benno

30 Wall Street 8th Floor

New York, NY 10005

(212) 227-9300

28. How will the lawyers be paid?

Class Counsel has not been paid anything to date for the years of work they have done on this case.

Prior to the Fairness Hearing, Class Counsel will seek approval from the Court for attorneys' fees and costs of no more than 30% of the Class Fund, less Settlement notice and administration costs and the Class Representative's service award. The City has the right to oppose the application if it believes the amount requested is excessive in light of pertinent case law.

Class Counsel will also ask the Court for a service award of up to \$25,000 to be paid to the Estate of Class Representative Oscar Onadia for his work on behalf of the Class, before he died.

THE COURT'S FAIRNESS HEARING

29. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing, sometimes called a Final Approval Hearing, before the Honorable Mitchell J. Danziger at **10:00 a.m. on October 6, 2025** in Courtroom #707 of the Supreme Court of the State of New York in Bronx County, located at 851 Grand Concourse, Bronx, NY 10451. The hearing may be moved to another date or time without additional notice, so it is a good idea to check the website for updates.

At the hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider whether to approve Class Counsel's Attorneys' fees and costs, and the Class Representative's Service Award Payment.

If there are objections, the Judge will consider them and hear any Class Members or their personal counsel who filed an objection and an intention to personally appear at the hearing. Class Members are not required to attend the hearing.

After the hearing, the Judge will decide whether to approve the Settlement. We do not know how long the decision will take.

Updates on the status of the hearing and the Court's determination will be posted at www.NYCICESettlement.com when available.

30. Do I have to attend the hearing?

No. Class Counsel will represent the best interests of the Class at the Fairness Hearing and answer any questions the Court may ask. Any Class Member who submits a timely written objection in compliance with the requirements (*See* Question 23) may appear at the Fairness Hearing in person or through counsel retained at the Class Member's expense but are not required to do so.

If you intend to appear at the Fairness Hearing, you must send a letter to the Administrator indicating your intent to appear that includes your name, address, telephone number, email address if available, and your signature. Send your notice of intention to appear to the Administrator so it is received on or before **August 15, 2025** at:

NYC ICE Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

If you retained counsel at your own expense to appear on your behalf at the Fairness Hearing, such counsel must serve a notice of intent to appear on Class Counsel and Counsel for Defendant and e-file using the Court's ECF System (<https://ecf.nysd.uscourts.gov/>) so it is received by **September 5, 2025**.

Counsel can be notified at the following addresses:

Class Counsel		Counsel for Defendant
EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP <i>Matthew D. Brinckerhoff</i> <i>Debra L. Greenberger</i> <i>Vasudha Talla</i> 600 Fifth Avenue, 10 th Floor New York, NY 10020		CORPORATION COUNSEL CITY OF NEW YORK <i>Chlarens Orsland</i> 100 Church Street New York, NY 10007
BENNO & ASSOCIATES P.C. <i>Ameer Benno</i> 30 Wall Street 8 th Floor New York, NY 10005		

GET MORE INFORMATION

31. How can I get more information?

This Notice is only a summary of the Settlement. You can find more about the Settlement Agreement on www.NYCICESettlement.com. You can also reach out to the Administrator's office at:

Email: NYCICESettlement@AtticusAdmin.com

Telephone: 1-800-479-0810

Mail: NYC ICE Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

Please DO NOT contact the Court or any city agency with questions about this Settlement.