

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MACK BUTLER et al. v. SUFFOLK COUNTY

No. 11-cv-02602 (AYS)

**COURT-ORDERED NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
AND SETTLEMENT HEARING**

To: All persons who are or were detainees or inmates in the custody of the Suffolk County Sheriff's Department and housed in the Suffolk County Correctional Facilities ("SCCF") and who were or will be released from SCCF on or after April 5, 2009 to May 27, 2025 (the "Class," with the time period of April 5, 2009 to May 27, 2025 being the "Class Period"), except for those persons who were or have been housed exclusively in the facility that opened in Yaphank in 2013.

A federal court has authorized this notice. This is not a solicitation from a lawyer.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

**YOUR RIGHTS MAY BE AFFECTED BY
THE LEGAL PROCEEDINGS IN THIS LITIGATION.**

YOU MAY BE ENTITLED TO MONEY FROM THIS SETTLEMENT.

This Notice is being sent to you pursuant to Rule 23 of the Federal Rules of Civil Procedure and by Order of the United States District Court for the Eastern District of New York (the "Court"). It describes a proposed settlement (the "Settlement") of a class action lawsuit in the Court under the above caption (the "Action") against Suffolk County (the "County" or "Defendant") that alleged violations of the rights of inmates at SCCF facilities during the Class Period. This Notice also describes your right to receive money from this Settlement.

YOU MUST FILE A CLAIM BY DECEMBER 3, 2025, TO RECEIVE COMPENSATION.

To file a claim, fill out the electronic Claim Form (available at the Settlement Website: www.suffolkjailslawsuit.com) or mail a completed Claim Form to the address listed in Section VII below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	If you do nothing in connection with the Settlement, you will receive no payment from the Settlement and you will be bound by any past and future Court rulings, including rulings on the Settlement, if approved, and the Settlement releases.
SUBMIT A CLAIM FORM	The only way to receive a payment is to complete and submit a Claim Form by December 3, 2025 . You can submit your completed Claim Form by U.S. Mail (postmarked by December 3, 2025) or online (at www.suffolkjailslawsuit.com) by December 3, 2025 .
EXCLUDE YOURSELF	If you exclude yourself from the Settlement, you will not be bound by the Settlement, if approved, or that Settlement's release, and you will not be eligible for any payment from the Settlement. To do so, postmark your exclusion request by September 9, 2025 .
OBJECT TO THE SETTLEMENT	If you wish to object to the Settlement, you must file a written objection with the Court by September 9, 2025 , and mail your objection by U.S. First-Class Mail to Class Counsel and the County's counsel by September 9, 2025 . You must be and remain a Settlement Class Member in order to object to that Settlement.
PARTICIPATE AT THE FAIRNESS HEARING	Although you do not need to participate, you are welcome to participate at the Fairness Hearing. You may also hire your own lawyer to participate, but you are not required to do so.

- These rights and options – *and the deadlines to exercise them* – are explained in this Notice.
- The Court in charge of this litigation still must decide whether to approve the Settlement of this case. Distribution of Settlement benefits will be made **only** if the Court approves the Settlement and after any appeals are resolved.

Summary of Settlement:

On May 27, 2011, plaintiffs filed this lawsuit against the County on behalf of themselves and later amended it to include a class of individuals who were subjected to allegedly unconstitutional conditions within the SCCF, jails located in Riverhead and Yaphank. A settlement was reached in February 2025. The terms of the settlement were fully documented and presented to the Court in May 2025.

The Settlement provides for an \$18,000,000 (eighteen million dollars) payment by the County (funds that established the “Settlement Fund”). Most of the money from the Settlement Fund will be distributed to Class Members. Of the Settlement Fund: \$175,000 (one hundred seventy-five thousand) will be set aside for class administration costs; additional amounts will be used as service awards to the lead plaintiffs and certain class members that actively participated in preparing the lawsuit for trial (the “Service Award(s)”; and up to \$400,000 may be used to reimburse Class Counsel for litigation expenses related to this Action, absent further orders of the Court. The Settlement also requires certain changes to the SCCF’s practices, as described in this Notice.

This Notice is being sent to all persons who currently, or at any time since April 5, 2009, have been incarcerated in the SCCF (Yaphank or Riverhead)—excluding persons who were or have been housed only in the separate Yaphank facility that opened in 2013. For purposes of this Notice, an “incarcerated person” means anyone who is or was held at the SCCF during the Class Period. This includes individuals detained, housed, confined, or imprisoned at SCCF because of an arrest, a criminal or civil contempt charge, a detainer, or a conviction.

The fact that you received this Notice means that you may have been incarcerated in the SCCF during the relevant period and are eligible to participate in the Settlement.

The Court in charge of this case is the United States District Court for the Eastern District of New York, and the case is known as *Butler et al. v. Suffolk County*. The judge for this case is United States Magistrate Judge Anne Y. Shields. The Court has preliminarily approved the Settlement and wishes to inform you of the general terms of the Settlement and what actions you need to take to participate in the benefits provided by the Settlement.

The Court will hold a hearing to consider whether the Settlement is fair, reasonable, and adequate, and to decide whether to give final approval to this Settlement. The Fairness Hearing will be held on **November 3, 2025, at 11:00 a.m.**, before The Honorable Anne Y. Shields, United States Magistrate Judge of the United States District Court for the Eastern District of New York at 100 Federal Plaza, Courtroom 840, Central Islip, New York 11722. If the Court approves the Settlement, the Court’s judgment will be final and binding, and payments will be made after the completion of all claims processing.

You may attend this hearing if you wish, but you are not required to do so. If you are a Class Member, you will be represented by Class Counsel at no cost to you.

If you wish to submit a claim for monetary relief, this Notice describes the procedures to do so. Or, if you wish to opt out from the settlement or object to it, this Notice also describes those procedures.

QUESTIONS? CALL (833) 420-3826 TOLL-FREE, OR VISIT WWW.SUFFOLKJAILSLAWSUIT.COM

I. PURPOSE OF THIS NOTICE

This Notice explains the Action, the Settlement, the certification by the Court of the Class, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The interests of the Class have been represented in the Action by Allen Overy Shearman Sterling US LLP and the New York Civil Liberties Union Foundation as appointed by the Court on March 19, 2013 (collectively, “Class Counsel”). If you have questions regarding this Notice or your rights in this Settlement, you may contact the settlement administrator at (833) 420-3826, or visit www.suffolkjailslawsuit.com (the “Settlement Website”). You may also contact Class Counsel listed in Section VIII below.

If you want to be represented by your own lawyer (other than Class Counsel), you may hire one at your own expense.

II. LITIGATION BACKGROUND

The SCCF, which includes the Riverhead and Yaphank Correctional Facilities, constitute a jail system in Suffolk County, New York. The Suffolk County Sheriff’s Office implements policies at SCCF, including those governing living and housing conditions, grievance procedures, and access to medical and other program services.

On May 27, 2011, Plaintiff Rickey Lynch and nineteen others confined in SCCF at Riverhead brought this action *pro se* (advocating on their own behalf, without the representation of a lawyer) against Suffolk County and others. The action claimed damages resulting from the allegedly unconstitutional conditions in the jail and requested injunctive relief to improve the conditions at Riverhead. The conditions alleged included ongoing exposure to human waste, mold, rust, vermin, freezing temperatures, and inadequate access to clean drinking water.

On April 5, 2012, Class Counsel filed the Consolidated Amended Class Action Complaint and sought to proceed as a class action representing the interests of all 163 plaintiffs who had filed *pro se* complaints, as well as similarly situated persons. Class Counsel asserted Fourteenth Amendment, Eighth Amendment, New York Constitution due-process, and New York common law negligence claims.

On March 19, 2013, the Court granted class certification, creating the Injunctive Class and the Damages Class (collectively the “Class”), with subclasses for those persons detained in Riverhead and Yaphank. The class definition was modified to exclude persons housed solely in the Yaphank facility built in 2013.

In order to secure certain, prompt, and extensive relief for the Class and to avoid the risk of future litigation, trial, and appeals, the Parties engaged in settlement negotiations for the Class. On February 10, 2025, the Parties reached an agreement providing for the settlement of the Class Action and executed the Settlement before Magistrate Judge Shields. Class Counsel believes that the Settlement is fair, reasonable, and adequate, and that it serves the best interest of the Class based on all the facts and circumstances.

III. CLASS DEFINITION

You are a member of the Class if you are or, at any time from April 5, 2009 to May 27, 2025, have been detained and housed in the SCCF.

You are **not** a member of the Class if you are (i) a Defendant in this Action, (ii) a legal representative, heir, successor, or assign of any excluded party, (iii) a person who was or has been housed *exclusively* in the SCCF facility that opened in Yaphank in 2013.

If you are uncertain whether you are a member of the Class, contact Class Counsel listed in Section VIII below, or your own attorney.

IV. DISCUSSION OF INJUNCTIVE RELIEF SETTLEMENT TERMS

The County has agreed to implement changes to its practices and procedures as part of the terms of the settlement, which will be supervised by an independent expert and the Court. Among other things, the County has agreed to the following:

- Appoint an employee who will be specifically responsible to address environmental health concerns at the SCCF
- Separately train, through video and a rulebook, appropriate personnel and all incarcerated individuals in environmental health matters and maintain that training under the supervision of the environmental health employee going forward
- Ensure cleaning supplies are properly distributed to Incarcerated Individuals and used with appropriate supervision and as part of good housekeeping practices (clean mattresses, proper dissemination of sweatshirts, and blankets to Incarcerated Individuals)
- Identify and repair or otherwise remediate plumbing defects (including ensuring properly functioning toilets and showers and safe drinking water), peeling paint, rust, and other physical defects within the SCCF (including the presence of mold, operation of the SCCF ventilation system, kitchen health code violations, and other issues implicating food safety)
- Ensure a proper vermin/pest control program is implemented and carried out
- Allow an independent expert, paid for by the County, to perform annual assessments/reports that go to Class Counsel and the Court, and provide a set of agreed County documents to ensure issues provided for in this Agreement are being addressed, and in the event of disputes, to bring those disputes to the Court.

V. DISCUSSION OF DAMAGES SETTLEMENT TERMS

Under the terms of the Settlement, the County has agreed to pay a total amount of up to \$18,000,000 (eighteen million dollars). Expenses (such as mailing this Notice), administration costs, and Service Awards to the lead plaintiffs and certain individuals that participated in preparing the case for trial, will be taken out of that total amount. Legal fees **will not** be subtracted from the amount, as Class Counsel has agreed to waive fees as part of their *pro bono* representation, but Class Counsel reserves the right to make an application for certain costs it paid while prosecuting the litigation as set forth in Section VIII, which would also be taken out of the amount the County has agreed to pay.

TO BE ELIGIBLE FOR A SETTLEMENT PAYMENT, YOU MUST TIMELY SUBMIT A CLAIM FORM—PAYMENT UNDER THIS SETTLEMENT IS NOT AUTOMATIC. A CLAIM FORM AND INSTRUCTIONS ARE ATTACHED HERETO AS EXHIBIT A. IT MUST BE SUBMITTED BY DECEMBER 3, 2025:

(1) By mail to:

Claims Administrator – 83221
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391;

or

(2) Through the Settlement Website

If you submit a Claim Form, the Claims Administrator shall be entitled to deny the claim if it is determined that you were not detained and housed in the SCCF between April 5, 2009, and May 27, 2025 or you are otherwise not eligible for reasons stated in Section III.

QUESTIONS? CALL (833) 420-3826 TOLL-FREE, OR VISIT WWW.SUFFOLKJAILSLAWSUIT.COM

A. How will my settlement award be calculated?

Class Members who timely submit a completed Claim Form (an “Authorized Claimant”) prior to **December 3, 2025**, will receive a Claims Award.

Per Diem Award (available to all Damages Class Members): First, all Authorized Claimants will receive a *pro rata* portion of twelve million dollars (\$12,000,000), in an amount equal to the total number of days that they were incarcerated in the SCCF between (a) April 5, 2009, and (b) May 27, 2025, (inclusive of both dates) multiplied by a Per Diem Amount calculated by dividing (x) twelve million dollars (\$12,000,000) by (y) the total number of days that Authorized Claimants were incarcerated in the SCCF between April 5, 2009 through May 27, 2025, (inclusive of both dates) (the “Per Diem Award”).

Tier 1 Special Injury Award: Second, Authorized Claimants (or their estates) that demonstrate (through the submission of medical records or similar documents whose veracity may be readily determined by the Claims Administrator) that they experienced death, dismemberment, or a condition requiring ongoing and significant medical treatment that is connected to the conditions of confinement present within the SCCF, will be eligible to receive an additional damages payment on top of the Per Diem Award, not exceeding \$30,000 (“Tier 1 Special Injury Award”), to be awarded at the discretion of the Claims Administrator, balancing the persuasiveness of the proof provided against the need to maximize the recovery for all Damages Class Members seeking to claim a Tier 1 Special Injury Award.

Tier 2 Special Injury Award: Third, Authorized Claimants (or their estates) that demonstrate (through the submission of medical records or similar documents whose veracity may be readily determined by the Claims Administrator) that they experienced hospitalization or other temporary significant medical treatment that is connected to the conditions of confinement present within the SCCF, will be eligible to receive an additional damages payment on top of the Per Diem Award, not exceeding \$15,000 (“Tier 2 Special Injury Award”), to be awarded at the discretion of the Claims Administrator, balancing the persuasiveness of the proof provided against the need to maximize the recovery for all Damages Class Members seeking to claim a Tier 2 Special Injury Award.

For the avoidance of doubt, an Authorized Claimant’s Claims Award could constitute one of the following:

- (i) Per Diem Award,
- (ii) Per Diem Award and Tier 1 Special Injury Award, or
- (iii) Per Diem Award and Tier 2 Special Injury Award.

If there is any balance remaining in the Settlement Fund after the distribution of the foregoing awards and expenses, the Claims Administrator will, if feasible, allocate that balance among Authorized Claimants in an equitable and economic fashion. These redistributions will be repeated until the remaining balance is impracticable to distribute equitably and economically, at which point any remaining balance will be donated to an appropriate 501(c)(3) non-profit selected by Class Counsel and approved by the Court.

B. Will the individuals that represented the class and other individuals that participated in the litigation receive a service award?

Subject to the Court’s approval, Service Awards will be paid to each Lead Plaintiff to compensate them for the time and effort they devoted to representing the Class in this Action, in addition to certain other class members that actively participated in the litigation to prepare the case for trial. Each of these individuals had a meaningful role in the litigation, including engaging in discovery and being deposed. These Service Awards will be provided to them in addition to any amounts otherwise due to them as Class Members. The total amount in Service Awards for which Class Counsel may apply for these individuals would be no more than \$170,000.

VI. RELEASE OF CLAIMS

If the Court grants final approval of the Settlement, then **all** Class Members who **do not opt out** will fully, finally, and forever release all claims covered by the Settlement Agreement against Suffolk County, as well as its agents and employees, up to May 27, 2025. When claims are “released” it means that a person granting the release cannot sue Suffolk County or its agents/employees for the same claims that are covered by this lawsuit as set forth below and in the Settlement Agreement.

What this means for you is that you will not be able to bring a lawsuit for anything related to inhumane environmental conditions experienced during your detainment and housing before May 27, 2025. This is true whether or not you are aware of those claims now.

This Release does not affect your rights to any claims that might arise *after* May 27, 2025, or your rights to claims stemming from any certified class action (other than this Action) in which a Plaintiff of this Action is already a member of the class.

VII. THE SETTLEMENT PROCESS, FINAL FAIRNESS HEARING AND YOUR RIGHTS

In order to decide whether to approve the Settlement, Magistrate Judge Shields will consider related papers and comments submitted by the Parties or others and will hold a hearing in open court. **This Fairness Hearing will be held on November 3, 2025, at 11:00 a.m., at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Courtroom 840, Central Islip, New York 11722.**

You do not need to appear at the hearing. However, you may attend, and you may also enter an appearance in the case through your own attorney, if you so desire.

A. How Do I Get Out of the Settlement?

You also may decide to “opt out” or ask to be excluded from the Settlement. If you exclude yourself from the Class, you will not be legally bound by the Court’s judgments in this Action and you also will not receive any money from this Class Action lawsuit—even if the Settlement is approved. Of course, even if you exclude yourself from this lawsuit and you have future interactions with Suffolk County, any changes made to the SCCF policies outlined above will still apply to you.

To ask to be excluded:

- (1) You must send a letter by First Class Mail clearly stating that you request to be excluded from the Settlement Class in *Butler v. Suffolk County*, No. 11-CV-02602 (AYS).
- (2) Your request must state the name, date of birth, address, and telephone number (if any) of the person requesting exclusion
- (3) You must mail your exclusion request, **postmarked by no later than September 9, 2025**, to:

Butler v. Suffolk County
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391

You cannot exclude yourself from the Class by telephone or by e-mail. A request for exclusion shall not be effective unless it (i) contains all the information called for by the above paragraphs and (ii) is postmarked by the date stated above (or is otherwise accepted by the Court).

If your request for exclusion complies with the requirements set forth above, you will not be bound by any judgment in this Action, nor will you be eligible to share in any recovery that might be obtained in this Action.

Do not request exclusion from the Class if you wish to participate in this Action as a member of the Class.

QUESTIONS? CALL (833) 420-3826 TOLL-FREE, OR VISIT WWW.SUFFOLKJAILSLAWSUIT.COM

B. How Do I Tell the Court I Do Not Like the Settlement?

If you are a Class Member and you do not exclude yourself from the Settlement, you can tell the Court what you think about the Settlement. You can object to all or any part of the Settlement, including the Service Awards, and application for costs sought by Class Counsel. You can give reasons why you think the Court should approve them or not. The Court will consider your views. If you want to make an objection, you may enter an appearance in the Action, at your own expense, individually or through counsel of your own choice, by filing with the Clerk of the United States District Court for the Eastern District of New York a notice of appearance and your written objection, and serving your written objection on Class Counsel and counsel for the County, such that your written objection is filed **by September 9, 2025**, and **postmarked to the following addresses by September 9, 2025**:

For Plaintiffs:

Daniel H.R. Laguardia
John Nathanson
Elizabeth J. Stewart
Benjamin Klebanoff
ALLEN OVERY SHEARMAN STERLING US LLP
599 Lexington Avenue
New York, NY 10022
212-848-4000
elizabeth.stewart@aoshearman.com
benjamin.klebanoff@aoshearman.com

Gabriella Larios
Molly Biklen
Veronica R. Salama
**NEW YORK CIVIL LIBERTIES UNION
FOUNDATION**
125 Broad Street
New York, NY 10004
212-607-3300
ButlerSettlement@nyclu.org

For the County:

E. Christopher Murray
Michelle A. Klein
Elizabeth S. Sy
Caitlyn Gibbons
RIVKIN RADLER LLP
926 RXR Plaza
Uniondale, NY 11556-0926
516-357-3000
e.murray@rivkin.com

Please do not send any comments directly to, or attempt to reach, Magistrate Judge Shields in person. If you do not enter an appearance, you will be represented by Class Counsel. If you choose to object, you must file a written objection. You cannot make an objection by telephone or email.

Your written objection must contain:

- (1) a heading that refers to this Action by case name and case number;
- (2) the specific legal and factual basis for each objection, and whether the objection applies to you, a specific subset of a Class or the entire Class;
- (3) a statement of whether you intend to appear at the Fairness Hearing, either in person or through your lawyer and, if through your lawyer, a statement identifying the lawyer by name, address, and telephone number;
- (4) a description of any and all evidence you may offer at the Fairness Hearing, including but not limited to the names, addresses, and expected testimony of any witnesses; all exhibits intended to be introduced at the Fairness Hearing; and documentary proof of your membership in the Class;
- (5) your time of incarceration within the SCCF during the class period; and

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(6) a list of other cases in which you and, if applicable, your attorney(s) have appeared either as an objector or counsel for an objector in the last five years.

Your written objection must be signed by you, even if you are represented by counsel, and filed with the Court **no later than September 9, 2025**, and mailed to Class Counsel and to the County's Counsel at the addresses above **postmarked by September 9, 2025**. If you fail to object in the manner described above, you will be deemed to have waived your objection and will forever be barred from making any such objection in the Action, unless otherwise excused for good cause shown, as determined by the Court.

Check the Settlement Website, www.suffolkjailslawsuit.com, for updates on important dates and deadlines relating to the Settlements.

C. What is the Difference Between Excluding and Objecting?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class or the Litigation. You cannot request exclusion and object to the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

VIII. THE LAWYERS REPRESENTING THE CLASS

As a Class Member, you are represented in this Action by Class Counsel, as follows:

Daniel H.R. Laguardia

John Nathanson

Elizabeth J. Stewart

Benjamin Klebanoff

ALLEN OVERY SHEARMAN STERLING US LLP

599 Lexington Avenue

New York, NY 10022

212-848-4000

elizabeth.stewart@aoshearman.com

benjamin.klebanoff@aoshearman.com

Gabriella Larios

Molly Biklen

Veronica R. Salama

NEW YORK CIVIL LIBERTIES UNION

FOUNDATION

125 Broad Street

New York, NY 10004

212-607-3300

glarios@nyclu.org

Unless you elect to exclude yourself from the Settlement or elect to retain your own personal lawyer, by remaining in the Class you will continue to be represented by Class Counsel in connection with implementation of the Settlement throughout the remainder of the Settlement at no cost to you.

A. Will the Lawyers Be Paid?

Class Counsel has voluntarily litigated this case on behalf of the Class on a *pro bono* basis. As part of this Settlement, Class Counsel has waived the right to collect any legal fees connected with this Action, but reserve the right to make an application for reimbursement of certain costs it paid in the course of prosecuting this action, up to \$400,000—such expenses relate to the retention of expert witnesses, dissemination of notice of this Action at the time of class certification, and court reporter fees for depositions.

If you are a Class Member and receive payment from the Settlement Fund, you will not owe any fees or expenses to the lawyers who have represented you as a part of the Class.

VIII. GETTING MORE INFORMATION

If you have further questions or are still not sure whether you are included, you can get free help by contacting the Claims Administrator at the contact information listed above.

This Notice contains only an **overview** of the Settlement and related matters. For a more detailed statement of the matters involved in the Settlement of this Action, you may examine the pleadings, the Agreement relating to the Settlement of the Action, and all other papers and documents filed with the Court in this

QUESTIONS? CALL (833) 420-3826 TOLL-FREE, OR VISIT WWW.SUFFOLKJAILSLAWSUIT.COM

Action, which may be inspected during normal business hours at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722.

SHOULD YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, THIS ACTION, THE SETTLEMENT, OR THE FAIRNESS HEARING, YOU SHOULD DIRECT THEM TO THE *BUTLER V. SUFFOLK COUNTY* CLASS ADMINISTRATOR OR CLASS COUNSEL. PLEASE DO NOT CONTACT THE COURT EXCEPT AS SET FORTH ABOVE.

Dated: May 27, 2025

BY ORDER OF THE COURT