

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CLASS NOTICE

Case: *Taylor v. City of Saginaw et al*, Case No. 17-cv-11067

Issuance Date of Class Notice: xx/xx/2022
Opt Out Postmark Deadline: xx/xx/2022

**Because You Have Paid a Parking Ticket For Which
the Tire Chalking Enforcement Process Was Utilized,
You Have Been Identified as a Member of a Class Action**

A federal court authorized this notice. This is not a solicitation from a lawyer.
Your legal rights are affected whether you act or do not act, so please read this Class Notice carefully.

- A class action has been commenced in the United States District Court for the Eastern District of Michigan in the action styled Alison Patricia Taylor on behalf of herself and a class of all others similarly situated (the "Plaintiffs") versus City of Saginaw and Tabitha Hoskins, sued in her official and individual capacities (the "Defendants"), Case No. 17-cv-11067 (the "Class Action").
- The United States District Court for the Eastern District of Michigan has certified non-damages class of all persons (excluding the presiding judicial officer, his staff, the case counsel and their staff) who had and/or will have a vehicle tire chalked by a City of Saginaw parking enforcement officer, without a warrant, from April 5, 2014 to present.
- The United States District Court for the Eastern District of Michigan has also certified a damages subclass consisting of all persons within the above-named non-damages class who has paid a parking ticket from April 5, 2014 to present as a result of the warrantless chalking of vehicle tire(s).
- If you are a Class Member and do not wish to be a Class Member, you must opt out as instructed herein.
- This Notice is to inform you of the nature of the Class Action and of your rights in connection with it. The United States District Court for the Eastern District of Michigan has authorized this Notice, but the Court has not yet decided the final merits of any of the claims or defenses as to the Class.
- Further information regarding the Class, the Class Action, and/or this Notice is contained on the Class Action website at www.SaginawChalk.com or by contacting Class Counsel.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION

DO NOTHING AND AUTOMATICALLY BE PART OF THE CLASS

Stay in this case. Await the outcome.

You are automatically part of the Class if you meet the description set forth above and if the Court rules for the Plaintiff, you may benefit from any relief the Court orders or any settlement.

EXCLUDE YOURSELF

You may request to be excluded from the Class. This is also referred to as “opting out.” If you opt out, you will no longer be part of this case and will not be bound by or benefit from any ruling of the court. Your request must be postmarked no later than xx/xx/2022.

IMPORTANT INFORMATION

1. Why did I receive notice?

You received notice because a review of government records indicates that you paid a parking ticket issued by a parking enforcement official from the City of Saginaw as a result of the warrantless chalking of one or more vehicle tire(s). The Court caused this Class Notice to be provided to you because, if you fall within the definition of the damages subclass, and, therefore, you have a right to know about the pending Class Action.

This Class Notice is intended to advise you of the pendency of the Class Action and of your rights with respect to the Class Action, **including your right to exclude yourself from the Class and from further proceedings in this class action should you wish to do so.**

This Class Notice explains the litigation and informs you of your legal rights. The Court in charge of the case is the United States District Court for the Eastern District of Michigan (Northern Division) located at 1000 Washington Avenue, Bay City, Michigan 48708 and the presiding judge is the Honorable Thomas L. Ludington. The individual who brought this suit, Alison Patricia Taylor, has been appointed Class Representative and attorney Philip L Ellison of Outside Legal Counsel PLC and attorney Matthew E. Gronda have been appointed Class Counsel.

2. What is this lawsuit about? What has happened so far?

This litigation (*Taylor v. City of Saginaw et al*, Case No. 17-cv-11067) is pending before Judge Thomas L. Ludington in the US District Court for the Eastern District of Michigan (Northern Division), 1000 Washington Avenue, Bay City, MI 48708. Be advised that the Court cannot and will not provide you with any legal advice.

The Fourth Amendment to the United States Constitution prohibits government officials from conducting searches of citizens and their property subject to two overarching exceptions. First, government officials may conduct the search if they first obtain a search warrant supported by probable cause that has been issued by a neutral and detached judge or magistrate. Second, government officials may conduct the search if a judicially determined exception exists to the warrant requirement.

In this case, Alison Patricia Taylor asserts that the City of Saginaw and its parking enforcement official(s) placed chalk marks on vehicles' tires without consent or a valid search warrant.



The alleged purpose of chalking was to track the amount of time individual vehicles remain in a particular parked location. City parking enforcement officials then return after a particular amount of time to issue a parking ticket with an applicable fine based on time of the placement of the chalk mark. Plaintiff Alison Taylor asserts that placing such a chalk mark on vehicle tire(s) is a search under the Fourth Amendment and, due to a lack of consent, a warrant, or a judicially determined exception to the warrant requirement, such constituted violations of the Fourth Amendment. She filed a federal lawsuit seeking to certify this matter as a declaratory and injunctive relief class action to include all persons (excluding the presiding judicial officer, his staff, the case counsel and their staff) who had and/or will have a vehicle tire chalked by a City of Saginaw parking enforcement officer, without a warrant, from April 5, 2014 to present. She further sought to certify a subclass of those within the above-named class who paid a parking ticket from April 5, 2014 to present as a result of the warrantless chalking of vehicle tire(s). The Court has granted that request. On January 21, 2022, the Court certified this lawsuit as a class action and defined the classes; appointed Plaintiff Alison Patricia Taylor as Class Representative; and approved attorneys Philip L. Ellison of Outside Legal Counsel PLC and Matthew E. Gronda as Class Counsel.

After initially filing the lawsuit in 2017, the District Court dismissed the lawsuit in full and Alison Patricia Taylor, as the plaintiff of the yet-to-be-certified class, appealed. The United States Court of Appeals for the Sixth Circuit reversed finding that chalking was a search and two asserted warrant exceptions, community caretaking and the motor-vehicle exception, do not apply.

On remand, the District Court again dismissed the case. Again, Alison Patricia Taylor appealed. Again, the United States Court of Appeals for the Sixth Circuit reversed finding that the new exception argued for, the administrative search exception, also does not apply. The Sixth Circuit also found that the named parking enforcement official, Tabitha Hoskins, enjoys qualified immunity from being required to personally pay any damages.

On remand, Alison Patricia Taylor moved for class certification and appointment of class counsel. That motion was granted on January 21, 2022 and this Class Notice was authorized by the District Court to be provided to inform you of the proceedings.

A trial date has been set for August 30, 2022 at the federal courthouse of United States District Court for the Eastern District of Michigan (Northern Division) located at 1000 Washington Ave, Bay City, Michigan 48708, Michigan. While there is no money available now, there could be in the future.

3. Are filed papers in this lawsuit available?

This Class Notice does not fully describe all of the claims, issues, contentions and defenses of the parties. The pleadings and other important papers filed in the lawsuit are available on the Class Action website, www.SaginawChalk.com. You may also review all the filed papers by downloading the same, for a fee, at the Court's document-retention web system, PACER, at <https://ecf.mied.uscourts.gov/cgi-bin/login.pl>

4. What is a class action?

A class action suit occurs when, with court approval, many different people's similar complaints are combined in a single action represented by a lead plaintiff who suffered a similar wrong. This saves court time and allows a single judge to hear all legal claims at the same time, and come to one judgment or settlement for all members of the class. Many times, members of the class can get a favorable outcome without having to participate in the day-to-day litigation obligations.

5. Who is included in the Class in this case?

The District Court has certified two classes as part of this case. The first, a primary, non-damages class, is described as—

All persons (excluding the presiding judicial officer, his staff, the case counsel and their staff) who had and/or will have a vehicle tire chalked by a City of Saginaw parking enforcement officer, without a warrant, from April 5, 2014 to present.

The second, a damages subclass, is described as—

All persons within the above-named class who paid a parking ticket from April 5, 2014 to present as a result of the warrantless chalking of vehicle tire(s).

If you are still not sure whether you are included in the Class, you may ask for help. You can check if your license plate is included as among those identified by city records using the search tool at www.SaginawChalk.com (click on Ticket/Plate Search). You may also contact the attorneys for the Class listed below.

HOW TO REQUEST EXCLUSION FROM THE CLASS ACTION

6. What happens if I do not do anything at all?

You do not have to do anything now if you want to stay part of the Class. If you stay part of the Class, you may benefit from any favorable ruling or award. You will also be bound by any unfavorable ruling. If you stay in and the Court awards or authorizes money or benefits, either as a result of trial or a settlement, you will be notified about this. If there is a recovery, you may be entitled to a share in the proceeds, less such costs, expenses, class representative contribution awards, and attorneys' fees as the Court may allow to be paid from any such recovery.

If you do not exclude yourself and the Defendants prevail in the Class Action, you will be bound by that judgment and prohibited from pursuing a lawsuit on your own with regard to any of the issues decided in the Class Action. If you do not exclude yourself, in the event a settlement is negotiated regarding the Class Action, you will be given an opportunity to object to the settlement and ask the Court not to approve the settlement or certain parts of the settlement.

7. If I decide to exclude myself, how can I do that?

If you wish, you may request that you be excluded from the Class and from the case by submitting a written directive using the form downloadable from the Class Action website, www.SaginawChalk.com or attached to this Class Notice. This is sometimes referred to as “opting out” of the class. Because the lawsuit was certified under Federal Rules of Civil Procedure, you have the right to exclude yourself from the Class. If you request to be excluded, you will not be part of the case. This means that if there is a settlement or if the Court awards money to the Class Members or other relief, you will not be entitled to share in the proceeds, and if there is a judgment adverse to the Class Members, you will not be bound by that result. In either instance, you would retain your right to file your own lawsuit.

To stay in the lawsuit as a Class Member, you do not need to do anything. In the event you wish to exclude yourself from the Class, you must fill out the Opt Out form found at www.SaginawChalk.com and submit the same to Class Counsel. **To be effective, your request to opt out must be postmarked no later than date listed on the first page of this Class Notice.** If you do not request exclusion by that deadline, and you fall within the definition of the Class, you will be bound by any final judgment or settlement of this Class Action.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

Yes. The District Court has approved the appointment of Philip L Ellison of Outside Legal Counsel PLC and Matthew E. Gronda. Any attorney fees or costs ultimately allowed by the Court to be paid to Class Counsel will be paid out of any funds available to the Class as a result of a settlement or a recovery in the Class Action. Upon success in this case, Class Counsel will ask the Court for an award of attorney fees and reimbursement of litigation expenses and court costs for their work since starting this case in 2017. Any award of fees, costs, and expenses incurred by Class Counsel in prosecuting the lawsuit on behalf of the Class will be paid from the proceeds to be paid by Defendant(s) prior to allocation of any payment(s) to Class Members. However, Class Counsel will also be seeking an award of attorney fees and costs pursuant to 42 U.S.C. § 1988.

To date, Class Counsel have not received any payment for their provided legal services in prosecuting this lawsuit on behalf of the Class, nor have Class Counsel been reimbursed for their out-of-pocket expenses incurred in connection with litigating this lawsuit. The fee requested by Class Counsel would compensate them for their efforts in achieving the resolution for the benefit of the Class and for their risk in undertaking this representation on a contingency basis. The District Court will determine the actual amount of the award. If you want to be represented by your own lawyer, you may hire one at your own expense.

OTHER CONCERNS

9. How do I get more information?

To obtain more information, contact Class Counsel: Outside Legal Counsel PLC, in writing, to PO Box 107, Hemlock, MI 48626; visit the Class Action website www.SaginawChalk.com; or call Class Counsel at (989) 642-0055.

Please do not contact the Court with questions. Any questions regarding the Class Action or this Notice should be directed to the Class Counsel.

UNAPPROVED