

**NOTICE OF CLASS ACTION SETTLEMENT**  
**IN FERRILL v. VILLAGE OF VILLA PARK, 2019-CV-6809 (N.D. Ill.)**

IF YOU RECEIVED A PARKING TICKET FROM VILLA PARK BASED ON THE CHALKING OF YOUR VEHICLE’S TIRES BETWEEN OCTOBER 15, 2017 AND MAY 4, 2020, YOU MAY BE PART OF A CLASS ACTION SETTLEMENT

- The settlement resolves a lawsuit against Defendant Village of Villa Park. The Plaintiff, individually and on behalf of others similarly situated, alleges that parking tickets issued by Defendant based on placing a chalk mark on tires violated the Fourth Amendment to the U.S. Constitution and certain state laws. The settlement avoids the future costs and risk of litigation and entitles certain ticket recipients to a cash payment (“Settlement Benefits.”). The Settlement Benefits are discussed more fully in Paragraph 3.
- Your legal rights are affected whether you act or not. Read this notice carefully.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM</b>	The only way to receive Settlement Benefits (75% of the amount you paid for a parking ticket issued due to chalking your tire), is to mail a claim form to First Class, Inc./ J14365-Ferrill, 5410 W. Roosevelt Rd., Ste. 222, Chicago, IL 60644-1490.
<b>EXCLUDE YOURSELF</b>	You will receive no Settlement Benefits but retain your right to sue about the legal claims in this case.
<b>OBJECT</b>	Write to the Court about why you do not like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	Receive no Settlement Benefits. Give up rights.

**1. What is this lawsuit about?** Scott Ferrill sued the Village of Villa Park in *Ferrill v. Village of Villa Park*, 19-CV-6809 (N.D. Ill.), alleging that the practice of issuing parking tickets based on placing a chalk mark on vehicle tires constituted an unreasonable search in violation of the Fourth Amendment to the United States Constitution because the chalk mark physically invaded onto the vehicle in an effort to collect information. The Village of Villa Park denies the claim, but to avoid the continued expense of litigation, has agreed to a settlement of the case.

**2. Who is included in this Settlement?** The settlement includes a “Class” or group of people called “Class Members” that consist all persons who had the tires of their automobile marked with chalk by the Village of Villa Park, Illinois, in connection with the enforcement of timed but non-metered parking regulations which resulted in the issuance of a parking ticket between October 15, 2017 until May 4, 2020.

**3. What does the Settlement provide?** In exchange for a release of all claims, the Village of Villa Park has agreed to pay 75% of any amounts paid by Class Members for an applicable parking ticket which was only issued based on chalking of tires. In addition to these payments, the Village of Villa Park has agreed to pay the costs of class administration, the reasonable attorneys’ fees and costs of the attorneys representing the Plaintiff and the Class not to exceed \$20,000, and an additional \$1,000 to the named plaintiff for his services as the class representative.

**4. Why is there a settlement?** The Court did not decide in favor of Plaintiff or Defendant. Plaintiff believes that he would have prevailed at a trial, and Defendant believes it would have prevailed at trial. There was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, the risks of losing, and the people affected will receive compensation. The Class Representative and Class Counsel believe the settlement is best for all Class Members.

**5. How can I get a Settlement Benefit?** You must submit a completed claim form by **August 2, 2020**. A claim form is provided with this Notice. Claim forms must be mailed to First Class, Inc./ J14365-Ferrill, 5410 W. Roosevelt Rd., Ste. 222, Chicago, IL 60644-1490. Your claim must be postmarked or otherwise delivered by **August 2, 2020**.

- 6. What am I giving up by being in the Class?** Unless you exclude yourself, you will remain in the Class, which means you cannot sue for the legal issues in this lawsuit. It also means that the Court's orders will apply to you and and legally bind you.
- 7. Can I exclude myself from the Class?** Yes. If you do not want to participate in the settlement or receive any Settlement Benefits, then by **July 20, 2020** you must notify the Class Claims Administrator in writing of your intention to be excluded (opt out). To exclude yourself from the settlement, you must send a letter which states: "*I wish to exclude myself from the settlement in Ferrill v. Village of Villa Park, 19-CV-6809.*" Be sure to include your full name, address, telephone number, your signature, and your parking ticket number. You must mail your exclusion to First Class, Inc./ J14365-Ferrill, 5410 W. Roosevelt Rd., Ste. 222, Chicago, IL 60644-1490. If you exclude yourself, you will not receive any Settlement Benefits and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue Defendant in the future.
- 8. Can I object?** You can object to the settlement if you do not like any part of it. You must give reasons why you do not think the Court should approve it. The Court will consider your views. To object, you must file a written objection with the caption *Ferrill v. Village of Villa Park, 19-CV-6809*, along with your name and address, your parking ticket number, a sentence confirming that you are a Class Member, and the specific reasons why you object to the Settlement. By **July 20, 2020**, you must file your objection with the Court the Clerk of the District Court 219 S. Dearborn, 20<sup>th</sup> Floor, Chicago, IL 60604 and you must serve a copy of your letter on attorney for Plaintiff, Thomas Zimmerman, Jr., Zimmerman Law Offices, P.C., 77 W. Washington St., Ste. 1220, Chicago IL 60602, and attorney for Defendant, Brandon Lemley, Querrey & Harrow, Ltd., 175 W. Jackson Blvd., Ste. 1600, Chicago, IL 60604.
- 9. Court's Fairness Hearing.** The Court will hold a Fairness Hearing to decide whether to finally approve the settlement on **September 28, 2020 at 11:00 a.m.** at the U.S. District Court, 219 S. Dearborn St., Courtroom 1019, Chicago, IL 60604. At the fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. You may, but are not required to, attend the Fairness Hearing. If there are objections or requests to be heard, the Court may consider them at the hearing. You cannot speak at the Fairness Hearing if you exclude yourself from the Class.
- 10. What happens if I do nothing?** If you do nothing and the Court approves the settlement, then you will not receive any Settlement Benefits, but you will still be bound by the settlement. The only way to receive Settlement Benefits is to submit a claim form.
- 11. Additional information.** You may seek the advice of your own private attorney at your own expense. You may also inspect pleadings and court records during regular business hours at the U.S. District Court, 219 S. Dearborn, 20<sup>th</sup> Floor, Chicago IL 60604. You may also contact Class Counsel at 312-440-0020.

**DO NOT CALL THE COURT WITH QUESTIONS**

- 12. What if I move?** If you have moved or will move before the time for receiving Settlement Benefits, please update your contact information with the Class Claims Administrator, First Class, Inc./ J14365-Ferrill, 5410 W. Roosevelt Rd., Ste. 222, Chicago, IL 60644-1490.