

**THIS IS A NOTICE OF CERTIFICATION OF A LITIGATION CLASS  
THIS IS NOT A NOTICE OF A SETTLEMENT CLASS.**

**If you are a juvenile who appeared before former  
Judge Mark A. Ciavarella Jr. at any time  
from January 1, 2003 through May 28, 2008**

**--- or ---**

**If you are the parent/guardian of a juvenile who appeared before  
former Judge Ciavarella during this time,  
A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

- Two class action lawsuits (the “Lawsuits”) were filed on behalf of both (a) juveniles who were adjudicated delinquent or referred to placement by former Luzerne County Court of Common Pleas Judge Mark A. Ciavarella Jr. between January 1, 2003 and May 28, 2008, and (b) the parents and natural guardians of the juveniles who were adjudicated delinquent or referred to placement by former Judge Ciavarella during that period of time. This Notice refers to these groups as the “Juveniles” and the “Parents.”
- The Lawsuits are titled *H. T. v. Ciavarella*, No. 09-cv-357, and *Conway v. Cohan*, No. 09-cv-291. They are pending in the United States District Court for the Middle District of Pennsylvania.
- These lawsuits were filed against a number of defendants. Some of those defendants – Robert Mericle and Mericle Construction, Inc.; PA Child Care, LLC (“PACC”); Western PA Child Care, LLC (“WPACC”); and Mid-Atlantic Youth Services, Corp. (“MAYS”) – have settled. The Court has already found that other defendants – Mark A. Ciavarella; Michael T. Conahan; Beverage Marketing of PA, Inc. (“Beverage Marketing”); and Pinnacle Group of Jupiter, LLC (“Pinnacle Group”) – are liable to the Juveniles and the Parents. The remaining defendants are Robert J. Powell and Vision Holdings, LLC (“Vision Holdings”).
- The Court has certified a “Litigation Class,” which means the Lawsuits may proceed on a class-wide basis to determine whether the remaining defendants are liable to the Juveniles and the Parents. The Notice is about the Litigation Class, which is different from any Settlement Class that you might have previously heard about.
- The Court has not yet decided whether the remaining defendants did anything wrong. The lawyers for the Litigation Class must prove the remaining defendants’ wrongdoing at a future trial.
- The Court has not yet awarded any money damages, and there is no guarantee that money damages will be awarded. That means that you may or may not be eligible to receive money in the future. Your legal rights may be affected, however, and so you will have a choice to make:

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

<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</b></p> <p>By doing nothing, you will remain in the Litigation Class and will be bound by any class judgment that is entered. You keep the possibility of getting money or other benefits that may come from a trial or a settlement with the remaining defendants. But, you give up any rights to sue the defendants on your own about the same legal claims in this lawsuit.</p>
<b>EXCLUDE YOURSELF</b>	<p><b>Get out of this lawsuit. Get no benefits from it. Keep your right to file your own lawsuit.</b></p> <p>If you ask to be excluded, you cannot get any money or benefits from this lawsuit, but you will keep any right that you have to sue the defendants for the same claims, now or in the future, and you will not be bound by any orders or judgments in this case.</p>

Your options are explained more fully in this Notice. No deadline has been set to exclude yourself from the Litigation Class.

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**BASIC INFORMATION**

**What is a class action and who is involved?**

In a class action, Class Representatives sue on behalf of a group of other people who have the same or similar claims. The people with similar claims are called the “class” or “class members.” One court resolves the claims and issues for all Class Members instead of evaluating each Class Member’s claim separately. A class action is an effective way of dealing with lawsuits that affect a large number of people. One of the benefits of a class action can be that it can resolve a big case more quickly by resolving the legal issues once for all Class Members.

You will be in the Litigation Class if you fit into the definition of the Litigation Class at the bottom of this page and you do not exclude yourself. You will not be in the Litigation Class if you exclude yourself from the Litigation Class by following the instructions in this Notice.

**Why is this lawsuit a class action?**

The lawyers who filed the Lawsuits asked the Court to certify them as a class action. The Court decided that the Lawsuits meet the requirements of the rules that govern class actions in the federal courts, including Federal Rule of Civil Procedure 23(b)(3) and (c)(4). You can learn more information about why the Court has allowed the Lawsuits to be a class action in the Court’s May 14, 2013 Memorandum granting the Motion for Class Certification, which is available at [www.kidswinsettlement.com](http://www.kidswinsettlement.com).

**Why did I get this notice?**

You are receiving this Notice because Luzerne County records, which the Court directed Luzerne County to provide to the lawyers for the Class, indicate that you may be a member of the Litigation Class. Because you may be a member of the Litigation Class, your legal rights may be affected. You should read this Notice carefully.

**Am I a member of the Litigation Class?**

You are a member of the Litigation Class if you fit into one or more of the following Litigation Class definitions:

**Class A (Juveniles):** All children who were adjudicated delinquent or referred to placement by Ciavarella between 2003 and May 2008, whose adjudications were vacated, expunged, and dismissed with prejudice by orders of the Pennsylvania Supreme Court dated October 29, 2009 or March 29, 2010.

(1) **Subclass A.1:** All children in Class A who were adjudicated delinquent or referred to placement by Ciavarella without counsel and/or without colloquies on the record that informed them of their rights and the consequences of waiving those rights, before either waiving counsel and/or pleading guilty, during the time period between 2003 and May 2008.

(2) **Subclass A.2:** All children in Class A who were referred to placement at PA Child Care and/or Western PA Child Care by Ciavarella between 2003 and May 2008.

**Class B (Juveniles and Parents):** All children who were adjudicated delinquent or referred to placement by Ciavarella who paid fees, costs, fines, restitution, or any other monetary charges associated with their adjudications and/or placements during the time period between 2003 and May 2008, as well as all children’s parents or guardians who paid fees, costs, fines, restitution, or any other monetary charges associated with their children’s adjudications and/or placements during the same time period.

**What is this case about?**

The Lawsuits are about whether the defendants violated the constitutional rights of the Juveniles to an impartial tribunal, to counsel, and to knowing and intelligent waivers of counsel or trial; whether they violated the Federal

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Racketeer Influenced and Corrupt Organizations Act (“RICO”); and whether they violated Pennsylvania law. The lawsuit arises out of the alleged conspiracy related to the construction of two juvenile detention facilities – PACC and WPACC – and the subsequent detention of juveniles in those facilities by two former Luzerne County Court of Common Pleas judges, Michael Conahan and Mark Ciavarella. The lawyers who filed the Lawsuits seek to establish the remaining defendants’ liability on those claims.

**Who are the defendants in this case?**

The Lawsuits were filed against multiple defendants.

Some defendants were dismissed from – or let out of – the Lawsuits in its early stages.

Other defendants have settled their claims. The Court has approved a settlement with Mericle and Mericle Construction, and has been asked to approve a separate settlement with PACC, WPACC, and MAYS. You may have received notices about these settlements.

The Court has entered findings of liability or “judgments” against another group of defendants: Conahan, Ciavarella, Beverage Marketing, and Pinnacle Group.

The remaining defendants in the Lawsuits are Robert J. Powell and Vision Holdings.

**How did the defendants answer the Lawsuits?**

The remaining defendants – Powell and Vision Holdings – have denied the allegations in the Lawsuits. They have denied that they knowingly and willfully participated in a conspiracy with Conahan, Ciavarella, and the other defendants to violate the constitutional rights of juveniles or to ensure that a disproportionate number of juveniles were incarcerated, or to disproportionately sentence juveniles to detention in Luzerne County. They have denied that they made any payments to Conahan and Ciavarella for the purpose of influencing Conahan or Ciavarella to send juveniles to PACC or WPACC when doing so was not warranted.

Conahan, Beverage Marketing, and Pinnacle Group did not answer the complaints in the Lawsuits. Conahan argued that he was immune from liability in the Lawsuits, but the Court rejected in large part that argument. Because of their failure to answer the complaints, the Court entered judgments against these defendants.

Ciavarella argued that he was immune from liability in the Lawsuits. The Court rejected that argument in part. The lawyers for the Class have already established that he violated the Juveniles’ right to an impartial tribunal.

**Has the Court decided who is right?**

As to Ciavarella, Conahan, Beverage Marketing, and Pinnacle Group, the Court has already decided that the Litigation Class is right, on at least some claims.

As to the remaining defendants – Powell and Vision Holdings – the Court has not yet decided whether the Class Members or the remaining defendants are right. By certifying the Class and ordering that this Notice be provided, the Court is not suggesting that the Litigation Class will win or lose this case. The lawyers must prove their case at a future trial.

**Is there any money available now?**

**No.** There is no money or other benefit available now because (1) the Court has not yet decided whether the remaining defendants did anything wrong, and (2) the remaining defendants have not settled, and (3) the Court has not determined the damages owed by any defendant. The primary goal of this class action is to establish the defendants’ liability on a class-wide basis. There is no guarantee that money or benefits will ever be obtained. If money or benefits become available, you will be notified about how to claim a share.

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**YOUR LEGAL RIGHTS AND OPTIONS**

You must decide whether to stay in the Litigation Class or exclude yourself from the Litigation Class. No deadline has been set to exclude yourself from the Litigation Class.

**What happens if I do nothing at all?**

If you do nothing, you will stay in the Litigation Class. You will be legally bound by all orders and judgments of the Court, and you will not be able to sue Defendants, or continue to sue as part of any other lawsuit about the legal claims in this case.

If money or benefits become available, another Notice with additional instructions will be mailed to your last known address.

**What happens if I exclude myself?**

If you do not want to stay in the Litigation Class, you must exclude yourself. The Court will exclude any Class members who request exclusion.

If you exclude yourself from the Litigation Class and any money or benefits become available to the Litigation Class (as a result of a trial or any settlement that may be reached with the defendants) you will not be able to get any of that money or those benefits.

If you exclude yourself from the Litigation Class, you will keep any right that you currently have to sue the defendants for the legal claims in this case now or in the future. If you sue the defendants after you exclude yourself from the Litigation Class, you will have to hire and pay your own lawyer for that case, and you will have to prove your claims without the benefit of the work performed by the lawyers in this class action.

**How do I ask to be excluded?**

To exclude yourself from the Litigation Class, you must send a letter with (1) your name, mailing address, and telephone number; (2) a statement that you want to be excluded from this Litigation Class; and (3) your signature and the date. No deadline has been set to exclude yourself from the Litigation Class.

If you would like to be excluded from the Litigation Class, mail your exclusion request to:

Litigation Class Counsel  
Anapol Schwartz  
1710 Spruce Street  
Philadelphia, PA 19103

**THE LAWYERS REPRESENTING YOU**

**Who represents you?**

The Court appointed the law firms of Anapol Schwartz, Hanglely Aronchick Segal Pudlin & Schiller, and Juvenile Law Center to represent the Class. These firms are "Class Counsel." If Class Counsel obtains money or benefits for the Litigation Class, Class Counsel may ask the Court for attorney fees and expenses. You don't have to pay these attorney fees and expenses. You may hire your own attorney to appear in Court, but you will have to pay that attorney at your own expense.

**QUESTIONS**

If you have questions, call 1-866-510-3030 or visit [www.kidswinsettlement.com](http://www.kidswinsettlement.com).