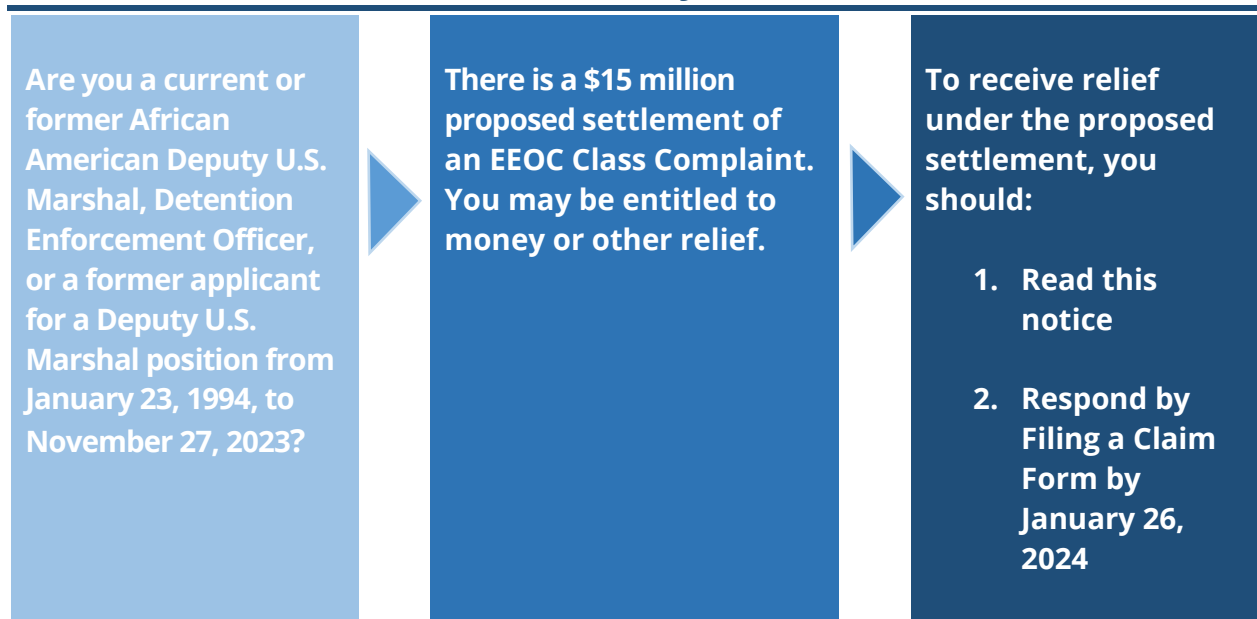


The U.S. Equal Employment Opportunity Commission (“EEOC”)
Washington Field Office
Fogg v. Garland
EEOC No. 570-2016-00501X

Class Complaint Notice of Resolution

Notice Authorized by the U.S. EEOC



This Notice of Resolution is a summary of the proposed settlement, which has been preliminarily approved by the EEOC. If the Administrative Judge declines to issue a final approval of the settlement after a Fairness Hearing, the monetary and equitable relief described in the Settlement Agreement will not be available. The complete proposed Settlement Agreement with all its terms and a copy of the Administrative Judge’s decision certifying the class can be found at usmssettlement.com. This website has been authorized by the U.S. Equal Employment Opportunity Commission. This website is not operated by the U.S. Marshals Service. To get a hard copy of the proposed Settlement Agreement, Administrative Judge’s decision, or to get answers to your questions:

Claims Administrator	Class Counsel
Fogg v. Garland Claims Administrator P.O. Box 10269 Tallahassee, FL 32302-2269 (833) 616-0397	David Sanford, Saba Bireda, Christine Dunn, Kate Muetting, James Hannaway SANFORD HEISLER SHARP, LLP 700 Pennsylvania Avenue SE, Suite 300 Washington, DC 20003 (202) 499-5200 FoggInfo@sanfordheisler.com

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About This Notice of Resolution

Why did I get this notice?

This Notice of Resolution is to tell you about the proposed settlement of an EEOC Class Complaint, *Fogg v. Garland*, brought on behalf of all current and former African American Deputy U.S. Marshals who claim they were subjected to United States Marshals Service (“USMS”) policies and practices regarding promotions under the Merit Promotion Process, Management Directed Reassignments, and Headquarter Division assignments and all African American current and former Deputy U.S. Marshals, Detention Enforcement Officers, and applicants never employed who claim they were subjected to USMS policies and practices for hiring and recruitment of Deputy U.S. Marshal positions, from January 23, 1994, to November 27, 2023.

You received this Notice of Resolution because you may be a member of the group of people affected, called the “class.” This notice gives you a summary of the terms of the proposed settlement agreement, explains what rights Class Members have, and helps Class Members make informed decisions about what action to take.

This is an important legal document, and it is recommended that you read all of it. **All Class Members are legally bound by the terms of the Settlement Agreement. Class Members are not permitted to “opt out” of the Class.** If you have questions or need assistance, please go to usmssettlement.com or call 1 (833) 616-0397.

What do I do next?

Read this Notice of Resolution to understand the proposed settlement and to determine if you are a Class Member. Then, decide if you want to:

DO NOTHING	Be bound by the settlement but receive no monetary or equitable relief.
OBJECT	Tell the EEOC Administrative Judge you are objecting by January 11, 2024 .

SUBMIT A CLAIM FORM TO REQUEST PAYMENT OR OTHER RELIEF	You must submit a Claim Form by January 26, 2024 .
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Learning About the EEOC Class Complaint

What is this Class Complaint about?

Matthew Fogg filed an EEOC charge in 1994 against the USMS asserting discrimination claims under Title VII of the Civil Rights Act of 1964 on behalf of current and former African American Deputy U.S. Marshals, and African American applicants for Deputy U.S. Marshal positions.

Where can I learn more?

You can get a complete copy of the proposed settlement and other key documents in this Class Complaint by visiting: usmssettlement.com

The USMS denies that it violated Title VII of the Civil Rights Act of 1964 and asserts that it has provided, and will continue to provide, equal employment opportunities for African American Deputy U.S. Marshals and applicants for the Deputy U.S. Marshal position.

Why is there a proposed settlement in this Class Complaint?

The EEOC Administrative Judge has not decided in favor of either side. In 2023, the parties agreed to settle, which means they have reached an agreement to resolve the Class Complaint. Both sides want to avoid the risk and expense of further litigation. The proposed settlement is between all Class Members, Attorney General Merrick Garland, and the USMS. USMS is a component of the Department of Justice with its headquarters located in Arlington, VA (www.usmarshals.gov).

What happens next in this Class Complaint?

The EEOC Administrative Judge will hold a Fairness Hearing to decide whether to approve the settlement. The hearing will be held at:

Where: U.S. Equal Employment Opportunity Commission, 131 M Street, NE, Washington, D.C.

When: March 20, 2024, at 9:00 a.m. Eastern Time (subject to change)

The EEOC Administrative Judge has authorized this Notice of Resolution. Because the proposed settlement of a class claim decides the rights of all members of the proposed class, the EEOC Administrative Judge will hold a Fairness Hearing to decide whether to approve the settlement. The Settlement Agreement will not be effective until after any appeals of the settlement are exhausted.

You do not have to attend the hearing, but you may at your own expense. You may ask the EEOC Administrative Judge for permission to speak and express your opinion about the settlement by filing an objection as discussed below. If the EEOC Administrative Judge does not approve the settlement or the parties decide to end it, it will be void and the Class Complaint will continue. The date of the hearing may change, and, if so, it is the responsibility of the Class Member to find out the new hearing date which will be updated on usmssettlement.com.¹

Learning About the Proposed Settlement

What does the proposed settlement provide?

The USMS has agreed to pay \$15 million into a Settlement Fund. This money will be distributed to Class Members and will also be used to pay Class Counsel's attorney fees and costs, any service awards, any expenses incurred by the Claims Administrator, and taxes and tax-related costs, including the USMS's employment tax obligations. Class Counsel will seek attorneys' fees for time spent on *Fogg*; costs incurred

¹ EEOC federal sector hearings are closed to the public. Class Members are permitted, but not required, to attend the hearing. Any Class Member wishing to attend the hearing in person or virtually must advise Class Counsel no later than two weeks prior to the Fairness Hearing. In-person attendees will be required to present government-issued identification and go through building security. Virtual participants must participate from a private place, without non-Class Members present. Class Members should advise Class Counsel of any accommodations they require to attend the Fairness Hearing. The Court Reporter will make an official transcript of the hearing. No other recording of the hearing is permitted.

in the prosecution of class claims; and service awards for class members who substantially assisted in the prosecution of class claims. No portion of the Settlement Fund will be returned or repaid to the USMS. If the Proposed Settlement is preliminarily approved, Class Counsel will move the EEOC Administrative Judge for approval of fees and expenses before a Final Fairness Hearing.

The USMS has also agreed to provide equitable relief through policy and practice changes and individual relief to certain Class Members who meet eligibility requirements as contained in the Settlement Agreement.

How do I know if I am part of this proposed settlement?

You are part of the proposed settlement if you are a current or former African American Deputy U.S. Marshal and claim you were subjected to USMS policies and practices regarding promotions under the Merit Promotion Process, Management Directed Reassignments, and Headquarter Division assignments and/or you are a current or former African American Deputy U.S. Marshal, Detention Enforcement Officer, or an applicant who was never employed and claim you were subjected to USMS policies and practices for hiring and recruitment of Deputy U.S. Marshal positions, from January 23, 1994, to November 27, 2023.

All pending EEO complaints filed from January 23, 1994, to November 27, 2023, that assert claims that are the same as those asserted in this class complaint are subsumed—meaning replaced by—the settlement agreement. If your EEO complaint asserting Class Claims reached a final disposition, meaning a final decision, prior to November 27, 2023, you are not eligible to receive any money or remedies, except for Service Awards, for those Claims under this proposed settlement.

How much will my payment be?

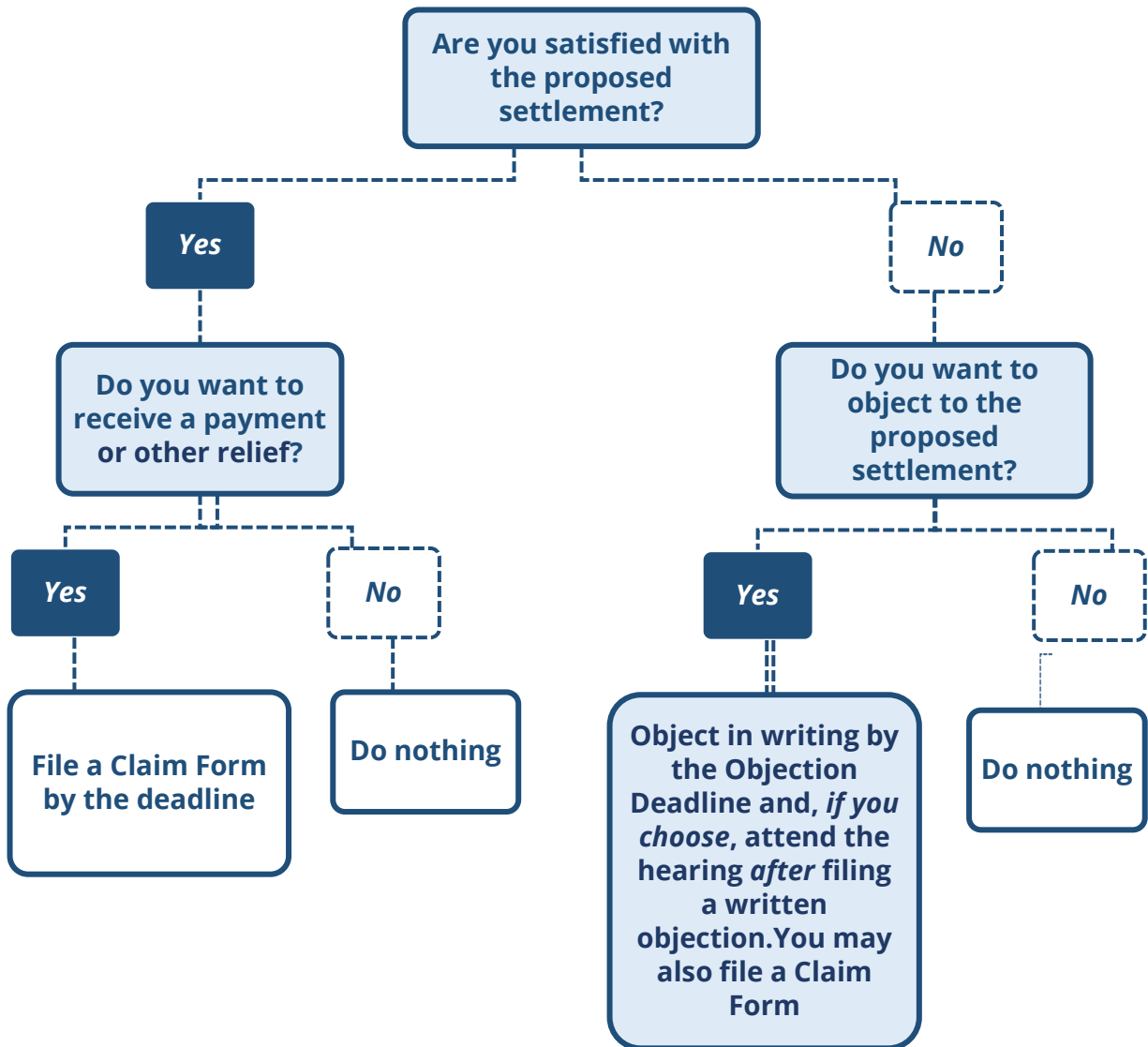
Your individual payment amount will be determined by a neutral third-party based on calculations provided for in the proposed Settlement Agreement. The USMS will have no involvement in determining any individual payment, including the calculation, allocation, or approval of any such payment.

Deciding What You Want to Do

How do I weigh my options?

You have three options. First, you can take action to receive payment and/or individual relief (file a Claim Form by the deadline). Second, you can object to the settlement. Third, you can do nothing. This chart shows the impact of each option:

	<i>Do Nothing</i>	<i>File a Claim Form</i>	<i>Object</i>
Can I receive settlement money or other relief if I . . .	NO	YES	YES
Am I bound by the terms of this settlement if I . . .	YES	YES	YES
Can I pursue my own case if I . . .	NO	NO	NO
Will I have legal representation by Class Counsel if I . . .	YES	YES	NO



Doing Nothing

What are the consequences of doing nothing?

If you do nothing, you will not get any money or other individual relief, but you will still be bound by the settlement and its release provisions. That means you will not be able to start, continue, or be part of any other complaint or lawsuit against the USMS that asserts claims described in the “Why did I get this Notice?” section above. Please see the proposed settlement agreement, which can be found at usmssettlement.com or call 1 (833) 616-0397 for information.

Filing a Claim

How do I get a payment or relief if I am a Class Member?

If you want to request money and/or equitable relief, **you must file a Claim Form, by January 26, 2024. Claim Forms are available at usmssettlement.com or call 1 (833) 616-0397 for information.**

Follow all the instructions on the Claim Form. Your Claim Form may be submitted by mail, email, or electronically. All submitted Claim Forms, including attachments or supporting materials, must be executed under the penalty of perjury.

The Claim Form submission deadline may change, and it is the responsibility of the Class Member to find out the new submission deadline, which will be updated on Class Counsel’s website.

Do I have a lawyer in this Class Complaint?

In a Class Complaint, Class Counsel works on the case and defends the interests of all the class members. If you want to be represented by your own attorney, you may hire one at your own expense or find *pro bono* representation. For this settlement, the following lawyers as Class Counsel represent the Class.

Class Counsel:

David Sanford, Saba Bireda, Christine Dunn, Kate Mueting, James Hannaway, and other attorneys of the law firm of Sanford Heisler Sharp. These are the lawyers that negotiated this settlement on your behalf. **You will not be directly charged for their services.**

How will Class Counsel get paid?

You do not have to directly pay Class Counsel. Class Counsel attorneys' fees and costs will be paid from the Settlement Fund used to pay out Class Members' claims.

To date, Class Counsel have not been paid any money for their work or out-of-pocket costs in this case. To pay for some of their time and risk in bringing this case without any guarantee of payment unless they were successful, Class Counsel will request, as part of the final approval of this settlement, that the EEOC Administrative Judge approve a payment of up to \$4,950,000 (33%) of the Settlement Fund in attorneys' fees plus the reimbursement of out-of-pocket actual costs.

Class Counsel's fees and costs will only be awarded if approved by the EEOC Administrative Judge as a fair and reasonable amount.

Objecting

What if I disagree with the proposed settlement?

Any member of the class may petition the Administrative Judge to not approve the proposed settlement because it benefits only the class agent(s), or is otherwise not fair, adequate, and reasonable to the class as a whole. This means you may object to the settlement as detailed below and as stated in the settlement agreement.

To object, you must send a signed letter to the EEOC Administrative Judge that complies with the following:

- (1) is received by the Administrative Judge by **January 11, 2024**;
- (2) includes a statement that expresses the document is an objection in *Fogg v. Garland, EEOC No. 570-2016-00501X*;
- (3) includes your full name, address, and telephone number;
- (4) states the reasons for your objection; and
- (5) states whether you want to speak at the hearing.

Mail or email the letter to each of the following:

Supervisory Administrative Judge Sharon
E. Debbage Alexander
EEOC Washington Field Office
131 M St, NE, Suite 4NW02F
Washington, DC 20507
FoggClassAction@eoc.gov

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