

ANAPOLWEISS

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June XX, 2021

Name
AddressL1
Address L2
City, State Zip

RE: Important Luzerne County Litigation Information
Wallace, et al., v. Powell, et al., No. 3:09-CV-286

Dear _____:

If you appeared before former Judge Mark A. Ciavarella, Jr., at any time between January 1, 2003, and May 28, 2008, and participated in the litigation class action in this case, you may be entitled to a further award.

YOUR LEGAL RIGHTS AND OPTIONS

| | |
|--|---|
| DO NOTHING | <p>Forego additional potential damages awards for injuries caused by the unlawful conduct of defendants Mark A. Ciavarella, Jr., and Michael T. Conahan.</p> <p>By doing nothing, you are waiving your right to seek additional damages from defendants Ciavarella and Conahan in this case.</p> |
| PARTICIPATE IN THE DAMAGES HEARING DURING THE WEEK OF SEPTEMBER 27, 2021 | <p>By August 30, 2021, elect to participate in the damages hearing during the week of September 27, 2021, by video conference or in person.</p> <p>Present any evidence, including testimony, regarding injuries you have incurred as a result of the actions of defendants Ciavarella and Conahan.</p> |



If you choose not to testify, you waive any right to receive additional compensatory damages. You may still qualify to receive a portion of any punitive damages award based on your compensatory damages award (recovery) in each of the previous settlements. There is no assurance that defendants Ciavarella and Conahan will have the assets to satisfy the final award of damages. Please also note that it is likely that neither defendant Ciavarella nor defendant Conahan will be at the hearing.

On June 25, 2009, a Master Class Action and Master Long Form Complaint were filed in the United States District Court for the Middle District of Pennsylvania seeking damages caused by the violation of constitutional rights, civil rights, RICO (racketeering), and common law state court claims arising from the defendants' conduct in Luzerne County. (See Wallace, et al., v. Powell, et al., No. 3:09-CV-286, Docs. 134, 136). The lawsuits named former Luzerne County Judges Mark A. Ciavarella, Jr., and Michael T. Conahan, their wives and their various companies; Robert J. Mericle; Mericle Construction, Inc.; Robert Powell; Pennsylvania Child Care; Western Pennsylvania Child Care; Mid-Atlantic Youth Services; Luzerne County; and others as defendants.

The claims against all the defendants except defendants Ciavarella and Conahan were resolved. The settlement proceeds were distributed as approved by the late Judge Richard A. Caputo. On December 6, 2013, Judge Caputo entered default judgment against defendant Conahan because he never responded to the complaints. (See Doc. 1500). On January 9, 2014, Judge Caputo granted summary judgment against defendant Ciavarella for matters which he did not have judicial immunity. (See Docs. 1510, 1511). Judge Caputo deferred an assessment of damages against defendants Ciavarella and Conahan until a later date. (See Doc. 1500; Doc. 1511 at 3). This civil action was assigned to Judge Christopher C. Conner after Judge Caputo's passing. Judge Conner has agreed to set time in September to assess damages against defendants Ciavarella and Conahan. We provided Judge Conner with the data collected in awarding the previous settlements and the total amount each client was awarded.

To assess damages for your individual claim(s) against defendants Ciavarella and Conahan, you have the right to testify, in person or virtually, before Judge Conner. A hearing will take place in front of Judge Conner during the week of September 27, 2021. It is your choice whether to testify. Your testimony will be a conversation with Judge Conner and an opportunity to tell him your story and about the injuries you suffered, or continue to suffer, because of the acts of defendants Ciavarella and Conahan. You may present a wide range of evidence regarding your injuries, including but not limited to, documentation of expenses for medical or mental health treatment or other out-of-pocket expenses, and testimony regarding any emotional or psychological injuries. After you testify, Judge Conner may issue an additional compensatory damages award. He may also award punitive damages.

After Judge Conner rules, we will have to try to determine what assets, if any, either defendant may have to satisfy the awards. After discovery, if we find out that defendants Ciavarella and Conahan have any assets, we will seek to place them into an account so that the Court can approve a plan of distribution.

We ask that you fill out the form below and indicate whether you will testify by video conference or in person during the week of September 27, 2021. You must complete and return the form below no later than August 30, 2021. If you do not return the questionnaire below by August 30, 2021, you will not be entitled to participate in the hearing, and you will have waived your right to seek additional damages. We have enclosed a self-addressed, stamped envelope for your use in returning this letter. You may also email your decision to cswiers@anapolweiss.com.

If you have any questions or concerns, please contact 1-800-598-0516 or visit <http://kidswinsettlement.com/>.

Very truly yours,

Sol H. Weiss

SHW:cms

_____ I will testify during the week of September 27, 2021 at the Federal Courthouse in Wilkes-Barre, Pennsylvania.

I will testify (check one): ___ In person ___ By Video Conference

_____ I will not testify during the week of September 27, 2021 at the Federal Courthouse in Wilkes-Barre, Pennsylvania.

Name

Date

Mailing Address

Email Address

Phone Number