

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALFRED F. VELAZQUEZ,

Civil Action No.: 2:17-CV-6117

Plaintiff,

COMPLAINT and
JURY DEMAND

-against-

COUNTY OF NASSAU, NASSAU COUNTY
CORRECTIONAL CENTER,

Defendant.

-----X

Plaintiff, ALFREDO F. VELAZQUEZ by his attorneys, **LEVINE & GROSSMAN**, respectfully alleges and sets forth as follows:

INTRODUCTION

1. Plaintiff brings this action for damages as the result of violations of Plaintiff's rights under the United States Constitution, and New York Constitution.

2. The claims herein are brought against the Defendant pursuant 42 U.S.C. § 1983 for money damages as compensation for injuries suffered to the Plaintiff's human dignity due to the deprivations of Plaintiff's rights under the color of statutes, ordinances, custom or usage of rights, privileges and immunities afforded to Plaintiff pursuant to Fourth Amendment, Eighth Amendment, and Fourteenth Amendment.

3. Plaintiff's rights were violated by the Defendant's unconstitutional blanket policy, practice, and custom that required all arrestees to be strip searched upon admission to the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554 from May 20, 1996 until and including June 1, 1999.

4. As a result of the above mentioned unconstitutional policy, practice, and custom, several cases were commenced and subsequently combined in one case called “In re: Nassau County Strip Search Cases, Nos. CV-99-2126 (DRH), CV-99-2844 (DRH), and CV-994238 (DRH).”

5. The Defendants conceded liability in the above-mentioned cases and on January 16, 2007, the Court certified a class for all person arrested for misdemeanors or non-criminal offenses in Nassau County who were strip searched at Nassau County Correctional Center pursuant to the unconstitutional blanket policy, practice, and custom that required all arrestees to be strip searched upon admission to the Nassau County Correctional Center from May 20, 1996 until and including June 1, 1999. (See Exhibit A)

6. Plaintiff opted to be a member of the class and filed the requisite Notice of Claim.

7. As a member of the class, Plaintiff was entitled to receive “general damages” in the amount of five hundred (\$500) dollars per strip search.

8. Additionally, the Court decided that “other damages,” if any, beyond the five hundred (\$500) dollars per strip search could be pursued in lawsuits outside of the class action. (See Exhibit B)

9. Said decision held that the liability judgment against the County of Nassau in the Class Action could be used to establish liability against the Defendants in an individual lawsuit, leaving on the issue of damages to be decided. (See Exhibit B)

10. This suit has been timely filed, in that a “hold” was placed on statute of limitations on May 20, 1999. (See Exhibit B)

11. Said hold remained in effect for 180 days after June 16, 2016, to wit, December 13, 2016.

12. A Notice approved by the Honorable Denis R. Hurley, United States District Court Judge approved a Notice dated August 15, 2016 set time limits as to when to file a lawsuit for damages beyond five hundred (\$500) dollars per strip search. Plaintiff is filing within those time limits.

PARTIES

13. Plaintiff, ALFRED F. VELAZQUEZ resides 7311 4th Avenue. Apt. A3, Brooklyn, NY 11209, County of Kings (Eastern District of New York).

14. The Defendant, COUNTY OF NASSAU is a municipal corporation with its county seat in Mineola, NY 11501, County of Nassau. (Eastern District of New York).

JURISDICTION

15. Jurisdiction is proper under 28 U.S.C. §1331; 28 U.S.C. 1343; and 28 U.S.C. 1357.

VENUE

16. Venue is proper under 28 U.S.C. 1391, as the Eastern District is where the Defendants reside and where the events and violations complained of occurred.

FACTUAL ALLEGATIONS

17. On or about June 30, 1997, Plaintiff was arrested for a misdemeanor offense and booked (#1997006872) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

18. On or about June 30, 1997, Plaintiff was unconstitutionally strip searched during his booking (#1997006872) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

19. On or about May 28, 1998, Plaintiff was arrested for a misdemeanor offense and booked (#1998006354) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

20. On or about May 28, 1998, Plaintiff was unconstitutionally strip searched during his booking (#1998006354) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

21. On or about September 17, 1998, Plaintiff was arrested for a misdemeanor offense and booked (#1998010818) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

22. On or about September 17, 1998, Plaintiff was unconstitutionally strip searched during his booking (#1998010818) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

23. As a result of the unconstitutional strip searches, there has been a concession of liability by the County of Nassau for each of the aforementioned strip searches. (See Exhibit A)

AS AND FOR A FIRST CAUSE OF ACTION -

VIOLATION OF CONSTITUTIONAL RIGHTS - 42 U.S.C. 1983

24. That the acts of the Defendants were performed under color of state law as described herein, constituting unreasonable, excessive use of force and physical abuse, cruel and unusual punishment in violation of Plaintiff's civil rights under the Fourth Amendment, Eighth Amendment, Fourteenth Amendment, and 42 U.S.C. 1983.

25. The acts and/or omissions set forth above constitute a valid claim under the Laws of the State of New York.

26. That said acts were unlawful and performed without justification.

27. That the acts of the Defendants violated Constitutional Rights of the Plaintiff.

28. That as a result of the foregoing, Plaintiff suffered serious injuries including:
- a. violation of Constitutional Rights under the Fourth Amendment, Eighth Amendment, Fourteenth Amendment, and 42 U.S.C. 1983 as follows:
 - i. Unreasonable search;
 - ii. Excessive force and physical abuse;
 - iii. Cruel and unusual punishment;
 - iv. Violation of civil rights.
 - b. Violation of the law and common law of the United States of America, and the laws and common laws of the State of New York, including claims for:
 - i. Assault
 - ii. Battery
 - c. Conscious pain and suffering, mental anguish, emotional distress.

29. As a result of the aforementioned unconstitutional strip searches, there has been a concession of liability by the County of Nassau. (See Exhibit A)

30. As a result of the foregoing acts of the Defendants, Plaintiff has suffered physical and emotional damages.

31. The amount of damages sought exceeds the jurisdiction limits of \$75,000.00.

**AS AND FOR A SECOND CAUSE OF ACTION -
UNCONSTITUTIONAL SEARCH ON JUNE 30, 1997**

32. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in those paragraphs of the complaint marked and designated “1” through “30” inclusive, with the same force and effect as if hereinafter set forth at length.

33. On or about June 30, 1997, Plaintiff was arrested for a misdemeanor offense and booked (#1997006872) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

34. On or about June 30, 1997, Plaintiff was unconstitutionally strip searched during his booking (#1997006872) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

35. The acts and/or omissions set forth above constitute a valid claim under the Laws of the State of New York.

36. As a result of the unconstitutional strip search on June 30, 1997, there has been a concession of liability by the County of Nassau. (See Exhibit A)

37. As a result of the foregoing acts of the Defendants, Plaintiff has suffered physical and emotional damages.

38. The amount of damages sought exceeds the jurisdiction limits of \$75,000.00.

**AS AND FOR A SECOND CAUSE OF ACTION -
UNCONSTITUTIONAL SEARCH ON MAY 28, 1998**

39. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in those paragraphs of the complaint marked and designated "1." through "37." inclusive, with the same force and effect as if hereinafter set forth at length.

40. On or about May 28, 1998, Plaintiff was arrested for a misdemeanor offense and booked (#1998006354) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

41. On or about May 28, 1998, Plaintiff was unconstitutionally strip searched during his booking (#1998006354) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554

42. The acts and/or omissions set forth above constitute a valid claim under the Laws of the State of New York.

43. As a result of the unconstitutional strip search on May 28, 1998, there has been a concession of liability by the County of Nassau. (See Exhibit A)

44. As a result of the foregoing acts of the Defendants, Plaintiff has suffered physical and emotional damages.

45. The amount of damages sought exceeds the jurisdiction limits of \$75,000.00.

**AS AND FOR A SECOND CAUSE OF ACTION -
UNCONSTITUTIONAL SEARCH ON SEPTEMBER 17, 1998**

46. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in those paragraphs of the complaint marked and designated "1." through "44." inclusive, with the same force and effect as if hereinafter set forth at length.

47. On or about September 17, 1998, Plaintiff was arrested for a misdemeanor offense and booked (#1998010818) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

48. On or about September 17, 1998, Plaintiff was unconstitutionally strip searched during his booking (#1998010818) at the Nassau County Correctional Center, 100 Carmen Avenue, East Meadow NY 11554.

49. The acts and/or omissions set forth above constitute a valid claim under the Laws of the State of New York.

50. As a result of the unconstitutional strip search on September 17, 1998, there has been a concession of liability by the County of Nassau. (See Exhibit A)

51. As a result of the foregoing acts of the Defendants, Plaintiff has suffered physical and emotional damages.

52. The amount of damages sought exceeds the jurisdiction limits of \$75,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, ALFRED VELAZQUEZ prays that judgment be entered in her favor against the Defendant as follows:

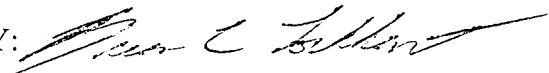
- a. Damages for the First Cause of Action in an amount to be determined by a trier of fact;
- b. Damages for the Second Cause of Action in an amount to be determined by a trier of fact;
- c. Damages for the Third Cause of Action in an amount to be determined by a trier of fact;
- d. Damages for the Fourth Causes of Action in an amount to be determined by a trier of fact;
- e. Costs and attorneys fees to be determined, together with such further and additional relief that this Court may deem proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury for all issues in this action.

Dated: October 19, 2017

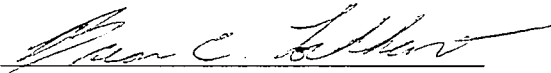
Yours, etc.,
LEVINE & GROSSMAN
Attorneys for Plaintiff

BY: 

BRIAN C. LOCKHART
BL6142
114 Old Country Road
Mineola, New York 11501
516-248-7575
blockhart@brianlockhartlaw.com

CERTIFICATION

I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

BY: 

BRIAN C. LOCKHART

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
ALFRED F. VELAZQUEZ
(b) County of Residence of First Listed Plaintiff KINGS
(c) Attorneys (Firm Name, Address, and Telephone Number)
Levine & Grossman
114 Old Country Road, Suite 460
Mineola, NY 11501
DEFENDANTS
COUNTY OF NASSAU and NASSAU COUNTY CORRECTIONAL CENTER
County of Residence of First Listed Defendant NASSAU
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
Nassau County Attorney
One West Street
Mineola, NY 11501

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)
Grid of categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983
Brief description of cause:
Unconstitutional strip search for misdemeanor offense.

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes O No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE: 10/18/2017
SIGNATURE OF ATTORNEY OF RECORD: [Signature]

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ALFRED F. VELAZQUEZ,

Plaintiff(s)

v.

COUNTY OF NASSAU and NASSAU COUNTY
CORRECTIONAL CENTER,

Defendant(s)

Civil Action No. 2:17-CV-6117

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) County of Nassau
c/o Nassau County Attorney
One West Street
Mineola, NY 11501

Nassau County Correctional Center
100 Carman Avenue
East Meadow, NY 11554

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GARDY AUGUSTIN, HEIDI KANE, MARY
KATHERINE PUGLIESE, GREGG WILLS,
STEVEN ROTH, OSCAR AVELAR, RALPH
DiLIELLO, et al, individually
and on behalf of all others
similarly situated,

CV 99-3126 (DRH) (ARL)

ORDER

Plaintiffs,

v.
JOSEPH JABLONSKY, individually
and as Nassau County Sheriff,
JOHN AND JANE DOES NO. 1-100,
and COUNTY OF NASSAU, a municipal
corporation,

Defendants.

-----X
FRANCIS O'DAY and STUART MOSKOWITZ,
individually and on behalf of all others
similarly situated,

CV 99-2844 (DRH) (ARL)

Plaintiffs,

v.
NASSAU COUNTY, NASSAU COUNTY
SHERIFF'S DEPARTMENT, DIVISION OF
CORRECTION, JOSEPH JABLONSKY,
Nassau County Sheriff, and JANE/JOHN DOES
Nos. 1-200,

Defendants.

-----X
JOHN IAFFALDANO, individually and on behalf
of all others similarly situated,

CV 99-4238 (DRH) (ARL)

Plaintiff,

v.
THE COUNTY OF NASSAU, THE NASSAU
COUNTY SHERIFF'S DEPARTMENT,
DIVISION OF CORRECTIONS, and
JOSEPH P. JABLONSKY, Sheriff of
Nassau County,

Defendants.

-----X

DENIS R. HURLEY, U.S.D.J.:

In accordance with the August 24, 2006 Decision and Order of the Court of Appeals for the Second Circuit, and in light of defendants' concession of liability to all class members:

IT IS HEREBY ORDERED that class certification is granted for liability purposes, and a class is hereby certified of all persons arrested for misdemeanors or non-criminal offenses in Nassau County who thereafter were strip searched at the Nassau County Correctional Center pursuant to defendants' blanket policy, practice and custom which required that all arrestees be strip-searched upon admission to the facility, from May 20, 1996 until and including June 1, 1999; and

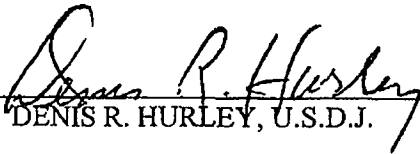
IT IS FURTHER ORDERED that Beldock Levine & Hoffman LLP is appointed as lead class counsel and Emery Celli Brinckerhoff & Abady LLP and Wolf Haldenstein Adler Freeman & Herz LLP as co-class counsel; and

IT IS FURTHER ORDERED that summary judgment on liability for all strip searches upon admission to the facility is granted against defendants Joseph Jablonsky and the County of Nassau and in favor of the certified class and each and every member thereof; and

IT IS FURTHER ORDERED that defendants are directed to disclose to plaintiffs' counsel by January 15, 2006 the following categories of information for each and every member of the class from May 20, 1996 until and including June 1, 1999: (1) name, (2) last known address and all addresses available since the beginning of the class period (with corresponding year in which address was provided), (3) phone number, (4) date of birth, (5) social security number, (6) gender/sex, (7) marital status, (8) veteran/military status, (9) New York State Identification (NYSID) number, (10) Federal Bureau of Investigation number, and (11) other names or aliases used. This production is without prejudice to production of further information

maintained by defendants upon consent of the parties or by Order of the Court upon application.

SO ORDERED.



DENIS R. HURLEY, U.S.D.J.

Dated: New York, New York
January 16, 2007

EXHIBIT B /

Augustin/O'Day/Iaffaldano
Class Administrator
P.O. Box 43222
Providence, RI 02940-3222

NOD

014163



Postal Service: Please do not mark barcode

Claim #: NOD-121356001 14676
ALFRED F VELAZQUEZ
7311 4TH AVE APT A3
BROOKLYN, NY 11209-2534

Changes of Address-
If applicable, please print your new address below (if any):

First Name _____ Last Name _____

Address _____

City _____ State _____ Zip _____

Daytime Telephone: (____) _____

Evening Telephone: (____) _____

Personal E-Mail Address: _____

Augustin/O'Day/Iaffaldano Class Administrator
P.O. Box 43222, Providence, RI 02940-3222
1-877-933-1295

CLAIM FORM

To receive a payment from this class action case, you must complete and mail this Claim Form to the address at the top of this page so it is postmarked no later than February 15, 2018.

If you file a valid and timely Claim Form, you will receive \$500 for each strip search you were subject to upon admission at the Nassau County Correctional Center for a misdemeanor or non-criminal offense from May 20, 1996 through June 1, 1999.

Section 1 - Basic Information (in addition to the information provided above):

Other names and aliases that you have used:

Telephone #: (____) _____ Date of Birth (mm/dd/yyyy): _____
Area Code

Social Security Number (SSN) or IRS Individual Taxpayer Identification Number (ITIN): _____

If you do not provide your Social Security Number or ITIN, or if the number you provide does not match your name in the Internal Revenue Service's records or for any other reason is not valid, 28% of your claimed amount will be paid to the IRS as pre-paid income tax.

Section 2 - Strip Search Confirmation:

Below are listed the booking dates for each date of arrest for a misdemeanor or non-criminal offense from May 20, 1996 through June 1, 1999 when you may have been strip-searched at the Nassau County Correctional Center. Please cross out (by putting a line through) any line number(s) which pertain to an arrest which did not result in your being strip-searched upon admission to the Nassau County Correctional Center:

Line #	Booking #	Date of Arrest/Admission
1	1997006872	6/30/1997
2	1998006354	5/28/1998
3	1998010818	9/17/1998

Value of Your Claim:

Based on the Booking information in the chart to the left, you were subject to 3 strip-search(es) upon admission, and your claimed amount is: \$1,500.00.

Section 3 - Certification and Signature:

By signing this form, I am confirming that the above information is correct.

Signature: _____ Date (mm/dd/yyyy): _____

If your claim is approved, you will receive your payment after all appeals have been resolved.

The information given on this Claim Form is private, and will be held in strictest confidence. If you have any questions about this Claim Form, call 1-877-933-1295. More information about this lawsuit is available at www.NassauCountyStripSearchCases.com.

SIGN AND RETURN THIS CLAIM FORM WITH A POSTMARK NO LATER THAN FEBRUARY 15, 2018.



29044 dom/014163/028325

NODPCN1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
In Re NASSAU COUNTY
STRIP SEARCH CASES
-----x

NOTICE
99-CV-2844 (DRH)
99-CV-3126 (DRH)
99-CV-4238 (DRH)

IMPORTANT LEGAL NOTICE

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

TO: All persons arrested for misdemeanors or non-criminal offenses in Nassau County who were thereafter strip searched at the Nassau County Correctional Center pursuant to a blanket policy, practice and custom that required all arrestees to be strip searched upon admission to the facility, from May 20, 1996 until and including June 1, 1999:

You can get \$500 for each time you were strip searched upon admission at the Nassau County Correctional Center between May 20, 1996 and June 1, 1999.

Summary

- Money has been awarded in a class action lawsuit in which it was determined that Nassau County unlawfully strip searched people arrested for misdemeanor and non-criminal offenses upon admission them to the Nassau County Correctional Center (“NCCC”), located at 100 Carman Avenue, East Meadow, New York, between May 20, 1996 and June 1, 1999. This award, in the amount of \$500 per strip search, is to compensate those affected for the injury suffered to their human dignity.
- To request your payment, simply complete and return the enclosed Claim Form postmarked by **February 15, 2018**.
- The Court decided that other damages, if any, beyond the \$500 per strip search should not be included as part of this class action because of their individual nature. Therefore, if you would like to file your own lawsuit for emotional distress, financial loss or other items of damages related to your strip search experience, you are free to do so. If you decide to file your own lawsuit, you may use the liability judgment obtained in the class action lawsuit to establish liability against defendants in your individual lawsuit, leaving only the issue of other damages to be established in your individual lawsuit. If you decide to file your own lawsuit there are time limits. See subsequent paragraph in this Notice entitled “What are the time limits for filing a lawsuit for damages beyond the \$500 per strip search.”

What was this case about? Several cases were filed claiming that Nassau County Sheriff Joseph P. Jablonsky and others created an unconstitutional policy that required NCCC officers to strip search everyone arrested and admitted to the NCCC regardless of the crime or offense for which they were charged. These lawsuits were combined into one case called In re: Nassau County Strip Search Cases, Nos. CV-99-3126(DRH), CV-99-2844(DRH), CV-99-4238(DRH). The defendants conceded liability and, on January 16, 2007, the Court certified a class for all persons arrested for misdemeanors or non-criminal offenses in Nassau County who were thereafter strip searched at the NCCC pursuant to a blanket policy, practice and custom that required all arrestees to be strip searched upon admission to the facility, from May 20, 1996 until and including June 1, 1999.

Who is included in this lawsuit? As noted above, the lawsuit includes everyone who was arrested for a misdemeanor or non-criminal offense in Nassau County and was strip searched upon admission to the NCCC from May 20, 1996 to June 1, 1999. Together these people are called a “Class” or “Class Members.”

Were there previous notices about this case? Yes, in June 2009 a notice was mailed to all known Class Members. That notice explained the lawsuit and Class Members' options at that time, including their right to opt out of the class action. In November 2013, a notice was mailed to all known Class Members explaining that the \$500 monetary award has been authorized for general damages and that a fee application had been made by the attorneys for the Class to which Class Members could object.

What are your options? You can: (1) file a claim for the \$500 damages award for each strip search performed on you upon admission at the NCCC after your arrest for misdemeanor and non-criminal offenses from 5/20/96-6/1/99; and (2) pursue individual claims for damages beyond the \$500 per strip search by filing an individual lawsuit.

How do you file a claim? Complete the enclosed Claim Form and mail it postmarked by **February 15, 2018**.

How do you pursue claims for other damages beyond the \$500 per strip search? Unless you intend to represent yourself, as would be your right, you should contact one of the law firms listed below or hire your own lawyer to file a separate lawsuit. If you pursue claims for damages beyond the \$500 per strip search, you will not have to prove liability; however you will have to prove that you actually suffered additional damages as a result of the strip search. You are not required to pursue claims for damages beyond the \$500 per strip search. However, if you do you may be required to pay that lawyer, unless you proceed pro se. You may also be required to pay a \$350 filing fee to the Clerk of Court, unless you seek and obtain in forma pauperis status.

Who represents Class Members for general damages in this lawsuit? The Court appointed the New York law firm of Herbst Law PLLC to represent Class Members as Lead Class Counsel for the class in this lawsuit, and the New York law firms of Giskan Solotaroff Anderson & Steward LLP, Beldock Levine & Hoffman LLP, Emery Celli Brinckerhoff & Abady LLP, and Wolf Haldenstein Adler Freeman & Herz LLP, as co-Class Counsel.

What are the time limits for filing a lawsuit for damages beyond the \$500 per strip search? The time limits for filing a lawsuit for additional damages are based on the three-year statute of limitations applicable to these claims. The Court placed a hold (i.e. a stoppage on the running of the three year statute of limitations) on May 20, 1999. That hold will continue to be in effect until 180 days after June 16, 2016, so that you will have at least until December 13, 2016 to file an individual lawsuit for additional damages. This means the amount of time you have to file a separate lawsuit depends upon the date you were strip searched. For example, if you were strip searched anytime from May 20, 1996 until November 16, 1996, you will have until December 13, 2016 to file a separate individual lawsuit for additional damages. For example, if you were strip searched on June 1, 1997, you would have one year after December 13, 2016 to file your individual lawsuit for additional damages. If you were strip searched on June 1, 1998, you would have two years after December 13, 2016 to file your individual lawsuit for additional damages. If you were strip searched on June 1, 1999, you have the entire three-year statute of limitations period to file a separate lawsuit. If you have a question about additional damages or the amount of time you have to file a separate lawsuit you should contact an attorney.

Is more information available? You may write to Herbst Law PLLC, ATTN: Augustin/O'Day/Iaffaldano Class Action, 420 Lexington Avenue, Suite 300, New York, New York 10170. You may also review the pleadings and other papers filed in these cases during regular business hours at the Office of the Clerk of the Court of the District Court for the Eastern District of New York in Central Islip, New York.

DATED: August 15, 2016

Central Islip, New York

Notice Approved by
the Hon. Denis R. Hurley
United States District Judge
Eastern District of New York

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Plaintiff Seeks Additional Damages in Class Action Over Nassau County \(NY\) Strip Searches](#)
