

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**BRANDON COBB, MARY HILL, and
JOSEPH NETTLES, on behalf of
themselves and all others similarly
situated,**

Plaintiffs,

v.

**GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, and
MICHAEL NAIL, in his official capacity
as Commissioner of the Georgia
Department of Community Supervision,**

Defendants.

Civil Action No.
1:19-cv-03285-WMR

CLASS ACTION

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT



YOU CAN SEE THESE PAPERS IN AMERICAN SIGN LANGUAGE (ASL) AT: <https://www.aclu.org/cobb-v-georgia-department-of-community-supervision>

READ THIS CAREFULLY:
THE SETTLEMENT IN THIS CLASS ACTION CASE
MAY AFFECT YOUR RIGHTS.

Deaf and hard of hearing (DHH) people on probation and parole in Georgia went to a judge to ask the Georgia Department of Community Supervision (DCS) to change how DCS gives them information. The Deaf and hard of hearing people and DCS have talked and have an agreement. The agreement makes rules for how DCS will help DHH people understand what DCS says to them and what they say to DCS in person, through video, and on paper. A federal judge has to say

this agreement is a fair agreement. If you are deaf or hard of hearing and are on probation or parole with DCS, this applies to you. If the judge approves the agreement, it will affect you and your rights.

This paper will explain what the agreement says. If you think that the judge should approve the agreement, you do not need to do anything. If you think the judge should not approve the agreement because you do not agree with it, then you can tell the judge. We will explain how to tell the judge at the end of this paper. First, this paper will explain what the agreement says.

The Agreement says that DCS will find out the best way to give information to each deaf or hard of hearing person it supervises. DCS will make a written plan for each deaf or hard of hearing person. That plan will say how DCS should give information to the person so that the person understands the information. For example, the plan will say if the deaf or hard of hearing person needs a qualified sign language interpreter. The plan might also say that information in writing needs to be translated into sign language. DCS will train its staff on the Americans with Disabilities Act (ADA) and the DCS rules about the ADA.

These are only the most important parts of the agreement. You can see the whole agreement for more information. An English copy of the agreement is here: <https://www.aclu.org/cases/cobb-v-georgia-department-community-supervision>. You can watch an American Sign Language (ASL) translation of the agreement here: <https://www.aclu.org/cobb-v-georgia-department-of-community-supervision/settlement-agreement>

If the judge thinks the agreement is fair, then DCS will have new rules to follow when it supervises deaf and hard of hearing people. The agreement will last for four years. The lawyers for the deaf and hard of hearing people who sued DCS will check on how DCS is following the agreement.

This case and agreement were not to get money for DHH people on parole and probation. It was to change the way that DCS gives and gets information from DHH people. So, DCS will not pay money to individual deaf and hard of hearing people. DCS will pay the lawyers for the money they spent on the case. DCS will also pay the lawyers for some of the time they spent on the case, and for some of the time they will spend in the next four years. The lawyers for the deaf and hard of hearing people who sued DCS have asked the judge in a paper called a “motion for fees and costs” to make DCS pay them money for their work and money they spent suing DCS. More information about this can be found here: <https://www.aclu.org/cobb-v-georgia-department-of-community-supervision/settlement-agreement/terms-and-conditions-part-ii#fees-and-costs>

If the judge approves the agreement, it will apply to all deaf and hard of hearing people DCS supervises. But the agreement does not stop you from:

- suing DCS in court to ask for money from DCS if you can prove that the law requires DCS to pay you money.
- suing DCS for a reason other than how DCS gives information to deaf and hard of hearing people it is supervising.
- suing DCS about something that happens after the agreement ends in four years.
- making any arguments in a criminal case or in a hearing if DCS says you broke the rules of your parole or probation.

If you think that some part of the agreement is not okay, you should write a letter OR make a video in ASL.

If you write a letter to the judge, you must mail it before April 8, 2024. Your letter must include:

- 1) Your name;

- 2) The case name and number: *Cobb v. Georgia Department of Community Supervision*, 1:19-cv-03285;
- 3) The part of the settlement agreement you agree or do not agree with;
- 4) The reason why you agree with the agreement or do not agree with the agreement;

You must mail your letter to the following address:

ATTN: Cobb Settlement
United States District Court Clerk
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309

If you send a video, you must send it before April 8, 2024. The video must include:

- 1) Your name;
- 2) The case name and number: *Cobb v. Georgia Department of Community Supervision*, 1:19-cv-03285;
- 3) The part of the settlement agreement you agree or do not agree with;
- 4) The reason why you agree with the agreement or do not agree with the agreement;

You must send your video to the following email address: DeafGA@aclu.org

If you have problems trying to send your letter or video to the judge, you can also tell the judge what you do not like about the agreement by using a relay service to call the Clerk, the person who helps the judge. That phone number is: (404) 215-1481. You must call before April 8, 2024.

The judge will watch the videos and look at the letters he gets. The judge will listen to what you tell the Clerk. The judge will have a hearing on May 2, 2024, at 9:30 AM, to decide if he will say yes to the agreement. **You can go to the hearing and talk to the judge about the agreement in English or in sign language.**

If the judge believes the agreement is fair to everyone and covers enough, then he will approve the agreement. If the judge says no to the agreement, then it will be torn up and the case will go to trial. If the case goes to trial, there is no promise that the people who sued DCS will win the trial or any appeal. Even if the people who sued do win, the result of the trial might not be as good as the agreement.

If you have any questions, you can ask the lawyers for the deaf and hard of hearing people who filed the case at:

West Resendes
American Civil Liberties Union
Email: DeafGA@aclu.org
Voice & Videophone: (415) 570-8011