

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT
REGARDING NEW YORK CITY TRANSIT AUTHORITY'S
ACCESS-A-RIDE SERVICES**

If you have applied or tried to recertify for New York City Transit Authority's ("NYCTA") Access-A-Ride ("AAR"), or you will in the future, you should read this notice.

BACKGROUND

In May 2015, five plaintiffs brought a lawsuit, *Caldwell et al. v. New York City Transit Authority*, No. 15-CV-03682 (JMF) (S.D.N.Y. 2015), in federal court. The lawsuit claims that certain policies and procedures in the AAR eligibility determination process violate applicants' right to due process under state and federal law.

On November 10, 2015, the Court certified a class consisting of "all New York City residents with disabilities who have applied or have sought to recertify for paratransit service since May 12, 2012, and/or New York City residents with disabilities who will seek to apply to recertify for paratransit service in the future." NYCTA denies the claims in the lawsuit. The parties have agreed to a settlement in the case, and the Court must now decide whether to approve the settlement.

PROPOSED SETTLEMENT

This is a summary of the proposed settlement. You can read the full proposed settlement on the website of MFY Legal Services, Inc. at www.mfy.org.

The main points of the settlement are:

1. When NYCTA denies an AAR application, it will mail a copy of the applicant's "Denial Form" with the eligibility determination letter. The Denial Form provides information about why the applicant was denied.
2. NYCTA will allow applicants it denies or finds conditionally eligible to request their internal AAR Assessment Records and receive them within 30 days of the request at no cost. This procedure will be explained on the letters NYCTA sends when it denies applicants or finds them conditionally eligible.
3. For current AAR users who are found ineligible or whose level of AAR service is decreased after recertifying or otherwise re-applying, NYCTA will continue to provide service at the same level until the 60-day time to appeal has expired or, if the AAR user files an appeal, until the appeal is decided.
4. NYCTA will include a statement of its eligibility criteria for AAR services on its website and on all new AAR application forms.
5. NYCTA will adopt a non-discrimination policy called the Equal Access Policy and will post the policy on its website and train its staff on it.

6. For two and a half years after approval of this settlement, MFY Legal Services, Inc. will review certain documents and data provided by NYCTA to ensure compliance with the settlement agreement. The Court will retain jurisdiction to enforce this settlement during that time.
7. NYCTA will pay \$2,500 to each of the five named plaintiffs, who were certified as representatives of the class for the necessary services they provided in connection with the lawsuit.
8. The class is represented by attorneys at MFY Legal Services, Inc., a non-profit law firm that provides free legal assistance to residents of New York City on a wide range of civil legal issues, and Pillsbury Winthrop Shaw Pittman LLP, a national law firm with a longstanding record of providing legal services to those in need. NYCTA will pay class counsel \$290,000 for all legal fees and services in this lawsuit, plus fees and costs of auditing up to \$62,500. Pillsbury Winthrop Shaw Pittman LLP has acted as class counsel on a pro bono basis and will donate its fees.
9. Any person who is a class member will not be allowed to seek any injunctive relief against NYCTA for claims that exist at this time based upon, or related to, the allegations in the complaint in this case. Individual claims for monetary damages arising out of the complaint in this case are not barred by the settlement, but the settlement agreement may not be used to prove or defend against such damages claims. The settlement does not prevent any class member from pursuing an administrative appeal or Article 78 proceeding challenging any individual eligibility determination, suspension of services, or other individual claim for individual AAR services that is unrelated to the allegations in the complaint.

RIGHT TO OBJECT

Any class member has the right to object to the proposed settlement as unfair, unreasonable and inadequate by appearing and stating his or her objections at the hearing. The Court has set a fairness hearing for this purpose on September 9, 2016 at 12:00 pm at the following address:

Honorable Jesse M. Furman, United States District Judge
United States Courthouse for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1105, New York, NY 10007

Class members may also object to the settlement by sending a letter marked "Caldwell Class Action" and postmarking it by August 1, 2016 to the address listed above.

If you are a class member and have any questions, please contact MFY Legal Services, Inc. at (877) 417-2427 or at the following address:

Caldwell Class Action Counsel
MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007