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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

20 —o0o—

21 ROSALETY BARNETT, ADELIN CHAN, and CASE NO: C 04-04437 TEH  
 22 all others similarly situated,

23 Plaintiffs,

**NOTICE OF PENDENCY OF CLASS ACTION**

24 vs.

25 COUNTY OF CONTRA COSTA, et al.,

26 Defendants.

1 NOTICE IS HEREBY GIVEN that:

2 Plaintiff has brought an action in this Court against the County of Contra Costa, Contra Costa  
3 County Sheriff's Department, the Contra Costa County Sheriff Warren E. Rupf, and numerous  
4 defendants sued by fictitious names. Plaintiff has brought this action on behalf of herself and all other  
5 persons similarly situated who have been subjected to strip searches in violation of state and federal law  
6 defined as follows:

7 All persons, since October 20, 2002, and continuing until Defendants' prior  
8 custom and policy was brought into compliance with the law on June 1,  
9 2003, or such other more recent date when the policy was implemented,  
10 who were arrested on any misdemeanor or lesser charge not involving  
11 weapons, controlled substances, or felony violence, and who were  
12 subjected to a uniform and indiscriminate (blanket) strip/visual body cavity  
13 search(es) by defendants before arraignment at the Contra Costa County  
14 Jails without any individualized reasonable suspicion that they were  
15 concealing contraband. This class may also include arrestees who were  
16 subjected to subsequent blanket strip searches before arraignment after the  
17 initial strip search, without any reasonable individualized suspicion that  
18 they had subsequently acquired and hidden contraband on their persons.

19 Also excluded from the class are those otherwise eligible arrestees who (1)  
20 have a history of at least one prior conviction or two prior arrests for  
21 excludable offenses within the last five years; (2) have a current probation  
22 condition which includes consent to search; (3) upon arrest or detention,  
23 exhibit behavior or circumstances indicating they may be a danger to  
24 himself/herself or others; or (4) are strip searched after arraignment.

25 If, during the period from and including October 20, 2002, through June 1, 2003, or such other  
26 more recent date when a strip search policy was implemented, you have been subjected to a routine or  
27 "blanket" strip/visual body cavity search before arraignment while in the custody of the Contra Costa  
28 County Jails and were arrested for a misdemeanor or lesser offense not involving drugs, weapons or  
violence, you are a member of the class. If you were subjected to subsequent strip searches before  
arraignment after the initial strip search, you are also a member of the class. If you do not wish to be  
considered a member of the class, or do not wish to be represented by the plaintiff in this action, you may  
be excluded from the action by mailing a letter which must be postmarked on or before **January 31,**  
**2010**, requesting exclusion from the class. The letter should include the name and number of the case  
(*Barnett, et al. v. County of Contra Costa, et al.*, USDC, Northern District, Case No. C04-4437 TEH),  
your name and address, and a clear statement that you do not wish to be considered a member of the class  
and do not wish to be bound by the judgment in the action. You should mail your letter to one of the

1 Attorneys for Plaintiffs whose address appears below. Under the Rule of *res judicata*, the judgment,  
2 whether favorable or not, will include all class members who do not request exclusion by a letter as  
3 described above, postmarked on or before **January 31, 2010**.

4 If you do not request exclusion, this action will be maintained on your behalf by plaintiff and  
5 their attorneys, Law Office of Mark E. Merin and Casper, Meadows, Schwartz & Cook. If you wish, you  
6 may move the court for permission to appear as a named class co-representative. You may also move to  
7 associate additional counsel to represent the class.

8 Further information concerning this action may be obtained by contacting the attorneys for the  
9 parties in this action who are as follows:

10 Attorneys for Plaintiffs:

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24 It should be understood that the court in this action does not at present express any opinion as to  
25 the merits of the action.

26 DATED: 11/30, 2009

27 Judge, United States District Court  
Northern District of California

