

# EXHIBIT 1

**NOTICE OF SETTLEMENT OF CLASS ACTION**

***Henry Hill, et al. v. Gretchen Whitmer, et al.***  
**Case No. 10-cv-14568**

**United States District Court for the Eastern District of Michigan**  
**Hon. Mark A. Goldsmith**

This case began in 2010 when Plaintiffs filed a class action complaint on behalf of individuals who were sentenced to life without the possibility of parole for crimes that they committed as children. The case involved several counts: challenging the constitutionality of Mich. Comp. Laws § 769.25a(6) (Count V); challenging the denial of rehabilitative programming opportunities to the Plaintiff class (Count VI) and asserting due process violations for delays in resentencings. (Count VIII).

Count V was resolved by judicial rulings, *Hill v Snyder* , 308 F. Supp. 3d 893 ( ED Mich 2018) , *aff'd* , 900 F3d 260 ( 6<sup>th</sup> Cir 2018) and a settlement agreement has now been reached as to the remaining claims.

You are being provided notice of the settlement because this is a class action lawsuit. All members of the class have a right to object to the settlement. The federal judge presiding over the case may approve the settlement only after consideration of any objections from class members, a hearing and upon finding that the settlement is fair, reasonable, and adequate.

**NATURE OF THE CASE**

1. Plaintiffs are individuals who were sentenced to mandatory life without the possibility of parole for crimes they committed as children. The case was filed in 2010 alleging that Michigan's sentencing scheme violates their constitutional rights by depriving them of a meaningful opportunity for release.

2. There were 363 individuals who were subject to the resentencing provisions of Mich. Comp. Laws § 769.25a(6), Michigan's statutory scheme to implement the United States Supreme Court rulings in *Miller* and *Montgomery*. Michigan prosecutors initially filed motions seeking the re-imposition of sentences of life-without-parole for 236 of these individuals.

3. Plaintiffs filed their second amended complaint in June 2016, naming Governor Rick Snyder; Heidi E. Washington, Director of the Michigan Department of Corrections ("MDOC"); Michael Eagen, Chair of the Michigan Parole Board; and Bill Schuette, Michigan Attorney General, as defendants. The second amended complaint asserted several claims, two of which remained unresolved when the Court ruled on Plaintiffs' motion for class certification in 2018. Count V alleged that Mich. Comp. Laws § 769.25a(6) retroactively deprives them of earned good-time and/or disciplinary credits, in violation of the constitutional guarantee against ex post facto laws. Count VI alleged denial of rehabilitative programming necessary for release on parole deprives Plaintiffs of a

“fair and meaningful opportunity for release,” in violation of the Eighth and Fourteenth Amendments.

4. On October 29, 2019, Plaintiffs filed a Third Amended Complaint adding Count VIII, alleging that the Attorney General was violating Plaintiffs’ due process rights to resentencing by failing to exercise her authority over county prosecutors who were responsible for unreasonable delays.

5. In April 2018, the Court ruled in Plaintiffs’ favor on Count V, finding that “the language of the relevant statutes, the case law, and the practices of the MDOC amply demonstrate that Plaintiffs were entitled to earn good time and/or disciplinary credits while serving their life sentences. Thus, the elimination of these earned credits by Mich. Comp. Laws § 769.25a(6) violates the Ex Post Facto Clause.” The Court simultaneously granted class certification of “all individuals in Michigan DOC custody who were convicted of first-degree murder for offenses committed when they were below 18 years of age, were or will be subjected to resentencing under M.C.L. § 769.25a, and are or could become eligible for parole.” The Court also approved certification of two subclasses; the first consisting of “all persons in the primary class whose offenses occurred prior to December 15, 1998,” and the second consisting of “all persons in the primary class who are still awaiting resentencing.” The first subclass includes all individuals who seek relief under

Count V, and the second subclass includes all individuals who seek relief under Counts VI and VIII.

### **NATURE OF THE SETTLEMENT**

6. On September 17, 2020, the parties entered into a settlement agreement, subject to approval by the Court, to resolve the remaining claims in this case, Counts VI and VIII, as well as Plaintiffs' claims for attorneys' fees.

Settlement of Count VI will require MDOC to provide class members who are awaiting resentencing with recommended programming according to what would be their earliest release date (ERD) if they were to receive a sentence of 25 to 60 years. Settlement of Count VIII will require the Attorney General to communicate to county prosecutors certain steps to be taken toward the completion of all outstanding resentencing hearings for the class as expeditiously as possible. Attorneys' fees and costs are settled in the amount of \$800,000. The complete terms of the settlement are set forth in the attached Settlement Agreement.

7. On September 30th, 2020, the Court preliminarily approved a settlement of these claims in this class action, and approved this notice of the proposed settlement, the manner of distribution and method of all Plaintiffs to object, and established a date for a fairness hearing.

8. A copy of this notice and settlement will be hand delivered to you if you are a member of the subclass (class member who has not yet been resentenced) who will benefit from the resolution of Counts VI and VIII.

### **HOW TO OBJECT**

9. The Court has preliminarily approved this settlement, subject to objections from the class. If you wish to make any objections to the settlement you must:

- a. Be a class representative or a class member; and
- b. File your written objections via JPay with the office of class counsel Deborah LaBelle no later than October 21, 2020. A copy of your objections will then be sent to both the Court and counsel for Defendants.

If you do not have JPay access and wish to object, please contact class counsel at the Law Offices of Deborah LaBelle to register your objection:

Deborah LaBelle (P31595)  
221 N. Main St., Ste 300  
Ann Arbor, MI 48104  
734-996-5620  
734-769-2196 – Facsimile  
[deblabelle@aol.com](mailto:deblabelle@aol.com)

If you do not object to the terms, you do not need to respond.

### **FAIRNESS HEARING**

10. The Court has scheduled a fairness hearing for October \_\_\_, 2020 at \_\_\_ a.m./p.m. A fairness hearing allows any member of the class who has timely filed an objection to the terms and conditions of the settlement of the class action an opportunity to address the Court prior to the Court ruling on whether to enter final approval of the settlement. The fairness hearing will occur by videoconferencing technology, and any and all objectors will be entitled to appear.

11. If you choose, you are entitled to be represented by an attorney of your choice at the fairness hearing, at your own cost.

12. If the Court approves the settlement of this class action, all class representatives and class members will be bound by the terms of the settlement.

13. If you require accommodations for hearing, visual, mobility or dexterity impairment or if you need interpreters because of literacy, language or hearing barriers which prevent you from fully participating in this settlement, please notify class counsel Deborah LaBelle of your needs.

This notice approved by order of the Court this \_\_\_ day of \_\_\_, 2020.

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HON. MARK A. GOLDSMITH  
UNITED STATES DISTRICT JUDGE