

State of Iowa, Polk County District Court
Robinson, et al. v. Des Moines Public Schools, Case No. LACL 136651

- This is a Court authorized notice of a proposed settlement in a class action lawsuit. It is not from a lawyer. You are not being sued.
- This Notice is to inform you about a proposed settlement in a class action lawsuit alleging Des Moines Public Schools' criminal background check practices disparately impacted African American Applicants in violation of the Iowa Civil Rights Act. DMPS has denied any wrongdoing. The parties reached this Settlement Agreement before the Court made a determination about whether the law had been broken.
- The Defendant will pay a total of \$1,500,000 under the Settlement Agreement. The details of the Settlement Agreement are provided below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
Do Nothing	You will receive a payment if the Court approves this Settlement Agreement, but you will give up your rights to sue the Defendant over the matters being resolved by this Settlement Agreement.
Object	If you do not exclude yourself, you may write to the Court about why you object to the Settlement.

Your rights and options—and the deadlines to exercise them—are explained in this Notice.

This Notice summarizes the proposed Settlement Agreement. For the precise terms and conditions of the Settlement Agreement, you may view the Settlement Agreement at www.DMPSClassActionSettlement.com. You may also direct questions to DMPSClassActionSettlement@atticusadmin.com. Please do not call the Court or DMPS as they will not be able to help you.

TABLE OF CONTENTS

Basic Information.....	3
1. Why did I get this Notice?.....	3
2. What is the Litigation about?.....	4
3. Why is this case a class action?.....	4
4. Why is there a Settlement?.....	4
Who Is In The Settlement.....	5
5. How do I know if I am part of the Settlement?.....	5
The Settlement Benefits – What You Get	5
6. What does the Settlement provide?.....	5
7. How can I get a benefit?.....	5
8. When would I get my benefit?.....	5
9. Is my benefit confidential?.....	6
10. What am I giving up to get a benefit?.....	6
The Lawyers Representing You.....	6
11. Do I have a lawyer in this case?.....	6
12. How will the lawyers and Class Representatives be paid?.....	7
Objecting To The Settlement.....	7
13. How do I tell the Court that I don't like the Settlement?.....	7
14. Where and when will the Court decide whether to approve the Settlement?.....	8
15. Do I have to come to the hearing?.....	8
16. May I speak at the hearing or intervene?.....	8
Getting More Information.....	8
17. Are there more details about the Settlement?.....	8
18. How do I get more information?.....	9

Basic Information

This Notice has been sent to you because Settlement Class Members have a right to know about a proposed settlement of a class action lawsuit in which they are class members and about all of their options before the Court decides whether to approve the Settlement Agreement. If the Court approves the Settlement Agreement, and after objections or appeals relating to that Settlement Agreement are resolved, the benefits provided for by the Settlement Agreement will be available to Settlement Class Members.

This Notice explains the case, the Settlement Agreement, your legal rights, what benefits are available, who is eligible for them, and how to get them. A full copy of the Settlement Agreement may be reviewed at the Settlement Website: www.DMPSCClassActionSettlement. This Notice contains only a summary of the Settlement Agreement.

The Court in charge of this case is the Fifth Judicial District of Iowa, Polk County, and the case is known as *Robinson, et al. v. Des Moines Public Schools*, Case No. LACL 136651 (the “Action”). The individuals who filed this Action, Vernon Keith Robinson and Courtney Smith, are called the Class Representatives, and Des Moines Public Schools (or “DMPS”) is the Defendant.

1. Why did I get this Notice?

The Court in this case approved the posting of this Notice so that it could be viewed by Settlement Class Members. The Settlement Class includes: All African Americans who from April 11, 2014 through December 12, 2018 were harmed by: (1) Des Moines Public Schools’ practice of excluding applicants from employment based upon criminal background screening criteria without consideration of information relevant to whether the policy as applied to those applicants is job related and consistent with business necessity; or (2) Des Moines Public Schools’ practice of excluding applicants from employment based upon whether or how thoroughly they disclosed their prior criminal conviction; or (3) both.

The class does not consist of any applicants who were statutorily barred from working for an Iowa school district due to their inclusion on abuse registries, any applicants who the Des Moines Public School District excluded solely because of non-criminal convictions such as arrests or traffic accidents, and any applicants who were hired by the Des Moines Public School District but only denied vehicle leases as a result of criminal conviction screenings. The class period is limited to April 11, 2014 through December 12, 2018.

Three subclasses are established. They are: (1) A subclass of the African American applicants harmed only by the Des Moines Public School District’s practice of excluding applicants from employment based on criminal background screening criteria without consideration of information relevant to whether the policy as applied to those applicants is job related and consistent with business necessity; (2) a subclass of the African American applicants harmed only by the Des Moines Public School District’s practice of excluding applicants from employment based on whether or how thoroughly the applicants disclosed their prior criminal convictions; and (3) a subclass of those African American applicants who were harmed by both aspects of the District’s criminal background check practice.

If you received a postcard notice, the records indicate that you are a Settlement Class Member defined above. If you are not certain as to whether you are a Settlement Class Member, you may direct any questions to 515-883-2000. Do not call DMPS or the Court.

2. What is the Litigation about?

The Action alleges that the Defendant engaged in race discrimination under the Iowa Civil Rights Act by excluding conditionally hired African American applicants from employment with use of their Background Check Philosophy that omitted individualized assessment of post-conviction rehabilitative evidence, or because they were deemed to have not sufficiently disclosed their prior criminal convictions, at a higher rate than non-African American applicants. The Action sought relief in the form of economic and non-economic damages for the Class Representatives and the Class.

DMPS denies all of the allegations and maintains that it did not discriminate.

The parties are settling the Action to avoid continued time and resource-consuming litigation and appeals which are likely to occur during this Action that has been pending for over seven years where deadlines and trial were continued multiple times over Defendant's objections. No court has found that the Plaintiffs could recover any certain amount in this Action.

Although the Court has authorized notice to be given of the proposed Settlement Agreement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the Action.

3. Why is this case a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, representative plaintiffs are called "Class Representatives." They seek to assert claims on behalf of all members of a class or classes of similarly situated people. By doing this, they can conserve resources by asserting their claims in a single lawsuit. Class actions often involve circumstances where claimed individual damages are too small for people to proceed on their own, but where the allegations being alleged affected a lot of people all in the same way. Here, the Class Representatives are Vernon Keith Robinson and Courtney Smith.

4. Why is there a Settlement?

The Court did not decide this case in favor of the Class Representatives or in favor of the Defendant. If approved, the Settlement Agreement will stop the Action. If the Action continued, there was a possibility that the Settlement Class would receive nothing. There was also the possibility that Defendant would be required to pay more than they have agreed to pay as a result of the Settlement Agreement.

Lawyers who represent the class members, Class Counsel, investigated the facts and applicable law regarding the Settlement Class Member's claims and Defendant's defenses. The parties engaged in lengthy and arms-length negotiations to reach this Settlement. The Class Representatives and Class Counsel believe that the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class.

Both sides agree that, by settling, the Defendant is not admitting any liability or that they did anything wrong.

Both sides want to avoid the alternative to settlement, which includes the uncertainties and expense of further litigation.

Who Is In The Settlement

5. How do I know if I am part of the Settlement?

If you received a postcard notice, the records indicate that you are a member of the Settlement Class defined above. If you are not certain as to whether you are a member of the Settlement Class, you may direct any questions to 515-883-2000. You should not contact the Court or DMPS.

The Settlement Benefits—What You Get

6. What does the Settlement provide?

The Settlement provides a Gross Settlement payment in the amount of \$1,500,000 that will be paid into a settlement fund and distributed as set forth below.

The Settlement Agreement also provides that upon 30 days after the Effective Date of the Settlement, the District's pre-adverse action notices will include the following statement: Applicants may submit evidence of post-conviction rehabilitation for the District's consideration.

This money will be divided among the approximately 89 Settlement Class Members and will also be used to pay for any Court-approved attorneys' fees and costs, Class Representative service awards, and settlement administration costs.

The exact amount that each of the approximately 89 Settlement Class Members receives will be calculated in equal proportions, and will also depend on the amounts of awards, fees, and costs approved by the Court. Class Counsel currently estimates that each Settlement Class Member will receive more than \$3,000 but less than \$5,000.

7. How can I get a payment?

You do not need to do anything to get a payment. You should not contact DMPS as they will not be able to help you. The payment will be issued by an Administrator selected by Class Counsel. If you do not do anything, you will receive a payment but you will release all claims alleged, or that could have been alleged in the Action. Please review the Settlement Agreement, available at www.DMPSClassActionSettlement for the description of the release and other terms.

If the Settlement Agreement is approved, the Settlement Administrator will send you a check for your share of the Settlement.

If you change your address, you must inform the Settlement Administrator by emailing DMPSClassActionSettlement@atticusadmin.com, or calling Class Counsel at 515-883-2000.

8. When would I get my payment?

The Court will hold a final approval hearing on August 1, 2025 at 8:30 a.m., in courtroom 220 of the Polk County Historic Courthouse to decide whether to approve the Settlement Agreement. If the Settlement Agreement is approved, there may be appeals. Payments to Settlement Class Members will be made only if the Settlement Agreement is finally approved.

9. Is my benefit confidential?

Although settlement agreements with a public entity are not confidential and may be subject to disclosure under an open records request, Settlement Class Members are instructed to keep non-publicly available settlement terms confidential with the exception of disclosures to their present spouse, attorney, accountant, tax advisor, or to persons as required by law.

10. What am I giving up to get a payment?

Upon the Settlement Agreement becoming final, all Settlement Class Members who remain in the Settlement Class fully release, waive, acquit, and discharge the District and its insurers, affiliates, Board Members, agents, officers, representatives, and employees from any and all claims that are or could have been alleged in the Second Amended Petition. Such release applies to claims running from April 11, 2014, through Final Settlement Approval.

If you have a pending lawsuit against the District, you should speak to your lawyer in that case immediately.

To view the full terms of this release, which are contained in the Settlement Agreement, please visit www.DMPSClassActionSettlement.com.

The Lawyers Representing You

11. Do I have a lawyer in this case?

Counsel for the Class are Newkirk Zwagerman, P.L.C., Nichols Kaster, PLLP, and Bailey & Glasser, LLP.

Newkirk Zwagerman, P.L.C.
Tom Newkirk
Leonard Bates
3900 Ingersoll Ave, Suite 201
(248) 792-7557

Nichols Kaster, PLLP
Matthew Morgan
Robert Schug
4700 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 256-3200

Bailey & Glasser, LLP
Thomas Bullock
309 East 5th Street
Suite 202B
Des Moines, IA 50309
(515) 416-9050

You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

12. How will the lawyers and Class Representatives be paid?

Class Counsel are working on a contingent fee basis and have not been paid anything for their representation of the Settlement Class to date. Also, they have paid all the expenses of litigation out of their own pockets. If they were to lose the case, they would be paid nothing.

In connection with this Settlement, Class Counsel intends to apply to the Court for an award of attorneys' fees, in an amount not to exceed \$600,000, which is 40% of the settlement fund. They may seek less. They also intend to seek out-of-pocket litigation expenses incurred during the Action, which roughly total \$475,000 to date. Their request will be made through a fee petition filed with the Court and posted to www.DMPSCClassActionSettlement.com no later than June 3, 2025. The Court will evaluate whether this fee request is reasonable in light of Class Counsel's skill and the risk they undertook in bringing the Action. The Court may award less.

The Court has appointed Vernon Keith Robinson and Courtney Smith as Class Representatives. Class Counsel also will seek service payments for the Class Representatives totaling \$50,000. These service payments are intended to compensate them for the time and effort that they have put into pursuing this Action on behalf of everyone in the Settlement Class.

The costs of settlement administration are expected to be approximately \$7,000.

If awarded by the Court, all of these amounts will be paid directly out of the Gross Settlement Fund of \$1,500,000.

Objecting To The Settlement

13. How do I tell the Court that I don't like the Settlement?

You can ask the Court to deny approval of the Settlement Agreement by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Settlement Agreement as is. If the Court denies approval, no settlement payments will be sent out and the Action will continue. If that is what you want to happen, you must object in writing.

If you timely object, you may also appear at the final approval hearing, either in person, or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

If you wish to object to the Settlement Agreement, you must file a timely written statement of objection with the Clerk of Court at 500 Mulberry Street, Room 212, Des Moines, IA 50309 and mail a copy of that objection with the requisite postmark to the Settlement Administrator at PO Box 64053, St. Paul, MN 55164 on or before June 17, 2025. The objection must state the case name and number (*Robinson, et al. v. Des Moines Public Schools*, Case No. LACL 136651); the basis for and an explanation of the objection; your name, address, telephone number, and, if there is one, the email address; and a statement of whether you intend to appear before the Court at the hearing designated for objections, either with or without counsel. In addition, any objection must be personally signed by you and, if represented by counsel, then by counsel.

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

The Parties have agreed and it is a term of the Settlement Agreement that no payments will be made to any objector, or any objector's counsel without Court approval.

14. Where and when will the Court decide whether to approve the Settlement?

There will be a final approval hearing to consider approval of the proposed Settlement Agreement on August 1, 2025 at 8:30 a.m., in courtroom 220 of the Polk County Historic Courthouse. The hearing may be postponed to a later date without further notice. Settlement Class Members should check www.DMPSClassActionSettlement.com regularly for any changes to this date. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representatives and Class Counsel; and whether an order and final judgment should be entered approving the proposed Settlement Agreement. The Court also will consider Class Counsel's application for an award of attorneys' fees and expenses, Class Representative's service payment, and costs for the class Administrator.

You will be represented at the final approval hearing by Class Counsel, unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the hearing.

15. Do I have to come to the hearing?

No. Class Counsel will represent the Settlement Class at the final approval hearing, but you are welcome to come at your own expense. If you submit any objection, you do not have to come to Court to talk about it, but you may do so if you wish. As long as you filed and mailed your written objection with the required information and on time, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

16. May I speak at the hearing or intervene?

You may ask the Court for permission to speak at the final approval hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Robinson, et al. v. Des Moines Public Schools*, Case No. LACL 136651." You must include your name, address, telephone number, and email address (if you have one). You must (A) submit your letter to the Court at 500 Mulberry Street, Room 212, Des Moines, IA 50309; and (B) have a copy of the letter mailed to the Settlement Administrator at PO Box 64053, St. Paul, MN 55164. Your letter must be postmarked no later than June 17, 2025.

You may also intervene in the action at your own expense and through your own lawyer, subject to the Court's approval.

Getting More Information

17. Are there more details about the Settlement?

This Notice is only a summary. For a more detailed statement of the matters involved in the Action or the Settlement, you may refer to the papers filed in this case. They are available during regular business hours at the courthouse, 500 Mulberry Street, Des Moines, IA 50309. The full Settlement Agreement and certain pleadings filed in the case are also available at www.DMPSClassActionSettlement.com or can be requested, in writing from the Settlement Administrator or by calling Class Counsel at 515-883-2000.

18. How do I get more information?

You can visit www.DMPSClassActionSettlement.com or contact the lawyers representing the Settlement Class, identified above. **Please do not contact the Court or DMPS for information.**