

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND FAIRNESS HEARING

As a result of a proposed settlement agreement (“Agreement”) in a class action entitled *Lusero v. The City of New York*, family members and their invited guests (henceforth referred to as “Visitors”) can now visit the gravesites of individuals buried on Hart Island. For purposes of the Agreement, “family members” are defined as including parents, step-parents, children (biological or adopted), step-children, spouses, siblings, step-siblings, half-siblings, grandparents, grandchildren, uncles, aunts, nephews, nieces, first cousins, second cousins, legal guardians of deceased individuals buried on Hart Island; wards of deceased guardians buried on Hart Island; and domestic partners of deceased individuals buried on Hart Island, who wish to visit the gravesites of said deceased individuals.

The Agreement provides that The City will provide for two round-trips from the ferry dock on City Island in the Bronx to Hart Island on one weekend day per month (generally, alternating Saturdays and Sundays), year round. Each ferry trip will provide for a maximum of approximately 25 Visitors. While certain mementos will be permitted to be left at gravesites, under the terms of the Agreement, the City reserves, and is currently exercising, the right to prohibit all electronic devices on Hart Island.

While the Agreement is already being implemented by the City, it has yet to be formally approved by the Court, which approval will make the Agreement fully binding upon the parties to the Agreement.

If you are a “family member,” as defined above, and would like to schedule a visit to a gravesite on Hart Island, you may apply either (i) by calling DOC’s Hart Island visit line at 718-546-0911, or (ii) as of August 1, 2015, by visiting DOC’s on-line application portal for Hart Island, at: <http://www.nyc.gov/html/doc/html/contact/hart-island-grave-visit-request.shtml>.

If you are a “family member,” as defined above, and would like a copy of the Agreement, you can view it at http://www.nyclu.org/files/releases/LuserovCityofNY_settlement_07082015.pdf, or you can request a copy by contacting Plaintiffs’ counsel Christopher Dunn at the New York Civil Liberties Union, 125 Broad Street, 19th Floor, New York, New York 10004, Tel. (212) 607-3300, Email: cdunn@nyclu.org.

If you are a “family member,” as defined above, and wish to inform the Court that you object to the terms of the Agreement, you have a right to do so. You can make your objections known by attending a fairness hearing that the Court will hold, or by sending written objection(s), or both.
Option 1: Attend the Fairness Hearing before Judge Vernon S. Broderick on December 9, 2015, at 10:15 a.m. in Courtroom 518, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

Option 2: Submit written objection(s) by November 25, 2015 to Plaintiffs’ counsel at the following address:

**Christopher Dunn
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NYCLU
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