

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT

ATTENTION: ALL PEOPLE WITH DISABILITIES WHO USE WHEELCHAIRS OR OTHER MOBILITY DEVICES AND WHO PATRONIZE RED ROCKS AMPHITHEATRE

If you have purchased, or attempted to purchase, tickets to the first row accessible seats at Red Rocks Amphitheatre and have been unsuccessful because such tickets were immediately unavailable for purchase from the original seller, you may be a member of the proposed Settlement Class affected by this lawsuit. This is a court-authorized notice.

PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED BY LEGAL PROCEEDINGS IN THIS CASE.

NOTICE OF CLASS ACTION

The purpose of this notice is to inform you of a proposed settlement in a pending class action lawsuit brought on behalf of individuals with disabilities who use wheelchairs or other mobility devices against the City and County of Denver (the "City"). The case is entitled *Lucas v. City and County of Denver*, No. 16-cv-02565-WYD-MJW, and is pending in the United States District Court for the District of Colorado. The proposed class action settlement ("Settlement") is set forth in a proposed Consent Decree, which must be approved by the United States District Court.

BACKGROUND

This lawsuit alleges that the City violated the Americans with Disabilities Act by failing to ensure that individuals with disabilities who use wheelchairs or other mobility devices were able to purchase tickets to the accessible seats in the first row of Red Rocks Amphitheatre ("Red Rocks"), which is owned and operated by the City. Plaintiffs and other individuals with disabilities who use wheelchairs or other mobility devices reported that, on many occasions, all accessible front row tickets were reported as unavailable for purchase within seconds of coming on sale, and were immediately resold -- at far higher prices -- on the secondary market, denying access to patrons with disabilities.

This is a class action. In a class action, one or more people or organizations, called Class Representatives (in this case Carrie Ann Lucas, Matthew Feeney, Kirk Williams, Kalyn Heffernan, James Vacik, and Frank Mango ("Plaintiffs")), sue on behalf of people who have similar legal claims. All of these people are a Class or Class Members. One court resolves the issues for all Class Members. United States District Judge Wiley Y. Daniel is in charge of this class action.

The Court did not decide in favor of either Plaintiffs or the City in this case. Instead, both sides agreed to a settlement. That way, they avoid the cost, delay, and uncertainty of a trial. The settlement provides benefits that go to the Class Members. The Class Representatives and Class Counsel (the attorneys appointed by the Court to represent the Class) think the proposed settlement is in the best interests of the Class Members, taking into account the benefits of the settlement, the risks of continued litigation, and the delay in obtaining relief for the Class if the litigation continues.

THE SETTLEMENT CLASS

The Settlement Class includes all individuals with disabilities who use wheelchairs or other mobility devices who allege that they have been, or in the future will be, excluded from participation in, denied the benefits of the services, programs, or activities of, denied meaningful access to, or subjected to discrimination at Red Rocks because of the City's policies and practices (or lack thereof) relating to ticketing and seating for such individuals.

SUMMARY OF THE PROPOSED SETTLEMENT

The following is a summary of certain provisions of the Settlement. The complete Settlement, set forth in the proposed Consent Decree, is available as set forth below.

The Settlement requires the City to make changes to its ticketing and seating policies to attempt to ensure that tickets for accessible seats in the first row at Red Rocks are available for purchase from the original seller by individuals with disabilities who use wheelchairs or other mobility devices.

- Tickets for the first four rows at Red Rocks will be non-transferable. That is, they can only be used by the person who purchased them and others in their party.
- This will be enforced by requiring the purchaser to present a government-issued photo ID.
- Patrons with tickets to the accessible seats in the first row will be asked whether they or anyone in their party has a mobility disability requiring use of the accessible features of Row 1. If they respond "no," no one in that party will be seated in accessible seats.
- The City will publicize the new policies at Red Rocks and on their website, and will require purchasers of accessible seats to acknowledge the new policies at the time of purchase.
- The City will continue to provide Accessible Shuttle service from the Upper South Lot as further described in the proposed Consent Decree.

RELEASE OF CLAIMS

The Settlement resolves and releases all claims for injunctive, declaratory, or other non-monetary relief that were brought, could have been brought, or could be brought in the future relating to or arising from any of the City's alleged actions, omissions, incidents, or conduct related its ticketing and seating policies. The Agreement does not provide for any monetary relief to the Settlement Class, and it does not release any damages claims that Settlement Class members may have.

REASONABLE ATTORNEYS' FEES, COSTS AND EXPENSES

The settlement class is represented by the Civil Rights Education and Enforcement Center, the Colorado Cross-Disability Coalition, and Disability Law Colorado ("Class Counsel"). The City has agreed to pay Class Counsel their reasonable attorneys' fees, expenses, and costs of \$250,000 for

work through final approval of the Settlement, and \$50,000 for work related to monitoring the settlement over the next two years. These amounts are subject to the approval by the Court.

FAIRNESS OF SETTLEMENT

The Class Representatives and Class Counsel have concluded that the terms and conditions of the proposed Settlement are fair, reasonable, adequate, and in the best interests of the Settlement Class. In reaching this conclusion, the Class Representatives and Class Counsel have considered the benefits of the settlement, the possible outcomes of continued litigation of these issues, the expense and length of continued litigation, and actual and possible appeals.

THE COURT'S FINAL APPROVAL/FAIRNESS HEARING

The Court has preliminarily approved the Settlement, and has scheduled a hearing for June 7, 2018, at 10:00 a.m., in Courtroom A-1002, Alfred A. Arraj Courthouse, 901 19th Street, Denver, CO 80294 to decide whether the proposed settlement is fair, reasonable, and adequate, and should be finally approved. Although you are not required to attend, as a Settlement Class Member, you have the right to attend and be heard at this hearing, as specified in the next section below. At the hearing, the Court will consider any objections to the Settlement. Judge Daniel will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement. The Court will also consider the agreed upon amount to award Class Counsel as reasonable attorneys' fees, costs and litigation expenses. We do not know how long this decision will take.

If the Court approves the Settlement, all Class members will be bound by the provisions of the Settlement with respect to claims against the City for injunctive relief and attorneys' fees and costs under the Americans with Disabilities Act relating to ticketing and seating at Red Rocks, and any such claims will be barred..

OBJECTIONS TO THE SETTLEMENT

If you wish to object to the Settlement or to speak at the hearing, you must send any objection and/or notice of your intent to appear at the hearing to the Court in writing on or before May 20, 2018, and include the case number (Civil Action No. 16-cv-02565-WYD-MJW), to the following address: Clerk of the Court, US Courthouse, 901 19th Street, Denver, CO 80294.

Please note that the Court can only approve or deny the settlement. The Court cannot change the settlement's terms.

All objections must be submitted or postmarked on or before May 20, 2018.

Any Class Member who does not object at or before the Final Approval Hearing will be deemed to have approved the Settlement and to have waived such objections and shall not be able to make any objections (by appeal or otherwise) to the Settlement.

**IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU NEED NOT
APPEAR OR FILE ANYTHING IN WRITING.**

FURTHER INFORMATION

The terms of the Settlement are only summarized in this notice. For the precise and full terms and conditions of the settlement, please see the Settlement Agreement available at www.creeclaw.org/RedRocksSettlement or by accessing the Court docket on this case through the Court's Public Access to Electronic Records (PACER) system at <https://www.pacer.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the District of Colorado, 901 19th Street, Denver, CO 80294, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays.

You can also obtain more detailed information about the settlement or a copy of the Settlement Agreement from Class Counsel at any of the following addresses:

Amy F. Robertson
Civil Rights Education and Enforcement Center
104 Broadway, Suite 400
Denver, CO 80203
303.757.7901
arobertson@creeclaw.org

Alison Butler or Jennifer Purrington
Disability Law Colorado
455 Sherman St., Suite 130
Denver, CO 80203
303.722.0300
abutler@disabilitylawco.org
jpurrington@disabilitylawco.org

Kevin Williams
Colorado Cross-Disability Coalition
1385 S. Colorado Boulevard, Suite 610-A
Denver, CO 80222
303.839.1775
kwilliams@ccdconline.org

Please do not direct questions to the District Court.

To obtain copies of this Notice or the Consent Decree in alternative accessible formats, please contact Class Counsel listed above.