

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TAMARA JOHNSON et al, individually and on
behalf of all others similarly situated

Plaintiffs,

v.

THE CITY OF ANNAPOLIS

Defendant.

Case No.: 1:21-cv-01120-CCB

ORDER CERTIFYING CLASS

UPON consideration of the parties briefing on Plaintiff's Motion for Class Certification, it is hereby ORDERED:

1. *Class Certification:* Case No. 1:21-cv-01120-CCB, styled *Johnson et al v. The City of Annapolis*, shall be maintained as a class action on behalf of the following class of plaintiffs:¹

All individuals now living who are currently tenants, or who previously were tenants in Housing Authority properties. The class period is limited to the two years (for the Fair Housing Act Claim) and three years (for all other claims) immediately preceding the filing of the lawsuit (i.e. any time from May 7, 2018 to May 7, 2021).

The class claims shall be:

Violations of the Fair Housing Act, the Civil Right Act, 42 U.S.C. §§ 1982, 1983, 1985 and 1986, the Fourteenth Amendment of the United States Constitution and Article 24 of the Maryland Declaration of Rights in relation to the City adopting policies and practices of not licensing and inspecting public housing properties on the same basis as private rental

¹ The Court is informed that Plaintiffs' reference to the year 2019 in the Motion for Class Certification is a typographical error. The correct year is 2018, as indicated in the class definition above.

housing within the City.

2. *Class Representatives: Class Counsel.* Subject to further order of the court, Plaintiffs are designated class representatives and Plaintiff's present counsel, P. Joseph Donahue, Peter A. Holland, and Emanwel J. Turnbull are designated counsel for the class.
3. *Production of the List of Class Members:* Third-Party Defendant Housing Authority of City of Annapolis shall produce a list of the names and last known addresses of all class members to Class Counsel within 21 days of the date of this order.
4. *Notice:* Class counsel shall by 35 days from the date of this order cause to be mailed in the name of the clerk by first class mail, postage prepaid, to all class members who can be identified through reasonable efforts, and substantially in the form attached as Exhibit 1.
5. *Exclusion.* The notice to class members must inform them as to how they may exclude themselves from the class. Members who wish to exclude themselves must do so in writing within 95 days of the date of this Order.
6. *List of Class Members.* Within 115 days of the date of this Order, Class Counsel shall file with the clerk an affidavit identifying the persons to whom notice has been mailed and who have not timely requested exclusion.

Dated: 2/6/2023

/s/

CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

By Order of the U.S. District Court for the District of Maryland

If you were tenant of Annapolis Public Housing Properties (1) Morris H. Blum Senior Apartments, (2) Bloomsbury Square, (3) Harbour House, (4) Eastport Terrace, (5) Robinwood, or (6) Newtowne 20, at any time between May 7, 2018 to May 7, 2021 a class action lawsuit may affect your rights.

A court authorized this notice. This is not an advertisement from a lawyer

- Harbour House Tenant Tamara Johnson and Eastport Terrace Tenant Tyonna Holliday sued the City of Annapolis alleging that they violated state and federal law by intentionally refusing to inspect all of the Public Housing Properties in Annapolis.
- The Court has allowed the lawsuit to proceed as a class on behalf of: following class:

All individuals now living who are currently tenants, or who previously were tenants in Housing Authority properties. The class period is limited to the two years (for the Fair Housing Act Claim) and three years (for all other claims) immediately preceding the filing of the lawsuit (i.e. any time from May 7, 2018 to May 7, 2021).

Excluded from the class are: (i) any of the individual Plaintiffs from *White v. City of Annapolis*, Civil Action No. CCB-19-1442, or minor members of their immediate family who resided with them; (ii) any employee or independent contractor of the Defendants; (iii) any relative of an employee or independent contractor of the Defendants; (iv) any employee of the Court where this action is pending, and (v) any person who filed for bankruptcy and received a discharge after ceasing to be a resident in a HACA property.

- The Court has not decided whether the City of Annapolis did anything wrong. There is no money available now, and no guarantee there will be.

Your legal rights are affected, and you have a choice to make now:

Your Legal Rights And Options In This Lawsuit

DO NOTHING: Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. But, you give up any rights to sue the City of Annapolis separately about *the same* legal claims in this lawsuit.

ASK TO BE EXCLUDED: Get out of this lawsuit. Get no benefits from it. Keep your right to sue separately. If you ask to be excluded and money or benefits are later awarded, you won't share in those. But you keep your right to sue the City of Annapolis separately about the same legal claims in this lawsuit.

- Your options are explained in this notice.
- **Any questions? Read on.**

Summary of Your Legal Rights And Options In This Lawsuit	
Do Nothing and Remain a Member of the Class	<ul style="list-style-type: none">• If you lived in the Housing Authority Properties listed above between May 7, 2018 and May 7, 2021, you are automatically a member of the Class• If you would like to remain a member of the Class, you do not need to do anything• You agree to be represented by the Class Representatives and be bound by their decisions.• By remaining a member of the Class, you retain the possibility of receiving an award of damages that may come from a trial or settlement in this case.• By remaining a member of the Class you give up the right to sue the City of Annapolis individually on these claims and you will be bound by any decision the Court makes in this case, whether that decision is favorable to you or not.
Exclude Yourself From This Lawsuit	<ul style="list-style-type: none">• If you do not want to be included in this lawsuit, follow the exclusion procedure in paragraph 14 below.• If you exclude yourself, you retain the right to sue the City of Annapolis individually on these claims and give up the right to be a class member and to receive any benefits from this lawsuit.

BASIC INFORMATION

1. Why did I get this notice?

Records show that you were a tenant of the Housing Authority Properties between May 7, 2018 and May 7, 2021. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court enters a final judgment. The lawsuit is known as *Johnson et al v. City of Annapolis*, Case No. 1:21-cv-01120-CCB, which is publicly available through the Court or through the PACER system.

2. What is this lawsuit about?

This lawsuit is about whether the Defendants violated the Civil Rights Act of 1968, otherwise known as the Fair Housing Act which makes it illegal for the City of Annapolis to have a policy that has a different or disparate impact on a protected group of its citizens. The Defendants deny that they violated any laws.

3. What is a class action and who is involved?

In a class action lawsuit, people called “Class Representatives” (in this case Tamara Johnson and Tyonna Holliday) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” Ms. Johnson and Ms. Holliday, who sued, and all the Class Members like them, are called the Plaintiffs. The persons they sued (in this case the City of Annapolis) are called Defendants. The court resolves the issues for everyone in the Class, except for those people who choose to exclude themselves from the Class. In this case, the issues have not yet been decided by the court.

4. Why is this lawsuit a class action?

The Court permitted this case to proceed as a class action. The court found that the case met the requirements of the Federal Rules of Civil Procedure, which governs class actions before Federal Courts. Specifically, the Court found that:

- There are a sufficient number of people who fell within the definition of the class;
- There are legal questions and facts that are common to each of them;
- Ms. Johnson and Ms. Holliday’s claims are typical of the claims of the rest of the Class;
- Ms. Johnson and Ms. Holliday and their lawyers, P. Joseph Donahue of The Donahue Law Firm and Peter A. Holland and Emanwel Turnbull of the Holland Law Firm, P.C., representing the Class, will fairly and adequately represent the Class’s interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs allege that the City’s policy not to inspect the Public Housing

Properties in Annapolis had a disparate impact on African Americans, who are alleged to be the overwhelming majority of tenants of the Housing Authority Properties. In contrast, when it came to all other rental properties in Annapolis, the City conducted the inspections and enforced the City Code.

It is alleged that as a direct result of this policy not to inspect, the conditions of the Public Housing Properties have been allowed to decline, resulting in substandard living conditions for the Public Housing Properties. In other words, because the Housing Authority Properties are predominantly occupied by African Americans, the Policy of the City of Annapolis not to inspect their homes predominantly affected African Americans. You can read the Plaintiffs' Class Action Complaint by clicking on the "Resources" tab at www.hollandlawfirm.com or by typing the following address into an internet browser: <https://www.hollandlawfirm.com/wp-content/uploads/2023/01/Johnson-v-City-of-Annapolis-Class-Action.pdf>

6. How does the City of Annapolis answer?

The Defendant denies that it did anything wrong.

7. Has the Court decided who is right?

The Court hasn't decided whether the Plaintiff or the Defendants are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. Plaintiffs must prove their claims at a trial.

8. What Are the Plaintiffs asking for?

This case seeks to obtain monetary compensation for the public housing tenants who the Plaintiffs allege were treated unequally by the City in a way that violated their civil rights.

9. Is There Any Money Available Now?

No, there is no money available now. Money may (or may not) be awarded to the Class in the future.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

The class consists of all persons in the State of Maryland, who, between May 7, 2018 and May 7, 2021, were tenants of any of the following six HACA Properties: (1) Morris H. Blum Senior Apartments, (2) Bloomsbury Square, (3) Harbour House, (4) Eastport Terrace, (5) Robinwood, or (6) Newtowne 20.

11. I'm still not sure if I'm included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case at:

P. Joseph Donahue
The Donahue Law Firm, LLC
18 West Street
Annapolis, MD 21401

Peter A. Holland

Emanwel J. Turnbull
The Holland Law Firm, P.C.
914 Bay Ridge Rd, Ste. 230
Annapolis, MD 21403
Telephone: 410-280-6133
Email: peter@hollandlawfirm.com

YOUR OPTIONS

You have to decide whether you want to join in the class or not join the class, and you have to decide this now.

12. What do I do to be included?

To be included as a class member you do not have to do anything.

13. What happens if I do nothing at all?

You will be included in the class. You will not be able to sue the City of Annapolis on the class claims on your own. You will receive any benefit that is ultimately awarded by the court.

14. What if I do not want to be included?

If you do not want to be included, then you must provide a written notice setting forth your name, address and a statement that "I do not want to be included." The notice must be sent no later than [REDACTED] and sent to Johnson v. City of Annapolis, c/o Class Administrator, P.O. Box 23459, Jacksonville, FL 32241-3459. If you timely elect not to participate, then you may pursue your own claims at your own expense.

15. Why would I ask to be excluded?

If you already have your own discrimination lawsuit against the City of Annapolis and want to continue to pursue it, you should ask to be excluded from the class. If you wish to sue the City of Annapolis individually for discrimination in rental housing inspection, you should also ask to be excluded from the class. If you decide to exclude yourself, you will not have the right to any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of a trial or from a settlement. You will not be legally bound by the Court's orders and judgments in this case and will retain the right to sue the City of Annapolis individually.

If you file an individual lawsuit against the City of Annapolis after you exclude yourself, you may have to hire and pay for your own lawyer to represent you. If you wish to exclude yourself in order to file an individual lawsuit against the City of Annapolis, you should speak to a lawyer as soon as possible because your claims are subject to a statute of limitations.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court decided that Peter A. Holland, Emanwel J. Turnbull, and P. Joseph Donahue are qualified to represent the Class Members. They are called “Class Counsel.” They can be reached at The Holland Law Firm, P.C., 914 Bay Ridge Rd, Ste 230, Annapolis, MD 21403, Phone Number 410-280-6133, and The Donahue Law Firm, 18 West Street, Annapolis, Maryland, 21401 Phone Number 410-280-2023 respectively. Please reference the *Johnson et al v. City of Annapolis*, Case No. 1:21-cv-01120-CCB. The court found that they are experienced in handling similar cases on behalf of individuals whose rights have been violated.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may hire one who it will be your responsibility to pay. For example, you can ask him or her to appear in Court for you, if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

The Class Representatives have entered into a contingency fee agreement with Class Counsel. Under this agreement, you are not responsible for paying out of pocket any of the attorneys’ fees or costs expended in the lawsuit. Class Counsel will be paid as follows: (1) if there is a settlement, Class Counsel may ask the court to award it up to 40% of any recovery obtained; (2) if there is a trial and the Plaintiffs prevail, Class Counsel may ask the Court to award it 40% of the award and/or may ask the Court to order the City of Annapolis to pay their attorneys fees and costs separately, on top of the award to the Plaintiffs.

THE TRIAL

19. How and when will the Court decide who is Right?

If the lawsuit is not settled or decided before trial, the Plaintiffs will have to prove their claims at a trial. The trial would take place in the U.S. District Court for the District of Maryland. During the trial, the parties will present evidence to help reach a decision about whether the Plaintiffs are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will prevail, or that they will be awarded damages. The Court has not set a date for the trial.

20. Do I have to come to trial?

You are not required to attend the trial unless one of the parties ask you to be a witness at the trial. If Class Counsel or Defendant’s counsel believes that your testimony may be helpful to establishing important facts in the litigation, Class Counsel will contact you before the trial to provide more information regarding your participation in the trial.

GETTING MORE INFORMATION

You can contact one of the Class Counsel. Their contact information is set forth in Question No. 16 above.