

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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HENRY W. SEGAR, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND,  
Attorney General, *et al.*,

Defendants.

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Civil Action No. 77-0081 (EGS)

**NOTICE OF PROPOSED CLASS  
ACTION SETTLEMENT**

«fname» «lname»

MailID: «MailID»

«address» «address\_2»

«City», «State» «Zip»

«Country»

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.**

**TO: All current and former Black Special Agents of the Drug Enforcement Agency who bid for one or more GS-14 or GS-15 level positions at any time between January 21, 1993, and May 2, 2022; and**

**who made the Best Qualified List for at least one such position; and**

**who were not selected for one or more of those positions.**

**THIS IS A COURT-ORDERED NOTICE.**  
**THIS IS NOT A SOLICITATION FROM A LAWYER.**

This notice is to inform you of a proposed settlement that has been reached in a class action lawsuit brought by current and former Black Special Agents of the Drug Enforcement Agency against DEA alleging, among other things, that DEA failed to comply with court orders directing it to implement promotion procedures for GS-14 and GS-15 level positions that do not discriminate on the basis of race between 1993 and 2022. The proposed settlement, if granted final approval by the court, will result in the creation of a **\$12,568,035.60 settlement fund** to pay settlement class members claims for individual relief.

If you are a settlement class member, you are eligible to receive a share of the Settlement Fund; you will receive **A MINIMUM OF \$5,000 FOR TIMELY SUBMISSION OF A VALID CLAIM FORM** (which will be mailed to you if the court approves the settlement).

The settlement class members are current and former Black DEA agents who applied for one or more GS-14 or -15 level positions, made the Best Qualified List for at least one such position at any time between January 21, 1993, and May 2, 2022, and were not selected for one or more of those positions.

**IF THIS NOTICE IS ADDRESSED TO YOU, YOU HAVE BEEN IDENTIFIED AS A POTENTIAL CLASS MEMBER.** As a potential class member, you have the right to know about this settlement and how the settlement may generally affect your legal rights. This notice describes the lawsuit, the Settlement, the legal right of all class members, and the applicable deadlines. Your options are explained in this notice and summarized in the following chart:

### **YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT**

PARTICIPATE IN THE SETTLEMENT	To participate in the Settlement, you must submit a claim form. Submitting a claim form is the only way that you can receive a share of the settlement fund. <b>A claim form is not included with this notice. If the court approves the settlement, a claim form will be mailed and emailed to you. If the court approves the settlement, you will also be able to file a Claim Form online at <a href="http://www.DEAdiscriminationsettlement.com">www.DEAdiscriminationsettlement.com</a>.</b> You are <b>NOT</b> required to retain your own attorney to file a claim form, and you will not be required to pay any money for the services of plaintiffs' counsel. Indeed, if you are a settlement class member, you will receive at least \$5,000 for the timely submission of a valid claim form.
EXCLUDE YOURSELF FROM THE SETTLEMENT	If you exclude yourself from the settlement, you will not be eligible to receive a share of the settlement fund.
OBJECT	You have the right to object to the proposed settlement. To do so, you must be a Class Member and you must submit a written objection to the court, as described more fully in this notice. You cannot object to the settlement unless you are a class member, and you do not exclude yourself from the settlement.
DO NOTHING	If you are a class member and do not submit a claim form as later directed, you will not be eligible to receive a share of the settlement fund. You will, however, remain a class member, which means that you will be bound by any judgments or orders entered by the court in this lawsuit.

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## **BASIC INFORMATION**

### **1. Why did I get this notice?**

On November 8, 2024, the court allowed, or “certified,” a settlement class that affects you. There is a pending class-action lawsuit brought on behalf of Black DEA Special Agents challenging various employment practices at DEA. One of those challenges involves claims that the GS-14 and GS-15 promotion procedures used between January 21, 1993, and May 2, 2022, discriminated against Black DEA Special Agents based on race. In 1999 and 2019, the court determined that DEA’s GS-14 and GS-15 procedures were discriminatory, and the parties have agreed to settle the amount of individual monetary relief owed to Black DEA Special Agents affected by those promotion procedures. Current and former Black DEA Special Agents affected by those GS-14 or GS-15 promotion procedures are members of the “settlement class” and referred to as “class members” throughout this notice.

Government records show that you may be a current or former Black DEA Special Agent who falls within the definition of the settlement class. This notice explains that the parties to the lawsuit have agreed to a settlement, and plaintiffs have asked the court to approve it. The Honorable Emmet G. Sullivan of the United States District Court for the District of Columbia is overseeing this class action. The lawsuit is known as Henry W. Segar, et al. v. Merrick Garland, Attorney General, et al., Civil Action No. 77-0081.

### **2. What is this lawsuit and settlement about?**

This lawsuit is about whether DEA failed to comply with statutes prohibiting discrimination in employment practices based on race, as well as court orders requiring the implementation of validated nondiscriminatory promotions procedures. This class action settlement concerns claims that DEA did not implement compliant procedures for promotions to GS-14 or GS-15 level positions from January 21, 1993, to May 2, 2022, and thereby discriminated against Black DEA Special Agents.

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

In a class action lawsuit, one or more people called “class representatives” sue on behalf of other people who have similar claims. The people with similar claims, together with the class representatives, are a “class” or “class members.” The Black current and former DEA Special Agents who sued on behalf of the class are called the plaintiffs. One court resolves the issues for everyone in the class—except for those people who choose to exclude themselves from the class. The class action approach avoids the need for numerous people to file similar individual lawsuits, and it allows the court system to resolve these claims in an efficient way.

## **THE CLAIMS IN THIS LAWSUIT**

### **4. What does this lawsuit complain about?**

In this lawsuit, plaintiffs say (among other things) that between 1993 and 2022, DEA failed to implement non-discriminatory procedures for promotions to GS-14 and GS-15 level positions. Plaintiffs say that DEA’s promotion practices had disparate impact on Black special agents, meaning that regardless of whether DEA’s promotion procedures were neutral on their face, they unlawfully disadvantaged Black special agents compared with their non-Black counterparts. Plaintiffs claim that DEA’s failure to implement non-discriminatory promotions procedures violated Title VII of the Civil

Rights Act of 1964, 42 U.S.C. §§2000e *et seq.*, and various court orders entered as far back as the early 1980s.

**5. What does this settlement ask for?**

After the court determined that plaintiffs were entitled to monetary relief for harm suffered as a result of DEA's GS-14 and GS-15 promotion practices, the parties filed briefs about the appropriate amount of monetary relief. The court has not decided which party's view of the appropriate amount is correct. Instead, the parties have agreed to settle the dispute for \$12,568,035.60, and will ask the court to approve that settlement.

**WHO IS IN THE CLASS**

**6. Am I part of this class?**

If this notice is addressed to you, government records indicate you may be a part of the settlement class. If you fit within the class definition below, you will *automatically be included* as part of the class unless you ask to be excluded. You do not have to have participated in this lawsuit in any way up to this point in order to be a class member. The court's class definition includes:

- All current and former Black DEA Special Agents who bid for one or more GS-14 or GS-15 level positions at any time between January 21, 1993, and May 2, 2022; and
- Who made the Best Qualified List for at least one such position; and
- Who were not selected for one or more of those positions.

**7. Who are the class representatives?**

The class representatives are Lamont Johnson, Carlton Starling, Richard Hall, Jr., Sandra Smith, Ted Golden, Briane Grey, Marissa Lee, Robert Smith, and La Verne Matthews. The court decided that these current and former Black DEA agents will fairly and adequately represent the interests of the settlement class.

**THE PROPOSED AGREEMENT**

**8. How much money will be paid to class members?**

Under the proposed settlement, a settlement fund of \$12,568,035.60 will be established to pay class members' claims. The entire amount will be used to pay class members' claims. No portion will be paid to plaintiffs' counsel or used to cover the costs of administering the settlement fund.

The individual amount allocated to each class member will be determined by Michael K. Lewis, an experienced arbitrator and mediator who has had no prior role in this litigation. He will rely on the claim forms, responses to questionnaires that each class member will have the opportunity to provide, personnel information provided by class counsel, and the information provided during a one-hour interview with any class member who requests one.

Mr. Lewis will base his decision on the following factors: (1) the class member's efforts to secure promotion to a GS-14 or -15 level position, including the duration and frequency of the class member's promotion bids; (2) the class member's career trajectory as a result of the conduct plaintiffs

allege; (3) the class member's efforts to address discrimination; (4) the severity and duration of emotional distress suffered as a result of non-compliant GS-14 or -15 promotion procedures; and (5) the impact of the conduct alleged on the class member's employment and day-to-day experience at DEA, including the effects on a class member's tenure or ability to remain at DEA.

**9. How much of the money will be paid to class counsel?**

No portion of the settlement fund will be paid to class counsel, used to cover administrative costs related to the settlement, or used for any purpose other than paying class members' claims.

**10. What about class members who have passed away during this lawsuit?**

The estates of class members who have passed away during the pendency of this lawsuit are eligible to receive the deceased class member's award. To do so, a representative with power of attorney over the estate must submit a timely claim form, along with a copy of the late class member's death certificate. Claim forms will not be distributed until the court enters final approval of the settlement.

**11. What happens to unclaimed funds?**

Michael Lewis, the third-party neutral tasked with determining each class member's individual award, will allocate the entirety of the \$12,568,035.60 settlement fund to class members (or their estates) who submit timely claim forms. Any funds Mr. Lewis awards to a class member that are not claimed within ninety (90) days of the day the award is conveyed to that class member will be escheated to the unknown property fund of the class member's state of last known residence, so the award may be received by the class member (or that member's estate) in the future.

## **YOUR RIGHTS AND OPTIONS**

**12. What do I do to participate in the settlement?**

**You do NOT need to do anything at this time to remain in the lawsuit and participate in the settlement.** If you wish to remain in the lawsuit, you are eligible to receive a share of the settlement fund, so long as you (1) submit a timely claim form and (2) actually are a class member.

There is no claim form included with this notice. If the court approves the settlement a claim form will be mailed and emailed to you. If the court approves the settlement you will also be able to file a claim form online at [www.DEAdiscriminationsettlement.com](http://www.DEAdiscriminationsettlement.com). If the settlement is approved, you will also be able to request a claim form by calling (844) 783-5505. **However, if you do nothing within 60 days (or 90 days for the estates of deceased class members) after you receive the claim form, you will not receive a share of the settlement, including the \$5,000 minimum payment that will be given to every class member who completes a valid and timely claim form.** You will, however, be bound by the court's decision and will have released all claims against DEA related to the claims for monetary relief addressed in this settlement.

You will also receive a questionnaire with the claim form so that you can provide additional information about your damages to Mr. Lewis, the person who will determine the amount of payments to class members. The questionnaire will also give you the option to request a one-hour personal interview with Mr. Lewis to further discuss information relevant to your damages. Completing the questionnaire or participating in a one-hour interview will be optional. If the court approves the settlement, you will be able to complete the claim form, questionnaire, and request the one-hour interview online at [www.DEAdiscriminationsettlement.com](http://www.DEAdiscriminationsettlement.com).

You are not required to retain your own attorney to remain in this lawsuit or to request or file a claim form or questionnaire. You will not be required to pay any money for the services of plaintiffs' counsel or their representatives and assistants.

If you remain in the lawsuit, and the court grants final approval of the settlement, then you will be bound by all the terms of the settlement. This means that you are also eligible to receive a share of the settlement fund. However, this also means that you will not be able to bring a separate lawsuit or other legal proceeding against DEA seeking monetary relief for any harm suffered because of the 1993 to 2022 GS-14 or GS-15 promotions procedures that are the subject of the settlement. Nor will you be able to challenge the settlement after it has been finally approved by the court. You will also be legally bound by all of the orders issued by the court in this case.

However, remaining a class member does not waive your right to pursue any other discrimination claims against DEA, including claims you may have relating to DEA's GS-14 or GS-15 promotion procedures outside of the years (January 21, 1993, and May 2, 2022) covered by this settlement.

### **13. Why would I ask to be excluded?**

You might choose to exclude yourself from the settlement class if you do not believe that you were discriminated against by a DEA GS-14 or GS-15 level promotion procedure during the relevant period (January 21, 1993, and May 2, 2022).

You might also choose to exclude yourself if you already have asserted or intend to assert a separate claim seeking monetary relief for race-based discrimination in DEA's promotion procedures for GS-14 or GS-15 level positions during the relevant period (January 21, 1993, and May 2, 2022) that you wish to continue or initiate.

If you exclude yourself from the class—which is sometimes called “opting out” of the class—you will not receive any money from the settlement fund. If you exclude yourself, you will not be legally bound by the judgments pertaining to this settlement.

If you decide to exclude yourself and pursue your own claim for individual relief, you will have to hire your own lawyer, or represent yourself, and you will have to prove your own claims. If you do exclude yourself from this settlement so you can pursue a claim against DEA that concerns the same individual relief covered by the settlement, you should talk to your own lawyer immediately, as federal employees have strict deadlines for pursuing employment-discrimination claims, including after excluding themselves from a settlement class.

### **14. How do I ask the court to exclude me from the class?**

To be excluded from the class—in other words, to “opt out”—you must send a signed letter by first class U.S. mail, stating that you want to be excluded from the *Segar v. Garland* settlement class. The letter must state the following: “I opt out of the *Segar v. Garland* settlement.”

The letter must include your name, present address, e-mail address, and telephone number. Be sure to include the case name and case number (*Segar v. Garland*, Civil Action No. 77-0081) and sign the letter. **You must mail your exclusion request postmarked by January 16, 2025 to Segar v Garland Claims Administrator, c/o SSI, an Epiq Company, PO Box 2715, Portland, OR 97208-2715.**

If your letter of exclusion is not postmarked on or before **January 16, 2025**, you will be included in the class. Late requests to be excluded from the class will not be effective.

## **HEARING ON PROPOSED SETTLEMENT AGREEMENT**

### **15. What has to happen before the settlement becomes final?**

The court, which has made a preliminary finding that the proposed settlement is fair and reasonable, has scheduled a fairness hearing to determine whether it will grant final approval of the settlement. The court will hold this hearing at 1:00 pm on **February 6, 2025** at the United States District Court for the District of Columbia, located at 333 Constitution Avenue N.W., Washington, D.C., in Courtroom # 24A.

It is not necessary for you to appear at the hearing or to file anything with the court before the hearing. If you fit within the court's definition of the class, then your interests will be adequately represented at the hearing by the class representatives and plaintiffs' counsel.

However, you may submit written comments on the proposed settlement, and you may request to speak to the court, either personally or through your own attorney, at the hearing on **February 6, 2025**.

### **16. Can I object to the settlement?**

If you wish to object to the settlement, you must send a letter that includes the following:

- Your name, address, and telephone number;
- The name of the case (*Segar v. Garland*, Civil Action No. 77-0081);
- The basis for your objection(s);
- Whether you wish to be heard in court at the fairness hearing;
- A list of any witnesses you may call to testify at the fairness hearing;
- Copies of any exhibits you intend to present at the fairness hearing, and all other documents in support of your objections;
- Your signature.

You may not object to the proposed settlement if you opt out of the settlement class.

Your objection, along with any supporting material you wish to submit, must be mailed and postmarked no later than **January 16, 2025**, to *each* of the following four addresses:

<b>Court</b>	<b>Plaintiffs' Counsel</b>	<b>Defense Counsel</b>
The United States District Court for the District of Columbia, 333 Constitution Avenue, N.W., Washington, D.C. 20001	Steven Cherry & Daniel Volchok WilmerHale 2100 Pennsylvania Avenue N.W. Washington, D.C. 20037 202-663-6000 <a href="mailto:steven.cherry@wilmerhale.com">steven.cherry@wilmerhale.com</a> <a href="mailto:daniel.volchok@wilmerhale.com">daniel.volchok@wilmerhale.com</a>	Sandra Stevens Drug Enforcement Administration 8701 Morrisette Drive Springfield, VA 22152  <i>with copies to:</i>



		Brian Hudak Civil Chief, United States Attorney's Office 601 D Street, N.W. Washington, D.C. 20530 (202) 252-2549 <a href="mailto:Brian.Hudak@usdoj.gov">Brian.Hudak@usdoj.gov</a>
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**17. Can I speak at the fairness hearing?**

To request permission to speak at the hearing, you must file with the court a “Notice of Intent to Appear.” Your notice must include the following:

- Your name, address, and telephone number;
- The name of the case (*Segar v. Garland*, Civil Action No. 77-0081);
- The name, address, and telephone number of any attorney(s) who will be appearing on your behalf at the fairness hearing; and
- Your signature.

Your Notice of Intent to Appear must be postmarked no later than **January 16, 2025** to the court, plaintiffs’ counsel, ***and*** defense counsel at each of the four addresses listed above.

Your appearance at the hearing, as well as that of your attorney, will be at your own expense.

**CLASS COUNSEL**

**18. Do I have a lawyer in the case?**

The court decided that Steven Cherry, Daniel Volchok, and other attorneys of the law firm Wilmer Cutler Pickering Hale and Dorr LLP are qualified to represent you and all members of the settlement class and have appointed them as class counsel. Contact information for class counsel is as follows:

Steven Cherry  
WilmerHale  
2100 Pennsylvania Avenue N.W.  
Washington, D.C. 20037  
202-663-6000  
[steven.cherry@wilmerhale.com](mailto:steven.cherry@wilmerhale.com)  
<https://www.wilmerhale.com/>

Daniel Volchok  
WilmerHale  
2100 Pennsylvania Avenue N.W.  
Washington, D.C. 20037  
202-663-6000  
[daniel.volchok@wilmerhale.com](mailto:daniel.volchok@wilmerhale.com)  
<https://www.wilmerhale.com/>

**19. Should I get my own lawyer?**

You do not need to hire your own lawyer because class counsel are working on your behalf. But, if you want your own lawyer, you will have to make your own arrangements for payment of that lawyer. For example, you could ask him or her to appear at the fairness hearing for you if you want someone other than class counsel to speak for you.

## **QUESTIONS**

### **20. What if I have questions?**

This notice summarizes the proposed settlement. The settlement agreement and plaintiffs' unopposed motion for preliminary approval contain more details about the settlement, and the allocation of the settlement fund. You can access these documents at [www.DEAdiscriminationsettlement.com](http://www.DEAdiscriminationsettlement.com). Any inquiries by class members concerning this notice or the class action settlement should be directed, by phone or in writing, to the claims administrator at **(844) 783-5505 and Segar v Garland Claims Administrator, c/o SSI, an Epiq Company, PO Box 2715, Portland, OR 97208-2715**. If your questions cannot be answered by the claims administrator, they will be forwarded to class counsel, identified above in paragraph 18.