



# Class Action Notice

*Authorized by the U.S. District Court  
for the District of Columbia  
Bird, et al. v. Garland, Case No. 1:19-CV-1581 (JMC)*

Records show you were dismissed from New Agent Training at the FBI between April 17, 2015 and August 10, 2024.

There is a \$22.6 million settlement of a lawsuit.  
You are entitled to money.

To be part of this settlement, you should:  
Read this notice.  
Respond by December 13, 2024.

Important things to know:

- If you take no action, you will still be bound by the settlement, and your rights will be affected.
- You can learn more at: [www.cohenmilstein.com/FBI-women-settlement](http://www.cohenmilstein.com/FBI-women-settlement).

You are part of a class action settlement for a class of female New Agent Trainees ("NAT") who received suitability notations and were dismissed from the FBI's Basic Field Training Course ("BFTC") (previously New Agent training program) after appearing before a Trainee Review Board ("TRB") or New Agent Review Board ("NARB") between April 17, 2015 and August 10, 2024, excluding any individuals whose dismissal was based solely on an honor code violation, or who previously settled their claims with the FBI.

There is a \$22,600,000.00 settlement of a lawsuit, and you are entitled to money. To receive the maximum relief you are eligible for, you should: read this notice, respond by December 13, 2024 if you wish to opt-out (and receive no money), return the claims forms by March 10, 2025 at the earliest (final date to be confirmed in forthcoming post-final approval notice), return the reinstatement form (if eligible and interested) by February 10, 2025 at the earliest (final date to be confirmed in forthcoming post-final approval notice).

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## About This Notice

### Why did I get this notice?

This notice is to tell you about the settlement of a class action lawsuit, *Bird, et. al. v. Garland*, brought on behalf of female New Agent Trainees who received suitability notations and were dismissed from the FBI’s BFTC (previously New Agent training program) after appearing before a TRB or NARB between April 17, 2015 and August 10, 2024, excluding any individuals whose dismissal was based solely on an honor code violation or who previously settled their claims with the FBI. **You received this notice because you are a member of the group of people affected, called the “Settlement Class.”** This notice gives you a summary of the terms of the proposed settlement agreement, explains what rights Settlement Class members have, and helps Settlement Class members make informed decisions about what action to take.

### What do I do next?

Read this notice to understand the settlement and to determine if you are a class member. Then, decide if you want to:

Options	More information about each option
<b>Submit a Claim Form</b>	If you do not submit a claim form, you will receive only \$50,000. If you submit a claim form, you may receive a larger payment. You will be bound by the settlement.
<b>Do Nothing</b>	Receive the minimum \$50,000 payment. Give up rights resolved by settlement.
<b>Opt Out</b>	Get no payment. Allows you to bring another lawsuit against the FBI about the same issues.
<b>Object</b>	Tell the Court why you don’t like the settlement.

Read on to understand the specifics of the settlement and what each choice would mean for you.

## What are the most important dates?

- Deadline to object or opt out: December 13, 2024
- Settlement approval hearing: January 9, 2025 at 10:30AM ET
- Deadline to submit a claim form: March 10, 2025 at the earliest (final date to be confirmed in forthcoming post-final approval notice)
- Deadline to submit a Reinstatement Election Form: February 10, 2025 at the earliest (final date to be confirmed in forthcoming post-final approval notice)

## About the Lawsuit

### What is this lawsuit about?

Plaintiffs Paula Bird, Clare Coetzer, Lauren Rose, Danielle Snider, "D.A.", "S.B.", "D.C.", "P.E.", "W.M.", "C.S.", "L.S.", "G.T.", and "T.S."<sup>1</sup> filed a lawsuit in 2019 claiming that the FBI violated federal anti-discrimination law by discriminating against female NATs when issuing Suitability Notations, initiating Suitability Reviews, referring female NATs for TRBs or NARBs, and in making dismissal, recycling, and reinstatement decisions.

The FBI denies that it did anything wrong.

### Where can I learn more?

You can get a complete copy of the proposed settlement and other key documents in this lawsuit at:

[www.cohenmilstein.com/FBI-women-settlement](http://www.cohenmilstein.com/FBI-women-settlement)

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<sup>1</sup> Many of the named Plaintiffs were permitted to proceed anonymously.

## Why is there a settlement in this lawsuit?

In September 2024, the parties agreed to settle, which means they have reached an agreement to resolve the lawsuit. Both sides want to avoid the risk and expense of further litigation. The settlement is on behalf of the named Plaintiffs who brought the case and all the members of the Settlement Class. The Court has not decided this case in favor of either side.

### What is a class action settlement?

A class action settlement is an agreement between the parties to resolve and end the case. Settlements can provide money to class members and changes to the practices that caused the harm.

## What happens next in this lawsuit?

The Court will hold a Fairness hearing to decide whether to approve the settlement. The hearing will be held at:

**Where:** U.S. District Court for the District of Columbia, Courtroom 3, 333 Constitution Avenue, N.W., Washington, D.C. 20001

**When:** January 9, 2025, at 10:30AM ET

The Court has directed the parties to send you this notice about the proposed settlement. Because the settlement of a class action decides the rights of all members of the proposed class, the Court must give final approval to the settlement before it can take effect. Payments will only be made if the Court approves the settlement.

You don't have to attend, but you may at your own expense. You may also ask the Court for permission to speak and express your opinion about the settlement. If the Court does not approve the settlement or the parties decide not to move forward with the settlement, the settlement agreement will be void and the lawsuit will continue. The date of the hearing may change without further notice to members of the class. To learn more and confirm the hearing date, go to [www.cohenmilstein.com/FBI-women-settlement](http://www.cohenmilstein.com/FBI-women-settlement).

# Learning About the Settlement

## What monetary relief does the settlement provide?

The FBI has agreed to pay \$22,100,000 into a settlement fund. This money will be divided among the members of the Court-approved Settlement Class and will also be used to pay for costs and fees approved by the Court, including the cost of administering this settlement, and attorneys' fees and costs. Separately, \$500,000 is set aside for the cost of a team of experts to review select FBI policies and procedures. Members of the settlement class will "release" their claims as part of the settlement, which means they cannot sue the FBI for the same issues in this lawsuit. The full terms of the release can be found in Section X of the settlement agreement.

The settlement provides \$19,400,000 of the total to be divided among class members.

The settlement also provides an opportunity for some Settlement Class members to pursue reinstatement and provides for outside experts to review some of the FBI's procedures. Both of these elements are described further below.

## Can I be reinstated?

The FBI has agreed to offer reinstatement to the BFTC to certain eligible Settlement Class members as either a NAT or a NIAT. You may be eligible to elect reinstatement if you:

- Were not dismissed from the New Agent Training Program or BFTC for violations of the Honor Code, FBI Core Values, FBI Standards of Conduct, or other misconduct; and
- Are able to obtain or maintain a valid Top Secret security clearance.

If you are ineligible to elect reinstatement, you will receive an additional notice informing you of that, enclosed with this notice.

If you are eligible to seek reinstatement, submit the reinstatement election form, and meet the requirements, you will be reinstated, and your reinstatement to the BFTC would be subject to the same terms

that apply to all NATs or NIATs.

*Being reinstated to the BFTC does not guarantee graduation.* If you graduate from the BFTC following reinstatement as NAT, you will be guaranteed placement in one of your top three field offices for your first office placement. Upon completion of the New Agent Development Program at your first office, your salary will be adjusted to the grade and step you would have been receiving had you graduated with your original class.

If you elect reinstatement, that will affect your monetary award, as described below.

## What other relief does the settlement provide?

**Programmatic Relief:** As part of the settlement agreement, two industrial-organizational psychologists (“IOP”) agreed to by the parties will review certain policies, processes, procedures, and methods for evaluating trainees at the BFTC as they actually function in practice. Following their review, the IOPs will make recommendations for improving the policies, processes, procedures, and methods for evaluating trainees at the BFTC.

## How do I know if I am part of this settlement?

Plaintiffs and Defendants have agreed to a list of 34 individuals who make up the members of the class. If you are receiving this notice, you are part of this settlement and eligible to receive settlement funds.

## How much will my payment be?

The amount of your payment will depend on several factors. For more detailed explanation of each of the factors, and how the calculation of your payment will be determined, see Ex. H to the Settlement Agreement.

Each Class Member will receive a minimum of \$50,000 in compensatory damages for emotional distress, whether or not a claim form is submitted. Your claim form will ask for information and documents that determine the remainder of your payment, which fall into two categories: economic damages and compensatory (emotional) damages.

Your **economic damages** will be determined by calculating the difference between what you would have earned in past salary, future salary, Thrift Savings Plan, and Pension if you had graduated from the BFTC and continued on as an FBI Special Agent versus your actual past and expected future employment. The total of these losses is your total economic damages.

*Note: if you elect to be reinstated, front pay and pension loss will not be included in your economic damages.*

Your **compensatory (emotional) damages** will start at the minimum \$50,000. How much more compensatory damages you receive depends on what you submit with your claim form, including a statement about your emotional distress, and any medical documentation of treatment you received for that medical distress.

## How will I make these calculations?

As part of the settlement, Class Counsel, the law firm of Cohen Milstein Sellers & Toll PLLC, will help you complete the claim form and calculate your economic damages according to the methodology in Ex. H to the settlement agreement. If you prefer you can select someone else to assist you, but you will be responsible for the cost related to the calculation, if any. Anyone performing the calculations must follow the instructions and methodology described in Ex. H to the settlement agreement.

## Who decides how much my payment will be?

The claim form, accompanying documentation, and calculations will be submitted to the Honorable Ellen Huvelle (U.S. District Judge, inactive), who has been appointed as the Neutral to decide how much your



economic damages and compensatory damages are based on all the information submitted. If the total of all class members economic and compensatory damages exceeds the total class settlement fund, each class member will receive a share of the settlement fund proportionate to their share of the total damages.

## Will taxes be deducted from my payment?

Yes. Portions of your payment that are for back and front pay will have applicable payroll tax withholdings and deductions made. The remainder of your payment will not have taxes deducted, but all of the payments will be reported to the IRS and are subject to taxation.

Class Counsel is not offering tax advice and encourages you to consult a tax professional regarding any tax questions.

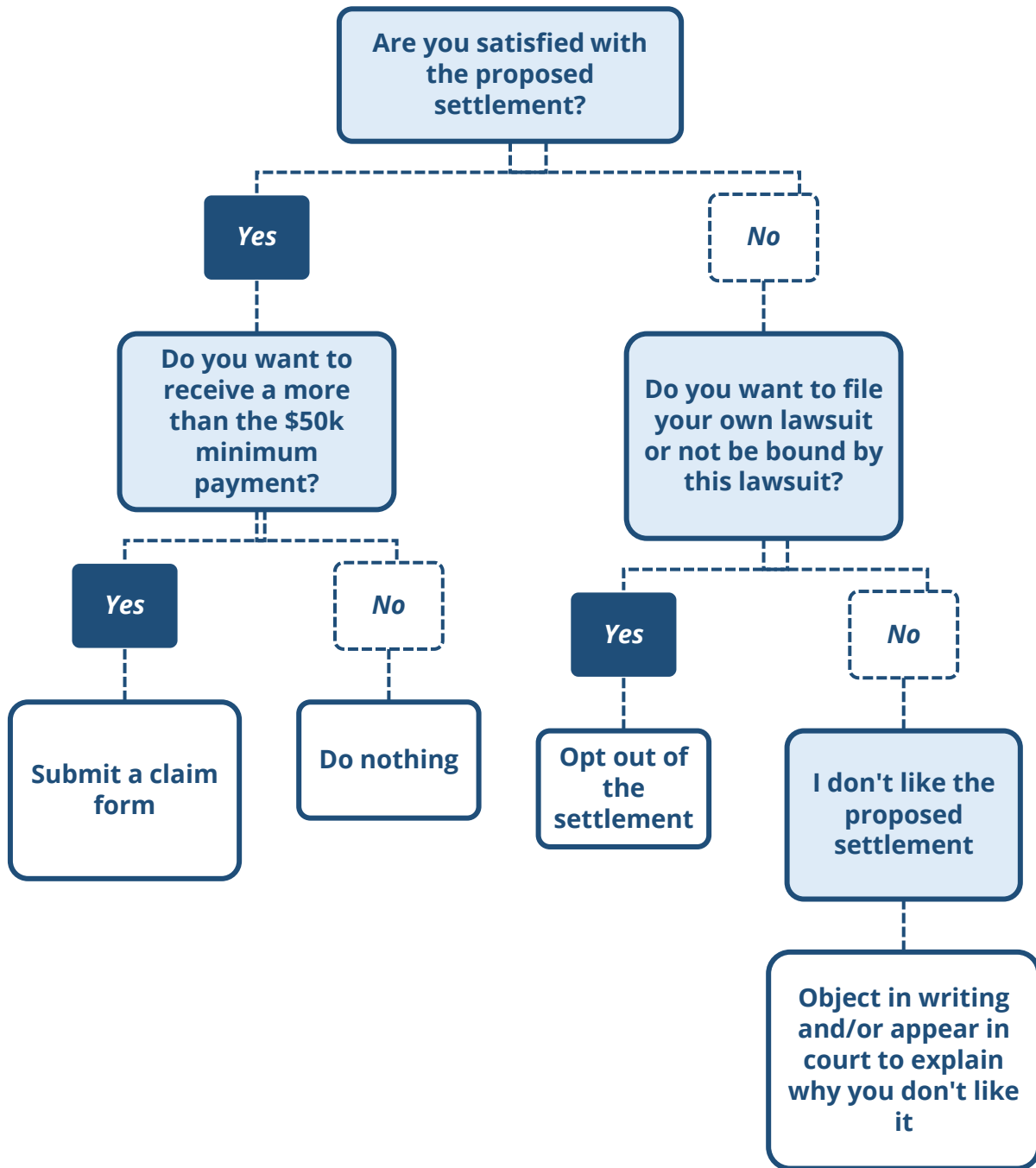
## Deciding What to Do

### How do I weigh my options?

You have four options: You can stay in the settlement and submit a claim; you can opt out of the settlement; you can object to the settlement; or you can do nothing. This chart shows the effects of each option:

	<b>Submit a Claim</b>	<b>Opt out</b>	<b>Object</b>	<b>Do Nothing</b>
<b>Can I receive settlement money if I . . .</b>	YES	NO	YES	YES
<b>Am I bound by the terms of this lawsuit if I . . .</b>	YES	NO	YES	YES
<b>Can I pursue my own case if I . . .</b>	NO	YES	NO	NO
<b>Will the class lawyers represent me if I . . .</b>	YES	NO	NO	YES

## What is the best path for me?



# Submitting a Claim

## How do I get a payment as a class member?

You will automatically receive a minimum \$50,000 payment even if you do nothing. If you wish to receive more than the minimum payment, you must submit a completed claim form, along with any required documentation, by March 10, 2025 at the earliest (final date to be confirmed in forthcoming post-final approval notice) to Class Counsel at [cwebber@cohenmilstein.com](mailto:cwebber@cohenmilstein.com) or by mail to:

Cohen Milstein Sellers & Toll PLLC  
Attn: Christine Webber  
1100 New York Ave NW, Suite 800  
Washington, DC 20005

## Do I have a lawyer in this lawsuit?

In a class action, the court appoints class representatives and lawyers to work on the case and represent the interests of all the class members. For this settlement, the Court has appointed the following individuals and lawyers.

Your lawyers: Christine Webber, Rebecca Ojserkis, and Dana Busgang of Cohen Milstein Sellers & Toll PLLC, and David Shaffer of David Shaffer Law PLLC. These are the lawyers who negotiated this settlement on your behalf. These lawyers will also work with you, at no cost, to prepare your claim submission to the Neutral to determine your payment.

If you want to be represented by your own lawyer, you may hire one at your own expense.

## Do I have to pay the lawyers in this lawsuit?

Lawyers' fees and costs will be paid from the Settlement Fund. **You will not have to pay the lawyers directly.**

To date, your lawyers have not been paid for all of their work or the expenses that they have paid for the case. To pay for their time,

including work remaining to be done to assist you with the claims process and working with the IOPs conducting their review, your lawyers will request, as part of the final approval of this Settlement, that the Court approve a payment of up to \$2,700,000 total in attorneys' fees, plus the reimbursement of out-of-pocket expenses to date, as well as the costs associated with settlement administration.

Lawyers' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the lawyers' fees even if you think the settlement terms are fair.

## Opting Out

### What if I don't want to be part of this settlement?

You can opt out. If you do, you will not receive payment and cannot object to the settlement. You will not be bound or affected by anything that happens in this lawsuit and may be able to file your own case.

### How do I opt out?

To opt out of the settlement, you must submit a written, signed statement that you are opting out, postmarked or email by December 13, 2024 to Class Counsel at:

Cohen Milstein Sellers & Toll PLLC  
Attn: Christine Webber  
1100 New York Ave NW, Suite 800  
Washington, DC 20005  
  
cwebber@cohenmilstein.com

The written statement must include your name, address, telephone number, signature, and confirm that you are aware that by opting out, you will not receive any money from this settlement.

# Objecting

## What if I disagree with the settlement?

If you disagree with any part of the settlement (including the lawyers' fees) but don't want to opt out, you may object. You must give reasons why you think the Court should not approve it and say whether your objection applies to just you, a part of the class, or the entire class. The Court will consider your views. The Court can only approve or deny the settlement — it cannot change the terms of the settlement. You may, but don't need to, hire your own lawyer to help you.

To object, you must send a letter to Class Counsel that:

- (1) is postmarked by December 13, 2024;
- (2) includes your full name, address and telephone number, and email address (if you have one);
- (3) states the reasons for your objection;
- (4) says whether either you or your lawyer intend to appear at the final approval hearing and your lawyer's name;
- (5) your signature.

You or your lawyer may not appear at the final approval hearing to object to the settlement agreement without having first submitted your objection in writing by the deadline.

Mail the letter to:

Cohen Milstein Sellers & Toll PLLC  
Attn: Christine Webber  
1100 New York Ave NW, Suite 800  
Washington, DC 20005  
  
cwebber@cohenmilstein.com

# Doing Nothing

## What are the consequences of doing nothing?

If you do nothing, you will receive the minimum \$50,000 payment. You will still be bound by the settlement and its “release” provisions, meaning that you won’t be able to start, continue, or be part of any other lawsuit against the FBI about the issues in this case. A full description of the release can be found in Section X of the settlement agreement.

# Key Resources

## How do I get more information?

This notice is a summary of the proposed settlement. The complete settlement with all its terms can be found on the case website at [www.cohenmilstein.com/FBI-women-settlement](http://www.cohenmilstein.com/FBI-women-settlement).

To get a copy of the settlement agreement or get answers to your questions:

- contact Class Counsel
- visit the case website at [www.cohenmilstein.com/FBI-women-settlement](http://www.cohenmilstein.com/FBI-women-settlement)

Resource	Contact Information
<b>Case website</b>	<a href="http://www.cohenmilstein.com/FBI-women-settlement">www.cohenmilstein.com/FBI-women-settlement</a>
<b>Your Lawyers</b>	Cohen Milstein Sellers & Toll PLLC Attn: Christine Webber 1100 New York Ave NW, Suite 800 Washington, DC 20005 <a href="mailto:cwebber@cohenmilstein.com">cwebber@cohenmilstein.com</a> 202-408-4600
<b>Court (DO NOT CONTACT)</b>	U.S. District Court for the District of Columbia 333 Constitution Ave NW Washington, DC 20001