

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Johnson v. Jessup, Case No. 1:18-cv-467

**NOTICE OF PROPOSED SETTLEMENT IN CLASS ACTION
OVER SUSPENDED DRIVERS' LICENSES FOR NON-PAYMENT**

This notice was authorized by a federal court and is not a solicitation from a lawyer.

- **Was your driver's license suspended, OR will your driver's license soon be suspended, because you didn't pay a traffic ticket in North Carolina?**
- **If so, this lawsuit might affect you.**
- **You may be able to get your suspension lifted or stop the suspension if you go to court.**
- **To learn more, keep reading this notice and sign up for updates on how you may be able to ask for your license back.**

What is this lawsuit about?

In 2018, four people who lost, or were facing the loss of, their driver's licenses because they were unable to pay traffic citations brought a [class-action lawsuit](#) against the North Carolina Division of Motor Vehicles ("DMV"). They challenged their suspensions as unlawful because the state law does require a finding—and there was no finding—before the suspension, that they intentionally did not pay. This lawsuit sought for people to regain or keep their licenses if they genuinely could not pay the cost of their citations.

The case is called *Johnson v. Jessup*, Case No. 1:18-cv-467, which was filed in the U.S. District Court for the Middle District of North Carolina. The parties involved in the lawsuit have reached an agreement to settle the case.

Who is included in this class-action lawsuit and settlement?

In a class-action lawsuit, one or more plaintiffs bring claims for themselves and also for others in the same legal situation (the "Class Members"). This lawsuit was filed on behalf of all individuals whose driver's licenses were suspended after May 30, 2015, or would be suspended in the future, by the DMV because they did not pay their traffic citation. Everyone in these groups is a Class Member.

The proposed settlement will affect all Class Members. If the judge thinks the proposed settlement is fair and helps people facing license suspension, the judge may approve the settlement. Before that happens, Class Members have a right to review and comment on the proposed settlement.

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What rights do Class Members have regarding the proposed settlement?

- You may comment on or object to the proposed settlement. The Court will decide whether to approve or reject the proposed settlement after a fairness hearing.
 - Currently, a fairness hearing is scheduled for **February 22, 2022**, at 10:00 AM in Courtroom 2 at the federal courthouse at the following address: Hiram H. Ward Federal Building 251 N. Main Street Winston-Salem, NC 27101.
 - If you are a Class Member and would like to make an objection, you must do so before January 13, 2022. You can submit objections with the class and DMV counsel in the following ways:
 - by email at NCDMVsettlement@splcenter.org;
 - at the settlement website at <https://www.ncdmvsettlement.org/> where you can complete this [online objection form](#), or
 - by regular mail at:

To Class Counsel:

The Southern Poverty Law Center
Attn: EJP Deputy Legal Director
Re Johnson v. Jessup
PO Box 1287
Decatur, GA 30031

To Defendant's Counsel:

North Carolina Department of Justice
Attn: Kathryne E. Hathcock
Re: Johnson v. Jessup
PO Box 629
Raleigh, NC 27602

- Or you may choose to do nothing. If you do nothing, you will still be a Class Member, and the settlement will still apply to you.

What does the proposed settlement say? You can read the full text of the proposed settlement [here](#), but below is a summary:

• **The DMV will Revise the Official Notice it Sends to Drivers About License Suspension for Non-Payment:**

- Going forward, the DMV has agreed that it will change the official notice it sends to Class Members facing an upcoming license suspension for unpaid traffic tickets. The old notice indicated that people could avoid the suspension by paying their fines and costs. The [revised notice](#) will now

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tell people that state law also gives them other options for preventing the suspension of their license, especially when they cannot afford to pay.

- For example, the revised notice will explain that the law allows people to ask the court in their traffic case to reduce or waive their fines and costs, or set up a payment plan if they cannot afford to pay. If the court grants their request for a waiver or for a reduction or a payment plan which they fully pay, the court tells the DMV, and the DMV must lift the suspension for non-payment.
 - The revised notice will also let people know how they can access a template court form they can use to request that the court give them a waiver, reduction, or payment plan for the fines and costs they owe. That template court form is called a [Motion for Relief from Fines, Fees and Other Monetary Obligations](#), on which a person can provide information about their financial circumstances and make their request to the court.
 - The revised notice will be sent by U.S. mail, and if available email.
- **The DMV Will Send a Special Notice to Class Members Who Currently Already Have Suspended Licenses for Non-Payment:** The DMV has also agreed that it will send a “[special notice](#)” to Class Members whose licenses have been suspended for nonpayment of court debt since May 30, 2015. The “special notice” will tell them about their options under state law to seek to remove the suspension of their license, especially when they cannot afford to pay. Among other options, this special notice will tell them that they can ask the court in their traffic case to reduce or waive their fines and costs or set up a payment plan if they cannot afford to pay. The special notice will also explain that if the court grants their request for a waiver or for a reduction or a payment plan which they fully pay, the court tells the DMV, and the DMV must lift the suspension for non-payment.

A copy of both notices can be found here:

- [Revised notice](#)
- [Special notice](#)

The DMV staff will also be trained on the implementation of these notices.

- **Publication of the Settlement and Special and Revised Notices:** The DMV has agreed that it will provide information about the settlement and settlement-related

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documents through a press release, on its website, at its headquarters and local DMV offices, and the N.C. Drivers Handbook, and to other North Carolina state agencies to provide Class Members information about how to petition a court to have their fines and costs waived, reduced, or converted to a payment plan, so the DMV can stop or remove a license suspension for non-payment.

- **The DMV’s Will Give Funds for a “Help and Resources” Website:** The DMV has agreed that it will pay \$30,000 for a third-party North Carolina legal advocacy organization to create, monitor, and administer a resources website, where the public can access informational videos, written explanatories and forms, and other best practices materials on how to prevent or remove a license suspension for non-payment from their record, as well as pro bono resources that may be able to provide representation to the public to help prevent or remove suspensions for non-payment from their record. The third-party organization’s staff will administer, manage, and staff the website. The DMV also has agreed that it will reference the Website in the Special and Revised Notices for 18 months.
- **Provision of Data to Class Counsel:** The DMV has agreed to provide to the attorneys for the Class Members data about driver’s license suspensions after the settlement.

Will Class Members get any money as part of this case?

No. This lawsuit seeks to help Class Members keep or restore their driver’s licenses when they cannot pay the fines and fees of their citations.

Does this proposed settlement prevent Class Members from seeking individual money damages?

No. Class Members will not lose any rights to bring separate lawsuits for money damages if they have individual claims for money damages.

Can I get my license restored?

You do not have to wait for this proposed settlement to be finalized to ask the court in your traffic case to waive or reduce the money you owe. If the traffic court grants your request for a waiver or for a reduction or a payment plan which they fully pay, the court tells the DMV, and the DMV must reverse the suspension of your driver’s license.