

32<sup>ND</sup> FLOOR  
125 BROAD STREET  
NEW YORK, N.Y. 10004-2498

September 27, 2011

Via ECF

The Honorable Joanna Seybert,  
United States District Court,  
Eastern District of New York,  
100 Federal Plaza, P.O. Box 9014,  
Central Islip, NY 11722-9014.

Re: Vargas et al. v. Town of Smithtown, No. 07-5202 (JS) (WDW)

Dear Judge Seybert:

Pursuant to the Order and Final Judgment dated August 28, 2009, I write on behalf of the Plaintiffs in the above-referenced class action to provide a final report on the allocation of the \$925,000 Settlement Fund. The Settlement Fund was paid into an escrow account established and maintained by Berdon Claims Administration LLC ("Berdon Claims"). \$514,705.73 was paid from the Settlement Fund for: (a) distributions to the members of the Class, (b) taxes, fees, and expenses associated with the Escrow Account, (c) fees and expenses awarded to the Plaintiffs' counsel by the Court, and (d) costs and expenses incurred by the Claims Administrator in providing notice of the Settlement to Class members and administering the distribution of funds. The attached Declaration of Michael Rosenbaum of Berdon Claims (Exhibit A) and Smithtown Settlement Chart (Exhibit B) describe these distributions of the Settlement Fund.

As described in the Plan of Allocation filed on March 4, 2009 in conjunction the Stipulation of Settlement and Consent Decree, we have used reasonable efforts over a time period in excess of ninety days to deliver returned and uncashed monies to the appropriate persons. We plan to distribute the unused monies, \$410,294.27, to organizations whose mission is advancement of fair housing and/or affordable housing in Suffolk County based on funding proposal submissions. The attached Declaration of Joseph Rich of the Lawyers Committee for Civil Rights Under Law (Exhibit C) identifies the selected organizations and the amounts each organization will receive after submission of this report.

Judge Joanna Seybert

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If you have any questions regarding this submission, we would be pleased to provide any further information you require.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RN' followed by a long horizontal stroke.

Robin Nunn

Enclosures

cc: David H. Arntsen  
(Devitt Spellman Barrett)  
Elaine Learnard  
Professor Lela Love  
Berdon Claims Administration LLC

**Smithtown Settlement Chart**

<b>Category</b>	<b>Organization/Party</b>	<b>Amount</b>
Settlement Fund		\$925,000.00
Attorneys Fees		\$200,000.00
Distribution to Plaintiffs	Named Plaintiffs	\$80,000.00
	• 4 Named Plaintiffs	• \$20,000.00 each
Distribution to Claimants	Putative Class Members	\$212,400.00
• Claimants on 2002 waitlist & interview date was given	• 12 Claims • 11 Claimants Found	• \$10,000.00 each • Total: \$110,000.00
• Claimants on 2002 waitlist	• 76 Claims • 75 Claimants Found	• \$1,000.00 each • Total: \$75,000.00
• Claimants on 2006 waitlist & waitlist no. passed by Smithtown	• 41 Claims • 41 Claimants Found	• \$400.00 each • Total: \$16,400.00
Settlement Financial Counseling Fee	Nassau Suffolk Law Services	\$4,825.00
Settlement Financial Advice Letter	Empire Justice Center	\$1,500.00
Cost & Expenses of Claims Administrator	Berdon Claims Administration	\$16,538.32
Bank Fees		\$167.50
<b>Settlement Fund Balance</b>		<b>\$410,294.27</b>

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CORINNE VARGAS, KISHA TRENT, ANNIE	: Case No. CV 07-5202
SMITH and R.G., on behalf of themselves and all	: (JS)(WDW)
others similarly situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
TOWN OF SMITHTOWN,	:
Defendant,	:
-----	x

**DECLARATION OF JOSEPH D. RICH**

I, Joseph D. Rich, hereby declare as follows:

1. I am Director of the Fair Housing and Fair Lending Project for the Lawyers' Committee for Civil Rights Under Law (LCCRUL).
2. LCCRUL is a nonpartisan, nonprofit organization established in 1963 at the request of President John F. Kennedy. The mission of LCCRUL is to secure equal justice under law for those most subject to discrimination in our country. The LCCRUL has an extensive history of representing clients in precedent-setting civil rights litigation in various areas, including housing, employment, voting and education.
3. LCCRUL has represented Plaintiffs in this case and I have worked on it since it was filed on December 13, 2007.
4. On March 4, 2009 the parties entered into a Stipulation of Settlement and Consent Decree (Stipulation), which was subsequently approved by the Court on August 28, 2009.

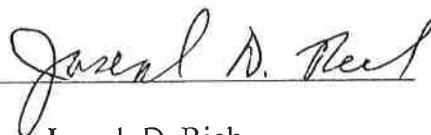
The decree resulted in a settlement fund of \$725,000 being established to compensate class members for damages incurred.

5. As set forth in the Declaration of Michael Rosenbaum (Exhibit B), the Berdon Claims Administration LLC, the claims administrator in this case, has completed the identification and payment process for individual class members eligible for awards.
6. Under terms of ¶ 10 of Exhibit E of the Stipulation, any funds left in the settlement fund after all distributions to eligible class members shall be distributed to an “organization or organizations whose mission is the advancement of fair housing and/or affordable housing in Suffolk County, as designated by Plaintiffs.” As noted in § 12 of Mr. Rosenbaum’s Declaration, there was \$410,294.27 funds remaining in the Escrow Account as of July 12, 2011.
7. In anticipation of funds being available to distribute pursuant to ¶ 10 of Exhibit E, LCCRUL contacted the following six organizations whose missions are the advancement of fair housing and/or affordable housing in Suffolk County with a request to submit proposals for these funds: the Fair Housing Justice Center; the Long Island Housing Services, Inc.; the Nassau Suffolk Legal Services; ERASE Racism; New York Communities for Change, and HELP USA. Subsequently, proposals were submitted by all but HELP USA.
8. In its requests to these organizations, LCCRUL indicated that the proposals should reflect in detail the type of fair housing and/or affordable housing work that the organization does in Suffolk County and what kind of work it proposes to do with any funds that will be distributed. In addition, in these requests, LCCRUL designated the affirmatively furthering fair housing provision of the Fair Housing Act as a priority

fair housing enforcement area and that it sought proposals that included programs specifically designed to enforce this provision, including educational and training programs which will increase the understanding of the requirements of this provision.

9. Five of the six organizations contacted submitted proposals. LCCRUL shared the proposals with counsel for Defendants seeking any comments or suggestions from the Defendant Town of Smithtown. The Town responded that it had no comments or suggestions with respect to the proposals.
10. LCCRUL has reviewed the submitted proposals based on the fair housing criteria set forth in the Requests and has designated the following organizations to receive the remaining balance of the Escrow Account: the Fair Housing Justice Center, 40% (\$164,118); the Long Island Housing Services, 30% (\$123,088); the Nassau Suffolk Legal Services 10% (\$41,029); ERASE Racism, 10%(\$41,029); and the New York Communities for Change, 10% (\$41,029).
11. After submission of the final report to the Court, LCCRUL will notify these organizations of these determinations and Berdon will distribute the remaining funds accordingly.
12. I declare under penalty of perjury that the foregoing is true and correct.

September 9, 2011.

  
Joseph D. Rich