

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

REUVEN WEIZBERG,)
 DAVID PETER VENG-PEDERSEN,)
 and JACOB PATRICK DAGEL,)
)
 Plaintiffs,)
)
 v.)
)
 CITY OF DES MOINES, IOWA,)
)
 Defendant.)

CASE NO. CVCV050995

NOTICE OF CLASS ACTION LAWSUIT

TO: Any vehicle owner who received a Notice of Violation between December 11, 2013 and the present based upon a claim of speeding from one of the speed cameras mounted at the I-235 eastbound location and who appealed the decision, went through the administrative process (either by mail or in person), was adjudicated liable and ordered to pay a penalty and did not pursue a district court action.

IMPORTANT LEGAL NOTICE – READ CAREFULLY

I. WHAT IS THE PURPOSE OF THIS NOTICE?

This notice is to inform you that the Honorable Lawrence P. McLellan, District Court Judge in Polk County, Iowa, has certified a lawsuit to proceed as a class action on behalf of those who received Notices of Violation from the City of Des Moines, Iowa, when allegedly driving over the speed limit on I-235 Eastbound. This notice describes who will be a part of the class action. It also tells you what you need to do if you wish to not be a part of the class action (or opt out of it).

II. WHAT IS THE CASE ABOUT?

This action has been brought by three individuals (“Plaintiffs”) who received Notices of Violation from driving on I-235 Eastbound and contested those actions either by mail or in person at an administrative hearing. This case made many claims, but those remaining are that the administrative hearing process used by the City of Des Moines, which was not part of Municipal Code governing these Notices of Violation, is a violation of vehicle owners’ constitutional due process

rights. In addition, the vehicle owners allege that the City of Des Moines has been unjustly enriched by the payment of fines to the City after forcing vehicle owners to go through an unconstitutional process.

III. WHO ARE THE PLAINTIFFS?

This action was brought by three Plaintiffs, as representative parties, to proceed on behalf of a class of persons who are like themselves. The representative parties are as follows:

Reuven Weizberg:
214 W 42nd St.
New York, New York 10036

David Peter Veng-Pedersen:
640 3rd St. Apt. 1
Waukee, Iowa 50263

Jacob Patrick Dagel
4430 NW 142nd St. Unit 201
Urbandale, Iowa 50323

IV. WHO IS IN THE CLASS?

The class of people (“Class”) covered by this Notice of Class Action Lawsuit (“Notice”) includes any vehicle owner from December 11, 2013, through to the present who received a Notice of Violation from the City of Des Moines, Iowa, for allegedly driving over the speed limit on I-235 Eastbound and thereafter contested that Notice of Violation (by mail or in person) and was found liable. Both individuals who paid and those who did not pay the amount included on the Notice of Violation are included in the Class. You may verify your eligibility by contacting Class Counsel (James C. Larew) at the Larew Law Office at 319.337.7079. Individuals satisfying the Class definition are sometimes referred to as “eligible Class Members” in this Notice.

V. WHY DID I RECEIVE THIS NOTICE?

According to documents provided by the City of Des Moines, you received a Notice of Violation from owning a vehicle allegedly speeding on I-235 Eastbound between December of 2013 and the present date and contested that Notice of Violation, but were still found liable by the Hearing Officer.

VI. CAN I HIRE MY OWN LAWYER?

Yes, you can hire your own lawyer to represent you, but you do not have to do so. Any eligible Class Member can enter an appearance in this case on his or her own, or through any other counsel. If you are an eligible Class Member and you have not opted out, then the lawyer for the Class (or Class Counsel) will represent you.

VII. HOW LONG WILL THIS CASE TAKE?

Unfortunately, that is impossible to know. This case was filed in December of 2015. No decision has been made on whether the procedural due process claims are valid, only that they can move forward as a class action. As soon as more is known, as long as you are part of this case, you will be informed of any timeline or the next steps.

VIII. WHAT DO I HAVE TO DO TO STAY A PART OF THIS CASE?

Nothing. No action is required by you in order to remain a part of this case. As long as you are an eligible Class Member, you will be a part of this case and any resolution of it, unless you choose to exclude yourself (or opt out), as described below.

IX. WHAT DO I HAVE TO DO IF I DO NOT WANT TO BE A PART OF THIS CASE?

You have the right to be excluded from this case under Iowa Rule of Civil Procedure 1.267 by filing an election to be excluded within sixty days of your receipt of this Notice. If you do not wish to remain a part of this case as an eligible Class Member, you need to fill out the form provided with this Notice entitled “Opting Out of the Class Action – Election to be Excluded” and return it to the Clerk of Court by the date specified on that document.

X. HOW COULD THIS CASE AFFECT ME?

This case is seeking a refund of any amounts paid to the City of Des Moines after contesting a Notice of Violation received from I-235 cameras. If it is successful, any amount you paid after an administrative hearing or contesting by mail could be refunded. This case is also seeking a declaratory judgment that those who contested their Notices of Violation are not responsible for payment of the fines imposed; therefore, if you are currently being contacted by collection agencies or others for failure to pay an imposed fine, this case seeks to find that you are not

liable for that amount and cannot be further contacted by such collection agencies or shown as having a debt owed to the City (including not having it withheld from any possible tax return). If this case is unsuccessful, there will not be any financial consequence to the Class or any eligible Class Member. If the case is unsuccessful, nothing will change. If you remain in this case, the judgment, whether favorable or not, will be binding on all eligible Class Members who are not excluded from the action.

XI. HOW DO I GET FURTHER INFORMATION?

This Notice is a general description and does not cover all the details of the case. If you have any questions, or want any copies of the documents that have been filed in this case, you may contact the lawyer who brought this lawsuit (Class Counsel):

James C. Larew
Larew Law Office
504 E. Bloomington St.
Iowa City, IA 52245
(319) 337-7079
James.Larew@LarewLawOffice.com

Please do not contact the Judge, the Clerk of Court, or the City of Des Moines or their attorneys, with questions.

The pleadings and other papers filed in this case are available for inspection at the office of the Clerk of Court.

IMPORTANT: OPT-OUTS FROM THE CLASS ACTION MUST BE RECEIVED BY THE COURT BY JUNE 30, 2017.

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

REUVEN WEIZBERG,)	
DAVID PETER VENG-PEDERSEN,)	
and JACOB PATRICK DAGEL,)	
)	
Plaintiffs,)	CASE NO. CVCV050995
)	
v.)	
)	
CITY OF DES MOINES, IOWA,)	
)	
Defendant.)	

OPTING OUT OF THE CLASS ACTION – ELECTION TO BE EXCLUDED

I do not want to be a member of the Class represented by Plaintiffs and Class Counsel in this case. I understand that I could be represented by another attorney in this case but I do not wish to participate in this case in any manner. I do not wish to partake in any part of any potential recovery by the Class in this case.

YOUR NAME (printed): _____

YOUR ADDRESS: _____

YOUR PHONE NUMBER: _____

YOUR SIGNATURE: _____

DATE: _____

THIS OPT OUT FORM (TO BE EXCLUDED FROM THE CLASS ACTION LAWSUIT) MUST BE RECEIVED BY THE CLERK OF COURT BY JUNE 30, 2017, AT THE FOLLOWING ADDRESS:

Clerk of Court
Iowa District Court for Polk County
500 Mulberry St. #212
Des Moines, IA 50309



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
CVCV050995 REUVEN WEIZBERG ET AL VS CITY OF DES MOINES ET AL

So Ordered

A handwritten signature in black ink, appearing to read "L. P. McLellan". The signature is written in a cursive style and is positioned above a horizontal line.

Lawrence P. McLellan, District Court Judge,
Fifth Judicial District of Iowa