

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JOSE ANTONIO FRANCO-  
GONZALEZ, *et al.*,

*Plaintiffs-Petitioners,*

v.

ERIC H. HOLDER, JR.,  
Attorney General, *et al.*,

*Defendants- Respondents,*

---

) Case No. CV 10-02211 DMG (DTBx)

) **ORDER GRANTING PLAINTIFFS’  
MOTION FOR PRELIMINARY  
APPROVAL OF PARTIAL  
SETTLEMENT AGREEMENT [806]**

1 The Court determines, preliminarily, that the Agreement Regarding  
2 Procedures for Notifying and Reopening Cases of Franco Class Members Who  
3 Have Received Final Orders of Removal (“Reopening Settlement Agreement”) and  
4 its terms fall within the range of reasonableness and merits possible final approval.

5 The Court also determines that the Class Notices and the Notice Program as  
6 described in the Reopening Settlement Agreement: (i) meet the requirements of  
7 Rule 23(e)(1) and due process; (ii) are the best practicable notice under the  
8 circumstances; (iii) are reasonably calculated, under the circumstances, to apprise  
9 the Class, Sub-Classes, and Removal Order Class Members of their right to object to  
10 the proposed Settlement; and (iv) are reasonable and constitute due, adequate, and  
11 sufficient notice to all those entitled to receive notice.

12 Having determined the above, the Court hereby GRANTS Plaintiffs’  
13 unopposed Motion for Preliminary Approval of the Reopening Agreement, and  
14 orders the following:

15 A. The proposed Class Notices and Notice Program, as set forth in the  
16 Reopening Settlement Agreement, are approved, subject to the Court’s edits;

17 B. There are no rights to “opt-out” of the Reopening Settlement Agreement  
18 and the proposed agreement would bind Class Members and Removal Order Class  
19 Members;

20 C. The Parties or their designee(s) shall cause the Class Notices to be  
21 disseminated in the manner set forth in the Notice Program on or before the Notice  
22 Date;

23 D. Any Class Member or Removal Order Class Member who wishes to object  
24 to the fairness, reasonableness, or adequacy of the Settlement must submit his or her  
25 objection (“Objection”) to the Court in writing, via regular mail on or before the  
26 Objection Date, with copies to counsel for the parties. Such Objection shall include  
27 a statement of his or her objection, as well as the specific reason, if any, for each  
28 objection, including any legal support the Class Member or Removal Order Class

1 Member wishes to bring to the Court's attention and any evidence the Class  
2 Member or Removal Order Class Member wishes to introduce in support of his or  
3 her objection. Such Objection also shall state whether the Class Member and/or his  
4 or her counsel wish to make an appearance at the Approval Hearing, or be barred  
5 from separately objecting;

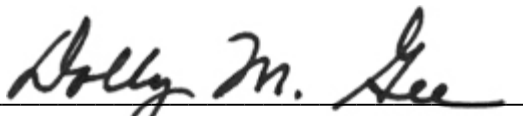
6 E. The Notice Date is hereby set for **August 17, 2015**;

7 F. The Objection Date is hereby set for **September 25, 2015**; and

8 G. The Final Approval Hearing to consider the fairness, reasonableness and  
9 adequacy of the Reopening Settlement Agreement is hereby set for **October 16,**  
10 **2015 at 10:00 a.m.**

11 IT IS SO ORDERED.

12  
13 DATED: March 30, 2015

  
\_\_\_\_\_  
DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28