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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER JOHNSON, DONALD
PETERSON, MICHAEL CURFMAN,
ANDRE BUTLER, JOE GONZALEZ,
COLUMBUS GRIGSBY, and
DERRICK WHITE
on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

LOS ANGELES COUNTY
SHERIFF’S DEPARTMENT, a public
entity; LEROY BACA, as Sheriff of
the County of Los Angeles, and
COUNTY OF LOS ANGELES, a public
entity,

Defendants

Case No. CV 08-03515 DDP (SHx)
Honorable Dean D. Pregerson

**ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT,
DIRECTING NOTICE TO THE
CLASS AND SCHEDULING A
FAIRNESS HEARING**

Plaintiffs PETER JOHNSON, DONALD, PETERSON, MICHAEL
CURFMAN, ANDRE BUTLER, JOE GONZALEZ, COLUMBUS GRIGSBY, and
DERRICK WHITE, on behalf of themselves and all others similarly situated
(collectively “Named Plaintiffs”) have filed, and Defendants do not oppose, a
Motion for Preliminary Approval of Class Action Settlement and Order Directing

1 Notice to the Class and Scheduling a Fairness Hearing (hereinafter “Preliminary
2 Approval Motion”). The Court has considered Plaintiffs’ moving papers including
3 the Settlement Agreement, the proposed Class Notice,¹ the proposed Plan for Class
4 Notice, and supporting declarations and exhibits, as well as the arguments of
5 counsel presented at a hearing on the Preliminary Approval Motion held on
6 November 24, 2014.

7 Based on the above-referenced papers, the arguments of counsel, and this
8 Court’s file, the Court hereby finds and concludes that:

- 9 1. The settlement is the result of serious, informed, non-collusive
10 negotiations between the parties, has no obvious deficiencies, does not
11 improperly grant preferential treatment to Named Plaintiffs or segments of
12 the Class, and falls within the range of possible settlement approval such
13 that notice to the Class is appropriate and should be given.
- 14 2. The proposed Class Notice allows Class members a full and fair
15 opportunity to consider the settlement and it fairly, plainly, accurately, and
16 reasonably informs Class members of the nature of this litigation, the
17 identity of Class counsel, the essential terms of the Settlement Agreement,
18 the Court’s procedures for final approval of the settlement, Class
19 members’ right to comment or object if they so desire, and how to obtain
20 additional information regarding this litigation and the settlement. The
21 proposed Class Notice thus satisfies the requirements of Federal Rule of
22

23 ¹ The Court certified a class under Federal Rule of Civil Procedure 23(b)(2), defined
24 as “all present and future detainees and inmates in Los Angeles County jail with
25 mobility impairments who, because of their disabilities, need appropriate
26 accommodations, modifications, services, and/or physical access in accordance with
27 federal and state disabilities laws” (“the Class”).
28

1 Civil Procedure 23, due process, and the Class Action Fairness Act of
2 2005.

3 3. The proposed Plan for Class Notice is a reasonable method to inform Class
4 members of the settlement and satisfies the notice requirements of Federal
5 Rule of Civil Procedure 23. The Court finds that the Plan for Class Notice
6 constitutes the best notice practicable under the circumstances of this
7 action, satisfies constitutional and statutory due process requirements, and
8 shall constitute due and sufficient notice to all persons entitled thereto.

9 **BASED ON THE ABOVE FINDINGS, IT IS THEREFORE HEREBY**
10 **ORDERED that:**

- 11 1. The Motion for Preliminary Approval of Class Settlement is granted and
12 the settlement is preliminarily approved;
- 13 2. The proposed Class Notice is approved;
- 14 3. The manner of distributing the proposed Class Notice, as set forth in the
15 proposed Plan for Class Notice, is approved;
- 16 4. The parties shall adhere to the following schedule:

17 (a) Class Notice, as outlined in the Plan for Class Notice, shall be
18 posted no later than December 2, 2014;

19 (b) Class members may submit objections to the settlement as outlined
20 in the Plan for Class Notice and the Settlement Agreement itself, so
21 long as the objections are postmarked or otherwise received by
22 January 12, 2015. Class counsel will record the date of receipt of
23 each objection or comment, and shall provide Defendants' counsel
24 with copies of any objections within five (5) working days of
25 receipt. To the extent Defendants receive any complaints,
26 grievances or comments that appear to be objections to the
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- settlement, Defendants shall provide Class counsel with copies of such objections within five (5) working days of receipt.
- (c) By March 2, 2015, the parties shall file a motion for final approval of the settlement including all valid and timely objections to the settlement and any responses thereto;
 - (d) The Court shall conduct a **Fairness Hearing on March 23, 2015 at 10:00 a.m.** for the purpose of adjudging final approval of the settlement. Class members who served timely objections to the settlement may appear at the Fairness Hearing in person or through counsel to show cause why the settlement should not be finally approved as fair, adequate, and reasonable. The Court will decide whether to allow objecting Class members to be heard. The Fairness Hearing may be postponed, adjourned or continued by order of the Court without further notice to the Class;
 - (e) The Named Plaintiffs shall file a Notice of Motion and Motion for Attorneys' Fees ("Fees Motion") no later than March 2, 2015. Defendants shall file a Notice of Non-Opposition to the Fees Motion no later than March 9, 2015; and
 - (f) The February 2, 2015 Final Pretrial Conference and February 10, 2015 trial are hereby vacated.

IT IS SO ORDERED

Dated: November 24, 2014



The Honorable Dean D. Pregerson
United States District Judge