

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

AMANDA DAVIS, et al,

Plaintiffs,

vs.

CANYON COUNTY, IDAHO, et al,

Defendants.

Case No. 1:09-cv-00107-  
BLW

**ORDER (1) PRELIMINARILY APPROVING CONSENT DECREE, (2) CONDITIONALLY CERTIFYING THE PLAINTIFF CLASS, (3) DIRECTING NOTICE TO THE PLAINTIFF CLASS, AND (4) SCHEDULING A FINAL FAIRNESS HEARING**

Plaintiffs and Defendants have jointly applied for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure through which the Court would (1) preliminarily approve a Consent Decree negotiated by the parties, attached hereto as Exhibit A; (2) conditionally certify this case as a class action; (3) direct that notice be given to the Plaintiff Class of the proposed Consent Decree; and (4) schedule a final fairness hearing to determine whether the terms of the proposed Consent Decree are fair, reasonable, and adequate to the Plaintiff Class.

After consideration of the proposed Consent Decree and after due deliberation, it is hereby ORDERED that:

1. The Court preliminarily approves the Consent Decree negotiated by the parties, attached hereto as Exhibit A, on the grounds that it appears to be fair, adequate, and reasonable;

2. The Court conditionally certifies this case as a class action pursuant to Rule 23(a), (b)(1) and (b)(2) of the Federal Rules of Civil Procedure, with the Plaintiff Class consisting of all prisoners currently incarcerated, or who in the future will become incarcerated, in the Canyon County Dale G. Haile Detention Center or in the Annex to that facility (together referred to herein as "the Jail");

3. The Court schedules a hearing (the "Hearing") to be held on November 9, 2009 at the hour of 9:00 a.m. to determine whether the proposed Consent Decree is fair, reasonable, and adequate and should be approved by the Court, and to rule on such other matters as the Court may deem appropriate; and

4. The Court directs the Defendants, at their sole expense, to provide notice to the Plaintiff Class by posting a copy of the approved Notice in a conspicuous location in each housing unit in the Jail and by ensuring that it remains posted. The form and substance of the Notice, attached hereto as Exhibit B, advises Class Members of their right to object to the Consent Decree, the deadline for filing objections, and the date of the final settlement hearing. The notice shall be posted on or before August 24, 2009, and remain posted for at least thirty days. Defendants shall, during or shortly before the Hearing, submit an affidavit from an administrator of the Canyon County Jail confirming compliance with these notice requirements.

5. The Court finds that the method of notice specified herein is the best notice practicable and shall constitute due and sufficient notice of the Hearing to all persons entitled to receive such notice.

6. The Court reserves the right to approve the Consent Decree with or without modification (subject to the parties' written approval of any modification) and with or

without further notice to the Class, and the Court reserves the right to adjourn the Hearing without further notice.

7. Any member of the Class who objects to the proposed Consent Decree or who otherwise wishes to be heard concerning its adoption by the Court must mail notice of his or her objections or comments to the Clerk of Court. The information provided must include the person's name and current address together with a detailed description of the person's objections and/or comments and the reasons for the same, as well as all documents which such person may desire the Court to consider. Such objection must be mailed to the following address, postmarked on or before October 8, 2009:

Office of the Clerk of Court  
Federal Building and U.S. Courthouse  
550 W. Fort Street,  
Boise, ID 83724

8. Unless the Court directs otherwise, no member of the Class shall be entitled to object to the approval of the proposed Consent Decree or otherwise be heard except by serving and filing a written statement as described above. Any person who receives notice and who fails to object in the manner prescribed above shall be deemed to have waived such objection and shall forever be barred from raising such objection in this or in any other proceeding.

9. If the proposed Consent Decree is not approved by the Court or shall not become effective for any reason, the proposed Consent Decree and any actions taken or anticipated to be taken in connection therewith (including this Order) shall be terminated, canceled, and shall become void and have no further force and effect.



DATED: **August 21, 2009**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style.

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Honorable B. Lynn Winmill  
Chief U. S. District Judge