


**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**OCT 13 2010**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

**JULIA ANN JACKSON, ERICA  
BERNAL, and MARTIN MARTINEZ  
Individually and on Behalf of a Class  
of Others Similarly Situated,  
Plaintiffs,**

v.

**THE COUNTY OF BEXAR,  
Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. SA-07-CV-928**

**ORDER PRELIMINARILY APPROVING SETTLEMENT**

THIS MATTER having come before the Court on the Plaintiffs' Motion for Approval of the Settlement Agreement; and the parties having filed the Settlement Agreement executed 8/26/2010, as Exhibit A to the Motion for Approval of the Settlement Agreement in satisfaction of Rule 23(e)(2) of the Federal Rules of Civil Procedure; and the Court having reviewed and considered the terms and conditions of the proposed settlement as set forth in the Settlement Agreement; and the Court finding it has subject matter jurisdiction over this matter; and for good cause appearing that the terms and conditions set forth in the Settlement Agreement were the result of good faith, arm's length settlement negotiations between competent and experienced counsel for both Plaintiffs and Defendant,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. Capitalized terms used in this Order have the meanings assigned to them in the Settlement Agreement and this Order.
2. The terms of the parties' Settlement Agreement are hereby conditionally approved, subject to further consideration thereof at the Final Approval Hearing provided for below. The

Court finds that said settlement is sufficiently within the range of reasonableness and that notice of the proposed settlement should be given as provided in this Order.

3. Pursuant to Fed. R. Civ. P. 34, pending final approval by this Court of the Settlement Agreement, the Court certifies the following settlement class:

All pre-trial detainees confined to the Bexar County Adult Detention Center between November 15, 2005 and April 9, 2009 who were subjected to a strip search before being sent to jail housing after being booked on misdemeanor or other minor charges. Specifically excluded from the class are pre-trial detainees who were subjected to strip search before being sent to jail housing after being booked on a felony charge, or a felony charge and misdemeanor charge.

The Court also certifies the following two settlement subclasses:

Subclass I: All persons in the Settlement Class, not in Subclass II.

Subclass II: All persons in the Settlement Class who were admitted on misdemeanor charges of narcotics, shoplifting and weapons violations. The misdemeanor offenses which qualify as those constituting charges of narcotics, shoplifting and weapons violations are defined by the parties in Exhibit G to this Settlement Agreement.

4. The Court approves the Class Notice of Settlement attached hereto as Exhibit A and the Summary Notice for Publication attached hereto as Exhibit B. The Court also approves the Notice Program as set forth in Section 4 of the Settlement Agreement.

5. If the Settlement Agreement is terminated or not consummated for any reason whatsoever, the parties reserve all of their rights, including the right to continue with the litigation pending at the time of the settlement should the Settlement Agreement not be consummated.

6. Beginning no later than forty-five (45) days from the date of this Order Preliminarily Approving Settlement (the commencement of which shall constitute the "Notice Date"), Class Counsel shall cause to be disseminated the notices, substantially in the form attached as Exhibits

A and B hereto, in the manner set forth in Section 4 of the Settlement Agreement. Such Notice Program will be completed expeditiously pursuant to the terms of the Settlement Agreement. Settlement Class Members will have forty-five (45) days from the Notice Date to opt out or to object, and one hundred and twenty (120) days from the Notice Date to file claims. At or before the Final Approval Hearing, Plaintiff and/or the Claims Administrator shall serve and file a sworn statement attesting to compliance with the required notice dissemination.

7. The notice to be provided as set forth in the Settlement Agreement as filed with the Court is hereby found to be the best practicable means of providing notice under the circumstances and, when completed, shall constitute due and sufficient notice of the proposed settlement and the Final Approval Hearing to all persons and entities affected by and/or entitled to participate in the settlement, in full compliance with the notice requirements of Fed. R. Civ. P. 23, due process, the Constitution of the United States, the laws of Texas and all other applicable laws. The Notices are accurate, objective, informative and provide Settlement Class Members with all of the information necessary to make an informed decision regarding their participation in the Settlement and its fairness.

8. Class Counsel is authorized to retain The Garden City Group as the Claims Administrator and I Partners as the Website Administrator in accordance with the terms of the Settlement Agreement and this Order.

Requests for Exclusion from the Settlement Class

9. Any member of the Settlement Class that wishes to be excluded ("opt out") from the Settlement Class must send a written Request for Exclusion to the Claims Administrator, so that it is received by the Claims Administrator at the address indicated in the Notice on or before the close of the opt out period. The Request for Exclusion shall fully comply with the requirements

set forth in the Settlement Agreement. Members of the Settlement Class may not exclude themselves by filing Requests for Exclusion as a group or class, but must in each instance individually and personally execute a Request for Exclusion and timely transmit it to the Claims Administrator.

10. Any member of the Settlement Class who does not properly and timely request exclusion from the Settlement Class shall be bound by all the terms and provisions of the Settlement Agreement, whether or not such person objected to the Settlement and whether or not such person made a claim upon, or participated in, the Settlement Fund pursuant to the Settlement Agreement.

*The Final Approval Hearing*

11. A hearing on final settlement approval (the "Final Approval Hearing") is hereby scheduled to be held before this Court on January 12, 2011, at 10 o'clock a.m., to consider the fairness, the reasonableness, and adequacy of the proposed settlement, the dismissal with prejudice of this class action with respect to the Released Parties that are Defendants herein, and the entry of final judgment in this class action. Class Counsel's application for award of attorney's fees and costs shall be heard at the time of the Final Approval Hearing.

12. The date and time of the Final Approval Hearing shall be set forth in the Notice, but the Final Approval Hearing shall be subject to adjournment by the Court without further notice to the members of the Settlement Class other than that which may be posted by the Court. Class Counsel will advise members of the Settlement Class of any scheduling issues by way of the settlement website.

13. Any person or entity that does not elect to be excluded from the Settlement Class may, but need not, enter an appearance through his or her own attorney. Settlement Class Members who do not enter an appearance through their own attorneys will be represented by Class Counsel.

14. Any person who does not elect to be excluded from the Settlement Class may, but need not, submit comments or objections to the proposed Settlement. Any Settlement Class Member may object to the proposed Settlement, entry of Final Order and Judgment approving the settlement, and Class Counsel's application for fees and expenses by serving a written objection.

15. Any Settlement Class Member making the objection (an "objector") must sign the objection personally. An objection must state why the objector objects to the proposed Settlement and provide the basis to support such position. If an objector intends to appear personally at the Final Approval Hearing, the objector must include with the objection a notice of the objector's intent to appear at the hearing.

16. Objections, along with any notices of intent to appear, must be filed no later than forty-five (45) days from the Notice Date. If counsel is appearing on behalf of more than one Settlement Class Member, counsel must identify each such Settlement Class Member and each Settlement Class Member must have complied with the requirements of this Order. These documents must be filed with the Clerk of the Court at the following address:

Mr. William G. Putnicki, U.S. District Clerk  
U.S. District Clerk's Office  
655 East Durango Blvd., Room G65  
San Antonio, Texas 78206

17. Objections, along with any notices of intent to appear, must also be mailed to Class Counsel and counsel for Defendant at the address listed below:

**CLASS COUNSEL:**

Mr. Charles J. LaDuca  
Cuneo Gilbert & LaDuca, LLP  
507 C Street, NE  
Washington, DC 20002

**DEFENSE COUNSEL:**

Mr. Laurence S. Kurth  
Clark Thomas & Winters, PC  
2632 Broadway, 401 S  
San Antonio, Texas 78215

18. Only Settlement Class Members who have filed and served valid and timely notices of objection shall be entitled to be heard at the Final Approval Hearing. Any Settlement Class Member who does not timely file and serve an objection in writing to the Settlement, entry of Final Judgment, or to Class Counsel's application for fees, costs, and expenses, in accordance with the procedure set forth in the Class Notice and mandated in this Order, shall be deemed to have waived any such objection by appeal, collateral attack, or otherwise.

19. Persons wishing to be heard at the Final Approval Hearing are required to file written comments or objections and indicate in their written comments or objections their intention to appear at the Final Approval Hearing. Settlement Class members need not appear at the hearing or take any other action to indicate their approval.

20. All members of the Settlement Class who do not personally and timely request to be excluded from the Class are enjoined from proceeding against the Defendants for the claims made in the Complaint.

*Other Provisions*

21. Upon approval of the settlement provided for in this Settlement Agreement, each and every time period and provision thereof shall be deemed incorporated herein as if expressly set

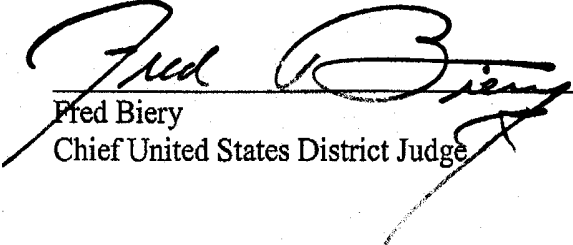
forth and shall have the full force and effect of an Order of this Court.

22. All reasonable costs incurred in notifying members of the Settlement Class, as well as administering the Settlement Agreement, shall be paid as set forth in the Settlement Agreement.

23. Defendant is hereby ORDERED to disclose the personal information of Class Members, to the extent necessary, including known address, dates of birth and social security numbers, to Class Counsel and the Claims Administrator, in order to facilitate the identification of Class Members for purposes of mailing notice and assessing the validity of claims.

**IT IS SO ORDERED.**

Dated: October 13, 2010

  
Fred Biery  
Chief United States District Judge