

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUANN BRUNNER, on her own :
behalf and on behalf of all :
others similarly situated :

CIVIL ACTION

v. :

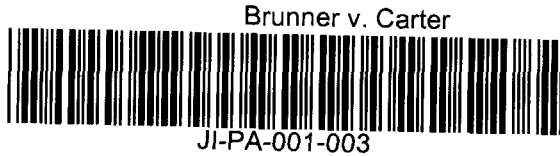
FILED MAR 27 1981

MRS. FRANCES C. CARTER, et al.:

NO. 77-4286

MEMORANDUM OF APPROVAL

HANNUM, J.



MARCH 27th, 1981

This is a class action wherein the plaintiffs seek injunctive and declaratory relief for allegedly unconstitutional conditions and practices in the Montgomery County Youth Center. Disciplinary procedures are allegedly violative of the equal protection and due process clauses. The class was earlier certified as "all past, present and future residents of the Montgomery County Youth Center." Presently before the Court is a Consent Decree In Partial Settlement Of This Action entered into on behalf of the class and the county defendants and a Stipulation For Voluntary Dismissal Of Defendant Helen O'Bannon entered into on behalf of the class and the Commonwealth defendants.

Before this case may be marked as settled and thereby closed, the Court must first approve the documents comprising the general settlement. F. R. Civ. P. 23(e) provides as follows:

ENTERED: 3/30/81

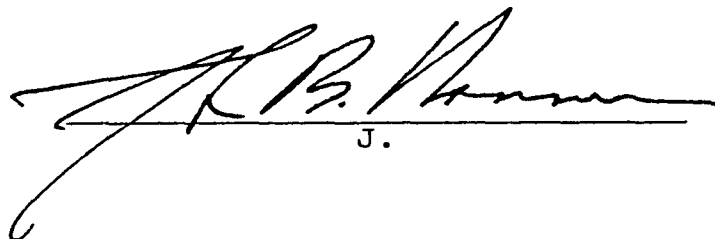
CLERK OF COURT

(e) Dismissal or Compromise. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

Accordingly, to properly implement the required procedure, the Court on February 11, 1981 entered an Order requiring notice to the class and scheduling a hearing for the purpose of considering the proposed compromise and any pertinent objections. The hearing was duly conducted on March 23, 1981, at which time counsel to the class represented that the best notice practicable had been supplied to the class and all counsel provided reasons supportive of Court approval of the settlement. No one appeared to voice any objections to the proposed compromise and no objections were received otherwise.

In accordance with its responsibilities described in Bryan v. Pittsburgh Plate & Glass Co., 494 F.2d 799 (3d Cir. 1974), the Court will now provide reasons for approving the settlement of this case. Generally, the filing of this suit over three (3) years ago was motivated by the alleged utilization of punitive isolation, the lack of a grievance procedure, invasions of privacy, interference with the mails and the lack of adequate educational opportunities. The case was properly filed as a class action and although the class representative did solely receive compensatory damages, the class action device was not wrongfully used. At any rate, since the filing of this case, the Commonwealth of Pennsylvania promulgated a new set of regulations which, according to counsel to the class, satisfy the earlier complaints in all instances. The Court has received no communication contradicting this representation and an examination and comparison of the pleadings filed in this case with the new regulations acts as

additional confirmation. Counsel to the class was permitted to monitor the Montgomery County Youth Center to ensure compliance with and implementation of the new regulations. The Court finds that the compromise of this case embodied in the terms of the Consent Decree In Partial Settlement Of This Action and the Stipulation For Voluntary Dismissal Of Defendant Helen O'Bannon advances the respective positions of the class and the parties and is in the interest of justice. The Court will thus approve both documents, the effect of which will be to close this case.



J.