

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**No. 5:06-CT-3135-FL**

<b>JOSEPH JOHN URBANIAK,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>JOINT MOTION FOR</b>
	)	<b>APPROVAL OF NOTICE</b>
	)	<b>AND SETTING OF</b>
<b>SERGEANT DONNIE STANLEY, et al.,</b>	)	<b>FAIRNESS HEARING</b>
<b>Defendants</b>	)	

**No. 5:07-CT-3145-FL**

<b>EDWARD ALLEN, et al.,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>THEODIS BECK, et al.,</b>	)	
<b>Defendants</b>	)	

This is an action for equitable relief brought by inmates of the North Carolina Department of Correction. It was certified by the Court as a class action under Rule 23(b)(2) of the Rules of Civil Procedure by the Court in an Order entered May 30, 2008. On March 23, 2010, the parties tendered to the Court a Stipulated Consent Decree. On March 29, 2010, the Court ordered that the parties file a proposed notice of the settlement described in the Stipulated Consent Decree and a description of the method through which the parties will provide notice to members of the class. On April 12, 2010, the parties submitted a proposed notice to the Court. On April 14, 2010, the Court ordered the parties to revise and resubmit a proposed notice to the Court which addresses the terms of settlement and alerts class members to the potential effect of any settlement

on their rights. The parties have revised the proposed notice in accordance with the Court's order and herewith submit it to the Court, along with a draft order describing the method of providing notice to the members of the class of the proposed settlement.

For the reasons stated in this motion, the Plaintiffs and Defendants move the Court to approve the proposed notice and enter the order tendered herein.

Respectfully submitted, this the 27<sup>th</sup> day of April, 2010.

/s/J. Phillip Griffin

J. Phillip Griffin

Attorney for Plaintiffs

NCSB #14436

E-mail: pgriffin@ncpls.org

N. C. Prisoner Legal Services, Inc.

Post Office Box 25397

Raleigh, North Carolina 27611

(919) 856-2200

/s/J. Philip Allen

J. Philip Allen

Attorney for Defendants

NCSB #13246

E-mail: pallen@ncdoj.gov

Department of Justice

PO Box 629

Raleigh, North Carolina 27602

(919) 716-6566