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U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>RODNEY FUSSELL, et al.,</b>	:	<b>Case No. C-1-03-704</b>
Plaintiffs,	:	<b>JUDGE SANDRA BECKWITH</b>
vs.	:	
<b>REGINALD WILKINSON, et al.,</b>	:	
Defendants.	:	

**ORDER PRELIMINARILY APPROVING STIPULATION FOR INJUNCTIVE RELIEF, AUTHORIZING CLASS NOTICE, AND SETTING FAIRNESS HEARING**

This matter is before the Court on the joint motion of the parties, pursuant to Fed. R. Civ. P. 23 to approve a proposed settlement of this class action. Having reviewed this matter, and having discussed the proposed settlement with the parties, it is hereby ORDERED:

1. Preliminary Approval. The proposed Stipulation for Injunctive Relief between Plaintiffs and the Defendants appears, upon preliminary review, to be within the range of reasonableness and accordingly shall be submitted to the class members for their consideration and for a fairness hearing under Fed. R. Civ. P. 23(e). The terms of the settlement are fully set out in the Stipulation for Injunctive Relief, attached as A-1.


2. Hearing. A hearing shall be held in the Courtroom of Chief District Judge Sandra S. Beckwith, Potter Stewart U.S. Courthouse, Room 822, 100 East Fifth Street, Cincinnati, OH 45202, on November 16, 2005 at 3:00 p.m., to consider final approval of the settlement.

3. Objections. All objections to the proposed settlement of the lawsuit must be filed with the Clerk of Court and postmarked no later than November 1, 2005. At the hearing, the objections by class members shall be reviewed and considered by the Court. Counsel for the class and defendants should be prepared to provide other information, as appropriate, bearing on whether the settlement should be approved.

4. Notice. The class notice submitted by the parties and attached hereto as A-2 is hereby approved. Defendants are directed to post such notice in all of the housing units and all of the areas where medical and dental service is provided to inmates, in all law libraries and in other prominent locations in each correctional institution, where all inmates have access to said notice. Defendants shall bear the cost of providing notice of the settlement, including cost of reproducing and effecting delivery of such notice. Inmates whose access to common areas is limited due to, but not limited to, confinement in segregation or in the infirmary, shall be provided with individualized notice as soon as is practicable. The notice shall remain posted until the fairness hearing.

Defendants shall also place in the library of every correctional facility a reasonable number of copies of (1) this Order; (2) the class notice; (3) the MIT report; and (4) the Stipulation for Injunctive Relief. Should the court approve and enter the Stipulation for Injunctive Relief after the fairness hearing, a copy of these materials shall remain in the libraries, for five years from the date of this order.

SO ORDERED.

  
Sandra S. Beckwith  
United States Chief District Judge  
Southern District of Ohio