

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHARIF STINSON, et al., on Behalf of  
Themselves and Other Similarly Situated,

Plaintiffs,

10 CV 4228 (RWS)

-against-

THE CITY OF NEW YORK, et al.,

Defendants.  
-----X

**ORDER GRANTING PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT, APPROVING PROPOSED NOTICE PLAN, AND APPOINTING SETTLEMENT CLAIMS ADMINISTRATOR**

The above-entitled matter came before the Court on Class Plaintiffs' request for preliminary approval of a proposed settlement, for approval of a proposed notice plan, and for appointment of a settlement claims administrator. (Letter, Dated January 23, 2017, Dkt. No. 319) (the "Class Plaintiffs' Letter").

**I. Preliminary Approval of Settlement**

1. Based upon the Court's review of the Class Plaintiffs' Letter, the Stipulation of Settlement Attached thereto as Exhibit A, the Affirmation of the Honorable John S. Martin (Ret.) ("Martin Affirmation") attached thereto as Exhibit F, and all other papers submitted in connection with Class Plaintiffs' Letter, the Court grants preliminary approval to the settlement memorialized in the Joint Stipulation ("Settlement Agreement") (Ex. A of Class Plaintiff's Letter).

2. The Court concludes that the proposed Settlement Agreement is within the range of possible settlement approval, such that notice to the Class is appropriate.

3. The Court finds that the Settlement Agreement is the result of extensive,

arm's length negotiations by counsel well-versed in the prosecution of civil right cases and class actions.

4. The assistance of an experienced mediator, the Honorable John S. Martin (Ret.) of the Southern District of New York, reinforces that the Settlement Agreement is non-collusive.

5. Settlement at this stage in the litigation avoids additional expense and delay and ensures a prompt and substantial recovery for the Plaintiffs and class members.

## **II. Class Administrator and Class Notice**

6. The Court approves the appointment of Rust Consulting as claims administrator.

7. As set forth in the Declaration of Tiffany Janowicz, Esq., with nearly 30 years of class action settlement administration experience, including class actions involving the City of New York, Rust is experienced in the administration of class action settlements.

8. With the assistance of Rust, Co-Lead Class Counsel has devised a Notice Program intended to provide Class members with the best notice practicable under the circumstances, including:

- (a) sending the short form notice and claim form via first class mail to each potential Class member;
- (b) publishing a summary notice in *El Diario La Prensa – New York City*, *New York Daily News (NY)*, and *the New York Post*;
- (c) delivering notice via banner ads to New York City IP addresses;
- (d) building and maintaining a case-specific website; and
- (e) establishing and maintaining a toll-free helpline where a combination of interactive voice response and live telephone support will be available to assist potential members of the Class.

9. The Court approves both the form and substance of the proposed Long and Short form Notices of Class Action Settlement ("Notices"), which are attached as Exhibit C and D to Class Plaintiffs' Letter, and directs its distribution to the Class.

10. The content of the Notices complies with due process and Fed. R. Civ. P. 23.

11. Pursuant to Fed. R. Civ. P. 23(c)(2)(B), a notice must provide:

the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice must concisely and clearly state in plain, easily understood language: the nature of the action; the definition of the class certified; the class claims, issues, or defenses; that a class member may enter an appearance through counsel if the member so desires; that the court will exclude from the class any member who requests exclusion, stating when and how members may elect to be excluded; and the binding effect of a class judgment on class members under Rule 23(c)(3).

Fed. R. Civ. P. 23(c)(2)(B).

12. The Notices satisfy each of these requirements and adequately put class members on notice of the proposed settlement.

13. The Notices describe the terms of the settlement, inform the class about the allocation of attorneys' fees, and provide specific information regarding the date, time, and place of the final approval hearing.

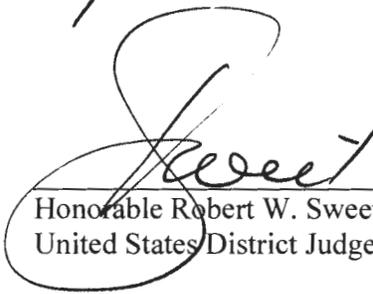
### **III. Schedule**

14. The Court hereby sets the following schedule for dissemination of Notice and the final approval hearing:

- a. The Notice will be mailed to Class Members within 45 days after this Order;

- b. Class Members will have 45 days from the date the Notice is mailed to opt out of the settlement or object to it ("Notice Period");
- c. No later than 40 days prior to the Fairness Hearing, Plaintiffs will file a Motion for Final Approval of Settlement;
- d. The Court will hold a final Fairness Hearing on May 24, 2017 at ~~11:00 a.m.~~ at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, Courtroom;
- e. If the Court grants Plaintiffs' Motion for Final Approval of the Settlement, the Court will issue a Final Order and Judgment. If no party appeals the Court's Final Order and Judgment, the "Effective Date" of the settlement will be 30 days after the Court enters its Final Order and Judgment;
- f. If a party appeals the Court's Final Order and Judgment, the "Effective Date" of Settlement shall be the day after all appeals are finally resolved;
- g. The Settlement Claims Administrator will disburse settlement checks to the Class Members, the Class Counsel's attorneys' fees and expenses awarded by the Court to Class Counsel, and the Named Plaintiffs' Service Awards approved by the Court to the Named Plaintiffs as soon as possible but no more than 45 days after the Effective Date.

It is SO ORDERED this 24<sup>th</sup> day of January, 2017

  
Honorable Robert W. Sweet  
United States District Judge