

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JAMES MORROW, et al. and a	:	
Certified Class of Other Similarly	:	
Situated Persons,	:	
Plaintiffs	:	
	:	
v.	:	Civil Action No. 2:08-cv-288-JRG
	:	Judge Gilstrap
	:	
CITY OF TENAHA DEPUTY	:	
CITY MARSHAL BARRY	:	
WASHINGTON, in his individual	:	
and official capacity, et al.,	:	
Defendants	:	

**ORDER GRANTING PRELIMINARY APPROVAL OF THE
CLASS ACTION CONSENT DECREE, APPROVAL OF NOTICE,
AND FAIRNESS HEARING**

Before the Court is the Joint Motion for Preliminary Approval of the Class Action Consent Decree, Approval of Notice, and Fairness Hearing (the “Motion”) filed by Plaintiffs James Morrow, Javier Flores and William Parsons, the Court-designated class representatives, and the class certified by this Court’s Order dated August 29, 2011 (collectively, “Plaintiffs”), and Defendants (collectively, the “Settling Parties”). Whereas the Settling Parties have reached a proposed Consent Decree to settle the case, subject to approval of the Court pursuant to Federal Rule of Civil Procedure 23(e); the Court has read and considered the proposed Consent Decree signed by the Settling Parties, which sets forth the terms and conditions of the proposed settlement of the case; and the Settling Parties have consented to the entry of this Order;

The Court has decided to GRANT the Motion.


IT IS THEREFORE ORDERED THAT:

1. This Order (the “Preliminary Approval Order”) incorporates by reference the definitions in the proposed Consent Decree, and all terms used herein have the same meanings as set forth in that Consent Decree, unless otherwise defined herein.
2. The terms of the Consent Decree are preliminarily approved. The Court finds that the Consent Decree has no obvious deficiencies, is within the bounds of a reasonable settlement, and that the amount of attorneys’ fees is within the bounds of a reasonable settlement.
3. The Court approves, as to form and content, the Notice to the Certified Class (“Notice”), attached as Exhibit 2 to the Motion.
4. Within 10 business days of the date of this Order, Defendants shall ensure that the Notice is translated in Spanish by a certified translator.
5. Within 10 business days of the date of this Order, Defendants shall ensure that the Notice (in both English and Spanish) is mailed to members of the Certified Class.
6. Within 10 business days of the date of this Order, Defendants shall prominently display the Notice (in both English and Spanish) at the Tenaha City Office, located at 122 North Center Street, Tenaha, Texas, and the Shelby County Courthouse, located at 200 San Augustin Street, Center, Texas.
7. Within 10 business days of the date of this Order, Plaintiffs shall ensure that the Notice (in both English and Spanish) is distributed to local community groups and disseminated to publications that may have an interest in the settlement of the case, and posted on the website for the American Civil Liberties Union (ACLU).

8. The Court will hold a Final Settlement Hearing (“Fairness Hearing”) on April 22, 2013 at 1:30 pm to determine whether the terms of the Consent Decree are fair, reasonable, and adequate and should be approved by the Court, and to rule upon such other matters as the Court may deem appropriate.
9. Any member of the Certified Class may appear at the Fairness Hearing and show cause why the Consent Decree should not be approved as fair, reasonable, and adequate; provided, however, that no member of the Certified Class shall be entitled to contest the approval of the terms and conditions of the Consent Decree unless he or she first submits written objections in accordance with the instructions contained in the Notice.
10. Any member of the Certified Class who intends to make an appearance at the Fairness Hearing, either in person or through counsel at that person’s expense, must deliver to Plaintiffs’ Counsel and Defendants’ Counsel and file with the Court, no later than five (5) business days before the Fairness Hearing, a notice of intention to appear; a statement identifying any documents that the member of the Certified Class will seek to introduce at the Fairness Hearing and copies of the same; and the names, addresses, and phone numbers for any witnesses that the member of the Certified Class will seek to call at the Fairness Hearing.
11. Any member of the Certified Class who fails to comply with paragraphs 9 and 10 shall waive and forfeit any and all rights that he or she may have to appear separately or object, or take any appeals of the orders or judgment in this action, and shall be bound by all the terms of this Consent Decree, and any other orders of the Court, upon final approval of the Consent Decree.

12. The Court may continue or adjourn the Fairness Hearing from time to time and without further notice to the Certified Class. The Court reserves the right to approve or modify the Consent Decree at any time as may be consented to by the Settling Parties and without further notice to the Certified Class.
13. Without further order of the Court, the Settling Parties may agree to reasonable extensions of time to carry out any of the provisions of this Preliminary Approval Order.

So ORDERED and SIGNED this 19th day of February, 2013.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE