

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

GARY COVINGTON, On Behalf of Himself
and all Others Similarly Situated

PLAINTIFF

v.

No. 2:12-cv-123-DPM

NEAL BYRD, in His Official Capacity;
ULESS WALLACE, in His Official Capacity;
RONNIE WHITE, Sheriff of Phillips County
in His Official Capacity; DALE ACOSTA, Individually
and in His Official Capacity

DEFENDANTS

JUDGMENT

1. Covington's excessive-force claims were severed from this case on 24 June 2013. *See No 2:13-cv-84-DPM.*

2. Covington's remaining claims against Dale Acosta are dismissed without prejudice.

3. Covington's remaining claims against Ronnie White are dismissed without prejudice.

4. On Covington's first-appearance claims, the Court certified a class of certain pre-trial detainees held at the Phillips County jail during a certain period. The class was defined as: "all pretrial detainees who were denied a prompt first appearance in the three years before this case was filed on 22

June 2012.” *No 119 at 2*. The Court ordered reasonable notice, which was given. *No 245-1*. There was an opt-out period; no one opted out. *No 245-1 at 2*. A settlement was proposed; notice was given of it. *No 245-1 at 2-3*. No one objected. With notice, *No 245-1 at 4*, a hearing was held to resolve claimants’ category disputes. All disputes were resolved, *No 243*, for amounts less than required by each claimants’ presumptive category. *No 245-2 & 245-4*. The Court approved settlement of the first-appearance claims as fair, reasonable, and adequate at a hearing on 28 September 2015. Those class claims – which were the only remaining claims against Uless Wallace, Neal Byrd, and Herman Hall – are dismissed with prejudice based on the settlement.

5. Pursuant to the parties’ settlement, class counsel is entitled to a reasonable fee and expenses.

6. The Court retains jurisdiction over settlement-related issues until 31 December 2015.

W.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

29 September 2015