

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

YVES EUGENE ADAMS; CESAR REYES;
PAM PHILPOTT; and BRANDON PHILPOTT,
each individually and on behalf of all others
similarly situated

PLAINTIFFS

v.

No. 5:13-CV-05074

BENTON COUNTY SHERIFF KELLY
CRADDUCK, in his individual and official
capacities; and KEEFE COMMISSARY
NETWORKS, LLC

DEFENDANTS

ORDER

The Court has received a report and recommendation (Doc. 73) from United States Magistrate Judge Mark E. Ford. No objections have been filed and the deadline to file objections has passed. The Magistrate recommends that the Court grant the motion (Doc. 67) for final approval of the class action settlement and cy pres distribution. The Court has carefully reviewed the report and recommendation, which is proper, contains no clear error, and is ADOPTED IN ITS ENTIRETY.

The settlement agreement in this case is fair, reasonable, and adequate, and notice was proper. The Magistrate's recommended cy pres distributions to inmate accounts at the Benton County Jail and then to the Benton County Public Defender's Office will result in a distribution of unclaimed settlement funds for a purpose as near as possible to the objectives underlying the lawsuit, the interests of class members, and the interests of those similarly situated.

IT IS THEREFORE ORDERED that the motion (Doc. 67) is GRANTED. The settlement agreement is approved. The Claims Administrator is directed to keep the settlement account open for a period of two years from June 5, 2017—the date of second mailing of settlement checks to

be drawn on the account. Thereafter, the Claims Administrator is directed to distribute unclaimed settlement funds into accounts at the Benton County Jail in the names of class members who did not negotiate their settlement checks while the settlement account was open, and to maintain those jail accounts for a period of 180 days. At the conclusion of that period, the Claims Administrator is directed to pay all unclaimed funds in those jail accounts, and any unclaimed settlement funds in any other account, to the Benton County Public Defender's Office for its general use in representing Benton County criminal defendants.

IT IS FURTHER ORDERED that this case is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this 30th day of August, 2017.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE