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Attorneys for Defendants

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

17 DERRIL HEDRICK, DALE ROBINSON,
KATHY LINDSEY, MARTIN C. CANADA,
18 DARRY TYRONE PARKER, individually and
on behalf of all others similarly situated,

19 Plaintiffs,

20 v.

21 JAMES GRANT, as Sheriff of Yuba County;
22 Lieutenant FRED J. ASBY, as Yuba County
Jailer; JAMES PHARRIS, ROY LANDERMAN,
23 DOUG WALTZ, HAROLD J. "SAM"
SPERBEK, JAMES MARTIN, as members of
24 the YUBA COUNTY BOARD OF
SUPERVISORS,

25 Defendants.
26

Case No. 2:76-CV-00162-JAM-EFB

**[PROPOSED] ORDER GRANTING
JOINT MOTION FOR
PRELIMINARY APPROVAL OF
SECOND AMENDED CONSENT
DECREE AND EXPEDITING
HEARING DATE**

Judge: Hon. Edmund F. Brennan
Date: March 8, 2023
Time: 11:00 a.m.
Crtrm.: 8, 13th Floor

Trial Date: None Set

1 The parties' Joint Motion for Preliminary Approval of Second Amended Consent
2 Decree and Request for Expedited Hearing ("Joint Motion") came on for hearing before
3 this Court on March 8, 2023. The Court, having considered the pleadings on the Joint
4 Motion, oral argument on the Joint Motion, and the record in this case, and good cause
5 appearing, now finds, as follows:

6 1. The Court finds that the Second Amended Consent Decree ("SACD") falls
7 within the range of possible approval and is sufficiently fair to warrant the dissemination
8 of notice to the class members apprising them of the SACD.

9 2. The proposed SACD is the product of arm's-length, serious, informed and
10 non-collusive negotiations between experienced and knowledgeable counsel who have
11 actively prosecuted and defended this litigation.

12 3. The Court has already certified a class and appointed class counsel and will
13 likely be able to approve the proposed SACD under Rule 23(e)(2) of the Federal Rules of
14 Civil Procedure.

15 4. The SACD is granted preliminary approval and incorporated herein by this
16 reference, and has the full force and effect of an order of the Court.

17 5. A hearing is appropriate to consider whether this Court should grant final
18 approval to the SACD, and to allow adequate time for the members of the class, or their
19 counsel, to support or oppose the SACD.

20 GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED:

21 6. The parties' request to expedite the hearing on this Joint Motion for
22 Preliminary Approval of Second Amended Consent Decree for March 8, 2023, at 10:00
23 a.m. is granted.

24 7. The Notice of Second Amended Consent Decree ("Notice"), attached hereto,
25 is approved. The Notice constitutes valid, due, and sufficient notice to the class,
26 constitutes the best notice practicable under the circumstances, and complies fully with the
27 requirements of Rule 23 of the Federal Rules of Civil Procedure. The proposed forms of
28 Notice apprise class members in a fair and neutral way of the existence of the settlement

1 with the Defendants and their rights with respect to the settlement.

2 8. Within three (3) days of this Order, Defendants must post the Notice (1) on
3 the County's official website (www.co.yuba.ca.us/); and (2) in all Jail facilities operated by
4 Defendants, including, but not limited to, in all dayrooms, all medical clinic spaces, the
5 visiting area, and the intake area in the Yuba County Jail. Copies of the SACD shall be
6 available in the Jail library and made available to class members upon request.

7 9. Dissemination of the Notice as provided above is hereby authorized and
8 approved, and satisfies the notice requirement of Rule 23(e), Federal Rules of Civil
9 Procedure, the Constitution of the United States, due process and any other applicable
10 rule(s) of this Court. No later than ten (10) days after this Order, Defendants must file and
11 serve on Plaintiffs' counsel an affidavit affirming that they published notice as required in
12 the Court's order.

13 10. Any member of the class may write to the Court about whether the
14 settlement is fair. The Court will consider written communications when deciding whether
15 to approve the settlement. Comments must include at the top of the first page the case
16 name, *Hedrick v. Grant*, E.D. Cal. No. 2:76-cv-00162-JAM-EFB. Comments must be
17 postmarked no later than thirty-six (36) days after the issuance of this Order, and sent to
18 the following address:

19 Clerk of the Court
20 United States District Court
21 Eastern District of California
22 501 I Street
23 Sacramento, CA 9581

24 11. A final approval hearing pursuant to Rule 23(e), Federal Rules of Civil
25 Procedure, will be in Courtroom 8 of the undersigned on May 17, 2023 at 11:00 a.m. in the
26 United States District Court for the Eastern District of California, to determine whether the
27 proposed settlement is fair, reasonable and adequate, and whether it should be finally
28 approved by the Court. The hearing may be continued from time to time without further
notice.

1 12. A joint memorandum of points and authorities in support of final approval
2 shall be filed on or before April 19, 2023.

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4 IT IS SO ORDERED.

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6 DATED: March 8, 2023


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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