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 WITH CHILDREN, GLEN HAROLD EVERETT, MICHAEL
 16 DONALD ACKLEY, HAROLD ROBERT MARQUETTE

17 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

18 EVERETT JEWETT, LEGAL SERVICES
 19 FOR PRISONERS WITH CHILDREN,
 GLEN HAROLD EVERETT, MICHAEL
 20 DONALD ACKLEY, HAROLD
 ROBERT MARQUETTE, on behalf of
 21 themselves and all others similarly
 situated,

22 Plaintiffs,

23 v.

24 SHASTA COUNTY SHERIFF'S
 DEPARTMENT, a public entity; TOM
 BOSENKO, as Sheriff of the Shasta
 25 County; SHASTA COUNTY, a public
 entity; and CALIFORNIA FORENSIC
 26 MEDICAL GROUP, INC. a private entity;
 and DOES 1 through 25, in their
 27 individual capacities,

28 Defendants.

Case No. 2:13-cv-0882 MCE AC (PC)
CLASS ACTION

**ORDER (1) GRANTING PRELIMINARY
 APPROVAL OF SETTLEMENT; (2)
 GRANTING CERTIFICATION OF
 SETTLEMENT CLASS; (3) DIRECTING
 NOTICE TO THE CLASS; AND (4)
 SETTING DATE FOR FAIRNESS
 HEARING**

Date: February 22, 2018
 Time: 2:00 p.m.
 Dept.: Courtroom 7, 14th Floor
 Judge: Hon. Morrison C. England, Jr.
 Date Filed: May 6, 2013
 Trial Date: None set

1 **ORDER**

2 The Parties have applied to the Court for an order preliminarily approving the settlement
3 of this action in accord with the Settlement Agreement (“Agreement”), which sets forth the terms
4 and conditions of a proposed settlement and dismissal of the class action with prejudice, with the
5 Court retaining jurisdiction to enforce the Agreement throughout its term. Having read the papers
6 submitted and carefully considered the arguments and relevant legal authority, and good cause
7 appearing, the Court GRANTS Parties’ Joint Motion for Preliminary Approval of Class Action
8 Settlement.
9

10 NOW, THEREFORE, IT IS HEREBY ORDERED:

11 1. On April 4, 2017, this Court granted Plaintiffs’ Motion for Class Certification,
12 certifying a class for declaratory and injunctive relief. Nothing in the class definition set forth in
13 the Settlement Agreement has materially changed the certified class in any significant way that
14 would impact the satisfaction of Federal Rules of Civil Procedure 23(a) and 23(b)(2)
15 requirements. The Court finds, for purposes of settlement only, and conditioned upon the entry of
16 this Order and the Final Judgment and Order Approving Settlement, that the requirements of Rule
17 23 of the Federal Rules of Civil Procedure are met by the Settlement Class: (a) joinder of all
18 Settlement Class Members in a single proceeding would be impracticable, if not impossible,
19 because of their numbers and dispersion; (b) there are questions of law and fact common to the
20 Settlement Class; (c) Plaintiffs’ claims are typical of the claims of the Settlement Class that they
21 seek to represent for purposes of settlement; (d) Plaintiffs have fairly and adequately represented
22 the interests of the Settlement Class and will continue to do so; (e) Plaintiffs and the Settlement
23 Class are represented by qualified, reputable counsel who are experienced in preparing and
24 prosecuting class actions, including those involving the sort of practices alleged in the Fifth
25 Amended Complaint; and (f) Defendants acted or refused to act on grounds that apply to the
26 Settlement Class, so that final declaratory and injunctive relief is appropriate to the Settlement
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1 Class. Accordingly, the Court hereby certifies the proposed settlement class pursuant to Federal
2 Rules of Civil Procedure 23(b)(2), and appoints Class Representatives Everett Jewett, Glen
3 Harold Everett, Michael Donald Ackley, and Legal Services for Prisoners with Children and their
4 counsel as representatives of the Settlement Class.

5
6 2. The Court hereby preliminarily approves the Settlement Agreement. The Court
7 finds on a preliminary basis that the Settlement Agreement is fair, adequate and reasonable to all
8 potential Class Members. It further appears that extensive evaluation of the merits has been
9 conducted such that Counsel for the Parties are able to reasonably evaluate their respective
10 positions. It also appears to the Court that settlement at this time will avoid substantial additional
11 costs to all Parties, as well as avoid the delay and the risks presented by further prosecution of
12 issues either in the current or separate litigation proceedings which are addressed by the
13 Agreement. It further appears that the Agreement has been reached as the result of good faith,
14 prolonged, serious, and non-collusive arms-length negotiations, including several mediation
15 sessions supervised by Magistrate Judge Allison Claire.

16
17 3. The Court hereby approves, as to form and content, the proposed Notice, attached
18 as Exhibit A to the Agreement. The Court finds that the distribution of the Notice in the manner
19 and form set forth in the Agreement meets the requirements of due process and Federal Rules of
20 Civil Procedure 23(c)(2) and 23(e). This Notice is the best practicable under the circumstances,
21 and shall constitute due and sufficient notice to all persons entitled thereto. The Parties shall
22 submit declarations to the Court as part of their Motion for Final Approval of the Class Action
23 Settlement confirming compliance with the notice provisions of the Agreement.

24
25 4. A hearing on final approval of the Agreement shall be held before the Court on a
26 date to be set by the Court to determine all necessary matters concerning the Agreement,
27 including whether the proposed Settlement Agreement's terms and conditions are fair, adequate,
28

1 and reasonable, and whether the Settlement Agreement should receive final approval by the
2 Court, as well as to rule on Class Counsel's motion requesting an award of reasonable attorneys'
3 fees, costs and expenses.

4 Objections by Class Members may be submitted to Class Counsel no later than thirty (30)
5 calendar days after notice has begun. Any Settlement Class Member who wishes to object to the
6 proposed Settlement Agreement may serve on Class Counsel a written statement or telephonic
7 statement of objection no later than thirty (30) calendar days after notice has begun (the
8 "Objection Deadline"). Such statement should include: (a) the objector's contact information (full
9 name and address. And, if available, phone number, email, and inmate number); (b) a statement
10 of the Class Member's objections; (c) a statement of his or her membership in the Settlement
11 Class, and (d) a statement whether he or she intends to appear at the Fairness Hearing.
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13 5. Any Class Member who wishes to object to the proposed Settlement Agreement
14 may also present objections at the Fairness Hearing.
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16 6. The procedures and requirements for filing objections in connection with the
17 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
18 presentation of any Settlement Class Members' objection to the Settlement Agreement, in
19 accordance with the due process rights of all Settlement Class Members.
20

21 7. Class Counsel shall provide copies of any objections to Defendants' counsel
22 within fourteen (14) court days of receipt. Class Counsel shall also file any objections with the
23 Court at such time as they file their Summary of Objections.

24 8. Pending the Fairness Hearing, all class proceedings in this Action, other than
25 proceedings necessary to carry out and enforce the terms and conditions of the Settlement
26 Agreement and this Order, are hereby stayed. Additionally, the Court enjoins all Settlement Class
27 Members from asserting or maintaining any claims to be released by the Settlement Agreement
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1 until the date of the Fairness Hearing.

2 9. In accordance with the above, the Court adopts the following schedule:

- 3 a. Within three (3) business days after entry of the Order Granting
4 Preliminary Approval, Notice in the form of Exhibit A to the Settlement
5 Agreement shall be posted on Class Counsels' websites, and the Shasta
6 County's official website; and prominently posted in all Jail facilities
7 operated by Defendants, including, but not limited to, all day rooms, the
8 out-patient medical pod, all visitation rooms, and the visitor waiting room.
9 The notice shall remain posted for 30 days.
- 10
11 b. Each Class Member shall be given a full opportunity to object to the
12 proposed Settlement and Class Counsel's request for an award of
13 reasonable attorneys' fees, costs and expenses. Any Class Member seeking
14 to object to the proposed Settlement may submit an objection to Class
15 Counsel in writing, via regular or electronic mail, or by leaving a message
16 with their objection via telephone, on a toll free number established by
17 Class Counsel.
- 18
19 c. Fourteen (14) days prior to the objection deadline, Plaintiffs shall file a
20 Motion for an Award of Reasonable Attorneys' Fees, Costs, and Expenses.
21 The hearing on that Motion shall be concurrent with the Fairness Hearing.
- 22
23 d. Twenty (20) days after Plaintiffs file a Motion for an Award of Reasonable
24 Attorneys' Fees, Costs, and Expenses Defendants shall file an opposition to
25 the aforementioned motion.
- 26
27 e. Ten (10) days after Defendants file an opposition to Plaintiffs' Motion for
28 an Award of Reasonable Attorneys' Fees, Costs, and Expenses Plaintiffs

1 shall file a reply to the aforementioned opposition.

2 f. The Parties shall file a Summary of Objections and Responses with the
3 Court, if any, no later than fifty (50) days after the date of the posting of
4 the Class Notice.

5 g. The Parties shall file a Joint Motion for Final Approval and respond to
6 objections, if any, no later than two (2) days prior to the Fairness Hearing.

7 All parties shall file statements of compliance with notice requirements.

8 h. The Fairness Hearing shall be held on June 28, 2018 at 2 P.M. o'clock in
9 Courtroom 7, Robert T. Matsui United States Courthouse, 501 I Street
10 Sacramento, CA 95814.

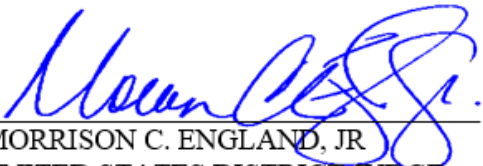
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12 10. In the event the Court does not grant final approval of the Settlement Agreement,
13 or for any reason the Parties fail to obtain a Final Judgment and Order Approving Settlement as
14 contemplated by the Settlement Agreement, or the Settlement Agreement is terminated pursuant
15 to its terms for any reason or the Effective Date does not occur for any reason, then the Settlement
16 Agreement and all orders and findings entered in connection with the Settlement Agreement and
17 the Settlement shall become null and void and be of no further force and effect whatsoever, shall
18 not be used or referred to for any purpose whatsoever, and shall not be admissible or discoverable
19 in this or any other proceeding.
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22 This Order shall not be construed or used as an admission, concession, or declaration by
23 or against the Defendants of any fault, wrongdoing, breach, or liability, and shall not be deemed
24 to be a stipulation as to the propriety of class certification, or any admission of fact or law
25 regarding any request for class certification, in any other action or proceeding, whether or not
26 involving the same or similar claims. Nor shall this Order be construed or used as an admission,
27 concession, or declaration by or against Plaintiffs or the other Settlement Class Members that
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1 their claims lack merit or that the relief requested is inappropriate, improper, or unavailable, or as
2 a waiver by any Party of any defenses or claims he, she, or it may have in the Action or in any
3 other proceeding.

4 IT IS SO ORDERED.

5 Dated: March 20, 2018

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9 MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE
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