

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ JUN 22 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant,

-and-

THE UNIFORMED FIREFIGHTERS ASSOCIATION OF GREATER NEW YORK,

A Non-Aligned Party.

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NICHOLAS G. GARAUFGIS, United States District Judge.

Before the court are draft documents designed to give notice of Fairness Hearing I submitted by the parties (see Docket Entry # 903) and the Report and Recommendation of the Special Masters regarding the contents of the Proposed Relief Order.

The court has reviewed the proposed notice documents for Fairness Hearing I and approves them as drafted. The parties shall submit a proposed order governing the distribution of the notice by July 3, 2012.

The court has also considered the joint Report and Recommendation of the Special Masters. The court agrees that the purpose of the Proposed Relief Order is to provide notice to potential claimants and interested third parties about the types of relief envisioned and an overall description of the claims process envisioned to distribute that relief. The court agrees that the Proposed Relief Order can be drafted to serve those purposes without providing a detailed description of the steps, deadlines, and discovery procedures of the claims process. The court will permit the parties to exclude a detailed description of the claims process in the draft Proposed Relief Order that the parties will submit by July 3, 2012. (See June 3, 2012 Mem. & Order (Docket Entry # 888) at 23-24.) The court orders the Special Masters to submit a draft Claims Processing Order, addressing the details of the claim process, by August 30, 2012, after a good-faith consultation with the parties. If any party objects to any provision of the draft Claims Processing Order after a good-faith consultation, they shall file an objection on August 30, 2012, as well.

The court notes the parties' earlier proposal, provisionally approved by the court, for Fairness Hearing I to be held in late October 2012. (See Joint Proposed Remedial Phase Timeline (Docket Entry # 844-2) at 3.) The court believes that schedule can now be revised in light of the faster-than-scheduled movement on the conditions precedent for Fairness Hearing I and the reduced role of the Proposed Relief Order. The court must also be cognizant of the demands on its docket that other aspects of this case will require—specifically the likely need to hold a hearing on the validity of Exam 2000 in later 2012—and the court's obligation to provide

speedy trials in the criminal cases assigned to it. Therefore, the court orders the parties to submit proposed dates for Fairness Hearing I in September 2012, excluding September 10 and September 24. The parties shall submit their proposed dates by July 3.

SO ORDERED.

Dated: Brooklyn, New York
June 21, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge