

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

V.W., a minor, by and through his parent
and natural guardian DERECK WILLIAMS,
R.C., a minor, by and through his parent
and natural guardian SANDRA CHAMBERS,
C.I., a minor, by and through his parent
and natural guardian VERTELL PENDARVIS,
M.R., a minor, by and through his parent and
natural guardian KAREN RAYMOND,
F.K., a minor, by and through his parent and
natural guardian KASHINDE KABAGWIRA,
and J.P., a minor, by and through his parent
and natural guardian ALISSA QUIONES,

Plaintiffs,

-v-

9:16-CV-1150

EUGENE CONWAY, Onondaga County
Sheriff in his official capacity, ESTEBAN
GONZALEZ, Chief Custody Deputy of the
Onondaga County Justice Center, in his
official capacity, KEVIN M. BRISSON,
Assistant Chief Custody Deputy, in his
official capacity, and SYRACUSE CITY
SCHOOL DISTRICT,

Defendants.

APPEARANCES:

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DAVID N. HURD
United States District Judge

ORDER

On September 21, 2016, the named plaintiffs commenced this action seeking relief on behalf of themselves and a putative class of fellow 16- and 17-year-olds being detained at the Onondaga County Justice Center (the "Justice Center") by defendants Onondaga County

Sheriff Eugene Conway, Chief Custody Deputy Esteban Gonzalez, and Assistant Chief Custody Deputy Kevin Brisson (the "Onondaga County defendants"). According to plaintiffs, declaratory and injunctive relief was necessary to end the Onondaga County defendants' routine practice of imposing solitary confinement on juveniles being held at the Justice Center. Plaintiffs also sought relief against the Syracuse City School District (the "School District"), which had contracted with the Justice Center to provide educational services to incarcerated juveniles. On that score, plaintiffs alleged that the School District denied juveniles in solitary confinement the minimum educational instruction required by law.

In a Memorandum–Decision & Order issued on February 22, 2017, plaintiffs' motions for class certification and for a preliminary injunction were granted while the School District's motion for summary judgment was denied. V.W. by & through Williams v. Conway, –F. Supp. 3d–, 2017 WL 696808 (N.D.N.Y. Feb. 22, 2017).

Thereafter, the parties entered into an interim settlement agreement and worked toward negotiating final terms that would provide significant relief to members of a now-certified class and subclass.

On June 26, 2017, the parties jointly moved for preliminary approval of a final class action settlement agreement. After reviewing the parties' moving papers as well as the attached submissions in light of the relevant governing law, this joint motion will be granted.

Therefore, it is

ORDERED that

1. The proposed settlement agreement is preliminarily approved subject to further consideration at a Settlement Fairness Hearing;

2. The form of the Notice to the Class of the Settlement Agreement (the "Notice") is approved for distribution;

3. The Notice shall be distributed by the Onondaga County defendants on or before Friday, July 7, 2017 as follows: (a) copies shall be posted, and shall remain posted for forty-five days, in English and Spanish in prominent and visible locations accessible to all juvenile inmates on a daily basis, and (b) copies shall be delivered to every juvenile housed in the Justice Center during the forty-five day Notice period;

4. Defendants shall maintain, for a period of forty-five days, at least two copies of the proposed settlement agreement for review by juveniles in any unit where juveniles are housed;

5. The Onondaga County defendants shall file and serve on plaintiffs' counsel a declaration on or before Monday, July 10, 2017, affirming that these Notice requirements have been met;

6. Any class member shall have the right to submit a written objection to the Court in accordance with the Notice's terms;

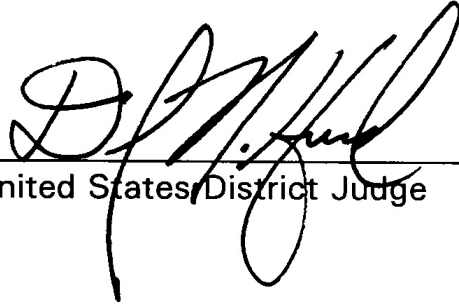
7. Any such objection must be postmarked on or before Monday, August 21, 2017;

8. Any class member who does not timely make his or her objection in writing must do so in person at the Fairness Hearing;

9. Any class member who fails to object in writing or at the Fairness Hearing shall be deemed to have waived any such opportunity and shall forever be foreclosed from objecting to the proposed settlement agreement; and

10. A Fairness Hearing shall be held on Monday, August 28, 2017, at 11:00 a.m. in Utica, New York, at which time the Court will determine whether the Settlement Agreement should be given final approval as fair, reasonable, and adequate.

IT IS SO ORDERED.



United States District Judge

Dated: June 28, 2017
Utica, New York.