

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN MILLER, et al.

Plaintiffs,

v.

REGINALD WILKINSON, et al.

Defendants.

Case No. 2:98-cv-275

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE TERENCE P. KEMP

ORDER

This matter is before the Court for consideration of the parties' Joint Motion to Approve Stipulation for Injunctive Relief (the "Stipulation"). (Doc. 486.) The Court preliminarily approved the Stipulation in an order dated March 9, 2010 (Doc. 487), notice was given to all class members, and a hearing was held on the record on April 19, 2010. For the reasons stated at the hearing, the Court finds that the Stipulation is fair, reasonable, and adequate.

To determine whether a settlement agreement satisfies the fairness standard under Rule 23, the Court must consider (1) the risk of fraud or collusion; (2) the complexity, expense, and likely duration of the litigation; (3) the amount of discovery engaged in by the parties; (4) the likelihood of success on the merits; (5) the opinions of class counsel and class representatives; (6) the reaction of absent class members; and (7) the public interest. *Moulton v. United States Steel Corp.*, 581 F.3d 344, 349 (6th Cir. 2009) (citing *UAW v. Gen. Motors Corp.*, 497 F.3d 615, 631 (6th Cir. 2007)).

(1) Risk of fraud or collusion. The Court finds that the Stipulation is a product of careful, arm's-length negotiations in which each side was very well represented and had a legitimate interest to protect. Under those circumstances, and particularly considering the fact that no

attorneys fees are awarded in the Stipulation, the Court finds that the parties have no incentive to engage in collusive negotiations, and there is minimal risk of fraud or collusion.

(2) Complexity, expense, and likely duration of litigation. This is an extremely complex case that has been pending for more than eleven years. The Court agrees with the parties that “[i]n light of the many difficult issues in this case, further litigation with respect to the issues resolved by the Stipulation would have generated months of additional discovery,” a lengthy trial, and potentially additional appeals resulting in more delays. (Mem. 11.)

(3) Amount of discovery. The Court finds that the parties have engaged in extensive discovery, but in the absence of a settlement, would likely engage in extensive further discovery on issues resolved by the Stipulation.

(4) Likelihood of success on the merits. It is difficult to assess the merits of this case without a full trial. However, having carefully reviewed the Stipulation, the Court finds it clear that each side has a legitimate interest to protect and that the Stipulation does an adequate job of ensuring that the Plaintiff class’s religious rights are protected while taking into account the Defendants’ interests in assuring the safe and effective operation of Ohio’s prisons.

(5) Opinions of class counsel and representatives. The class counsel and representatives, as well as counsel for Defendants, agree that the Stipulation constitutes a comprehensive, fair, and appropriate resolution of the class issues addressed in this case.

(6) Reaction of absent class members. Out of a class of approximately 80 members, five¹ members filed objections to the Stipulation.² For the reasons stated in open court, the Court finds that the objections do not warrant the disapproval of the Stipulation.

¹ The objections submitted by one of these class members was signed by five additional individuals.

² Class counsel indicated at the hearing that they met with each of those five individuals, and all but one indicated that they did not want their objections to result in the disapproval of the Stipulation as a whole.


(7) Public interest. The Court finds that the Stipulation provides comprehensive accommodations of religious exercise, implementing the important public interest in the free exercise of religion, while taking into account the State's important safety and security concerns. The Stipulation also moves a case of great length, complexity, and magnitude toward completion. For these reasons, approval of the Stipulation is consistent with the public interest.

After careful consideration, and for the reasons discussed above as well as in open court, the Court finds that the factors discussed above support approval of the Stipulation, which the Court finds to be fair, reasonable, and adequate. The Court therefore **GRANTS** the parties' motion (Doc. 486) and **APPROVES** the Stipulation for Injunctive Relief. The Court retains jurisdiction, as set forth in the Stipulation, for the purpose of resolving any disputes that may arise thereunder.

IT IS SO ORDERED.

4-19-2015

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE