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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TERESA FARRIS, et al.,
Plaintiffs,
v.
FRANKLIN COUNTY, et al.,
Defendants.

NO. 4:14-cv-5083-SAB

**ORDER GRANTING CLASS
CERTIFICATION AND
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Before the Court is Plaintiffs’ Motion for Class Certification, Preliminary Approval of Proposed Class Action Settlement, And Approval of Notice to Class. ECF No. 91. The Defendants do not oppose entry of this Order.

The Court, having considered the Motion, the declarations filed in support of the Motion, the Settlement Agreement with its exhibits, and all other matters properly before the Court, makes the following findings of facts, conclusions of law and enters the orders set out below.

CERTIFICATION OF PLAINTIFF CLASS

1) Every night, the Franklin County Corrections Center (“the Jail”) houses over 180 men and women serving out criminal sentences or awaiting trial. Men and women enter and leave the Jail every day. The Proposed Plaintiff Class

1 Based upon the foregoing findings of fact and conclusions of law, the Court
2 hereby enters the following order regarding certification of the proposed Plaintiff
3 Class.

4 10) The Court certifies the proposed Plaintiff Class pursuant to Federal
5 Rule of Civil Procedure 23(b)(2).

6 11) The Plaintiff Class shall be defined as: All individuals who are now,
7 or in the future will be, detained in the Franklin County Correctional Center
8 during the term of the parties' Settlement Agreement.

9 12) Teresa Farris; Wardell Braxton; Giavonni Kinsey; Guadalupe
10 Montejano; Thomas Eddington; Paul McVay; Frank Murillo; and Richard Vinson
11 are appointed Class Representatives for the Plaintiff Class.

12 13) Columbia Legal Services, Nicholas B. Straley, Melissa Lee, and
13 Rhona Taylor are appointed to represent the Plaintiff Class as class counsel.

14 **PRELIMINARY APPROVAL OF SETTLEMENT**

15 14) Federal Rule of Civil Procedure 23(e) requires the Court to review the
16 parties' proposed settlement agreement and approve it.

17 15) At this stage of the proceedings, the Court must initially consider
18 whether to grant preliminary approval of the settlement as a first step toward final
19 approval.

20 16) In granting preliminary approval, the Court considers whether the
21 Settlement Agreement appears to be the product of serious, informed, non-
22 collusive negotiations; has no obvious deficiencies; does not grant preferential
23 treatment to class representatives, and falls within the range of possible approval.

24 17) The Court finds that the Settlement Agreement was the result of
25 informed, non-collusive, protracted, and arm's length negotiations between
26 competent counsel assisted by United States Magistrate Judge James P. Hutton
27 (ret.) and United States Magistrate Judge John T. Rodgers, that it falls within the
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1 Procedure 23(c)(2) and 23(e)(1), are reasonable and the best notice that is
2 practicable under the circumstances.

3 Based upon the foregoing findings of fact and conclusions of law, the Court
4 hereby enters the following order regarding Class Member notification.

5 24) The Court approves the Class Notice that the Plaintiffs attached as
6 Exhibit 2 to their motion.

7 25) The Court also approves the One Page Notice attached as Exhibit 3 to
8 their motion.

9 26) Both notices shall be translated into Spanish.

10 27) The Court approves the method of dissemination of the two Notices
11 proposed by the Plaintiffs in their motion.

12 28) On a date specific within the next thirty (30) days, the Defendants
13 shall deliver an English and Spanish version of the One Page Notice to all persons
14 then incarcerated at the Jail.

15 29) On that same date and thereafter, the Defendants shall provide any
16 person who is booked into the Jail the One Page Notice.

17 30) On that same date and thereafter, the Defendants shall conspicuously
18 post a copy of the English and Spanish versions of the Class Notice throughout the
19 Jail, including in each housing block, in the infirmary, in the Booking area, in the
20 public visiting area of the Jail, and in the public area of the Jail's administrative
21 offices.

22 31) The Defendants and Plaintiffs' counsel shall both place a link to a
23 copy of the English and Spanish versions of the Class Notice and a link to the
24 Settlement Agreement on their respective web sites no later than thirty (30) days
25 after entry of this order.

26 32) The Defendants shall provide a copy of the One Page Notice or Class
27 Notice to any person who requests one.

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**ORDER GRANTING CLASS CERTIFICATION AND PRELIMINARY
APPROVAL OF CLASS SETTLEMENT # 5**

1 Defendants' Counsel:

2 W. Dale Kamerrer, Law, Lyman, Daniel Kamerrer & Bogdanovich, P.S.,
3 P.O. Box 11880, Olympia, WA 98508.

4 38) Any member of the Plaintiff Class who fails to object in writing as
5 described above by the deadline shall waive and forfeit any and all rights he or she
6 may have to object to final approval of the Settlement Agreement.

7 39) Any Class Member may raise an objection either on his or her own or
8 through an attorney hired at the Class Member's own expense. A Class Member's
9 hiring of an attorney shall not extend any of the deadlines set forth in this Order. If
10 a Class Member hires an attorney other than Class Counsel to represent him or her,
11 the attorney must file and serve a notice of appearance, no later than June 20,
12 2016.

13 40) Any Class Member or attorney, other than the parties' counsel,
14 intending to appear and speak at the Final Approval Hearing must send a notice of
15 their intention to do so by first-class mail, postage prepaid, to the Court and the
16 Parties' counsel postmarked no later than June 20, 2016. Any Class Member or
17 attorney, other than the Parties' counsel, who fails to provide the notice of his or
18 her intention to appear and speak will not be allowed to speak at the Final
19 Approval Hearing.

20 41) It is not necessary for any Class Member who objects as described
21 above to appear at the Final Approval Hearing. The Court will consider any
22 properly made objection before making a decision regarding whether to finally
23 approve the Settlement.

24 42) Class Counsel shall file a motion for final approval of the settlement
25 and a response to any proper objections no later than July 13, 2016.

26 43) The Final Approval Hearing will be held at 12:45 p.m. on
27 Wednesday, July 20, 2016 at the United States Courthouse for the Eastern District
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	Event	Timing or Deadline
3	memorandum filed by any objector.	
8.	Final Approval Hearing in United States Courthouse in Richland, Washington.	12:45 p.m., July 20, 2016.
9.	Deadline for Class Counsel to file motion for award of attorneys' fees and costs.	Not later than thirty days after final approval of the settlement by the Court.
10.	Deadline for Appointment of Monitor.	Not later than thirty days after final approval of the settlement by the Court.

Accordingly, it is **HEREBY ORDERED:**

Plaintiffs' Motion for Class Certification, Preliminary Approval of Proposed Class Action Settlement, and Approval of Notice to Class, ECF No. 91, is **GRANTED.**

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this 28th day of April 2016.



Stanley A. Bastian

Stanley A. Bastian
United States District Judge

Marry Marze

From: waed_cmecf@waed.uscourts.gov
Sent: Thursday, April 28, 2016 2:14 PM
To: waed_cmecf@waed.uscourts.gov
Subject: Case 4:14-cv-05083-SAB Farris et al v. Franklin County et al Order

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Eastern District of Washington

U.S. District Court

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Case Name: Farris et al v. Franklin County et al

Case Number: 4:14-cv-05083-SAB

Filer:

Document Number: 94

Docket Text:

ORDER GRANTING CLASS CERTIFICATION AND PRELIMINARY APPROVAL OF CLASS SETTLEMENT; granting [91] MOTION to Certify Class and for Preliminary Approval of Proposed Class Action Settlement, and Approval of Notice to Class. Final Approval Hearing set for 7/20/2016 at 12:45 PM in Richland Courtroom 189 before Judge Stanley A Bastian. Signed by Judge Stanley A Bastian. (CV, Case Administrator)

4:14-cv-05083-SAB Notice has been electronically mailed to:

John Edward Justice jjjustice@lldkb.com, marry@lldkb.com

Melissa R Lee melissa.lee@columbialegal.org, anna.kim@columbialegal.org,
maureen.janega@columbialegal.org