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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

DERRIL HEDRICK, DALE ROBINSON, KATHY LINDSEY, MARTIN C. CANADA, DARRY TYRONE PARKER, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JAMES GRANT, as Sheriff of Yuba County; Lieutenant FRED J. ASBY, as Yuba County Jailer; JAMES PHARRIS, ROY LANDERMAN, DOUG WALTZ, HAROLD J. "SAM" SPERBEK, JAMES MARTIN, as members of the YUBA COUNTY BOARD OF SUPERVISORS,

Defendants.

Case No. 2:76-CV-00162-JAM-EFB

[~~PROPOSED~~] ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF SECOND AMENDED CONSENT DECREE AND EXPEDITING HEARING DATE

Judge: Hon. Edmund F. Brennan
Date: March 8, 2023
Time: 11:00 a.m.
Crtrm.: 8, 13th Floor

Trial Date: None Set

[4240085.2]
AUTHENTICATED GOVERNMENT INFORMATION GPO

The parties' Joint Motion for Preliminary Approval of Second Amended Consent Decree and Request for Expedited Hearing ("Joint Motion") came on for hearing before this Court on March 8, 2023. The Court, having considered the pleadings on the Joint Motion, oral argument on the Joint Motion, and the record in this case, and good cause appearing, now finds, as follows:

1. The Court finds that the Second Amended Consent Decree ("SACD") falls within the range of possible approval and is sufficiently fair to warrant the dissemination of notice to the class members apprising them of the SACD.

2. The proposed SACD is the product of arm's-length, serious, informed and non-collusive negotiations between experienced and knowledgeable counsel who have actively prosecuted and defended this litigation.

3. The Court has already certified a class and appointed class counsel and will likely be able to approve the proposed SACD under Rule 23(e)(2) of the Federal Rules of Civil Procedure.

4. The SACD is granted preliminary approval and incorporated herein by this reference, and has the full force and effect of an order of the Court.

5. A hearing is appropriate to consider whether this Court should grant final approval to the SACD, and to allow adequate time for the members of the class, or their counsel, to support or oppose the SACD.

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED:

6. The parties' request to expedite the hearing on this Joint Motion for Preliminary Approval of Second Amended Consent Decree for March 8, 2023, at 10:00 a.m. is granted.

7. The Notice of Second Amended Consent Decree ("Notice"), attached hereto, is approved. The Notice constitutes valid, due, and sufficient notice to the class, constitutes the best notice practicable under the circumstances, and complies fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure. The proposed forms of Notice apprise class members in a fair and neutral way of the existence of the settlement

with the Defendants and their rights with respect to the settlement.

8. Within three (3) days of this Order, Defendants must post the Notice (1) on the County's official website (www.co.yuba.ca.us/); and (2) in all Jail facilities operated by Defendants, including, but not limited to, in all dayrooms, all medical clinic spaces, the visiting area, and the intake area in the Yuba County Jail. Copies of the SACD shall be available in the Jail library and made available to class members upon request.

9. Dissemination of the Notice as provided above is hereby authorized and approved, and satisfies the notice requirement of Rule 23(e), Federal Rules of Civil Procedure, the Constitution of the United States, due process and any other applicable rule(s) of this Court. No later than ten (10) days after this Order, Defendants must file and serve on Plaintiffs' counsel an affidavit affirming that they published notice as required in the Court's order.

10. Any member of the class may write to the Court about whether the settlement is fair. The Court will consider written communications when deciding whether to approve the settlement. Comments must include at the top of the first page the case name, *Hedrick v. Grant*, E.D. Cal. No. 2:76-cv-00162-JAM-EFB. Comments must be postmarked no later than thirty-six (36) days after the issuance of this Order, and sent to the following address:

Clerk of the Court
United States District Court
Eastern District of California
501 I Street
Sacramento, CA 9581

11. A final approval hearing pursuant to Rule 23(e), Federal Rules of Civil Procedure, will be in Courtroom 8 of the undersigned on May 17, 2023 at 11:00 a.m. in the United States District Court for the Eastern District of California, to determine whether the proposed settlement is fair, reasonable and adequate, and whether it should be finally approved by the Court. The hearing may be continued from time to time without further notice.

12. A joint memorandum of points and authorities in support of final approval shall be filed on or before April 19, 2023.

IT IS SO ORDERED.

DATED: March 8, 2023

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE