

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

REGINALD G. MOORE, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 JEH C. JOHNSON, Secretary, )  
 U.S. Department of Homeland Security, )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

Civil Action No. 00-953 (PLF/DAR)

~~PROPOSED~~ ORDER GRANTING JOINT MOTION FOR PRELIMINARY  
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT AND APPROVAL OF  
NOTICE

The Court having reviewed the Joint Motion for Preliminary Approval of Class Action Settlement Agreement, the proposed Notice of Proposed Settlement (“Notice”), and the proposed terms of settlement set forth in the executed Settlement Agreement, Release, and Consent Decree (hereinafter, “Settlement Agreement” or “Settlement”) by and between Reginald G. Moore, John E. Turner, C. Yvette Summerour, Leroy Hendrix, Cheryl L. Tyler, Luther K. Ivery, Andrew E. Harris, Jr., and Kenneth Rooks (hereinafter, “Class Representatives”), on behalf of themselves and a class of individuals they represent, and Camilla Simms and Lisa Robertson (hereinafter, “Individual Plaintiffs”) (together with Class Representatives, collectively “Named Plaintiffs”), and Defendant Jeh Johnson, Secretary, U.S. Department of Homeland Security (hereinafter “Defendant”) (together with Named Plaintiffs and Class Members, collectively “Parties”), in the above-styled Civil Action, together with all exhibits thereto, the record in the Civil Action, and the arguments of counsel:

*both in the motion and in open court,  
and for the reasons stated in court*

IT IS HEREBY ORDERED AS FOLLOWS:

1. All terms and definitions used herein have the same meanings as set forth in the Settlement Agreement.

2. If a Class Member is deceased, the rights and obligations of that Class Member with respect to the Settlement shall apply to his or her estate.

3. The proposed terms of Settlement set forth in the Settlement Agreement are hereby preliminarily approved as being within the range of possible final approval as fair, reasonable, and adequate such that notice thereof should be given to the Settlement Class Members for their consideration.

4. The Court finds that the method of providing notice to the Class Members proposed in the Settlement Agreement and the Joint Motion for Preliminary Approval of Settlement Agreement (“Joint Motion”) is reasonable and constitutes valid, due, and sufficient notice to all Class Members of their rights and obligations, complying fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution, and any other applicable law.

5. The Notice of Proposed Settlement and Fairness Hearing attached as Exhibit 6 to the parties’ Joint Motion for Preliminary Approval is hereby approved as reasonable and incorporated herein.

6. Settlement Services, Inc. is approved as the Class Administrator for the proposed Settlement. The Class Administrator will open and administer an interest-bearing Qualified Settlement Fund account (“QSF”) with a unique Tax Payer Identification Number. Payment of the total sum of twenty-four million dollars (\$24,000,000.00) shall be in accordance with Section III.C of the Settlement Agreement.

7. The parties are directed to serve the Notice on Settlement Class Members as set forth in Section V.B. of the Settlement Agreement. Contact information provided by Defendant will be treated subject to the protective order approved and entered in this case on March 10, 2005.

8. When a Notice is returned as undeliverable: (a) the Class Administrator will notify Class Counsel and Defendant of the name of the individual whose Notice was returned as undeliverable; (b) the Class Administrator shall use appropriate databases to determine, to the best extent possible and using its discretion, the most likely current address for each such individual; (c) Class Counsel and Defendant may also engage in their own efforts to locate accurate contact information for such individuals and provide that information to the Class Administrator; and (d) once updated contact information has been obtained, the Class Administrator shall re-disseminate the Notice using the updated information.

9. The procedures pursuant to which Class Members may exclude themselves (“opt-out”) from the Settlement Class and the monetary benefits of the Settlement Agreement are set forth in the proposed Settlement Agreement at Section V.D., and in the Notice. Any opt-out request must be postmarked no later than thirty-six (36) calendar days after the day on which the Class Administrator transmits a Notice to a Class Member. A Class Member who does not properly submit an Opt-Out Statement, as set forth in the Settlement Agreement and the Notice, will be bound by the Order and Final Judgment dismissing the Civil Action on the merits and with prejudice.

10. Within five (5) calendar days after the deadline for requesting exclusion from the Settlement Class, the Class Administrator shall file with the Court and serve on counsel for all

Parties stamped copies of any Opt-Out Statements, as well as a declaration stating that the required notice has been completed in accordance with the provisions of this Order.

11. The Settlement Agreement at Section V.E., and the Notice set forth the procedures pursuant to which members of the Settlement Class may object to: (a) the proposed Settlement as contained in the Settlement Agreement and in the Distribution Motion, and described in the Notice; (b) the payment of fees and expenses to Class Counsel; and/or (c) the entry of the Order and Final Judgment dismissing the Civil Action on the merits and with prejudice. Any objections must be filed with the Court and served on Class Counsel and Counsel for Defendant no later than thirty-six (36) calendar days after the day on which the Class Administrator transmits the Notice to the Class Member. Any Class Member who does not comply with these requirements will be deemed to have waived any objections, and will be forever barred from making any objections to the proposed Settlement. A Class Member who has opted-out of the Settlement Class may not submit an Objection.

12. A hearing (the "Fairness Hearing") shall be held by the Court on April 13, 2017 at 10 am in Courtroom 29A ~~(60 days after the date of entry of this Order or the Distribution Motion Order, whichever is later)~~ to consider and determine whether the proposed Settlement of the Civil Action on the terms set forth in the Settlement Agreement and in the Distribution Motion should be approved as fair, reasonable, and adequate, whether Plaintiffs' Counsels' award of attorneys' fees and costs should be approved, and whether the Order and Final Judgment approving the Settlement and dismissing the Civil Action on the merits and with prejudice against Class Members should be entered.

13. The Fairness Hearing may, from time to time and without further notice to the Class Members (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

14. No later than thirty (30) calendar days prior to the Final Fairness Hearing, Plaintiffs shall file a motion for an award of attorneys' fees and costs. Defendant's response to Plaintiffs' motion, if any, shall be filed no later than ten (10) calendar days after receipt.

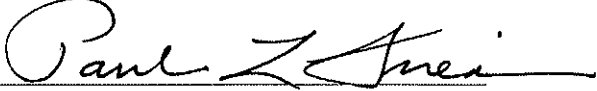
15. No later than five (5) calendar days prior to the Final Fairness Hearing, Plaintiffs shall move the Court to enter an Order and Final Judgment granting final approval of the Settlement.

16. No later than five (5) calendar days prior to the Final Fairness Hearing, the Parties shall file with the Court their response to any timely-filed written objections to the Settlement.

17. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

18. The Court hereby decrees that neither this Settlement Agreement, nor this preliminary Approval Order, nor the fact of a settlement, are an admission or concession by the Defendant of any liability or wrongdoing whatsoever.

Dated: January 31, 2017

  
Hon. Paul L. Friedman  
United States District Judge