

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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FREDERICK HARPER *et al.*, individually and  
on behalf of all present and future inmates in the  
Fulton County Jail in Atlanta, Georgia,

Plaintiffs,

v.

FULTON COUNTY, GEORGIA *et al.*,

Defendants,

MYRON FREEMAN, Fulton County  
Sheriff, in his official capacity,

Defendant and Third Party Plaintiff,

v.

JIM DONALD, Commissioner,  
Georgia Department of Corrections,  
in his official capacity; and the  
GEORGIA DEPARTMENT OF  
CORRECTIONS,

Third-party defendants.

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CIVIL ACTION  
NO. 04-CV-1416-MHS

**JOINT MOTION TO  
PROVIDE NOTICE  
TO CLASS OF  
SETTLEMENT  
AGREEMENT AND  
TO SET DATE FOR  
FAIRNESS HEARING**

The parties jointly move the Court pursuant to Federal Rule of Civil Procedure 23(e)(1)(B) for entry of an order directing that notice of the proposed settlement of this case, contained in a *Consent Order* appended to this Motion, be provided to members of the class. The parties further request that the Court schedule a hearing, as required by Rule 23(e)(1)(C), to determine the fairness of the settlement to be held at least 30 days after notice is ordered.

The proposed *Consent Order* setting out the proposed settlement of this action is appended as Appendix A.

A proposed *Notice of Proposed Settlement of Class Action Lawsuit* is appended as Appendix B.

The parties submit that such an order is justified for the reason set forth in the accompanying *Memorandum of Law*.

**WHEREFORE**, the parties respectfully request:

(1) that the Court approve the *Notice of Proposed Settlement of Class Action Lawsuit* appended hereto and order that it be posted in all housing areas at the Fulton County Jail, including the Bellwood and Marietta Annexes.

(2) that the Court enter an order scheduling a hearing for at least 30 days after such notice is given to determine the fairness, reasonableness and adequacy of the proposed *Consent Order*.

Respectfully submitted this 21st day of December, 2005.

By s/Stephen B. Bright

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*Attorney for Commissioner Donald and the  
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**CERTIFICATE OF COMPLIANCE**

I, Stephen B. Bright, do hereby certify on behalf of all the parties that the foregoing document has been prepared in 14-point Times New Roman font and complies with LR 5.1B.

s/Stephen B. Bright



**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 2005, I electronically filed the foregoing **“JOINT MOTION TO PROVIDE NOTICE TO CLASS OF SETTLEMENT AGREEMENT AND TO SET DATE FOR FAIRNESS HEARING** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

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John C. Jones

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**/s/ Paula Morgan Nash**  
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