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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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9 TERESA FARRIS, et al.,  
10 Plaintiffs,

NO. 4:14-cv-5083-SAB

11 v.

12 FRANKLIN COUNTY, et al.,  
13 Defendants.

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

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

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

24 **CERTIFICATION OF PLAINTIFF CLASS**

25 1) Every night, the Franklin County Corrections Center (“the Jail”)  
26 houses over 180 men and women serving out criminal sentences or awaiting trial.  
27 Men and women enter and leave the Jail every day. The Proposed Plaintiff Class  
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1 includes a large, but unknown number of people who will be incarcerated at the  
2 Jail in the future during the term of the Settlement Agreement.

3       2) The Plaintiff Class is so numerous that joinder of all members of the  
4 Plaintiff Class is impracticable.

5       3) The Plaintiff Class shares many common questions of law and fact.

6       4) The proposed Class Representatives for the Plaintiff Class are Teresa  
7 Farris; Wardell Braxton; Giavonni Kinsey; Guadalupe Montejano; Thomas  
8 Eddington; Paul McVay; Frank Murillo; and Richard Vinson. The Class  
9 Representative's claims are typical of the claims of the members of the Plaintiff  
10 Class.

11       5) The Proposed Class Representatives and their counsel have fairly and  
12 adequately represented and protected the interests of the Plaintiff Class and will  
13 continue to do so.

14       6) The Class Representatives have no conflict of interests with other Class  
15 Members or the Plaintiff Class as a whole, and should be appointed Class  
16 Representatives for the Plaintiff Class.

17       7) Columbia Legal Services and its attorneys are qualified, competent  
18 counsel with sufficient resources, have fairly and adequately represented the  
19 interests of the Plaintiff Class and will continue to do so.

20       8) The Defendants' alleged acts or omissions which are at issue in this  
21 litigation apply generally to the Plaintiff Class and to the Class Representatives, so  
22 that final injunctive relief or corresponding declaratory relief is appropriate with  
23 respect to the Plaintiff Class as a whole.

24       9) Class Certification pursuant to Fed. R. Civ. Pro. 23(b)(2) is therefore  
25 warranted.

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 range of reasonableness, that the Class Representatives will receive no preferential  
2 treatment, and that it treats all Class Members fairly.

3 18) The Settlement Agreement appears on its face to be fair, adequate,  
4 and reasonable.

5 Based upon the foregoing findings of fact and conclusions of law, the Court  
6 hereby enters the following order regarding preliminary approval of the settlement.

7 19) Preliminary approval of the parties' Settlement Agreement is granted,  
8 and its terms are conditionally approved, subject to final approval at the Final  
9 Approval Hearing.

10 **APPROVAL OF NOTICE TO PLAINTIFF CLASS, METHOD OF**  
11 **DISSEMINATION, OBJECTIONS OF CLASS MEMBERS AND FINAL**  
12 **APPROVAL HEARING**

13 20) Federal Rule of Civil Procedure 23(e) requires the Court to “direct  
14 notice in a reasonable manner to all class members” before considering whether to  
15 finally approve the parties' Settlement Agreement.

16 21) Rule 23(e) also requires that the Court give all Class Members an  
17 opportunity to object to the proposed settlement before the Court considers  
18 whether to finally approve the settlement.

19 22) The Court may only grant final approval to the parties' settlement if it  
20 finds that the settlement is “fair, reasonable, and adequate.”  
21 Fed. R. Civ. P. 23(e)(2).

22 23) The content of the proposed Class Action Notice Of Settlement To  
23 All Individuals Held At The Franklin County Corrections Center (“Class Notice”)  
24 attached as Exhibit 2 and of the shorter one page Notice attached as Exhibit 3  
25 (One Page Notice) to the Plaintiffs' motion and the method of dissemination they  
26 propose meet the requirements of due process and Federal Rules of Civil  
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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 33) By June 1, 2016, the Defendants shall have mutually agreed upon  
2 English and Spanish versions of the Class Notice published in the Tri-City Herald  
3 newspaper on at least three separate days.

4 34) The Defendants shall provide all people incarcerated at the Jail any  
5 member of the public reasonable access to the parties' Settlement Agreement and  
6 an opportunity to review it.

7 35) Any Class Member who wishes to object to the fairness,  
8 reasonableness, or adequacy of the Settlement Agreement must send a written  
9 statement setting forth his or her objection(s) by first-class mail, postage prepaid,  
10 to the Court and the attorneys for the parties.

11 36) To be considered, the objection must be in writing and must include  
12 the following information: (a) the name of the case, *Farris v. Franklin County*,  
13 Case No. 4: 14-cv-05083-SAB; (b) the objecting Class Member's name, Franklin  
14 County inmate number, expected release date from Franklin County Jail, home or  
15 contact address and telephone number; (c) a sentence stating that the objecting  
16 Class Member is a member of the Class; (d) the reasons why the Class Member  
17 objects; and (e) any evidence and legal authority the Class Member wishes to  
18 bring to the Court's attention in support of his or her objection(s).

19 37) Objections must be mailed to the Court at U.S. District Court, P.O.  
20 Box 2706, Yakima, WA 98907 or 25 South 3rd St. Room 201, Yakima, WA  
21 98901, and postmarked no later than June 20, 2016. Copies of all objections must  
22 also be mailed to each of the following no later than June 20, 2016:

23 Plaintiffs' Counsel:

24 Nick Straley, Columbia Legal Services, 101 Yesler Way, Ste. 300, Seattle,  
25 WA 98104.

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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1 of Washington in Richland, Washington located at 825 Jadwin Avenue, Richland,  
2 WA 99352.

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4 **CASE SCHEDULE**

5 44) The Court also sets the following deadlines:

|                      | <b>Event</b>  | <b>Timing or Deadline</b>   |
|----------------------|---|---|
| 8<br>9<br>10<br>11   | 1. Deadline for posting Notice of Proposed Class Action Settlement throughout the Jail and hand delivery of notice to all current inmates.  | <b>Not later than thirty (30) days after entry of this Order.</b>     |
| 12<br>13<br>14<br>15 | 2. Deadline for Defendants' and Plaintiffs' counsel to post a copy of the Notice of Proposed Class Action Settlement and a copy of the parties' Settlement Agreement on their respective web sites. | <b>Not later than thirty (30) days after the entry of this Order.</b> |
| 16<br>17<br>18       | 3. Deadline for publication of Notice of Proposed Class Action Settlement in English and Spanish on three separate dates in the Tri-Cities Herald.  | <b>Wednesday, June 1, 2016</b>  |
| 19<br>20             | 4. Deadline for filing objections   | <b>Monday, June 20, 2016</b>  |
| 21<br>22             | 5. Deadline for attorneys representing objectors to serve and file notices of appearance.   | <b>Monday, June 20, 2016</b>  |
| 23<br>24<br>25       | 6. Deadline for objectors or their attorneys to serve and file notice of intent to appear and speak at Final Approval Hearing.  | <b>Monday, June 20, 2016</b>  |
| 26<br>27<br>28       | 7. Deadline for Class Counsel to file Plaintiffs' motion for final approval and response to any objections or opposition  | <b>Wednesday, July 13, 2016</b>                                       |



|     | <b>Event</b>  | <b>Timing or Deadline</b>  |
|-----|---|--|
|     | memorandum filed by any objector.   |  |
| 8.  | Final Approval Hearing in United States Courthouse in Richland, Washington.       | <b>12:45 p.m., July 20, 2016.</b>  |
| 9.  | Deadline for Class Counsel to file motion for award of attorneys' fees and costs. | <b>Not later than thirty days after final approval of the settlement by the Court.</b> |
| 10. | Deadline for Appointment of Monitor.  | <b>Not later than thirty days after final approval of the settlement by the Court.</b> |

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