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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**TODD ASHKER, et al.,**

Plaintiffs,

v.

**GOVERNOR OF THE STATE OF CALIFORNIA, et al.,**

Defendants.

C 09-05796 CW

**[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT**

This civil-rights class-action case concerns the California Department of Corrections and Rehabilitation’s (CDCR) policies and practices related to gang validation and management and its use of segregated housing, including the Security Housing Unit (SHU) at Pelican Bay State Prison. Plaintiffs claim that CDCR’s gang validation policies did not provide sufficient due process and that confinement in Pelican Bay’s SHU for ten or more years violates the United States Constitution.

The parties have entered into a settlement agreement (Settlement Agreement or Agreement) (J. Lobel Decl. Ex. A) that would settle all claims for relief asserted in this case. The Court granted preliminary approval of the Agreement on October 14, 2015. (ECF No. 445.) Subsequently, Court-approved notice was timely disseminated to the classes. (ECF No. 456.) The Court has thoroughly considered all comments and objections filed during the notice period.

1 On January 12, 2016, the parties filed a Joint Motion for Final Approval of Class Action  
2 Settlement Agreement. The parties' Joint Motion seeks an order providing that the Court: (1)  
3 grant final approval of the Settlement Agreement; (2) retain jurisdiction to enforce the  
4 Agreement; and (3) stay all proceedings pending completion of the Agreement's terms. On  
5 January 26, 2016, the Court held a Final Fairness Hearing at which counsel for Plaintiffs and  
6 Defendants presented argument, and during which the Court considered whether the parties'  
7 Agreement is fair, reasonable, and adequate.

8 The Court has presided over the proceedings in the above-captioned action and has  
9 reviewed all the pleadings, records, and papers on file. The Court has reviewed the Joint Motion  
10 for Final Approval, along with the Settlement Agreement and supporting documents, and has  
11 considered the parties' arguments concerning the settlement of this class action.

12 Therefore, with good cause appearing, the Court hereby orders as follows:

13 1. For the reasons stated in the Joint Motion for Final Approval, the Court finds, under  
14 Rule 23(e) of the Federal Rules of Civil Procedure, that: (a) all notice requirements have been  
15 fulfilled, and that notice was successfully directed in a reasonable manner to class members; and  
16 (b) the Settlement Agreement is fair, adequate, and reasonable. On that basis, final approval of  
17 the Settlement Agreement is hereby GRANTED, and the Agreement is incorporated by reference.

18 2. The Court finds that, for purposes of settlement only, the Settlement Agreement  
19 meets the requirements of 18 U.S.C. § 3626(a)(1).

20 3. The stay of all proceedings in this case is continued pending the completion of the  
21 terms of the Settlement Agreement.

22 4. The Court retains jurisdiction of this matter to enforce the Agreement's terms.

23 **IT IS SO ORDERED.**

24 Dated: January 26, 2016



25  
26 The Honorable Claudia Wilken  
United States District Court Judge