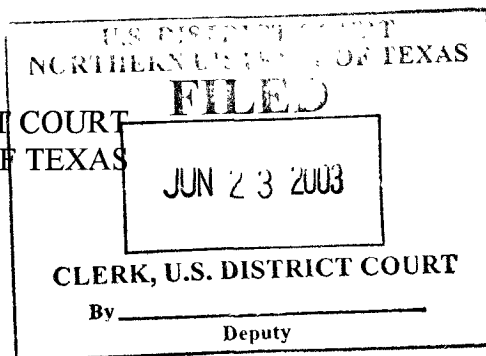


HW
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



DEBRA WALKER, et al.
Plaintiffs,

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§
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v.

UNITED STATES DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT, et al,
Defendants.

CIVIL ACTION NO.

3:85-CV-1210-R

**PLAINTIFFS' AND THE CITY OF DALLAS' AMENDED
MOTION FOR PREAPPROVAL OF "SETTLEMENT STIPULATION AND ORDER",
SETTING HEARING DATE, CLASS CERTIFICATION AND
FOR APPROVAL OF NOTICE**

AND

BRIEF IN SUPPORT OF MOTION

The Plaintiffs and Defendant City of Dallas ("City") move the Court for preapproval of the proposed "Agreed Final Judgment," a hearing date for the fairness hearing on the proposal, and for approval of the proposed form and method of distribution of notice to the class.

Plaintiffs and the City urge the Court to conclude, upon initial review, but subject to any later decision the Court may make after hearing any arguments and evidence at a fairness hearing, that the proposed "Agreed Final Judgment" appears to be fair, adequate, and reasonable.¹ At the fairness hearing, the Court will have the opportunity to hear the parties' explanations of the terms of the settlement, including Plaintiffs' explanations regarding why it

¹ The proposed "Agreed Final Judgment" is in the appendix filed with this motion.

will provide a fair resolution of the claims of the class. The Court also will have an opportunity to hear from those class members who oppose entry of the settlement. The Court can then reexamine the proposed settlement and decide whether it should be entered.

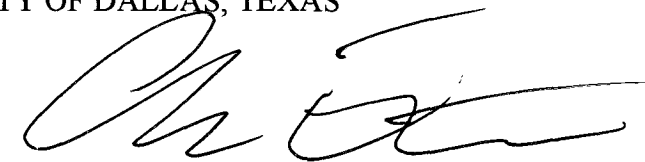
Pursuant to FED. R. CIV. P. 23(e), Plaintiffs and the City request the Court to approve the following plan for publication to the class of the proposed settlement. First, the City will ask DHA to post Exhibits A and B to this order in prominent positions in DHA's facilities. Second, the City shall place advertisements twice, if feasible, but in any event at least once, in The Dallas Weekly, The Dallas Examiner, The Dallas Observer, the Greensheet, The Dallas Post Tribune, The Elite News, Minority Opportunity News, and The Black Economic Times during a two-week period beginning at least four weeks before the date of the fairness hearing. The advertisement shall be in the form attached to this order as Exhibit B, entitled "Notice of Pending Settlement of Class Action." The same notice shall be posted at Dallas City Hall consistent with the policies and procedures for posting of public notices by the City. The Court should conclude that the posting and publication of notice as set forth in this paragraph constitutes reasonable and adequate notice to the class of the settlement, and of the fairness hearing.

Plaintiffs and the City request the Court to set the date of the fairness hearing in the last week of July. This date will allow adequate time for the posting and publication of the notice and the receipt of any objections. Plaintiffs and the City further request the Court to order that if any persons are to be heard in opposition to the settlement, their objections shall be filed with the United States District Clerk and served upon the attorneys for the Plaintiffs and the City at least 14 days before the hearing date. The deadline for filing any briefs by the parties in connection with the proposed settlement should be set for seven days before the hearing date.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF DALLAS, TEXAS

By



CHARLES ESTEE
Assistant City Attorney
Texas State Bar No. 06673600
City Hall, Room 7BN
1500 Marilla Street
Dallas, Texas 75201
Telephone – 214-670-3519
Telecopier – 214-670-0622

MICHAEL M. DANIEL, P.C.
3301 Elm Street
Dallas, Texas 75226-1637
214-939-9230

By



MICHAEL M. DANIEL
State Bar No. 05360500
LAURA B. BESHARA
State Bar No. 02261750

CERTIFICATE OF CONFERENCE

On June 18, 2003, counsel for the City conferred with DHA's counsel and, at that time, could neither agree nor disagree with the Motion.


CHARLES ESTEE

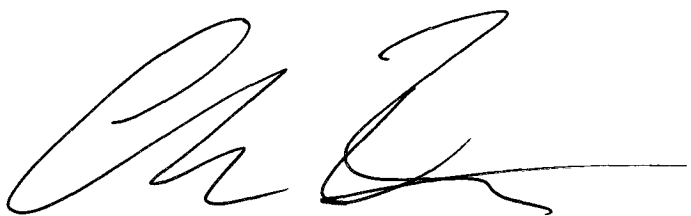
**PLAINTIFFS' AND THE CITY OF DALLAS' AMENDED MOTION FOR PREAPPROVAL
OF "SETTLEMENT STIPULATION AND ORDER", SETTING HEARING DATE,
CLASS CERTIFICATION AND FOR APPROVAL OF NOTICE AND
BRIEF IN SUPPORT OF MOTION**

CERTIFICATE OF SERVICE

The undersigned certifies that on the 23rd day of June 2003, a copy of the foregoing Motion was either hand-delivered or sent by first-class mail to all counsel listed below:

Louis J. Weber, Jr., Special Master
Preston Commons West
8117 Preston Road, Suite 680
Dallas, Texas 75225

Joseph G. Werner
Haynes & Boone
901 Main Street, Suite 3100
Dallas, Texas 75202

A handwritten signature in black ink, appearing to read 'Charles Estee', written over a horizontal line.

CHARLES ESTEE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEBRA WALKER, et al.
Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF HOUSING AND URBAN
DEVELOPMENT, et al,
Defendants.

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CIVIL ACTION NO.

3:85-CV-1210-R

AGREED FINAL JUDGMENT

General Provisions

1. Debra Walker, et al. ("Plaintiffs") and the City of Dallas ("City"), a Defendant, enter into this Agreed Final Judgment.
2. The City denies any liability with respect to any matter alleged against it in this action. The Plaintiffs and the City consent to the entry of this Agreed Final Judgment. The City Consent Decree, entered on or about September 24, 1990, and all other orders and agreements involving the City are dissolved. Any and all of the Plaintiffs' motions involving the City are dismissed with prejudice and all relief not granted in this agreed final judgment is denied.

Terms

3. The City is enjoined from actions which unlawfully inhibit or obstruct DHA's development and completion of the public housing units specified in Paragraph C of the Order Granting Plaintiffs' March 15, 2001 Amended Motion for a Revised Remedial

Order for Site Selection and Public Housing Development, signed March 29, 2001, Docket Number 2140. ("DHA's Order"). The injunction will expire and the Court's jurisdiction shall terminate without further order of the Court upon DHA's completion, satisfaction, or release from the obligation in Paragraph C of DHA's Order.

4. The City will provide, without charge to the Housing Authority of the City of Dallas ("DHA"), two officer squads of Dallas Police Officers to patrol each of the following DHA sites:

- a. Turner Courts;
- b. Rhoads Terrace;
- c. Frazier Courts;
- d. Cedar Springs and Little Mexico combined;
- e. Roseland Homes including and combined with the three DHA sites known as Roseland Townhouses, Carrol Townhouses, and Monarch Townhouses; and
- f. the Lakewest sites.

The hours of patrol will be 10:00 a.m. to 4:00 a.m. Sunday through Saturday and the area patrolled includes a four-block radius of each site.

5. The City will continue to provide, without charge to DHA, a police neighborhood assistance center staffed by two police officers, one caseworker, and one community outreach representative at each of the nine police neighborhood assistance centers established under the Consent Decree and will provide the services listed in the Consent Decree for the specified center. The Maple Avenue Center (Cedar Springs) will be open a minimum of 60 hours a week, the Lakewest Center will be open a minimum of 105 hours a week, the Spring Avenue Centers (Frazier Court) will be open a

minimum of 57 hours per week, and the remaining centers will be open a minimum of 40 hours per week.

6. The City shall provide to DHA bi-monthly reports of criminal activity, including drug and drug-related activity, at and around locations designated by DHA. The reporting area for each designated location shall be approximately a 1/4 mile radius of the address stated for each location and be based upon the Census Tract Block Groups, as contained in the 2000 United States Census, which are included in that approximate area. A block group will be considered within the 1/4 mile radius if the midpoint of that block group is within the 1/4 mile radius. For the reporting period, each report shall provide a listing for arrests for each major type of criminal activity, the total criminal activity reported or recorded, an estimated crime rate based upon the estimated population of the area, and an estimated crime rate for the entire City. The criteria used for calculating the crime rate in the specified reporting areas and the entire City shall be the same. The population estimates shall be based upon the 2000 United States Census. The City shall serve the report within 60 days of the end of the preceding month. A copy shall be forwarded to Plaintiffs' representative.

7. It will be DHA's responsibility to provide the City a listing of locations for which information is sought. The location shall be designated by its full and correct street address and zip code. DHA may, by written notice to the City, add or remove designations of locations. The City shall provide the information regarding new locations in the report following receipt of the notice. The reporting shall impose no other duty on the City.

8. The City shall provide to DHA \$75,000 per year to be used by DHA to provide bonuses to landlords located in nonminority concentrated areas of the Dallas

metropolitan area for those who enter into Section 8 certificate or voucher housing assistance contracts with DHA and Section 8 certificate or voucher leases with Section 8 eligible families. DHA will administer, monitor, and report on the program. The City shall have no obligation other than to provide the annual funding stated above.

9. The City shall pay \$5,000 per year to DHA for the cost of monitoring market rent levels throughout the City and the Dallas Metropolitan area. DHA shall select an independent party or use its own staff to prepare and provide it quarterly rent level reports. The City shall have no other obligation than to provide the stated funding.

10. Except for payment of fees and licenses, DHA's multifamily developments and development units shall not be exempt from the City's code enforcement ordinances that apply to privately owned multifamily rental units.

11. The terms set forth in Paragraph 3-10 shall continue for a period of three years from the date of entry of this agreed judgment. On the anniversary of the three year, the obligations set forth shall terminate without further order of the Court and the Court's jurisdiction over those matters shall cease.

12. The City shall, within 30 days of entry of this Final Judgment, pay the sum of \$175,000 to Counsel for the Plaintiffs as full and final settlement of any and all claims for attorneys' fees, expenses, or costs by the Plaintiffs' against with the City in this action. The payment includes payment for any attorneys' fees, costs, and expenses incurred for monitoring the City's compliance with this agreed judgment. The City will have no further liability for attorney's fees unless Plaintiffs move for and are successful in obtaining relief for a violation of this Final Judgment.

13. If the Plaintiffs believe that the City is not in compliance or has in any way violated the terms of this Agreed Final Judgment, Plaintiffs shall provide to the City

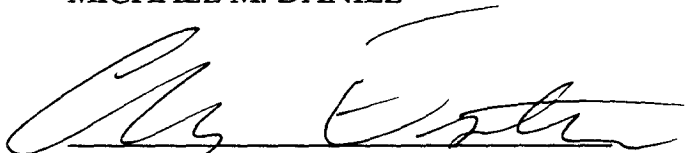
written notice stating the specific alleged basis of noncompliance or violation. The parties shall make their best efforts to resolve the matter in dispute without Court involvement. The City shall have 30 days to respond in writing and/or take action to address the alleged noncompliance or violation before Plaintiffs may move for enforcement of the Agreed Final Judgment.

SIGNED: _____.

UNITED STATES DISTRICT JUDGE

AGREED:


MICHAEL M. DANIEL


CHARLES ESTEE

NOTICE

To: All African-American persons who, in the past, currently, or in the future: (i) lived or live in public housing, or (ii) received or receive Section 8 assistance, or (iii) applied or will apply for public housing or Section 8 assistance pursuant to a program administered by the Housing Authority of the City of Dallas.

The United States District Court is considering an order in a case that may affect your rights.

Please read the attachment carefully!

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEBRA WALKER, et al.	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
UNITED STATES DEPARTMENT	§	3:85-CV-1210-R
OF HOUSING AND URBAN	§	
DEVELOPMENT, et al,	§	
Defendants.	§	

NOTICE OF PENDING SETTLEMENT OF CLASS ACTION

TO all African-American persons who, in the past, currently, or in the future: (i) lived or live in public housing, or (ii) received or receive Section 8 assistance, or (iii) applied or will apply for public housing or Section 8 assistance pursuant to a program administered by the Housing Authority of the City of Dallas:

You are a member of the proposed class described above. This case involves the desegregation of DHA's housing programs. The Plaintiffs in the case and the City of Dallas ("City") have proposed a final settlement of the part of the case involving the City. If approved by the Court, this settlement will be all the relief you or any other class member can obtain from the City for its actions related to this lawsuit. The settlement will replace the "Consent Decree" that currently applied to the City.

In return, the City shall not unlawfully interfere or inhibit DHA's completion of specific portions of its order dated March 15, 2001, and for the next three years continue police patrols at selected DHA locations, continue to operate Neighborhood Assistance Centers at selected DHA locations, continue funding of the Section 8 landlord bonus program, provide funding for market rent survey, use the same code enforcement standards for DHA multifamily units as private multifamily units, and provide crime statistics.

You are entitled to know about the settlement, give the Court your comments, and object to or oppose the settlement. If the Court approves the settlement, then the City's duties and your rights in connection with the claims in this lawsuit would be those described in the settlement. In exchange for the benefits of this settlement, the members of the class will agree to the dissolution of the Consent Decree and dismissal with prejudice of all motions. The Court has set a hearing on the proposed settlement for _____ in Judge Buchmeyer's courtroom, 1100 Commerce, Dallas, Texas.

THIS NOTICE DOES NOT DESCRIBE THE ENTIRE SETTLEMENT AND IS NOT AUTHORITY FOR ANY INTERPRETATION OF THE REQUIREMENTS OF ANY COURT ORDER. You are entitled to see and review the documents associated with the settlement and this case. The original documents are available from the United States District Clerk but it will be easier for you to see and get copies of the documents at the Plaintiffs' attorney's office, listed below.

If you have any objection to the certification of the class described at the top of this notice, or to this settlement, and want to testify or give other evidence at the hearing, you must do the following: put the objection in writing, put "*Walker v. HUD*, 3:85-CV-1210-R" at the top, and at least 14 days before the hearing, send a copy to these addresses:

Plaintiffs' attorney: Michael M. Daniel, 3301 Elm Street, Dallas, Texas 75226.
City of Dallas' attorney: Charles Estee, City Attorney's Office, 1500 Marilla, Room 7BN, Dallas, Texas 75201.

The Court: United States District Clerk, 1100 Commerce Street, Room 14A20, Dallas, Texas 75242.

If you have questions, call the Plaintiffs' attorney, not the Judge or the Clerk.