

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CODY BARNETT, et al.,

Plaintiffs/Petitioners,

Case No. 0:20-cv-61113-WPD

v.

GREGORY TONY,

Defendant/Respondent.

/

**ORDER CERTIFYING SETTLEMENT CLASS
AND APPROVING CLASS SETTLEMENT**

THIS CAUSE comes before the Court upon Plaintiff's Motion for Approval of Class Settlement and Certification of Settlement Class (the "Motion") [DE 103], filed by Plaintiffs Cody Barnett, *et al.*, ("Plaintiffs"), seeking an Order granting approval of the proposed class settlement (the "Settlement") and certifying the Class defined in the Settlement. The Court has carefully considered the Motion, the presentation of the parties at the May 10, 2021 fairness hearing in this matter and is otherwise fully advised in the premises.¹

Upon considering the Motion, the Settlement, the record in this proceeding, the requirements of law, and conducting an evaluation of the Settlement for fairness, adequacy, and reasonableness the Court finds that: (1) this Court has jurisdiction over the subject matter and Parties to this proceeding; (2) the proposed Class meets the requirements of Rule 23 of the Federal Rules of Civil Procedure and should be certified; (3) the Settlement is the result of informed, good-faith arm's-length negotiations between the Parties and their capable and experienced counsel and is not the result of collusion; (4) the Settlement is fair, adequate, and reasonable, and within the

¹ Unless defined herein, all defined terms in this Order shall have the respective meanings set forth in the Settlement.

range of possible final approval under Rule 23, and should be approved; (5) the Notice to the Class satisfies Rule 23 and constitutional due process requirements and was reasonably calculated under the circumstances to apprise the Class of the Action, preliminary class certification for settlement purposes, and the terms of the Settlement; and (6) the Settlement complies with the requirements of the Prison Litigation Reform Act, 18 U.S.C. § 3626 *et seq.* The Court has reviewed each of the objections filed in the record, including those filed after deadline set for filing objections. For the reasons discussed on the record at the hearing held in this matter on May 10, 2021, the Court overrules the objections filed in the record.

Accordingly, it is **ORDERED AND ADJUDGED that:**

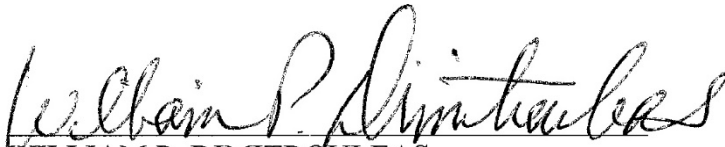
1. The Court finds that (i) the Settlement is fair, reasonable, and adequate and within the range of possible approval, (ii) the Settlement has been negotiated in good faith at arm's length between experienced attorneys familiar with the legal and factual issues in the class action, (iii) the notice of the material terms of the Settlement to the class members for their consideration and reaction is warranted, (iv) the proposed Class satisfies each of the Rule 23 factors, and (v) the Settlement complies in all respects with the requirements of 18 U.S.C. §3626 *et seq.*
2. The Motion [DE 103] is **GRANTED**.
3. The Settlement Class is hereby certified of all persons who are being, or will be, confined in the Broward County Jail at any time while the Agreement remains in effect, including any facilities where the Defendant may in the future confine persons.
4. The Settlement Agreement [DE 103-1] is hereby adopted and incorporated into this Order in its entirety by reference herein.
5. The Court shall retain jurisdiction over this action for the purpose of enforcing the

Settlement Agreement and all other Orders in this action.

6. The Settlement Agreement shall remain posted in all housing unit dayrooms, kiosks and other areas where prisoners are housed during the pendency of this case.

7. The Clerk is directed to **CLOSE** this case and **DENY as moot** any pending motions.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this
13th day of May, 2021.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of Record