

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil No. 18-cv-80810 –Matthewman

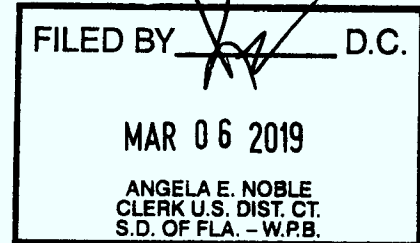
H.C., a minor, by and through his parent and natural guardian, Jenny C.; and M.F., a minor, by and through his parent and natural guardian, Asisa Rolle, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

RIC BRADSHAW, Palm Beach County Sheriff, in his official capacity; and SCHOOL BOARD OF PALM BEACH COUNTY,

Defendants.



**FINAL ORDER APPROVING CLASS-ACTION SETTLEMENT AGREEMENT,
APPOINTMENT OF CLASS COUNSEL AND CERTIFICATION OF CLASS**

This cause is before the Court upon the Parties' Joint Motion and Memorandum for Final Approval of Class Action Settlement, Appointment of Class Counsel and Certification of Class ("Motion") [DE 84]. The Court held a fairness hearing on March 5, 2019, to determine if the settlement terms should be approved. Upon careful review of the Motion, the parties' representations at the fairness hearing, and the entire docket in this case, the Court hereby **ORDERS AND ADJUDGES** as follows:

1. The Parties' Joint Motion and Memorandum for Final Approval of Class Action Settlement, Appointment of Class Counsel and Certification of Class [DE 84] is **GRANTED**.

2. This Order incorporates by reference the Settlement Agreement executed by all parties and filed with the Court on November 15, 2018. [DE 78-1]. The definitions in the Settlement Agreement and all terms and conditions stated therein shall be incorporated in this Order by reference and shall have the same force and effect.
3. Pursuant to the Order Amending Federal Rules of Civil Procedure, 324 F.R.D. 904, 905 (Apr. 26, 2018), the amended rules “shall govern in all proceedings in civil cases thereafter commenced, and insofar as just and practicable, all proceedings then pending.” The court notes that the relevant changes to Federal Rule of Civil Procedure 23 largely codify existing case law, but they do focus the Court’s analysis and review. Thus, the Court finds that it is just and practicable to apply the amended Rule 23, which amendments were effective as of December 1, 2018.
4. The Court finds for purposes of settlement only that the prerequisites for a class action under Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure have been satisfied in that: (a) the Class is so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Class; (c) the Plaintiffs’ claims are typical of those of the Class; and (d) the Plaintiffs will fairly and adequately protect the interests of the Class.
5. Accordingly, pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, the following Settlement Class and Settlement Sub-Classes (collectively the “Class”) are certified:
 - a. Settlement Class:
 - i. All present and future juveniles (*i.e.* individuals under the age of 18 and charged as adults) who are now or will be incarcerated in segregated housing while in the custody of the Palm Beach County Sheriff’s Office (“Sheriff’s Office”).

b. Settlement Sub-Classes:

- i. All present and future juveniles (*i.e.* individuals under the age of 18 and charged as adults) with disabilities, as defined by the Individuals with Disabilities Education Act, who are now or will be incarcerated in segregated housing while in the custody of the Sheriff's Office and are in need of special education evaluations, instruction, accommodations, and related services ("IDEA subclass"); and
- ii. All present and future juveniles (*i.e.* individuals under the age of 18 and charged as adults) with disabilities, as defined by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, who are now or will be incarcerated in segregated housing while in the custody of the Sheriff's Office ("ADA and 504 Subclass").

6. The Court finds that the Law Firm of Cohen Milstein Sellers & Toll, PLLC, the Human Rights Defense Center, and the Legal Aid Society of Palm Beach County, Inc., have extensive experience in prosecuting class action cases, and appoints the following attorneys as Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure:

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7. The Court having received no objections or comments to the Settlement Agreement, it hereby grants final approval of the Settlement Agreement and finds that the settlement is fair, reasonable and adequate to the Class.
8. The above-style action is hereby **DISMISSED WITH PREJUDICE**, and all pending motions are **DENIED AS MOOT**.
9. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement Agreement, including monitoring, enforcement, and attorneys' fees and costs.
10. The Court directs the Clerk of Court to **CLOSE** this case.

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida,
this 6th day of March, 2019.


WILLIAM MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE