

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JEROME DUVALL, *et al.*
Plaintiffs,

v.

MARTIN O'MALLEY, *et al.*
Defendants.

:
:
: **CIVIL NO.: ELH-94-2541**
:
:
:
:
:
:
...o0o...

**ORDER GRANTING PLAINTIFFS' MOTION FOR APPROVAL
OF [FIRST] AMENDMENT TO PARTIAL SETTLEMENT AGREEMENT**

This case involves a class of all persons held in custody at the Baltimore City Detention Center, operated by the State of Maryland. The class was certified pursuant to Fed. R. Civ. P. 23(b)(2). The parties' Partial Settlement Agreement ("PSA") was previously approved by the Court on April 6, 2010 (ECF 394). Thereafter, on November 22, 2011, the parties filed a First Amendment To Partial Settlement Agreement (ECF 447-1) ("First Amendment"). There, they represented that they "resolve[d] [the] final remaining issue" in the case. *Id.* On April 17, 2012, United States Magistrate Judge Paul W. Grimm held a hearing to determine whether the Court should grant the Motion For Approval of [First] Amendment to the Partial Settlement Agreement (ECF 458).

Pursuant to Fed. R. Civ. P. 23(e), and for the reasons stated in the Report and Recommendation that Judge Grimm submitted on April 18, 2012 (ECF 462), and the time for filing objections to the Report and Recommendation having passed, the Court finds that, pursuant to Judge Grimm's Order entered January 5, 2012 (ECF 454), members of the class were provided with appropriate notice of the parties' proposed First Amendment to the PSA. The Court further finds, after consideration of the evidence in the record, that the proposed First Amendment to the PSA is fair, adequate, and reasonable. In making these findings, the Court

has considered the posture of the case at the time of settlement, the circumstances of the negotiations, the adequacy of the relief in comparison to the relative strength of the parties' cases, the lack of opposition to the settlement from the class, and the recommendation of counsel. Therefore, the Court GRANTS the unopposed Motion For Approval Of The [First] Amendment to the Partial Settlement Agreement (ECF 458).

And, it is further ORDERED that this case is conditionally dismissed, without prejudice, on the terms and conditions set forth in the First Amendment to Partial Settlement Agreement. In the event that plaintiffs have not filed a motion to reopen this case on or before June 30, 2012, the Court shall dismiss this case, without prejudice.

Date: May 8, 2012

_____/s/_____
Ellen Lipton Hollander
United States District Judge