

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLEN WOODS, et al. : **CIVIL ACTION**
 :
 v. : **NO. 17-4443**
 :
SEAN MARLER :

ORDER

AND NOW, this 2nd day of August 2018, upon considering Plaintiffs' unopposed Motion (ECF Doc. No. 61) for preliminary approval of a proposed Settlement Agreement (ECF Doc. No. 61-1), including the Notice of Proposed Settlement (ECF Doc. No. 61-2), and following today's noticed hearing on Plaintiffs' Motion, it is **ORDERED** Plaintiffs' unopposed Motion (ECF Doc. No. 61) is **GRANTED**:

1. Upon review of the proposed Settlement, we **preliminarily approve** the Settlement for the Class,¹ subject to further consideration at the September 24, 2018 Final Approval Hearing.

2. **Final Approval Hearing.** We will hold a Final Approval Hearing of the Settlement on **September 24, 2018 at 9:30 A.M. EST** in Courtroom 6B in the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA 19106, to determine whether the proposed Settlement is fair, reasonable, and adequate to the Class and should be approved by the Court.

3. **Approved Form of Posting.** We approve, as to form and content, the proposed Notice of Settlement (ECF Doc. No. 61-2) (the "Notice"), finding the posting of the Notice, substantially in the manner and form, meets the requirements of Federal Rule of Civil Procedure 23 and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all Persons entitled thereto.

4. **Class Counsel's Initial Obligations.**

(a) Not later than **August 9, 2018**, the Defendant shall post the Notice, substantially in the proposed form consistent with the Settlement;

(b) Defendant's Counsel shall file an Affidavit of posting no later than **August 16, 2018**.

5. **Binding Effect.** All Class Members shall be bound by the judgments concerning the Settlement, including, but not limited to, the releases therein, whether favorable or unfavorable to the Class.

6. **Approval and Fees Award Motions.** A motion seeking final approval of the Settlement and for Class Counsel's attorneys' fees and expenses shall be filed by **September 7, 2018**. Oppositions shall be filed by **September 21, 2018**.

7. **Consideration for Release.** Class Members shall receive consideration for their release through the Defendant's change of policy now providing pretrial and holdover inmates with visits by immediate family members and one additional adult visitor.

8. **Objections to Settlement.** A Class Member may provide a written objection to the proposed Settlement and show cause why the proposed Settlement should or should not be approved as fair, reasonable, and adequate, why a judgment should or should not be entered thereon, or why attorneys' fees and expenses should or should not be awarded to Class Counsel; provided, however, no Class Member or any other Person shall be heard or entitled to contest such matters, unless he, she, or it has provided a written objection to one or more of the Class Counsel identified in the Notice on or before **September 17, 2018**. Any Class Member who does not make his, her, or its objection in the manner provided herein and in the Notice shall be deemed to have waived such objection and shall forever be foreclosed from objecting to any aspect of the Settlement, including the right to appeal, unless otherwise ordered. Attendance at

the September 24, 2018 Final Approval Hearing is not necessary. Class Members do not need to appear at the Final Approval Hearing or take any action if they do not oppose any aspect of the Settlement.

9. Responses to objections shall be filed and served by **September 21, 2018**.

10. Neither the Settlement, nor any of its terms or provisions, nor any of the negotiations or proceedings connected with it, shall be construed as an admission or concession by the Defendant as to the validity of claims or as to the truth of any of the allegations in this Action, or of any liability, fault, or wrongdoing of any kind.

11. We reserve the right to adjourn the date of the Final Approval Hearing without further notice to Class Members, and retain jurisdiction to consider further applications arising out of or connected with the proposed Settlement.

12. If the Settlement is not approved or consummated for any reason whatsoever, this Order is null and void, and be of no further force and effect. This Order, the Settlement, and all proceedings had in connection would then be without prejudice to the rights of the Settling Parties *status quo ante*.

13. **All proceedings are stayed**, except as may be necessary to implement the Settlement or other agreement of the Parties approved by the Court. Pending final determination of whether the proposed Settlement should be approved, neither the Plaintiffs nor any Class Member, or Class Counsel, directly or indirectly, representatively, or in any other capacity, shall commence or prosecute, any action asserting the Released Claims.



KEARNEY, J.

¹ On March 22, 2018, we certified a class consisting of:

All current and future pre-sentence inmates at the Federal Detention Center in Philadelphia who, beginning on October 5, 2017, are subject to the Defendant's visitation policies, practices, and patterns affecting their ability to visit with their child younger than sixteen years' old who is not accompanied by an immediate family member approved by the child's non-incarcerated parent or legal guardian.