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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHRISTIAN RODRIGUEZ, ALBERTO
CAZAREZ, individually and as class
representatives

Plaintiffs,

vs.

CITY OF LOS ANGELES, CARMEN
TRUTANICH, CHARLES BECK,
ALLAN NADIR, ANGEL GOMEZ
AND DOES 1 THROUGH 10.

Defendants.

Case No.: CV11-1135 DMG (PJWx)

**ORDER GRANTING UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

1 Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement
2 came on for hearing on July 29, 2016. The Court rules as follows.

3 Plaintiffs CHRISTIAN RODRIGUEZ and the ESTATE OF ALBERTO
4 CAZAREZ, on behalf of themselves and the certified class that they represent,
5 brought this class action to challenge the constitutionality of a curfew provision in 26
6 gang injunctions that were served and enforced by Defendants City of Los Angeles
7 (the "City"). Plaintiffs alleged claims stemming from service of the injunctions and
8 enforcement of the curfew under 42 U.S.C. § 1983 for violations of Plaintiffs' First,
9 Fourth, and Fourteenth Amendment rights, as well as claims under the California
10 Constitution, the Bane Act (Cal. Civ. Code § 52.1), and for False Imprisonment and
11 Violation of Mandatory Duties. The Settling Parties are Plaintiffs, Class Members,
12 and the City.

13 Plaintiffs moved for this Court to (1) preliminarily approve the class-
14 action Settlement; (2) direct distribution to the Class of a proposed Notice of
15 Settlement of Class Action (the proposed "Notice of Settlement"); and (3) set a
16 hearing for final approval of the Settlement. The City does not oppose Plaintiffs'
17 motion. That motion came on regularly for hearing before this Court on July 29,
18 2016, at 11:00 a.m. in Courtroom 7.

19 The Court, having received and fully considered the parties' notice,
20 Plaintiffs' motion and memorandum of points and authorities in support thereof, the
21 Settlement Agreement and its Exhibits, and the oral argument presented to the Court,
22 and in recognition of the Court's duty to make a preliminary determination as to the
23 reasonableness of any proposed class-action settlement, and to conduct a fairness
24 hearing as to the good faith, fairness, adequacy, and reasonableness of any proposed
25 settlement, **HEREBY ORDERS and MAKES DETERMINATIONS** as follows:

26 1. The Court has reviewed the Settlement Agreement and its exhibits. The
27 Court finds on a preliminary basis that the Settlement and the proposed Settlement
28 Notice appear to be within the range of reasonableness of a settlement which could

1 ultimately be given final approval by this Court. It appears to the Court on a
2 preliminary basis that the settlement is fair and reasonable to all Class Members
3 when balanced against the uncertain outcome of further litigation. The parties
4 recognize the risk involved in taking the litigation to trial, including significant delay,
5 uncertain damages, and further potential appellate issues. It further appears that
6 settlement at this time will avoid the delay and risks that would be presented by the
7 further prosecution of the litigation.

8 2. The Court finds on a preliminary basis that the proposed settlement has
9 been reached as the result of lengthy, intensive, serious, and non-collusive arm's-
10 length negotiations. It further appears that the parties engaged in extensive and hard-
11 fought litigation such that counsel for the parties at this time are able to evaluate
12 reasonably their respective positions. Class Counsel have significant experience in
13 class action and civil rights litigation. The proposed Settlement Agreement was
14 reached through extensive negotiations and with the involvement of multiple neutrals
15 including at least 17 sessions before the Hon. Patrick J. Walsh, Magistrate Judge for
16 the United States District Court for the Central District of California.

17 **APPROVAL OF DISTRIBUTION OF THE NOTICE OF SETTLEMENT**

18 3. Rule 23(e) provides that a court “must direct notice in a reasonable
19 manner to all class members who would be bound by” a proposed class action
20 settlement. Fed. R. Civ. P. 23(e)(1). This Court finds the proposed Notice of
21 Settlement, which is attached as Exhibit A to the Settlement Agreement, fairly and
22 adequately advises the Class Members of the terms of the proposed Settlement and
23 the right of Class members to object to the proposed Settlement, and to appear at the
24 Final Approval Hearing to be conducted at the date set forth below. The Court
25 further finds that Notice of Settlement and proposed distribution of such Notice in
26 English and Spanish by first-class U.S. mail to each identified Class Member at his
27 or her last known address, as well as the posting of notice in ten public locations
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1 within each of the “safety zones” covered by the gang injunctions, and publication in
2 the *Los Angeles Times* in English and *La Opinión* in Spanish, comports with all
3 constitutional requirements, including those of due process.

4 4. Accordingly, good cause appearing, the Court hereby approves the
5 proposed Notice of Settlement (subject to the revisions required by the Court) and
6 orders the City to distribute the Settlement Documents, in the manner and pursuant to
7 the procedures described in the Settlement Agreement.

8 **FINAL APPROVAL HEARING AND SCHEDULE**

9 5. The Court hereby grants the parties’ motion to set a hearing for final
10 approval of Settlement and orders the following schedule of dates for further
11 proceedings:

- 12 a. Settlement Notice shall be sent to the *Los Angeles Times* and *La*
13 *Opinión* for publication for not less than four weeks no later than
14 seven days after this Order;
- 15 b. Settlement Notice shall be mailed to class members no later than 30
16 days after this Order;
- 17 c. Settlement Notice shall be posted in 10 public locations in each of
18 the “safety zones” no later than 30 days after this Order;
- 19 d. Class Members may file an objection to the settlement within 90
20 days of this Order;
- 21 e. Class Members who object to the proposed settlement must file a
22 written objection, along with any supporting documents, with Class
23 Counsel and Defense Counsel, no later than 90 days after this Order.
24 No Settlement Class Member shall be entitled to be heard at the final
25 Fairness Hearing (whether in person or through counsel), and no
26 written objections or briefs submitted by any Settlement Class
27 Member shall be received or considered by the Court at the final
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Fairness Hearing, unless the Settlement Class Member files with Defense Counsel and Class Counsel a written notice of intention to appear at the Fairness Hearing;

f. The Final Fairness Hearing shall take place on **December 2, 2016 at 10:00 a.m.**;

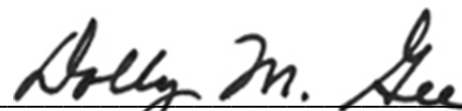
g. The motion for final approval shall be filed no later than two weeks prior to the Final Fairness Hearing; and

h. If a motion for attorney’s fees is filed, it shall be noticed for the same date as the Final Fairness Hearing and shall be briefed and filed in accordance with a schedule stipulated to by the parties that will give Class Members at least two weeks’ notice of the motion prior to the Class Members’ deadline for the filing of objections.

6. IT IS FURTHER ORDERED that if for any reason the Court does not grant final approval of the Settlement, or the Settlement Agreement otherwise does not become effective in accordance with its terms, this Order shall be rendered null and void and shall be vacated, and the parties shall be restored to their pre-settlement positions in this action as more specifically set forth in the Settlement.

IT IS SO ORDERED.

DATED: July 29, 2016



DOLLY M. GEE
UNITED STATES DISTRICT JUDGE