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AT COVINGTON
LESLIE G WHITMER
CLERK U S DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
AT COVINGTON

CIVIL ACTION NO. 2005-79 (WOB)

JAMES HOLLINGSWORTH, ET AL.

PLAINTIFFS

VS.

ORDER

CAMPBELL COUNTY, KENTUCKY, ET AL.

DEFENDANTS

This matter is before the court on the parties' Joint Motion for Order Provisionally Certifying Class, Preliminarily Approving Settlement, Approving Forms and Distribution of Notice, and Scheduling Date for Final Fairness Hearing (Doc. #38).

The court has reviewed the plaintiffs' qualifications for class status; finds that plaintiffs satisfy the requirements for class certification as required by Fed. R. Civ. P. 23(a) and 23(b)(2); and the court therefore rules that class certification is appropriate.

The court has been regularly kept abreast of the parties' efforts to resolve the issues raised in the complaint. The court has reviewed the Settlement Agreement and Proposed Consent Decree submitted by the parties, as well as the notices the parties have prepared and the parties' plans for distributing such notices. The court preliminarily approves the terms of the proposed settlement, and also approves the notices and the plans for distributing the notices, with the modifications noted below.

Therefore, having reviewed this matter, and the court being

otherwise sufficiently advised,

IT IS ORDERED that:

(1) The parties' Joint Motion for Order Provisionally Certifying Class, Preliminarily Approving Settlement, Approving Forms and Distribution of Notice, and Scheduling Date for Final Fairness Hearing (Doc. #38) be, and is hereby, **GRANTED**, as detailed below;

(2) The class of persons currently incarcerated at the Campbell County Detention Center and all persons who will be incarcerated there in the future is provisionally certified pursuant to Fed. R. Civ. P. 23(b)(2);

(3) James Hollingsworth is appointed the representative of the aforementioned class;

(4) Robert B. Newman is appointed legal counsel for the aforementioned class;

(5) The Settlement Agreement and Proposed Consent Decree is preliminarily approved;

(6) The parties shall begin distributing notice of the fairness hearing to members of the class, in accordance with the notices and forms submitted as part of their Joint Motion. The Summary Notice shall be published once in the Kentucky Post and once in the Campbell County Recorder prior to the Final Fairness Hearing. The Final Fairness Hearing will be held on **Wednesday, January 25, 2006, at 1:00 p.m.** The Summary Notice shall state

that all written comments must be received by the Clerk of Court
on or before Monday January 16, 2006;

(7) Defendant Campbell County shall bear the expense of said publications;

(8) In addition, Defendant Campbell County shall post a copy of the Settlement Agreement and Proposed Consent Decree in each cell at the Campbell County Detention Center, as well as in the lobby of the Campbell County Detention Center. Should any inmate at the Campbell County Detention Center wish to send comments regarding the Proposed Consent Decree, the Campbell County Detention Center shall provide one sheet of writing paper to the inmate for that purpose;

(9) All notices shall be accomplished **on or before December 23, 2005.**

This 20th day of November, 2005.

William O. Bertelsman
WILLIAM O. BERTELSMAN, JUDGE