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NOTE CHANGES MADE BY THE COURT

13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 CASEY A.; CARL C.; and MIGUEL B.,
17 by and through L.L., on behalf of
18 themselves and all those similarly
situated,

19 Plaintiffs,

20 vs.

21 JON R. GUNDRY, in his official
capacity, Interim Superintendent, Los
22 Angeles County Office of Education;
WILLIAM ELKINS, in his official
23 capacity, Director, Los Angeles County
Office of Education Division of Juvenile
24 Court Schools; JESUS CORRAL, in his
official capacity, Principal, Los Angeles
25 County Office of Education Challenger
Center School; and LOS ANGELES
26 COUNTY PROBATION
DEPARTMENT,

27 Defendants.
28

CASE NO.: Case No. CV 10-00192
GHK (FMOx)

[Proposed] Order Granting Motion
for:

(1) Preliminary Approval of Class
Action Settlement Agreement;

(2) Conditional Class Certification
for Purposes of Settlement;

(3) Approval of Class Notice and
Method for Distribution of Notice;
and

(4) Approving Schedule for
Hearing on Final Approval.

Date: March 7, 2011
Time: 9:30 a.m.
Court: 650

NOTE CHANGES MADE BY THE COURT

1 DENNIS D. PARKER

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2 (*Pro Hac Vice*)

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1 On March 7, 2011, in Courtroom 650 of the above-captioned court, before
 2 the Honorable George H. King presiding, Plaintiffs' Motion for (1) Preliminary
 3 Approval of Class Action Settlement Agreement;(2) Conditional Class Certification
 4 for Purposes of Settlement;(3) Approval of Class Notice and Method for
 5 Distribution of Notice; and (4) Approving Schedule for Hearing on Final Approval
 6 came on for hearing.

7 Plaintiffs Casey A., Carl C. and Miguel B. and Defendants Jon R. Gundry, in
 8 his official capacity, Interim Superintendent, Los Angeles County Office of
 9 Education, and Los Angeles Probation Department appeared by and through their
 10 respective counsel of record. The Court, having considered the evidence presented
 11 and the argument of counsel, as well as the record herein, finds that the
 12 requirements of Federal Rules of Civil Procedure 23(a), 23(b)(2) and 23(g) are met
 13 in this case for settlement purposes only, preliminary finds that the requirements of
 14 Federal Rules of Civil Procedure 23(e) are met in this case, and that the proposed
 15 settlement appears to be ^{within the range of settlements approvable as a} fair, reasonable and adequate settlement for the class. *K*

16 Accordingly, THE COURT HEREBY ORDERS THAT:

17 1. The Motion for (1) Preliminary Approval of Class Action Settlement
 18 Agreement;(2) Conditional Class Certification for Purposes of Settlement;(3)
 19 Approval of Class Notice and Method for Distribution of Notice; and (4)
 20 Approving Schedule for Hearing on Final Approval is granted;

21 2. Pursuant to the Settlement Agreement, which has been filed with the
 22 Court, and Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure, the
 23 Court hereby certifies this action as a class action for purposes of settlement only.

24 3. The Settlement Class is defined as follows: All youth who were
 25 detained at Challenger Memorial Youth Center at any point between January 12,
 26 2008 and November 8, 2010.

27 4. The class claims are those claims set forth in Plaintiffs' First Amended
 28 Complaint, specifically that Defendants failed to provide minimally sufficient

1 education in violation of (1) 42 U.S.C. Section 1983 (Due Process Clause of the
 2 14th Amendment); (2) 42 U.S.C. Section 1983 (Equal Protection Clause of the 14th
 3 Amendment); (3) 42 U.S.C. Section 1983 (Due Process Clause of the 14th
 4 Amendment); (4) Individuals with Disabilities Education Act, 20 U.S.C. Sections
 5 1400 et seq.; (5) Article IX, Sections 1 and 5 of the California Constitution; (6)
 6 Article I, Section 7(a) & Article IV, Section 16(a) of the California Constitution; (7)
 7 Article I, Section 7(b) of the California Constitution; and (8) the California
 8 Education Code. The class is certified for injunctive and declaratory relief only.

9 5. Plaintiffs Casey A., Carl. C. and Miguel B. by and through L.L. are the
 10 class representatives and meet the requirements of Rule 23(a)(4);

11 6. Plaintiffs' counsel, Disability Rights Legal Center, Public Counsel
 12 Law Center, ACLU Foundation of Southern California, and the American Civil
 13 Liberties Union Foundation National Legal Department, are appointed class
 14 counsel in accordance with Rule 23(g);

15 7. This Court preliminarily approves the class settlement in the above
 16 captioned action;

17 8. The notice of settlement prepared by the parties ^{a modified by the court} and ~~attached as~~
 18 ^{separately filed in this action} ~~Exhibit I to the Declaration of Shawn L. Parks~~ is hereby found to comply with
 19 Rule 23(e);

20 9. The term "Class Representative" is stricken from paragraph 82 of the
 21 Settlement Agreement, as this paragraph applies only to Class Members; and

22 10. Upon receipt of this order, the notice (including a Spanish translation)
 23 will be published within ten days, for at least thirty days, by (1) mailing via U.S.
 24 mail to all known Class Members and Potential Class Members; (2) mailing via
 25 U.S. mail to a list of community organizations that work with detained or
 26 previously detained youth identified by Class Counsel; (3) mailing via U.S. mail to
 27 the school districts located in Los Angeles County, to the Los Angeles County Jail,
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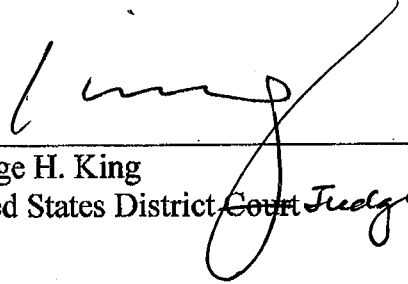
1 and to the California Department of Corrections and Rehabilitation; (4) posting in
2 each classroom at Camp Challenger; (5) posting on the homepage of Defendants'
3 and Class Counsels' respective websites. The parties will adhere to all requirements
4 of the Settlement Agreement with respect to posting.
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6 11. Counsel will file with the Court any objections or comments received,
7 including written objections / comments and any received via the toll free number
8 pursuant to the schedule set forth in the Settlement Agreement.

9 12. Counsel will schedule the hearing on final approval of the settlement
10 on the first available hearing date that is at least sixty days after the date of this
11 order. Counsel will include this date in the notice to the class to be filed with the
12 Court on Wednesday, March 9, 2011.

13 IT IS SO ORDERED.

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15 DATED: 3/16/11

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17 _____
18 George H. King
19 United States District Court Judge
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