

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

M.C. and T.G., on behalf of themselves
and all similarly situated individuals,

Plaintiffs,

-v-

6:22-CV-190

JEFFERSON COUNTY, NEW
YORK, PETER R. BARNETT¹,
as Sheriff of Jefferson County,
New York, BRIAN R. MCDERMOTT,
as the Undersheriff of Jefferson
County, and MARK WILSON, as
the Facility Administrator of Jefferson
County Correctional Facility,

Defendants.

DAVID N. HURD
United States District Judge

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AND DIRECTING CLASS NOTICE**

On March 1, 2022, plaintiffs M.C. and T.G., recovering opioid users, filed this civil rights class action against defendants Jefferson County, New York, the County Sheriff, Undersheriff Brian R. McDermott, and Correctional

¹ Peter R. Barnett has succeeded Colleen M. O'Neill as Sheriff of Jefferson County. The Clerk of the Court is respectfully directed to amend the caption accordingly. *See* FED. R. CIV. P. 25(d).

Facility Administrator Mark Wilson (“defendants”). Briefly stated, plaintiffs’ complaint alleged that defendants maintained an unlawful policy of banning certain opioid use disorder medications for individuals in their custody. After that policy was preliminarily enjoined, Dkt. No. 30, the Court certified the following Class and related Subclasses (for pre- and post-conviction custody):

all non-pregnant individuals who are or will be detained at the Jefferson County Correctional Facility and had or will have prescriptions for agonist medication for opioid use disorder at the time of entry into defendants’ custody.

Dkt. No. 53. At that time, named plaintiffs M.C. and T.G. were appointed as Class Representatives and the New York Civil Liberties Union Foundation was appointed as class counsel. *Id.* After a period of extensive discovery, the parties notified the Court that they had reached a settlement. Dkt. No. 128.

On March 26, 2024, plaintiffs moved under Rule 23 of the Federal Rules of Civil Procedure for preliminary approval of the class settlement and proposed consent decree. Dkt. No. 130. That motion is unopposed. *See id.*

Upon consideration of the briefing in light of the governing law, and after considering the evidence in the record, it is

ORDERED that

1. The Proposed Consent Decree (Dkt. No. 131-1) is PRELIMINARILY APPROVED because it is within the range of reasonableness such that final

approval is possible and therefore merits dissemination of class notice to the certified class for consideration;

2. The Certified Class and two related Subclasses REMAIN CERTIFIED for settlement purposes because they satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure for the reasons previously discussed in the May 16, 2022 Decision & Order;

3. The content, form, and manner of the proposed class notice; *i.e.*, the Notice of Proposed Consent Decree (Dkt. No. 131-2) is APPROVED as follows and counsel for the parties are ORDERED to comply with the notice plan set forth in the motion for preliminary approval;

4. Any member of the plaintiff Class or Subclasses may submit written objections to any aspect of the Proposed Consent Decree by mail to:

ATTN: Clerk of Court
Re: Class Action Objections
U.S. District Court
10 Broad Street
Utica, NY 13501

5. The Court will only consider written objections postmarked **on or before July 16, 2024**;

6. Any later post-marked objections shall be DISREGARDED;

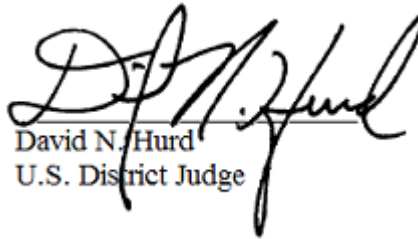
7. The parties' counsel shall file responses to any timely, written objections **on or before August 6, 2024**;

8. A fairness hearing will be held to decide whether to grant final approval of the consent decree as fair, reasonable, and adequate within the meaning of Rule 23 of the Federal Rules of Civil Procedure; and

9. The fairness hearing will be held on **Tuesday, August 27, 2024, at 1:00 p.m.** at the U.S. Courthouse in Utica, New York, but may be adjourned without further notice to the class.

IT IS SO ORDERED.

Dated: April 24, 2024
Utica, New York.



David N. Hurd
U.S. District Judge