

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHARLES H., ISRAEL F., AND MALIK Z.
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

Civil Action No. 1:21-cv-00997 (CJN)

ORDER

This matter is before the Court to determine approval of the Plaintiffs' settlements with the District of Columbia, the District of Columbia Public Schools, and the Office of the State Superintendent of Education (collectively "Defendants"). Having reviewed the Joint Motion for Order of Final Approval of Class Action Settlement, ECF No. 209, the Proposed Settlement Agreement, ECF No. 191-1, and having presided over an in-person hearing addressing the issues presented, the Court enters this Order of Final Approval.

It is hereby **ORDERED**:

1. The Court has jurisdiction over the Parties and subject matter of this litigation pursuant to 28 U.S.C. §§ 1331, 1343, 1367(a) and 20 U.S.C. § 1415(i)(2).
2. Until further order of the Court, the Court shall retain jurisdiction of this matter to make any necessary orders enforcing or construing the Settlement Agreement, ECF No. 191-1, and to adjudicate any motion(s) pending prior to or at the Expiration Date of the Settlement

Agreement, including to order appropriate relief which may include an award of litigation costs, including attorneys' fees, and, if relief is granted, to ensure compliance with any resulting order(s).

3. All motions pending in this matter as of the date of this Order are hereby denied as moot.

4. The Preliminary Injunction Order, ECF No. 37, and the Contempt Order, ECF No. 101, are stayed until further Order of the Court. Defendants' obligations to report to the Court pursuant to those Orders are stayed until further Order of the Court. The Preliminary Injunction Order, ECF No. 37, and the Contempt Order, ECF No. 101, shall be dismissed when the case is dismissed pursuant to a further Order of the Court.

5. The Court recognizes that, under Paragraph 164 of the Settlement Agreement, ECF No. 191-1, "[t]he Parties agree that this Settlement Agreement is not a consent decree."

I. Certification of the Settlement Class, Class Representatives, and Class Counsel

6. In an Order issued on October 18, 2023 (ECF No. 199), the Court certified the Settlement Class pursuant to Rules 23(b)(2) and 23 (b)(3) of the Federal Rules of Civil Procedure.

7. The Court hereby appoints Plaintiffs Charles H., Israel F., and Malik Z. as Class Representatives.

8. The Court hereby appoints Terris, Pravlik & Millian, LLP, School Justice Project, and Washington Lawyers' Committee, Plaintiffs' attorneys of record, as Class Counsel.

II. Notice

9. In an Order issued on October 18, 2023, ECF No. 200, the Court approved the form of the Class Notice submitted in draft form at ECF No. 191-2. The Class Notice was issued in final form in English and Spanish as set forth at ECF Nos. 202-1, 202-2, respectively. The Class Notice provided notice to the Plaintiff class of the Settlement Agreement, the Fairness Hearing,

and Class Counsel's Unopposed Motion for an Award of Litigation Costs, Including Attorneys' Fees, ECF No. 201.

10. On December 4, 2023, Counsel for Defendants and Class Counsel jointly submitted a report to the Court setting forth the manner in which they disseminated the Class Notice and notice of Class Counsel's Unopposed Motion for an Award of Litigation Costs, Including Attorneys' Fees. ECF No. 208.

11. Based on the entire record herein and the report of the Parties concerning notice to the Settlement Class, ECF No. 208, the Court finds that the Class Notice and the means for its distribution constituted valid, due, and sufficient notice to the Settlement Class and was the best notice practicable under the circumstances. The Class Notice and its distribution provided adequate information to the Settlement Class Members in a fair and neutral way about the existence of the proposed Settlement Agreement and their rights with respect to the proposed Settlement Agreement and satisfied the notice requirements of Rule 23(e) of the Federal Rules of Civil Procedure.

III. Fairness Hearing

12. On December 18, 2023, the Court conducted a Fairness Hearing, at which members of the Settlement Class were afforded the opportunity to address the Court concerning the Settlement Agreement. Counsel for the Parties were also heard in support of the Settlement Agreement.

13. The period for notice to the class and submission of any objections with respect to the Settlement Agreement and Plaintiffs' Unopposed Motion for an Award of Litigation Costs, Including Attorneys' Fees has now expired. The Court did not receive any objections.

IV. Approval of Settlement

14. The Court hereby grants final approval of the terms and conditions contained in the Settlement Agreement, ECF No. 191-1.

15. The Court finds that the terms of the Settlement Agreement are fair, reasonable, and adequate pursuant to Rule 23(e) of the Federal Rules of Civil Procedure and applicable law.

16. The Court finds that the terms of the Settlement Agreement comply in all respects with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a), and makes all necessary findings to retain jurisdiction for the enforcement of the Settlement Agreement over its limited duration: (i) the provision of special education and related services at the DOC Facilities necessitate the remedial measures contained in the proposed Settlement Agreement; and (ii) the prospective relief in the proposed Settlement Agreement is narrowly drawn, extends no further than necessary to correct the violations of federal rights as alleged by Plaintiffs in their Complaint, is the least intrusive means necessary to correct these violations, and will not have an adverse impact on public safety or the operation of a criminal justice system.

17. Under this order of final approval of the Settlement Agreement, Defendants are neither bound by nor obligated to comply with the District of Columbia Procurement Practices Reform Act of 2010, D.C. Code § 2-351.01 *et seq.*, or other District of Columbia or federal law relating to procurement, and any regulations thereunder, but only to the extent necessary to implement the terms of the Settlement Agreement.


V. Approval of Class Counsel's Attorneys' Fees and Costs

18. Plaintiffs' Unopposed Motion for an Award of Litigation Costs, Including Attorneys' Fees, ECF No. 201, is granted.

19. Defendants shall remit payment of \$2,500,000 in litigation costs, including attorneys' fees, to Terris, Pravlik & Millian, LLP no later than forty-five (45) days from the date of this Order.

20. The award of litigation costs, including attorneys' fees, shall bear interest in accordance with 28 U.S.C. § 1961.

DATE: January 15, 2024



CARL J. NICHOLS
United States District Judge