

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHONICE G. GARNETT, *et al.*,

Plaintiffs,

v.

LAURA ZEILINGER,

Defendant.

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Civil Action No. 1:17-cv-1757

NOTICE OF SETTLEMENT ON APPEAL;
JOINT MOTION FOR INDICATIVE RULING REGARDING FAIRNESS HEARING

The parties hereby provide notice of their settlement, subject to this Court's approval, of all matters in dispute. Accordingly, pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, the parties jointly request an indicative ruling that the Court will conduct a fairness hearing regarding such settlement upon remand from the Court of Appeals.

In support of the requested indicative ruling, the parties state as follows:

1. While on appeal, the parties engaged in substantive settlement negotiations, and they reached agreement on a settlement of this matter. The parties' settlement agreement is attached hereto as Exhibit A.

2. Because this Court previously certified this case as a class action, one of the terms of the parties' settlement is that the Settlement Agreement will only become effective if this Court conducts a fairness hearing pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure, enters an order approving the Settlement Agreement, and that order becomes final by the passage of time or the final resolution of any appeals of such order. Plaintiffs' Motion for Preliminary

Approval of Class Action Settlement; Directing Notice of Settlement to Class; and Scheduling Fairness Hearing and Memorandum in Support are attached hereto as Exhibit B.

3. For the reasons set forth in that Memorandum, the Settlement Agreement and the course of the litigation leading to it comport with the standards for approval of a class action settlement articulated in Federal Rule of Civil Procedure 23(e) and warrant the Court: (1) preliminarily approving the Settlement Agreement; (2) directing notice of the Settlement Agreement to the Class; and (3) scheduling a final fairness hearing.

4. Plaintiff Shonice Garnett has determined that she does not wish to continue as a Plaintiff in this action. The remaining parties serve as representatives of the three proposed subclasses, and thus Garnett's continuation as a named plaintiff is not necessary for approval of the Settlement Agreement. If this Court issues the indicative ruling requested by this motion and the Court of Appeals remands, Plaintiffs will file a motion, to which Defendant consents, under Fed. R. Civ. P. 21 (or alternatively Fed. R. Civ. P. 41(a)(1)) to drop Plaintiff Garnett as a party.

Pursuant to Rule 62.1 of the Federal Rules of Civil Procedure and for good cause shown, the parties respectfully request that this Court enter the attached proposed Order indicating that it will accept a limited remand from the Court of Appeals, enter an order preliminarily approving the parties' proposed settlement, and proceed to conduct a fairness hearing, pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure, regarding the fairness, reasonableness, and adequacy of the proposed settlement.

Respectfully submitted,

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