

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DWAYNE DIGGS, et al.,

Plaintiffs,

v.

CAROL MICI, et al.,

Defendants.

22-cv-40003-MRG

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT AND APPROVAL OF NOTICE OF SETTLEMENT**

GUZMAN, D.J.

The parties have filed a Joint Motion for Preliminary Approval of Class Settlement and Approval of Notice of Settlement. Upon review and consideration of the motion and attached exhibits, the proposed Settlement Agreement and Exhibit A thereto (“Agreement”), and Plaintiffs’ memorandum in support of the joint motion, the Court **ALLOWS** the motion and **ORDERS** as follows:

1. By order dated September 30, 2024, the Court certified a damages class under Fed. R. Civ. P. 23(b)(3) consisting of “all individuals incarcerated at Souza-Baranowski Correctional Center who were subjected to uses of force from January 10, 2020, to February 6, 2020.” By the same order, the Court certified a damages subclass consisting of “all Black and Latinx individuals incarcerated at Souza-Baranowski Correctional Center who were subjected to uses of force from January 10, 2020, to February 6, 2020.” The Court also certified a class seeking injunctive and declaratory relief under Rule 23(b)(2) consisting of “all individuals incarcerated at Souza-Baranowski Correctional Center who were subjected to uses of force from January 10, 2020, to February 6, 2020.”

2. The Court finds that the Agreement satisfies the requirements under Rule 23(e)(1) for preliminary approval and issuance of notice to the class. The Court provisionally finds that the Agreement is fair, reasonable, and adequate as required by Rule 23(e)(2), and therefore that “the court will likely be able to ... approve” the Agreement. Fed. R. Civ. P. 23(e)(1)(B)(i).
3. The Court finds that the Agreement was reached after extensive discovery and arm’s length settlement negotiations.
4. The Court finds that the proposed Class Notice and the notice plan described in the Agreement satisfy due process and Rule 23(c)(2)(B), and approves the proposed Class Notice for Class Members (Exhibit 2 to the joint motion) and Claim Form for Class Members (Exhibit 3 to the joint motion).
5. The Court also finds that the procedure established in the Agreement for determining claims submitted by individuals not already identified by the parties as Class Members is fair and reasonable, and approves the proposed Generic Notice (Exhibit 4 to the joint motion) and Generic Claim Form (Exhibit 2 to the joint motion).
6. The Court approves the appointment of Analytics, LLC, of Chanhassen, Minnesota, as Claims Administrator, to implement the notice plan, process claims, record objections and opt-outs, distribute payments, and perform all other services described in the Agreement.
7. The Claims Administrator shall send Class Notice and a Claim Form to all class members at their last known address **within seven (7) days of this Order.**
8. The deadline for Class Members to file Claim Forms, Objections, or Requests for Exclusion (Opt-Outs)—the “Claims Deadline”—shall be **ninety (90) days after the date the Notice and Claim Form are first mailed to Class Members.**
9. The Court will hold a final Fairness Hearing on **October 24, 2025**, in order to (1) resolve any objections to the settlement, (2) determine whether the Agreement is fair, reasonable, and adequate and whether it should be finally approved, (3) determine whether to approve awards of attorneys’ fees and

costs to Plaintiffs' Counsel, and (4) address other matters as necessary.

10. **No later than forty-five (45) days before the final Fairness Hearing**, (1) the parties shall file a joint motion for final approval of the Agreement; (2) Plaintiffs shall file all written objections to the Agreement; and (3) Plaintiffs shall file any motion for attorneys' fees and costs.

a. The parties may file a response to any objections **on or before fourteen (14) days before the final Fairness Hearing**.

IT IS SO ORDERED.

Dated: May 30, 2025

/s/ Margaret R. Guzman
Margaret R. Guzman
United States District Judge