

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

DWAYNE DIGGS, ET AL., Plaintiffs, v. CAROL MICI, ET AL., Defendants.	22-cv-40003-MRG
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**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT
AGREEMENT AND APPROVAL OF NOTICE OF SETTLEMENT**

The named Plaintiffs, individually and on behalf of the class (collectively, “Plaintiffs”),¹ and Defendants² have entered into a proposed Settlement Agreement (“Agreement”), which they submit to the Court for approval. The parties jointly request that the Court (1) grant preliminary approval to the Agreement, (2) approve the Class Notice and notice plan, (3) approve the claims administration plan, and (4) set a date for a final fairness hearing and a date for filing motions to approve the Agreement and for attorneys’ fees and costs. Plaintiffs are submitting a separate memorandum in support of this motion, which describes the Settlement Agreement, Class Notice and notice plan, and claims administration plan in greater detail. The

¹ The named Plaintiffs and class representatives are Danavian Daniel, Dwayne Diggs, Demetrius Goshen, James Jacks, David Jackson, Raphael Rebollo, Luis Saldana, Davongie Stone, and Xavier Valentin-Soto.

² Defendants are 18 present and former DOC officials and officers: Carol Mici, Paul Henderson, Charles Primack, Steven P. Kenneway, Dean Gray, Ronald Gardner, Patrick DePalo, Donald Denomme, James Gearin, David Brien, Paul Birri, Keith Houle, Robert Deschene, James Allain, Robert D’Amadio, Joseph Bellini, John Madden, and Evan Laranjo (collectively, “Defendants”).

parties request that the Court schedule a hearing on the instant motion for preliminary approval at its earliest convenience. Attached as Exhibit 6 to this motion is a proposed Order.

In support of the motion, the parties state the following:

1. Pursuant to the Agreement, the Department of Correction (“DOC”) has agreed to implement certain policy changes and take other steps to address and resolve Plaintiffs’ claims arising from the events at Souza-Baranowski Correctional Center (SBCC) from January 10, 2020 through February 6, 2020, including, but not limited to, claims concerning the alleged use of excessive force and alleged racial discrimination by DOC correction officers. The Agreement provides that the Commonwealth of Massachusetts, on behalf of Defendants, will pay \$6,750,000, of which \$5,750,000 will be distributed to participating Class Members according to the formula described in the Agreement and Plaintiffs’ memorandum in support of this motion. The remaining \$1,000,000 represents Plaintiffs’ requested attorneys’ fees and costs. Class Members³ who submit claims will receive at least \$10,000; most are expected to receive at least \$30,000.
2. The parties have concluded that settlement is desirable in order to avoid the time, expense, and inherent risks and uncertainties of continuing this litigation, and in order to finally and completely resolve Plaintiffs’ claims in this lawsuit.
3. The Agreement satisfies the requirements under Fed. R. Civ. P. 23(e)(1) for preliminary approval and issuance of notice to the Class.

³ The estimated number of class members is 157.

4. The Agreement is the product of extensive arm's length negotiations over the course of six months.
5. The Agreement was reached after several years of extensive discovery.
6. The Agreement is substantively fair, reasonable, and provides substantial benefit to the Class.
7. The notice plan satisfies due process requirements and the criteria under Rule 23(c)(2)(B). The notice plan is described in the Agreement and in Plaintiffs' memorandum in support of this motion.
8. The proposed Claims Administrator, Analytics, LLC, of Chanhassen, Minnesota, has provided similar claims administration services in many other class action cases, including prisoners' rights class actions, and will efficiently process claims and distribute the settlement proceeds to participating Class Members.
9. The parties request that the Court set a date for the final fairness hearing to decide whether to grant final approval of the Agreement on a date at least ninety (90) days after the Court grants preliminary approval to the Agreement.
10. Attached hereto are the following exhibits:

Exhibit 1: Settlement Agreement and Exhibit A to Agreement
Exhibit 2: Class Notice to be mailed to Class Members
Exhibit 3: Claim Form to be mailed to Class Members
Exhibit 4: Generic Notice available upon request and online
Exhibit 5: Generic Claim Form available upon request and online
Exhibit 6: Proposed Order granting relief requested herein

WHEREFORE, the parties jointly request that the Court (1) grant preliminary approval to the Agreement, (2) approve the Class Notice and notice plan, (3) approve the appointment of Analytics, LLC, as Claims Administrator and (4) set a date for a

final fairness hearing and a date for filing motions to approve the Agreement and for attorneys' fees and costs. A proposed order is attached. The parties request that the Court schedule a hearing on the instant motion for preliminary approval at its earliest convenience.

Date: May 20, 2025

DEFENDANTS,

CAROL MICI, PAUL HENDERSON,
PATRICK DEPALO, CHARLES
PRIMACK, STEVEN KENNEWAY,
DEAN GRAY, RONALD GARDNER,
DONALD DENOMME, DAVID
BRIEN, PAUL BIRRI, KEITH HOULE,
ROBERT DESCHENE, JAMES
ALLAIN, JAMES GEARIN, ROBERT
D'AMADIO, JOSEPH BELLINI, JOHN
MADDEN, AND EVAN LARANJO,

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Counsel for Defendants

Respectfully Submitted,

PLAINTIFFS,

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JACKSON, RAPHAL REBOLLO, LUIS
SALDANA, DAVONGIE STONE,
XAVIER VALENTIN-SOTO, and
DANAVIAN DANIEL

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ David Milton
David Milton