

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID DONHAUSER,

Plaintiff,

vs

9:01-CV-1535

GLENN S. GOORD, Commissioner, NY DOCS;
MARTHA E. YOURTH, CSW Guidance Specialist;
DOMINIC MARTINELLI, Sex Offender Program
Counselor; and S. CARTER, S.C.C., Oneida
Corr. Facility,

CLASS ACTION

Defendants.

APPEARANCES:

OF COUNSEL:

DAVID DONHAUSER

Plaintiff, Pro Se

05-B-3138

Great Meadow Correctional Facility

PO Box 51

Comstock, NY 12821-0051

ROBERT N. ISSEKS, ESQ.

Attorney for Plaintiff Class

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Middletown, NY 10940

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

The Capitol

Albany, New York 12224

DOUGLAS J. GOGLIA, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

ORDER

On February 15, 2005, plaintiff's motion for class certification was granted. (Docket No. 127).

On February 1, 2008, a hearing by video-teleconference was held, at which time the attorneys for the Plaintiff Class and the defendants advised that an agreement-in-principle had been reached with respect to the settlement of this Class Action. (Docket No. 177).

A proposed Private Settlement Agreement was submitted for approval on March 13, 2008. (Docket No. 184).

On March 18, 2008, a hearing by video-teleconference was held with the attorneys for the Plaintiff Class and defendants, during which the issue of notifying potential class-members of the proposed settlement was addressed. (Docket No. 185). A proposed Notice of Class Action Settlement was submitted for consideration, and by Order dated May 13, 2008, was approved; it was directed that it be posted in all correctional facility law libraries, general libraries, inmate housing areas, and all Sex Offender Counseling and Treatment Program areas. (Docket Nos. 192 and 194). The Notice of Class Action Settlement was so posted.

Thereafter, numerous objections and comments to the proposed Private Settlement Agreement were submitted by plaintiff David Donhauser and other potential members of the Class. (Docket Entries 190, 195-222, 224-227). The objections and comments were filed under seal and were forwarded to the attorneys for the Plaintiff Class and the defendants, each of whom submitted letters in response. (Docket Nos. 190, 191, 231, 232). All submissions have been read and considered.

On September 23, 2008, a hearing by video-teleconference was held and the attorneys for the Plaintiff Class and the defendants were directed to submit a revised Private Settlement Agreement. (Docket No. 234).

A revised Private Settlement Agreement dated October 3, 2008, (Docket No. 234) was submitted. It has been reviewed in conjunction with all prior pleadings, proceedings, decisions, submissions, etc. in this Class Action.

Based upon the foregoing, a finding is made that the revised Private Settlement Agreement is fair, reasonable, and adequate.

Therefore, pursuant to Fed. R. Civ. P. 23(e), it is

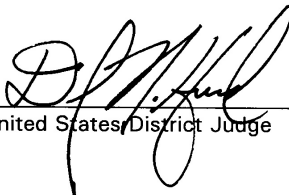
ORDERED that

1. The Private Settlement Agreement dated October 3, 2008, is APPROVED;
2. Jurisdiction is retained over any issues that may arise regarding compliance with the Private Settlement Agreement; and otherwise
3. This Class Action is DISMISSED.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: October 17, 2008
Utica, New York.


United States District Judge