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DPH

1 ELLEN M. PETER
DANIEL P. MURPHY
2 CALIFORNIA RURAL LEGAL ASSISTANCE
818 D Street, P. O. Box 2600
3 Marysville, CA 95901
Telephone: (916) 742-5191
4

FILED

MAY 2 1979

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY

5 Attorneys for Plaintiffs

6 **LODGED**

7 **APR 27 1979**

8 CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA IN THE UNITED STATES DISTRICT COURT

9 DEPUTY FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DERRIL HEDRICK, et al.,)	
)	
11 Plaintiffs,)	
)	
12 vs.)	NO. CIV. 76-162 TJM
)	
13 ROBERT DAY, et al.,)	PROPOSED FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW CONCERNING
14 Defendants.)	OBJECTIONS TO PROPOSED CONSENT
)	DECREE

15
16 Plaintiffs' Motion for Tentative Approval of Class Action
17 Consent Decree came on for hearing on February 5, 1979, in the
18 above-entitled Court before the Honorable Thomas J. MacBride.
19 The parties appeared at that time through their respective counsel
20 of record, by John F. O'Toole for plaintiffs and Dennis A. Barlow
21 for defendants. In an Order signed February 7, 1979, the Court
22 tentatively approved the Consent Decree entered into by the
23 parties and filed with the Court on November 8, 1978. In addition
24 pursuant to Rule 23(e) of the Federal Rules of Civil Procedure,
25 the Court directed that notice of the proposed settlement of the
26 action be given to certain members of the class and that those
27 individuals be informed of their right to object to provisions
28 of the settlement.

29 Notice of the proposed settlement was given to class
30 members in conformity with the provisions of the February 7,
31 1979 Order, and affidavits were filed with the Court attesting
32 to this fact. The time period provided for making objections to

1 the proposed settlement has elapsed, and, therefore, the Court
2 makes the following Findings of Fact and Conclusions of Law:

3 FINDINGS OF FACT

4 I

5 The defendants provided a copy of Appendix I to the
6 Court's Order of February 7, 1979 (hereinafter referred to as
7 "Appendix I") and a mailing envelope addressed to the Clerk of
8 the Court to all inmates housed in the Yuba County Jail between
9 February 7, 1979, and March 7, 1979.

10 II

11 The defendants compiled a list of the names and the last
12 known addresses of four hundred (400) ex-inmates of the Yuba
13 County Jail. The list was taken from the available records in
14 the Sheriff's Department so that the name of every fifth inmate
15 was placed on the list until a total of fifty (50) inmates were
16 placed on the list for each of the following months: May, 1976,
17 September, 1976, January, 1977, June, 1977, October, 1977,
18 February, 1978, July, 1978, and November, 1978.

19 III

20 Prior to March 7, 1979, a copy of Appendix I was sent
21 by defendants to each person on the above list in conformity with
22 the provisions of "Class Actions: Recommendations By The Clerk
23 For Procedural Details In Mailings To Class Members," except for
24 sections two (2) and three (3) of that document relating to mail-
25 ing by certified mail, registered mail, or return receipt
26 requested mail. This document is Appendix II of the Court's Order
27 of February 7, 1979.

28 IV

29 The plaintiffs provided a copy of Appendix I to the
30 individually named plaintiffs and thirty (30) other class members
31 who were determined by plaintiffs' counsel to have been actively
32 involved in the action.

V

The defendants posted Appendix I in the Yuba County Probation Department and provided forty-eight (48) copies of Appendix I to that Department to be made available upon request.

VI

The defendants also provided a copy of Appendix I to the Marysville Office of the California Department of Employment Development for posting between February 7, 1979, and March 7, 1979.

VII

Appendix I, the notice of proposed settlement, provided that copies of the proposed Consent Decree in its entirety were available at no cost at three (3) locations. Appendix I also clearly stated that class members who objected to the proposed settlement had a right to file written objections to the Consent Decree and that such objections must be filed with the Clerk of Court on or before the expiration of the comment period, April 6, 1979.

VIII

One hundred seventy four (174) of the notices, Appendix I, mailed by defendants to the four hundred (400) selected ex-inmates of the Yuba County Jail were returned by the United States Postal Service to the Clerk of the Court as undeliverable at the address given. Thirty eight (38) notices were mailed by plaintiffs' counsel to thirty-four (34) ex-inmates, four (4) individuals were mailed two (2) copies at two (2) different address. Of these thirty-eight (38) notices, thirteen (13) have been returned as undeliverable by the United States Postal Service.

IX

During the period for filing objections, the Clerk of the Court received one written communication concerning the

1 proposed settlement. This communication was from an inmate,
2 Pascal Alonzo Thompson.

3 X

4 Mr. Thompson stated no explicit objection to the terms
5 of the proposed Consent Decree. Rather he stated that, to his
6 knowledge, none of the injunctive relief previously ordered by
7 the Court has been complied with by the Yuba County Sheriff's
8 Department. Mr. Thompson's comments did not contain any request
9 to appear before the Court.

10 IX

11 The terms of the Consent Decree address each of the
12 substantive areas listed in the Prayer for Relief in the complaint
13 herein.

14 From the foregoing Findings of Fact, the Court hereby
15 makes and enters the following:

16 CONCLUSIONS OF LAW

17 I

18 The notice of proposed settlement of this class action
19 was provided in conformity with the requirements of Rule 23(e) of
20 the Federal Rules of Civil Procedure.

21 II

22 No person has stated any objection to the terms of the
23 settlement, with the possible exception of Mr. Thompson who
24 criticized the enforcement of existing court orders which are
25 subsumed into the Consent Decree. The objection, if any, is not
26 directed to the terms and provisions of the settlement, and it
27 does not state that the Consent Decree does not address any parti-
28 cular cause of action alleged in the complaint or that the
29 Consent Decree is substantively inadequate. Mr. Thompson's
30 comments, if they are deemed an objection, are found as an
31 objection by a class member to be without substance and to be
32 frivolous.


III

The proposed Consent Decree is a fair, adequate, and reasonable settlement of the issues raised for all of the class members. The proposed Consent Decree provides substantive and procedural rights for inmates of the Yuba County Jail which parallel and implement specifically the Prayer for Relief in the Complaint herein.

IV

Since there are no substantial objections to the proposed Consent Decree, there is no need for any hearing to consider objections.

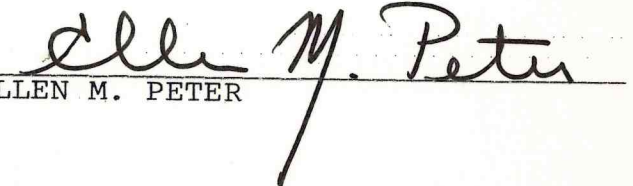
DATED: MAY 2 1979


UNITED STATES DISTRICT COURT JUDGE

Approved as to form and content:

CALIFORNIA RURAL LEGAL ASSISTANCE
Attorneys for Plaintiffs

DATED: 4/23/79

By: 
ELLEN M. PETER

WALTER COLBY, COUNTY COUNSEL
DENNIS A. BARLOW, CHIEF DEPUTY
COUNTY COUNSEL
Attorneys for Defendants

DATED: 4-27-79

By: 
DENNIS A. BARLOW