

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

H(2422)83

CRATON LIDDELL, et al.,)
)
Plaintiffs,)
)
v.)
)
THE BOARD OF EDUCATION)
OF THE CITY OF ST. LOUIS,)
STATE OF MISSOURI, et al.,)
)
Defendants.)

No. 72-100C(3)

FILED

MAY 13 1983

EYVON MENDENHALL
U. S. DISTRICT COURT
E. DISTRICT OF MO.

ORDER

This matter is before the Court on the objection of City Board, Liddell and Caldwell ("plaintiffs") to the participation of the school districts of Rockwood and Mehlville at the fairness hearing. H(2372)83, dated May 6, 1983. Mehlville and Rockwood have responded in opposition to the objection. H(2374)83 and H(2375)83, dated May 6, 1983.

At a fairness hearing, the Court may consider "whatever is necessary to aid it in reaching an informed, just and reasoned decision" on the proposed settlement agreement. Glicker v. Bradford, 35 F.R.D. 144, 148 (S.D.N.Y. 1964); accord Flinn v. FMC Corp., 528 F.2d 1169, 1173 (4th Cir. 1975), cert. denied, 424 U.S. 967 (1976). To this end, the Manual for Complex Litigation recommends that

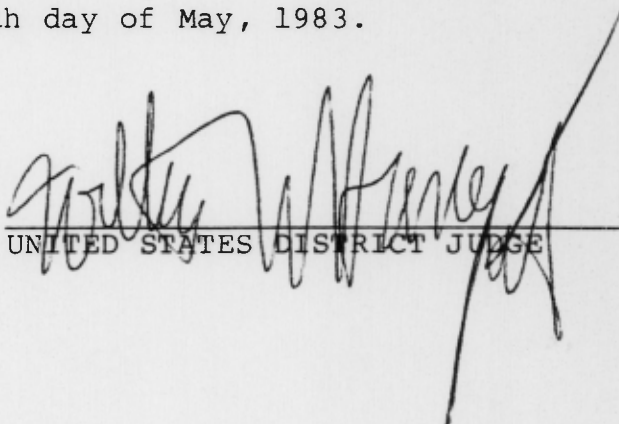
every effort should be made not only to hear all interested parties desiring to be heard, but to adduce all information necessary for the judge to rule intelligently on whether the proposed settlement is "fair, reasonable and adequate."

Manual for Complex Litigation, § 1.46 at 57 (5th ed. 1982); accord Girsh v. Jepson, 521 F.2d 153, 160 (3d Cir. 1975) ("court must at least evaluate all the contentions of the parties and provide any objectors with an opportunity for meaningful exposition of their positions"). The Court may even consider the effect of the proposed agreement on non-settling parties. See Altman v. Liberty Equities Corp., 54 F.R.D. 620 (S.D.N.Y. 1972); Florida Power Corp. v. Granlund, 82 F.R.D.. 690 (M.D. Fla. 1979).

Thus, without determining that Mehlville and Rockwood are "non-settling" parties, and considering the unique circumstances of this case, the Court finds that Mehlville and Rockwood school districts may participate in the fairness hearing. See Altman v. Liberty Equities Corp., supra at 622 (non-settling parties appeared at fairness hearing to present objections). Having carefully considered this matter,

IT IS HEREBY ORDERED that plaintiffs' objections, H(2372)83, be and the same are overruled.

Dated this 13th day of May, 1983.


UNITED STATES DISTRICT JUDGE