UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ASHOK BABU, ROBERT BELL, IBRAHIM KEEGAN-HORNESBY, DEMAREA JOHNSON, BRANDON JONES, STEPHANIE NAVARRO, ROBERTO SERRANO, and ALEXANDER WASHINGTON on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

COUNTY OF ALAMEDA; GREGORY J. AHERN in his official capacity as Sheriff of the Alameda County Sheriff's Office; CAROL BURTON in her official capacity as Interim Director of the Alameda County Behavioral Health Care Services Agency; and DOES 1 to 20, inclusive,

Defendants.

Case No. 5:18-CV-07677

[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CONSENT DECREE

Date: September 22, 2021
Time: 1:00 pm

Judge: Hon. Nathanael Cousins

[PROPOSED] ORDER

The Parties have entered into a Consent Decree to resolve all claims in this case which was filed with Plaintiffs' Unopposed Motion for Preliminary Approval of Consent Decree on August 26, 2021. The Parties also submitted a proposed Notice to the class and subclass, attached as Exhibit D to the Consent Decree. After reviewing all of the pleadings, records, and papers on file, the Court finds that, good cause appearing, IT IS HEREBY ORDERED as follows:

1. This action is determined to be properly maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. The Court has already certified a Class defined as "all adults who are now, or in the future will be, incarcerated in the Alameda County Jail" ("Class") and a Disability Subclass defined as "all qualified individuals with a psychiatric disability, as that term is defined in 42 U.S.C. § 12102, 29 U.S.C. § 705(9)(B), and California Government Code § 12926(j) and (m), and who are now, or will be in the future, incarcerated in the Alameda County Jail." Dkt. No. 64.

2. The Consent Decree falls within the range of possible approval and is sufficiently fair to warrant the dissemination of notice to the Class and Disability Subclass members.

3. The Consent Decree is the product of arms'-length, serious, informed, and non-collusive negotiations between experienced and knowledgeable counsel who have actively prosecuted and defended this litigation.

4. The Consent Decree is granted preliminary approval and incorporated herein by this reference, and has the full force and effect of an order of the Court.

5. The Notice, attached as Exhibit D to the Consent Decree, constitutes valid, due, and sufficient notice to the class, constitutes the best notice practicable under the circumstances, and complies fully with the requirements of Rule 23 of the Federal Rules of Civil Procedure. The proposed Notice apprises Class and Disability Subclass members in a fair and neutral way of the existence of the Consent Decree and their rights with respect to the Consent Decree.

6. Dissemination of the Notice as provided above is hereby authorized and approved. Within twenty-one (21) days of this order, the Notice shall be disseminated (1) in all intake and housing units of the Jails; (2) on Class Counsel's website; (3) on the tablets used by class members; and (4) on the television-notification system inside the Jail. The Parties shall provide alternate format copies of the notice upon request. Notice shall remain posted so long as the Consent Decree is in effect, absent further order of the Court.

7. Any member of the Class and/or Disability Subclass may enter an appearance on their own behalf in this action through that class member's own attorney, at their own expense, but need not do so. Class and/or Disability Subclass members who do not enter an appearance through their own attorney will be represented by Class Counsel. Any member of the Class and/or Disability Subclass may object to the Consent Decree by November 30, 2021, which is more than 35 days from when Notice will be posted. Class Counsel and/or Defendants, as appropriate, will respond to any timely-filed objections no later than December 7, 2021.

8. The Court will consider written objections when deciding whether to approve the Consent Decree. Objections must include at the top of the first page the case name, *Babu v. County of Alameda*, and case number 5:18-cv-07677. Objections must also include the name, address, and signature of the objector. Objections must be postmarked no later than November 30, 2021, and sent to the following address:

Clerk of the Court
United States District Court
Northern District of California
280 South 1st Street
San Jose, CA 95113

9. A final approval hearing pursuant to Rule 23(e) of the Federal Rules of Civil Procedure will be held on December 15, 2021 at 1:00 pm in the United States District Court for the Northern District of California, to determine whether the proposed Consent Decree is fair, reasonable, and adequate, and whether it should be finally approved by the Court. The hearing may be continued from time to time without further notice. The motion for attorneys' fees and costs shall be filed on or before October 13, 2021 and the

motion for final approval shall be filed on or before December 7, 2021. Both motions shall be heard on December 15, 2021.

10. A summary of the deadlines set by the Court is included in the chart below:

Event	**Date**
Defendants to provide notice to the appropriate officials as required by the Class Action Fairness Act (CAFA) 28 U.S.C. § 1715(b)	Within 10 days of the filing of Preliminary Approval.
Posting notice by the County in all intake and housing units of the Jails	Within 21 days after entry of order granting preliminary approval
Creation of webpage by Class Counsel electronically publishing notice	Within 21 days after entry of order granting preliminary approval
Posting notice by the County on the tablets used by class members	Within 21 days after entry of order granting preliminary approval
Posting notice by the County on the television-notification system inside the Jail	Within 21 days after entry of order granting preliminary approval
Deadline for filing of Plaintiffs' Unopposed Motion for Attorneys' Fees and Costs	October 13, 2021
Deadline for objections by class members	November 30, 2021
Deadline for filing of Motion for Final Approval and for filing of responses to any timely-filed class member objections	December 7, 2021
Hearing on Motion for Final Approval and on Plaintiffs' Unopposed Motion for Attorneys' Fees and Costs	December 15, 2021

/ / /

/ / /

/ / /

/ / /

IT IS SO ORDERED.

DATED: _____

_____
Nathanael M. Cousins
United States Magistrate Judge