

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRYL DUNSMORE, ANDREE ANDRADE, ERNEST ARCHULETA, JAMES CLARK, ANTHONY EDWARDS, REANNA LEVY, JOSUE LOPEZ, CHRISTOPHER NORWOOD, JESSE OLIVARES, GUSTAVO SEPULVEDA, MICHAEL TAYLOR, and LAURA ZOERNER, on behalf of themselves and all others similarly situated,
Plaintiffs,
v.
SAN DIEGO COUNTY SHERIFF'S DEPARTMENT, COUNTY OF SAN DIEGO, SAN DIEGO COUNTY PROBATION DEPARTMENT, and DOES 1 to 20, inclusive,
Defendants.

Case No. 20-cv-00406-AJB-DDL

ORDER GRANTING JOINT MOTION RE: REMAINING ADA ISSUES AND RESOLVING THIRD CLAIM FOR RELIEF

The Court, having reviewed the above Joint Motion of the parties, as well as the record in this case, and good cause appearing, hereby issues the following order:

1. The remedies and actions described above are all consistent with the Prison Litigation Reform Act's requirement that the Court's orders be narrowly drawn, extend no further than necessary to correct the violation of a federal right, and be the least intrusive means necessary to correct the violation. *See* 18 U.S.C. § 3626(a)(1)(A).

2. The Court certified a Subclass of all qualified individuals with

1 disabilities, as that term is defined in 42 U.S.C. § 12102, 29 U.S.C. § 705(9)(B), and
2 California Government Code § 12926(j) and (i), and who are now, or will be in the
3 future, incarcerated in all San Diego County Jail facilities. The Court appointed
4 Plaintiffs as the class representatives for the Subclass. The Court appointed Plaintiffs’
5 counsel—Gay Crosthwait Grunfeld and Van Swearingen of Rosen Bien Galvan &
6 Grunfeld LLP, Aaron J. Fischer of the Law Office of Aaron J. Fischer, and
7 Christopher M. Young of DLA Piper LLP (US)—as class counsel. Fed. R. Civ. P.
8 23(g)(1) and (4). (*See* Doc. No. 435.)

9 3. This Order shall apply to the County, their agents, contractors,
10 employees, successors in office, and all persons with knowledge of it. No person who
11 has notice of this Order shall fail to comply with it, nor shall any person subvert the
12 Order by any sham, indirection, or other artifice.


13 4. The bond requirement is waived.

14 5. The Court shall retain jurisdiction to enforce the terms of this ADA
15 Settlement Agreement and Order, including through specific performance and all
16 other remedies permitted by law or equity.

17 6. Within 30 days of entry of this Order, the parties shall jointly move for
18 preliminary approval of the ADA Settlement Agreement and Order and Notice to the
19 Subclass. Pursuant to the Hon. Anthony J. Battaglia’s Civil Case Procedures, counsel
20 will obtain a fairness hearing date from the appropriate law clerk before filing any
21 motion. Motion papers MUST be filed and served the same day of obtaining a motion
22 hearing date from chambers.

23 **IT IS SO ORDERED.**

24 Dated: December 12, 2024

25 
26 Hon. Anthony J. Battaglia
27 United States District Judge
28