

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ASHOK BABU, and others,
Plaintiffs,
v.
GREGORY J. AHERN, and others,
Defendants.

Case No.18-cv-07677-NC

**ORDER GRANTING
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL
OF CONSENT DECREE**

Re: ECF 266

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

1 now, or will be in the future, incarcerated in the Alameda County Jail.” ECF 64.

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

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

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

10 5. The Notice, attached as Exhibit D to the Consent Decree, constitutes valid,
11 due, and sufficient notice to the class, constitutes the best notice practicable under the
12 circumstances, and complies fully with the requirements of Rule 23 of the Federal Rules of
13 Civil Procedure. The proposed Notice apprises Class and Disability Subclass members in
14 a fair and neutral way of the existence of the Consent Decree and their rights with respect
15 to the Consent Decree. The Court acknowledges the requests to continue at ECF 270, 271,
16 272, 273, 274, 277, 278 but finds the proposed notice plan sufficient to address the
17 concerns raised.

18 6. Dissemination of the Notice as provided above is hereby authorized and
19 approved with modifications. Within twenty-one days of this order, the Notice shall be
20 disseminated (1) in all intake and housing units of the Jails; (2) in the Jails’ hospitals and
21 mental health facilities; (3) on Class Counsel’s website; (4) on the tablets used by class
22 members; and (5) on the television-notification system inside the Jail. The Parties shall
23 provide alternate format copies of the notice upon request. Notice shall remain posted so
24 long as the Consent Decree is in effect, absent further order of the Court.

25 7. The Notice must also be modified to: (1) clearly state that the date of the
26 final approval hearing may change without further notice to the class as recommended in
27 the Northern District’s Guidance for Class Action Settlements, and (2) include a URL for
28 the specific webpage on Class Counsel’s website with information about the case rather

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1 than a link to home page of Class Counsel’s website.

2 8. Any member of the Class and/or Disability Subclass may enter an
3 appearance on their own behalf in this action through that class member’s own attorney, at
4 their own expense, but need not do so. Class and/or Disability Subclass members who do
5 not enter an appearance through their own attorney will be represented by Class Counsel.
6 Any member of the Class and/or Disability Subclass may object to the Consent Decree by
7 December 31, 2021, which is more than 35 days from when Notice will be posted. Class
8 Counsel and/or Defendants, as appropriate, will respond to any timely-filed objections no
9 later than January 12, 2022.

10 9. The Court will consider written objections when deciding whether to
11 approve the Consent Decree. Objections must include at the top of the first page the case
12 name, *Babu v. County of Alameda*, and case number 5:18-cv-07677. Objections must also
13 include the name, address, and signature of the objector. Objections must be postmarked
14 no later than December 31, 2021, and sent to the following address:

15
16 Clerk of the Court
17 United States District Court
18 Northern District of California
280 South 1st Street
San Jose, CA 95113

19 10. A final approval hearing pursuant to Rule 23(e) of the Federal Rules of Civil
20 Procedure will be held on January 19, 2022 at 1:00 pm in the United States District Court
21 for the Northern District of California, to determine whether the proposed Consent Decree
22 is fair, reasonable, and adequate, and whether it should be finally approved by the Court.
23 The hearing may be continued from time to time without further notice. The motion for
24 attorneys’ fees and costs shall be filed on or before October 13, 2021 and the motion for
25 final approval shall be filed on or before January 12, 2022. Both motions shall be heard on
26 January 19, 2022.

27 11. A summary of the deadlines set by the Court is included in the chart below:
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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	December 31, 2021
Deadline for filing of Motion for Final Approval and for filing of responses to any timely-filed class member objections	January 12, 2022
Hearing on Motion for Final Approval and on Plaintiffs' Unopposed Motion for Attorneys' Fees and Costs	January 19, 2022, 1:00 p.m. via Zoom webinar

IT IS SO ORDERED.

Dated: September 24, 2021



 NATHANAEL M. COUSINS
 United States Magistrate Judge