

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

JOSHUA DUNN, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action Number:
v.	)	
	)	2:14-cv-00601-MHT-TFM
JEFFERSON DUNN, ET AL.,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR PRELIMINARY APPROVAL  
OF A CLASS ACTION SETTLEMENT CONCERNING CLAIMS  
ARISING UNDER THE AMERICANS WITH DISABILITIES ACT  
AND §504 OF THE REHABILITATION ACT OF 1973**

The Parties to this action jointly move this Honorable Court for approval of the settlement and resolution of all claims and issues set for the Phase I trial of this case which is scheduled to begin trial on June 20, 2016. As grounds in support thereof, the Parties show the following:

1. In March 2016, the Parties reached an agreement to certify a settlement class and settle the claims raised and issues set to be addressed in the Phase I trial of the instant action.
2. Through this Joint Motion for Preliminary Approval of a Class Action Settlement (“Joint Motion”) the Parties request: (a) certification of the settlement class; (b) preliminary approval of the settlement agreement; (c) approval of notice to the cla()3(c)4-2(e)4(m)-2(NC9( t)x002 Tc02 Tc

whose disabilities relate solely to or arise from mental disease, illness, or defect.” *See* Ex. 1 (fully executed Settlement Agreement) at 2.<sup>1</sup>

4. Federal Rule of Civil Procedure 23(a) permits a case to be maintained as a class action if:

(1) the class is so numerous that joinder of all members is impracticable, o(11 me0.002)-4(r)-5(o)2m.ptC,

collusive negotiations between experienced and knowledgeable counsel who have actively prosecuted and defended this litigation.

8. The Parties further request that the Court approve the Notice to the Class, attached hereto as Ex. 2, as it meets the requirements of Fed. R. Civ. P. 23(c)(2) and 23(e)(1), that “the court must direct notice in a reasonable manner to all class members who would be bound by the proposal.” The Notice will be posted in English and Spanish in prominent locations accessible to all prisoners in all ADOC facilities covered by the Settlement Agreement. It will also be made available in alternative formats. Additionally, full copies of the Settlement Agreement will be made available to inmates in all ADOC prison libraries.

9. Lastly, the Parties request that the Court enter

valuable time and resources, the Parties have not submitted such briefing with the instant motion. Should this Honorable Court require briefing on class certification, the Parties respectfully request that the Court enter a scheduling order setting forth a briefing schedule on the issue.

WHEREFORE, premises considered, the Parties jointly move this Honorable Court: (1) to certify the settlement class; (2) grant preliminary approval of the Settlement Agreement; (3) to approve the notice to the class; and (4) to enter an order scheduling a final fairness hearing.

Dated: March 15, 2016

Respectfully Submitted,

/s/ Maria V. Morris

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*/s/ John G. Smith*  
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