UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

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the Florida Educational Equity Act, Fla. Stat. § 1000.05. *See* ECF No. 1 (Cmplt.). The Court certified the Due Process claim (Count IV) as a Rule 23(b)(2) class while denying certification on the other claims. *See* ECF No. 198, *amended by* ECF No. 202 (October 17, 2018). *Id.* The class definition is as follows:

> All foreign-born, English Language Learner (ELL) children ages fifteen to twenty-one whose last completed schooling (not including adult education courses) was at a non-U.S. school, and who, after August 1, 2013, while residing in Collier County, sought or will seek to enroll in the Collier County public school system serving grades K-12, and were or will be denied enrollment by the Defendants.

Id. at 4.

During the over three years that this lawsuit has been pending, the parties represented that they have engaged in extensive discovery, with approximately 25 depositions (including three expert witness depositions), exchange of significant written discovery, and extensive motions practice. On May 7, 2019, the parties signed, and the School Board approved, a settlement agreement resolving Counts I, II, III, and V of the Fourth Amended Complaint (Plaintiffs' individual claims) but reserving Count IV (Due Process). In negotiations overseen by the Undersigned, the parties subsequently agreed to and the School Board approved a new administrative procedure relating to Board Policy 5112.01 that, if approved by the Court, would settle the sole remaining claim, Count IV (Due Process). That administrative protive p (t)- ( )]Troce pin

College in multiple languages. (ECF Nos. 270 at 2, 271 at 8.) The parties have further represented that the administrative procedure was posted to the website of the Collier County Public Schools (https://www.collierschools.com), and now appears in the Administrative Procedures Manual of the District (https://go.boarddocs.com/fl/collier/pl/Board.nsf/vpublic?open#). Moreover, all prospective class members will receive notice of their appeal rights under the new administrative procedure when they are denied enrollment under Policy 5112.01. The notice given to the class satisfies the requirements of due process and Rule 23(e). Pursuant to the requirements of the Class Action Fairness Act (CAFA), 28 U.S.C. § 1715, Defendants also served notice with the appropriate officials—the United States and Florida attorneys general—on June 20, 2019. (ECF Nos. 269, 271 at 9.)

In compliance with the Court's order on May 24, 2019 (ECF No. 267), the parties filed a joint status update informing the Court that these and other terms of the settlement had been executed. (ECF No. 270.) The parties have also represented that they have not received any objections to the settlement. Because more than 90 days have elapsed since notice was served pursuant to the CAFA, the Court may finally approve the settlement. 28 U.S.C. § 1715(d).

The approval of the settlement of Count IV resolves all pending issues in this case. The parties previously settled Counts I, II, III, and V of the Fourth Amended Complaint (Plaintiffs' individual claims). (ECF No. 271 at 3.) The Court also previously dismissed Defendants' counterclaims. (ECF No. 122.) The parties' agreement to settle Count IV provides that upon Court approval of the settlement, the action shall be dismissed with prejudice. (ECF No. 271-1.) Therefore, the Court shall enter an order dismissing the case with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Accordingly, it is now ORDERED:

(1) Plaintiffs' Unopposed Motion for Approval of Class Action Settlement is GRANTED. (ECF No. 271.) The Court hereby APPROVES the class action settlement proposed by the parties at ECF No. 271.

(2) This action is DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

DONE and ORDERED in Fort Myers, Florida on October 8, 2019.

DOUGLAS N. FRAZIER
UNITED STATES MAGISTRATE JUDGE