

#26+27

FILED
Clerk of the Superior Court

APR 28 2023

By: B. Orihuela, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION**

SCOTT MILES STOUT AND DERRICK ALLEN FELTON, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC., a Florida corporation, doing business in California as GEO CALIFORNIA, INC.; SDCC MIDDLE BLOCK, LLC, a Delaware limited liability company; and DOES 1-20, inclusive,

Defendants.

Case No. 37-2019-00000650-CU-CR-CTL

Assigned for All Purposes to:
Judge Kenneth J. Medel
Dept. C-66

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AGREEMENT**

(UNLIMITED CIVIL MATTER)
IMAGED FILE

(Mandatory eFILE Case)

Date: April 28, 2023
Time: 9:30 a.m.
Dept: C-66

Complaint Filed: January 4, 2019

JURY TRIAL DEMANDED

BLOOD HURST & O' REARDON, LLP

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

1 WHEREAS, the above-styled Action was filed on January 4, 2019;
2 WHEREAS, Class Representatives Scott Miles Stout and Derrick Allen Felton (“Class
3 Representatives”), individually and on behalf of themselves and the Class, and Defendants The GEO
4 Group, Inc. and SDCC Middle Block, LLC (“Defendants”) (collectively, the “Settling Parties”),
5 have entered into a Settlement Agreement (the “Settlement”) resolving the Action, subject to Court
6 approval;

7 WHEREAS, the Action was settled as a result of arm’s-length negotiations, investigation
8 and discovery sufficient to permit counsel and the Court to act knowingly, and counsel are
9 experienced in similar litigation;

10 WHEREAS, Class Representatives have moved the Court for entry of an order preliminarily
11 approving the Settlement, and approving the form and method of notice upon the terms and
12 conditions set forth in the Settlement, together with all exhibits thereto; and

13 WHEREAS, the Court, having considered the Settlement, together with all exhibits thereto
14 and records in this case, and the arguments of counsel and for good cause appearing, hereby orders
15 as follows:

16 **I. Preliminary Approval**

17 1. The Court preliminarily approves the Settlement Agreement and the terms and
18 conditions of settlement set forth in the Settlement Agreement as fair, reasonable and adequate. The
19 terms of the Settlement Agreement are sufficiently within the range of reasonableness to warrant
20 notice to the Class and are subject to further consideration at the Fairness Hearing.

21 2. The Court will hold a Fairness Hearing on September 29, 2023, at 9:30 a.m., in
22 Department C-66 at the Superior Court for the County of San Diego, 330 West Broadway, San
23 Diego, California, 92101, to consider: (a) whether the proposed settlement of the Action on the
24 terms set forth in the Settlement Agreement should be approved as fair, just, reasonable, adequate
25 and in the best interests of the Class; (b) the application by Class Counsel for an award of attorneys’
26 fees and expenses; (c) the application for Class Representative service awards; (d) whether the
27 release of Released Claims should be provided; (e) whether the Court should enter the [Proposed]

28

1 Final Order and Judgment; and (f) ruling upon such other matters as the Court may deem just and
2 appropriate.

3 3. The Fairness Hearing may, from time to time and without further notice to the Class
4 Members (except those who have filed timely and valid objections), be continued or adjourned by
5 order of the Court.

6 4. The Parties may further modify the Settlement Agreement prior to the Fairness
7 Hearing so long as such modification does not materially change the terms of the settlement
8 provided thereunder. The Court may approve the Settlement Agreement with such modifications
9 as may be agreed to by the Parties, if appropriate, without further notice to the Class Members.

10 5. Objections by any Class Member to the fairness, reasonableness, or adequacy of the
11 Settlement Agreement shall be heard, and any papers submitted in support of said objection shall be
12 considered by the Court at the Fairness Hearing only if, on or before August 30, 2023 (30 days
13 before the Fairness Hearing, set above), such objector files with the Clerk of the Superior Court of
14 the County of San Diego and serves upon the parties' counsel a written objection consistent with
15 the terms of the Class Notice. In order to be considered for hearing, all objections must be actually
16 received by the counsel identified in the Class Notice on or before August 30, 2023 (30 days before
17 the Fairness Hearing set above). A Class Member need not appear at the Fairness Hearing in order
18 for his or her objection to be considered.

19 6. Any Class Member who wishes to opt out of the Class must mail a written Request
20 for Exclusion to the Settlement Administrator, postmarked or delivered no later than August 30,
21 2023 (30 days before the Fairness Hearing set above). The written request must be signed by the
22 Class Member, and otherwise comply with the requirements for exclusion as set forth in the Class
23 Notice. Any Class Member who does not submit a valid and timely Request for Exclusion will be
24 bound by the judgment and orders in this Action.

25 7. No later than forty-five (45) days before the Fairness Hearing, Plaintiffs shall file
26 opening papers in support of the motion for final approval of the settlement and any application for
27 an award of attorneys' fees and expenses and service awards for the Class Representative. No later
28 than five (5) court days before the Fairness Hearing, the parties shall file their reply papers as

1 needed, including as needed to respond to any valid and timely objections. The reply papers shall
2 be served upon any objector who has complied with the provisions of paragraph I.5 of this Order.

3 **II. The Court Approves the Form and Method of Class Notice**

4 8. The Court appoints JND Legal Administration as the Settlement Administrator. The
5 responsibilities of the Settlement Administrator are set forth in the Settlement Agreement.

6 9. Having considered the Direct Mail Notice, Long Form Notice, and Publication
7 Notice, attached as Exhibits E, G and H to the Settlement Agreement, and the notice plan, the Court
8 approves the form and contents of the class notice and the Notice Plan.

9 10. No later than 30 days after the date upon which the Court enters this Preliminary
10 Approval Order, the Settlement Administrator is ordered to disseminate class notice pursuant to the
11 notice plan set forth in the Settlement Agreement.

12 11. The Court finds that the notice to the Class Members regarding settlement of the
13 Action, including the content of the notices and method of dissemination to the Class Members in
14 accordance with the terms of Settlement Agreement, constitutes the best notice practicable under
15 the circumstances and constitute valid, due and sufficient notice to all Class Members, complying
16 fully with the requirements of California Code of Civil Procedure § 382, California Rules of Court
17 Rules 3.766 and 3.769(f), the California and United States Constitutions, and any other applicable
18 law.

19 12. The Court has considered the Claims Protocol, attached as Exhibit C to the
20 Settlement Agreement, and approves as to form and content the Claim Form attached as Exhibit B
21 to the Settlement Agreement.

22 13. Settlement Class Members who qualify for and wish to submit a Claim Form under
23 the Settlement Agreement shall do so in accordance with the requirements and procedures of the
24 Settlement Agreement and the Claim Form under which they are entitled to seek relief. The Claims
25 Deadline is 90 days after the last day Direct Mail Notice is mailed to Class Members or Publication
26 Notice is published, whichever is later. All Settlement Class Members who fail to submit a claim
27 in accordance with the requirements and procedures of the Settlement Agreement and respective
28 Claim Form shall be forever barred from receiving any such benefit but will in all other respects be


1 subject to and bound by the provisions of the Settlement Agreement and the releases contained
2 therein.

3 14. The costs of disseminating class notice, claims review, and all other costs of
4 implementing the Settlement Agreement shall be paid from the Settlement Fund.

5 15. Not later than ten (10) days before the date of the Final Approval Hearing, the
6 Settlement Administrator shall file with the Court: (1) a list of those persons who submitted timely
7 requests for exclusion, which shall be filed under seal; and (2) a written report detailing the
8 implementation of the Notice Plan, including an estimate of notice and administration costs.

9
10 IT IS SO ORDERED.

11 Dated: 4.28.23

By: 

HON. KENNETH J. MEDEL
JUDGE OF THE SUPERIOR COURT