

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

QUINTON M. THOMAS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 4:18-CV-2071 RLW
	)	
CITY OF EDMUNDSON,	)	
	)	
Defendant.	)	
	)	

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, DIRECTING THE DISSEMINATION OF NOTICE, AND  
SCHEDULING A FINAL SETTLEMENT HEARING**

The Court has considered the Settlement Agreement and its Exhibits, the Parties’ Joint Motion for Preliminary Approval of Class Action Settlement, directing the dissemination of notice and setting a final settlement hearing, and all other papers filed in this action. The matter having been submitted and good cause appearing therefore, the Court finds as follows:

1. All defined terms contained herein have the same meaning as set forth in the Settlement Agreement proposed by the Parties and filed with this Court as Exhibit 1 to the Memorandum in Support of the Joint Motion for Preliminary Approval of Class Action Settlement (“Settlement Agreement”);
2. The Settlement Class Representatives and the Defendant, through their counsel of record in the Litigation, have reached an agreement to settle all claims in the Litigation;
3. The Court preliminary concludes that, for the purposes of approving this Settlement Agreement only and for no other purpose and with no other effect on the Litigation should the proposed Settlement Agreement not ultimately be approved or should the

Effective Date not occur, the proposed Settlement Classes likely meet the requirements for certification under Rule 23 of the Federal Rules of Civil Procedure: (a) the proposed Settlement Classes are ascertainable and so numerous that joinder of all members of the class is impracticable; (b) there are questions of law or fact common to the proposed Settlement Classes, and there is a well-defined community of interest among putative members of the proposed Settlement Classes with respect to the subject matter of the Litigation; (c) the claims of the Settlement Class Representatives are typical of the claims of the members of the proposed Settlement Classes; (d) the Settlement Class Representatives will fairly and adequately protect the interests of the putative members of the Settlement Classes; (e) the counsel of record for the Settlement Class Representatives are qualified to serve as counsel for the Settlement Class Representatives in their own capacities as well as their representative capacities and for the Settlement Classes; (f) common issues will likely predominate over individual issues; and (g) a class action is superior to other available methods for an efficient adjudication of this controversy.

4. The moving Parties also have presented to the Court for review a Settlement Agreement attached as Exhibit 1 to the Memorandum in Support of their Joint Motion for Preliminary Approval of Class Action Settlement. The Settlement Agreement proposes a Settlement that is within the range of reasonableness and meets the requirements for preliminary approval.
5. The terms of the Settlement Agreement are sufficiently fair, reasonable, and adequate to allow dissemination of the Notice of Pendency of Class Action, Proposed Settlement, and Hearing to the Settlement Class Members. This determination permitting notice to

- the Class is not a finding that the Settlement Agreement is fair, reasonable, and adequate, but simply a determination that there is probable cause to submit the proposed Settlement Agreement to the Settlement Class Members.
6. The moving Parties have presented to the Court for review a plan to provide to the proposed Settlement Classes notice of the terms of the Settlement Agreement and the various options the Settlement Classes have, including, among other things, the option for Settlement Class Members to opt out of the class action; the option to be represented by counsel of their choosing and to object to the proposed Settlement Agreement; and/or the option to become a Claimant. The notice will be published consistent with the requirements of the Settlement Agreement. The mailing and publication of notice described in the Settlement Agreement constitutes the best practical notice of the Final Approval Hearing, the proposed Settlement Agreement, Settlement Class Counsel's Application for Fees and Expenses and Settlement Class Representative Compensation, and all other matters set forth in the Notice of Pendency of Class Action, Proposed Settlement, and Hearing, and constitutes valid, due, and sufficient notice to all members of the Settlement Class, and complies fully with the requirements of Fed.R.Civ.P. 23(c)(2)(B), the Constitutions of the United States and State of Missouri, the Settlement Class Members' rights of due process, and all other applicable law.
  7. The Court approves the Short Form Notice of Pendency of Class Action, Proposed Settlement, and Hearing attached to the Memorandum as Exhibit 2 to be sent to putative Settlement Class Members.

8. The Court approves the Long Form Notice of Pendency of Class Action, Proposed Settlement, and Hearing attached to the Memorandum as Exhibit 3 to be available to putative Settlement Class Members on the website or via mail, upon request.
9. The Court takes notice of the proposed request for attorney fees and expenses and payment of incentive awards to the Settlement Class Representatives in the Settlement Agreement. The requests for attorney fees and expenses and payment of incentive fees will be reviewed by the Court at the Final Approval Hearing to Approve the Settlement.

Good cause appearing therefore, **IT IS HEREBY ORDERED** that:

1. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court hereby certifies that this action may proceed, for settlement purposes only, as a class action on behalf of three Settlement Classes defined as:

**The Jailed Class:** All persons who, between December 12, 2013, and July 1, 2021, were ARRESTED or INCARCERATED by or on behalf of Defendant City of Edmundson (as identified by Plaintiffs' Expert Witness Dr. William Rogers or the Claims Administrator during the course of the Litigation);

**The Paid Fines Class:** All persons who, between December 12, 2013, and July 1, 2021, PAID a fine, fee, cost, surcharge, or other monetary sum to Defendant City of Edmundson; and


**Warrant Class:** All persons who were the subject of an ARREST WARRANT issued between December 12, 2013, and July 1, 2021, by Defendant City of Edmundson.

2. Quinton M. Thomas and Bradley Jiles are hereby appointed representatives of the Settlement Class or Classes.
3. John M. Waldron, Maureen Hanlon, and Nathaniel Carroll of ArchCity Defenders, Inc., and S. Zachary Fayne of Arnold & Porter Kaye Scholer, LLP, are hereby appointed Settlement Class Counsel.

4. The Court hereby grants preliminary approval of the Settlement Agreement as falling within the range of possible approval and meriting submission to the Settlement Classes for consideration.
5. Notice of the proposed Settlement Agreement and the rights of putative Settlement Class Members to opt in and/or out of the Settlement Agreement and/or to become a Claimant shall be given by issuance of publication notice consistent with the terms of the Settlement Agreement as provided in the Notice of Pendency of Class Action, Proposed Settlement, and Hearing to be sent to putative Class Members within fourteen (14) days after the date of this Order. The Defendant has agreed to and shall pay all costs and expenses of providing Notice to the Class Members.
6. A hearing shall be held before this Court on **Wednesday, November 9, 2022, at 1:30 p.m.** in Courtroom 10-South to consider whether the Settlement Agreement should be given final approval by the Court. At the Final Approval Hearing, the Court will consider:
  - (a) whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate;
  - (b) whether a Final Judgment should be entered thereon;
  - (c) whether Settlement Class Counsel fairly and adequately protected the interest of the Settlement Class; and
  - (d) whether Settlement Class Counsel's Application for Fees and Expenses and Settlement Class Representative Compensation should be approved by the Court.

7. Written objections to the proposed settlement will be considered if received by Settlement Class Counsel and filed with the Clerk of the Court within one hundred twenty (120) days of the Notice Date.
8. At the Final Approval Hearing, putative Settlement Class Members may be heard orally in support of or, if they have timely submitted written objections, in opposition to the Settlement Agreement provided that each putative Settlement Class Member requesting to be heard files a “Notice of Intent to Appear in *Thomas, et al. v. City of Edmondson*, 4:18-CV-02071-RLW” with the Clerk of the Court fifteen (15) days before the date of the Final Approval Hearing.
9. Settlement Class Counsel and counsel for Defendant should be prepared at the hearing to respond to objections filed by putative Class Members and to provide other information as appropriate, bearing on whether or not the settlement should be approved; and
10. In the event that the Effective Date occurs, all Settlement Class Members will be deemed to have forever released and discharged the Released Claims. In the event that the Effective Date does not occur for any reason whatsoever, the Settlement Agreement shall be deemed null and void and shall not have effect whatsoever.

**IT IS SO ORDERED.**

  
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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Dated this 19th day of May, 2022.