

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

FILED IN CLERK'S OFFICE  
U.S.D.C. - Gainesville

**JAN 13 2017**

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

_____	)
RITA SANDERS LUSE, <i>et al.</i> ,	)
	)
Plaintiffs,	)
	)
v.	)
	)
SENTINEL OFFENDER	)
SERVICES, LLC, <i>et al.</i> ,	)
	)
Defendants.	)
_____	)

CIVIL ACTION

NO. 2:16-CV-30-RWS

**ORDER**

Plaintiffs and Defendants jointly moved the Court to certify a class for settlement purposes, appoint class counsel, preliminarily approve a proposed settlement, direct that notice shall be issued to the class, and schedule a final fairness hearing. Having considered the parties' motion, the Court hereby FINDS and ORDERS as follows:

1. The Court has jurisdiction over the subject matter of this case, the named parties, and all members of the settlement class.
  
2. The Court has evaluated the settlement proposed by the parties for fairness, adequacy, and reasonableness. Based on this evaluation, the Court finds that (1) the agreement is fair, reasonable, adequate, and within the range of a fair recovery at trial; (2) the agreement has been negotiated by the parties in good faith

and at arm's length by experienced attorneys familiar with the legal and factual issues of this case, and with the assistance of a neutral and experienced mediator; and (3) the procedure proposed by the parties for notifying Class Members of the terms of the agreement is appropriate. Therefore, the Court GRANTS preliminary approval of the settlement agreement.

3. Under Rule 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure, the Court conditionally certifies, for purposes of settlement only, a class consisting of persons entitled to damages ("the Damages Class"). The Damages Class shall include each individual who meets the following requirements: (1) the person was sentenced to probation by the Probate Court of White County, Georgia; (2) the person's sentencing order did not specifically authorize drug testing; (3) the person was subjected to drug testing by Defendants on or after February 17, 2012; and (4) the person was not under a written order by another court specifically requiring the person to submit to drug testing by Defendants.

4. Under Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure, the Court conditionally certifies, for purposes of settlement only, a class consisting of persons entitled to injunctive relief ("the Injunctive Class"). The Injunctive Class shall include all persons who are or will be placed on probation by the Probate Court of White County, Georgia.

5. The Court hereby appoints Plaintiffs Marianne Ligocki and Rita Sanders Luse as Representatives for the Damages Class; and appoints Plaintiff Marianne Ligocki as Representative for the Injunctive Class. Based on the parties' representations, the Court finds that the Representative Plaintiffs will fairly and adequately represent the interests of the absent Class Members.

6. The Court appoints the Southern Center for Human Rights ("Southern Center"), and Southern Center attorneys Sarah Geraghty, Gerry Weber, and Ryan Primerano, as Class Counsel. Based on the parties' representations, the Court finds that the Southern Center and its attorneys will fairly and adequately represent the interests of the absent Class Members.

7. On **Wednesday, July 5, 2017**, at 10:00 a.m., the Court will hold a Final Fairness Hearing on whether the settlement agreement proposed by the parties is fair, adequate, and reasonable. The hearing will be held at the United States Courthouse & Federal Building, 121 Spring Street SE, Room 201, Gainesville, GA 30501-3789.

8. The Court approves the notice procedure proposed by the parties and hereby ORDERS that notice shall be provided in the following manner:

- a. Defendants will publish the advertisement attached to the Agreement as Appendix A ("the Advertisement"). The Advertisement shall be published in the White County News

and the Gainesville Times once per week for two weeks to begin within 30 days following the certification of the Class and preliminary approval of the Agreement.

- b. On or before the date on which the Advertisement is first published, Plaintiffs' attorneys will mail the notice attached to the Agreement as Appendix B ("the Notice"). The Notice shall be sent by U.S. Mail, at Defendants' expense, to the individuals identified in the list attached to the Agreement as Appendix C, who are believed by the parties to be the members of the Class. The Notice shall be mailed to the most recent address contained in the probation files maintained by Defendants for each person listed in the document attached to the Agreement as Appendix C. If a Notice is returned with a forwarding address, Plaintiffs' attorneys shall mail a second Notice to the forwarding address provided or any other address obtained through investigation as a potential forwarding address.
- c. If a Notice is returned as undeliverable and without a forwarding address, Plaintiffs' attorneys will make reasonable efforts to contact each such Class Member or to determine a current address for the Class Member. If a current address is

identified, Plaintiffs' attorneys shall mail a Notice to that address within 5 business days of receipt of the address.

- d. Each Notice mailed in accordance with the above procedure will be accompanied by a copy of the response form attached to the Agreement as Appendix D ("the Response Form"). Copies of the Notice and the Response Form will also be made available at Sentinel's corporate office, and electronically on the website for the Southern Center for Human Rights. Plaintiffs' attorneys will deliver a copy of the Response Form by U.S. Mail, hand delivery, or electronic mail to any individual who requests a copy of the form.

9. Defendants will reimburse Plaintiffs' attorneys for the actual postage and copying costs associated with the notice procedure.

10. Members of the Damages Class who wish to claim money owed to them under the settlement agreement must return a completed Response Form to Class Counsel by first-class mail, hand delivery, or electronic mail no later than **Saturday, June 3, 2017**.

11. Members of the Damages Class who wish to opt out of the settlement agreement must return a completed Response Form to Class Counsel by first-class mail, hand delivery, or electronic mail no later than **Saturday, June 3, 2017**.

12. Members of the Damages Class who wish to intervene in this case or object to the terms of the settlement agreement must file their appearance or objections with the Clerk of Court no later than **Saturday, June 3, 2017**.

13. If a timely request to opt out of the Damages Class is made by a person otherwise entitled to be included as a member of that Class, then the person opting out will be excluded from the Damages Class, and the settlement agreement and any determinations and judgments concerning the agreement will not bind the excluded person.

14. All members of the Damages Class who do not opt out in accordance with the terms of the settlement agreement and the notice provided to the Class Members will be bound by any and all determinations and judgments concerning the settlement agreement.

15. Class Members who object to the settlement agreement must file written objections with the Court no later than **Saturday, June 3, 2017**. The written objection must state the full name and address of the objector, and must include: (1) a statement of each objection being made; (2) a detailed description of the legal authorities underlying each such objection; (3) a statement of whether the objector intends to appear at the Final Fairness Hearing; (4) a list of witnesses who the objector may call by live testimony, oral deposition testimony, or affidavit during the Final Fairness Hearing; and (5) a list of the exhibits that the objector

may offer during the Final Fairness Hearing, along with copies of those exhibits. Any Class Member who does not file an objection within the time and in the manner described above and in the notice to Class Members will be forever barred from raising any objection to such matters in the event that the settlement agreement is approved by the Court.

16. Any member of the Damages Class who fails to timely file a written objection with the Court and notice of his or her intent to appear at the Final Fairness Hearing, in accordance with the instructions in the notice and this Order, shall not be permitted to object to the settlement agreement at the Final Fairness Hearing, shall be barred from seeking review of the settlement agreement by appeal or otherwise, and shall be deemed to have waived forever any objections to the settlement agreement.

17. All members of the Damages Class, except those members who timely request to opt out of the Class, will be bound by all judgments in this action.

18. If the settlement agreement is not granted final approval, the parties will be returned to their respective positions, as they existed immediately prior to reaching the settlement agreement.

19. The settlement agreement and any and all negotiations, documents, and discussions associated with the settlement agreement, shall not be deemed an admission or evidence of any violation of law, the amount of any damages owed to

any Class Member, the value of attorney services provided to the Plaintiffs or Class Members, or any other matter.

20. For the reasons discussed above, the Court hereby ORDERS the following deadlines:

- a. The parties shall provide notice to the Class within 30 days of this Order, and no later than **Friday, February 3, 2017**.
- b. Each potential Class Member must submit a Response Form indicating the Class Member's intent to receive payment, or to opt out of the class, within 120 days of the date for providing notice to the Class, and no later than **Saturday, June 3, 2017**.
- c. Class Members seeking to object to terms of the settlement agreement, or to intervene in the case, must do so within 120 days of the date for providing notice to the Class, and no later than **Saturday, June 3, 2017**.
- d. The Court shall hold a Final Fairness Hearing at the United States Courthouse & Federal Building, 121 Spring Street SE, Room 201, Gainesville, GA 30501-3789, at 10:00 a.m. on **Wednesday, July 5, 2017**.

SO ORDERED, this 13<sup>th</sup> day of January, 2017.



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The Honorable Richard W. Story  
United States District Court Judge

**APPROVED AND CONSENTED TO BY:**

/s/ Sarah Geraghty

Sarah Geraghty

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December 30, 2016