

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED MAR 31 2015

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ALECHEA TONEY-DICK, X.T., RENEE :
MOORE, and SHERRY HANAN, individually :
and on behalf of others similarly situated, :

Plaintiffs, :

v. :

ROBERT DOAR, in his official capacity as :
Commissioner of the New York City Human :
Resources Administration; and THE NEW :
YORK CITY HUMAN RESOURCES :
ADMINISTRATION; KRISTIN M. PROUD, :
in her official capacity as Acting :
Commissioner of the New York State Office of :
Temporary and Disability Assistance; and the :
NEW YORK STATE OFFICE OF :
TEMPORARY AND DISABILITY :
ASSISTANCE; and TOM VILSACK, in his :
official capacity as Secretary of the United :
States Department of Agriculture; and the :
UNITED STATES DEPARTMENT OF :
AGRICULTURE, :

No. 12 Civ. 9162 (KBF) (AJP)

Defendants. :
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~~PROPOSED~~ ORDER GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT AND CLASS NOTICE

WHEREAS, this action was brought as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure;

WHEREAS, by Order entered September 16, 2013, this Court certified two subclasses pursuant to Fed. R. Civ. P. 23(b)(2) and appointed Gibson, Dunn & Crutcher LLP and The Legal Aid Society as class counsel for both subclasses;

WHEREAS, on February 28, 2014, Steven Banks was appointed as the Commissioner of the New York City Human Resources Administration (“HRA”), and on January 26, 2015, Sharon Devine was appointed as the Executive Deputy Commissioner of the New York State Office of Temporary and Disability Assistance (“OTDA”);

WHEREAS, the Settling Parties have entered into a Stipulation and Order of Settlement (the “Settlement Agreement”) filed concurrently herewith, which, if approved by the Court, would dispose of the claims made in this action by Plaintiffs against the City Defendants and State Defendants; and

WHEREAS, counsel for Plaintiffs and the City and State Defendants have jointly moved the Court, pursuant to Fed. R. Civ. P. 23(e), for (i) preliminary approval of the Settlement Agreement, (ii) approval of the Notice of Proposed Settlement of Class Action, attached hereto as Exhibit B (the “Class Notice”), and (iii) approval of a plan of posting and distribution, set forth in Paragraphs 6 and 7 below, by which the Class Notice shall be provided to members of the two subclasses;

NOW, THEREFORE, IT IS ORDERED THAT:

1. Capitalized terms in this Order not defined herein shall have the meanings set forth in the Settlement Agreement.
2. The Court has jurisdiction over the subject matter of this Action and personal jurisdiction over the Plaintiffs, the subclasses, and the City and State Defendants.
3. The Court hereby grants preliminary approval of the terms and conditions contained in the Settlement Agreement filed concurrently herewith. The Court preliminarily finds that the terms of the Settlement Agreement appear to be within the range of possible approval, pursuant to Fed. R. Civ. P. 23(e) and applicable law.

4. A hearing pursuant to Fed. R. Civ. P. 23(e) shall be held for purposes of determining whether the proposed Settlement Agreement is fair, reasonable, and adequate, and should be approved by the Court (the "Fairness Hearing"). The Fairness Hearing shall take place before the Honorable Katherine B. Forrest, U. S. District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on June 25, 2015, at 1:00 pm. The Fairness Hearing may be adjourned or continued from time to time without further notice.

5. The Court hereby approves the Class Notice, attached hereto as Exhibit B, for both subclasses.

6. From at least sixty (60) days prior to the Fairness Hearing until no earlier than June 25, 2015: (a) the City Defendants shall post the Class Notice, in English and Spanish, in the client waiting areas at HRA Job Centers and SNAP Centers; (b) the State Defendants shall post the Class Notice, in English and Spanish, in the client waiting area at OTDA's Boerum Place, Brooklyn, New York fair hearing center. The Class Notice posted in these locations shall be 8.5" x 11" or 8.5" x 14," if necessary. From at least sixty (60) days prior to the Fairness Hearing until no earlier than June 25, 2015, the City Defendants, State Defendants, and The Legal Aid Society shall also post the Class Notice, in English and Spanish, on their web sites at <http://www.nyc.gov/hra>, <http://www.otda.ny.gov/>, and www.legal-aid.org, respectively, with a hyperlink to the class action settlement documents or other clear indication that class action settlement documents are posted on the web sites. The City Defendants and State Defendants shall provide Plaintiffs' Counsel with electronic copies of the Class Notice, in English and Spanish, sent by e-mail, which from at least sixty (60) days prior to the Fairness Hearing until no earlier than June 25, 2015, The Legal Aid Society shall post in its waiting rooms. Plaintiffs'

Counsel may also distribute copies of the Class Notice to other legal services providers and community based organizations that serve members of the subclasses with a request that those providers and organizations take steps to bring the Class Notice to the attention of potential class members.

7. The Court finds that posting of the Class Notice as provided in Paragraph 6 constitutes reasonable notice to the members of the two subclasses and that the members of the two subclasses will be barred by the settlement of this class action pursuant to Fed. R. Civ. P. 23(c)(2) and 23(e)(1).

8. Any member of the Plaintiff classes may appear at the Fairness Hearing on June 25, 2015 at 1:00 pm, in person or by counsel, and object to the Settlement Agreement or give reasons why the Settlement Agreement should not be approved as fair, reasonable, and adequate.

9. Any member of the Plaintiff classes may also object to or comment on the Settlement Agreement by submitting objections in writing. Objections or comments must be mailed at least twenty-one (21) days prior to the Fairness Hearing, to the Court at the address listed in Paragraph 4 above, and a copy simultaneously served on or mailed to the following:

Sumani Lanka
199 Water Street
New York, NY 10038

*Attorney for Lead Plaintiffs
and the Class*

Any Class Member who fails to properly and timely file and serve objections or comments shall be foreclosed from objecting to the proposed Settlement Agreement, unless otherwise ordered by the Court.

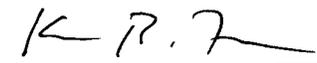
10. The Settling Parties shall jointly file a memorandum of law in support of final approval of the Settlement Agreement and a proposed Judgment by June 11, 2015.

11. If for any reason the Court does not sign the Settlement Agreement or enter the proposed Judgment without material alteration, the Settlement Agreement and all evidence and proceedings in connection with the Settlement Agreement shall be null and void *nunc pro tunc*.

12. The Court further orders that, pending further order of this Court, all proceedings in this Action except those contemplated herein and in the Settlement Agreement shall be stayed.

IT IS SO ORDERED.

Dated: 3/31/15
New York, New York



Katherine B. Forrest
United States District Court Judge