

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

T.H., et al.,

Plaintiffs,

v.

DeKalb County School District, et
al.,

Defendants.

Civil Action No. 1:19-cv-03268-TWT

**[Proposed] ORDER OF FINAL APPROVAL OF
CLASS SETTLEMENT AND ATTORNEYS' FEES AWARD
AS TO DEKALB COUNTY SCHOOL DEFENDANTS**

This matter comes before the Court on the Joint Motion for Final Approval of Class Settlement and Attorneys' Fees as to DeKalb County School Defendants ("Motion for Final Approval"). The motion is GRANTED.

The proposed class settlement, which the Court has already preliminarily approved, Dkt. 149, is between the Plaintiff Class and Subclass (referred to together as "the Class"), on the one hand, and the DeKalb County School Defendants, on the other. The DeKalb County School Defendants consist of Defendants DeKalb County School District and Cheryl Watson-Harris, in her official capacity as DeKalb County School District

Superintendent. The Class settlement with the DeKalb County School Defendants constitutes a settlement of the Class's claims against some, but not all, of the defendants in this action.

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs received preliminary approval of the settlement agreement, and the Court has granted certification as to both the IDEA Class and Discrimination Subclass pursuant to Rule 23(e)(2), Dkt. 162. Additionally, on February 11, 2021, the Court held a hearing on this settlement in accordance with Rule 23(h)(3).

The Court has reviewed the Joint Motion for Final Approval, the brief in support of the motion, the proposed settlement agreement, and has heard from all parties. Having done so, the Court GRANTS the Joint Motion, approving the Class settlement. The Court RULES, ORDERS, and DIRECTS as follows:

1. ***Settlement.*** The Settlement Agreement is a partial settlement; the Class's claims against the remaining defendants¹ remain pending.

¹ The remaining defendants who are not parties to the settlement agreement are the following: Georgia Department of Education, Richard Woods in his official capacity as State School Superintendent, and Melody Maddox in her official capacity as DeKalb County Sheriff.

Through this order, based upon the stipulation from Plaintiffs and the DeKalb County School Defendants, and upon the Court's own independent review, the Court finds that the Settlement's terms satisfy the requirements set out in 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act ("PLRA") because it is narrowly drawn to be the least intrusive means necessary to correct the violations of these Federal rights. Based on the stipulation and its own independent analysis, the Court also finds that the Settlement does not require or permit a government official to exceed his or her authority under States or local law as forbidden by the PLRA, 18 U.S.C. § 3626(a)(1)(B). The Court therefore GRANTS final approval of the Settlement between the Class and the DeKalb County School Defendants pursuant to Federal Rule of Civil Procedure 23(e) as fair, just, reasonable, and adequate as to the members of the Class and Subclass.

The absence of objections to the Settlement further support the Court's conclusion that the Settlement's terms are fair, just, reasonable, and adequate.

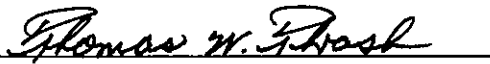
2. ***Attorneys' Fees.*** The Court GRANTS the motion of Class counsel and GRANTS final approval of the Settlement's attorneys' fees provision. Specifically, the Court finds that the Settlement's provision for a \$75,000 fee amount payable to Class counsel by the DeKalb County School Defendants is

fair and reasonable under the facts of this case and the relevant law. The figure is well below the lodestar calculation for Class counsel's work, and the opportunity cost shouldered by Class counsel in taking this case, the results obtained, and the fee amounts approved in other cases further support the reasonableness of this fee award.

4. Retained Jurisdiction.

The Court retains jurisdiction over this action to consider all further matters arising out of or connected with the Settlement Agreement, Dkt. 141-2.

So ORDERED this 11 day of Feb, 2021



Thomas W. Thrash, Jr.,
Chief Judge,
USDC Northern District of Georgia

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