

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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LUCAS CALIXTO, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 18-1551 (PLF)
)	
UNITED STATES DEPARTMENT)	
OF THE ARMY, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION AND ORDER

On September 1, 2022, after extensive mediation before Bankruptcy Judge S. Martin Teel, Jr., the parties informed the Court that they “had reached and executed a settlement agreement in this case and [we]re finalizing a joint motion that will request the Court’s certification of a class and approval of the settlement agreement.” Joint Motion to Stay Remaining Deadlines [Dkt. No. 251] at 1; see also Order [Dkt. No. 233] (referring this case for mediation). And on September 7, 2022, the parties filed their Joint Motion for Certification of Class, Appointment of Class Counsel, and Approval of Settlement Agreement (“Mot.”) [Dkt. No. 253].

In their joint motion, the parties suggest that no hearing is required for the Court to certify the proposed settlement class, appoint class counsel, and approve the settlement agreement “because the naturalization-related relief being provided to Plaintiffs and the class achieves all of the naturalization-related relief that Plaintiffs and the class are seeking in this matter by enabling class members to receive the Army certifications necessary for purposes of

obtaining naturalization under 8 U.S.C. § 1440.” Mot. ¶ 10. The parties note, however, that “they recognize that the court has discretion to hold a hearing to address the appropriateness of the relief to which the parties have agreed,” *id.*, a view echoed by both parties during the September 9, 2022 status conference.

In the Court’s view, convening a fairness hearing, preceded by adequate notice to class members, is fair and appropriate so that the Court may consider any objections to the proposed settlement that may be raised by class members. See FED. R. CIV. P. 23(e)(2) (“If the proposal would bind class members, the court may approve it only after a hearing and only on finding that it is fair, reasonable, and adequate . . .”). The Court therefore will require expedited notice to class members followed by a fairness hearing that will be held on September 21, 2022, at 10:00 a.m. in Courtroom 29 of the William B. Bryant Annex to the E. Barrett Prettyman Courthouse. Furthermore, as discussed at the September 9, 2022 status conference, the Court will direct the parties to provide notice to all class members through the class action website maintained by class counsel, see Mot. ¶¶ 9, 11, and through the Facebook Group page maintained by certain class members. See FED. R. CIV. P. 23(e)(1)(B) (“The court must direct notice in a reasonable manner to all class members who would be bound by the proposal . . .”). Class members who wish to object to the proposed settlement may send their objections to class counsel, who shall post any objections received to the public docket before the fairness hearing.

Accordingly, it is hereby

ORDERED that the Court will convene a fairness hearing in this matter on September 21, 2022, at 10:00 a.m. in Courtroom 29 of the William B. Bryant Annex to the E. Barrett Prettyman Courthouse; it is

FURTHER ORDERED that the parties shall prepare a notice (the “Notice”) of the proposed settlement to all class members consisting of a copy of this Order; a copy of the parties’ Joint Motion for Certification of Class, Appointment of Class Counsel, and Approval of Settlement Agreement [Dkt. No. 253]; a copy of the proposed Settlement Agreement and U.S. Army Certification [Dkt. No. 253-1]; the date, time, and location of the fairness hearing; and the email address of class counsel to which any objections to the proposed settlement can be directed; it is

FURTHER ORDERED that the Notice shall include instructions for how class members may submit objections to the proposed settlement to class counsel; it is

FURTHER ORDERED that, on or before September 12, 2022, class counsel shall provide notice of the proposed settlement to class members by (1) posting the Notice on the class action website maintained by class counsel (<https://dcfederalcourtmavniclasslitigation.org>) and (2) causing the Notice to be posted on the Facebook Group page maintained by certain class members; it is

FURTHER ORDERED that, on or before September 12, 2022, class counsel shall file on the public docket a Notice confirming the methods by which notice of the proposed settlement was provided to class members; it is

FURTHER ORDERED that, on or before September 19, 2022, at 11:59 p.m., any class members who wish to object to the proposed settlement shall send their objections to class counsel via the email address provided in the Notice; it is

FURTHER ORDERED that any class member’s objection shall describe: (1) the reasoning underlying the objection; (2) whether the objecting class member wishes to be heard at the fairness hearing, either in person or virtually; and (3) if so, whether the objecting class

member has any evidence that he or she wishes to present at the fairness hearing or would like the Court to consider; it is

FURTHER ORDERED that virtual attendance at the fairness hearing will be permitted only for those class members who have timely submitted their objections to class counsel in writing; and it is

FURTHER ORDERED that, on or before September 20, 2022, class counsel shall file on the public docket in a single Notice of Filing all objections received from class members.

SO ORDERED.

/s/

PAUL L. FRIEDMAN
United States District Judge

DATE: September 10, 2022