

d/r

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

Before the court is Defendants' and Plaintiffs-Intervenors' proposed settlement of Plaintiffs-Intervenors' disparate treatment claims against the City of New York and Nicholas Scopetta. (Apr. 22, 2014, Mot. for Settlement (Dkt. 1291).) For the reasons set forth below, the court GRANTS preliminary approval of the settlement.

The court has reviewed the settlement terms set forth in Plaintiffs-Intervenors' and Defendants' proposed Stipulation and Order for fairness in accordance with Federal Rule of

Civil Procedure 23(e) and finds that the proposed Stipulation and Order meets the criteria for preliminary approval. The proposed settlement is “the product of serious, informed, non-collusive negotiations,” and includes no obvious deficiencies or preferential treatment for any segments of the class. In re Initial Pub. Offering Sec. Litig., 243 F.R.D. 79, 87 (S.D.N.Y. 2007) adhered to on reconsideration, 21-MC-92 (SAS), 2007 WL 844710 (S.D.N.Y. Mar. 20, 2007). Pending the resolution of any objections properly made prior to or at the time of the Fairness Hearing, the court intends to grant approval of the settlement terms and entry of the proposed Stipulation and Order.

In accordance with Federal Rule of Civil Procedure 23(e) and Section 703(n) of Title VII, the court will conduct a Fairness Hearing regarding the terms of the Plaintiffs-Intervenors’ and Defendants’ proposed Stipulation and Order settling the intentional discrimination claims. The purpose of the Fairness Hearing is to provide all individuals who may be affected by the terms of the proposed Stipulation and Order an opportunity to present objections prior to the entry of the Stipulation and Order. The Fairness Hearing shall be held at a date to be determined in a future order of the court in consultation with the parties. That order will also include a detailed notice plan.

SO ORDERED.

Dated: Brooklyn, New York  
April 23, 2014

s/Nicholas G. Garaufis

~~NICHOLAS G. GARAUFIS~~  
United States District Judge