

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
DOCKET NO. KENSC-CV-22-54

Andrew Robbins, et al.,

Plaintiffs,

v.

Maine Commission on Indigent Legal Services,
et al.,

Defendants.

**Order Approving Joint Motion to Give Notice to the Class of Proposed Settlement
and to Make Further Orders as Part of the Settlement Approval Process**

Before the Court is the parties' Joint Motion to Give Notice to the Class of Proposed Settlement and to Make Further Orders as Part of the Settlement Approval Process. Under Maine Rule of Civil Procedure 23, **I MAKE THE FOLLOWING DETERMINATIONS AND ORDERS:**

1. This Order incorporates by reference the definitions and terms in the Settlement Agreement so that they have the same meaning in this Order.
2. The Court **GRANTS** the parties' joint request for a preliminary review of the Settlement Agreement under Maine Rule of Civil Procedure 23 and finds that the parties have made the required "showing that that the court will likely be able to: (i) approve the proposal under Rule 23[]; and (ii) certify the class for purposes of judgment on the proposal." Fed. R. Civ. P. 23(e)(1); *see also* 1981 Advisory Notes to Me. R. Civ. P. 23 (noting that the federal rule provides an "appropriate guideline[]" for class action practice in Maine."). The Court determines, on a preliminary basis only, that the proposed settlement likely is fair, reasonable, adequate.

3. The Court directs notice of the proposed settlement to the class as set forth in the parties proposed Notice of Proposed Settlement, according to the procedures in the parties' proposed Notice program. The proposed Notice Program is reasonably calculated to reach the Class Members and advise them of the settlement and their opportunity to object. The proposed Notice provides notice in a straightforward, reasonable manner and adequately advises Class Members of: the terms of the proposed Settlement and the benefits it would provide to Class Members; their right to object to or the Settlement and the procedure for doing so; and the date, time and location of the Final Approval Hearing. The Court further finds that the Notice comports with the requirements of Rule 23 and due process.

4. The Court **APPOINTS** as Class Counsel: Carol J. Garvan, Zachary L. Heiden, and Anahita D. Sotoohi of the ACLU of Maine; Kevin P. Martin, Gerard J. Cedrone, Jordan Bock, and Shweta Rao of Goodwin Procter; and Matt Warner and Anne Sedlack of Preti Flaherty.

5. Consistent with the Settlement Agreement and the approved Notice to the Class of the proposed Settlement, this Order establishes the following deadlines:

- a. Within 14 calendar days of entry of this Order, the Notice of Settlement will be posted in the common areas of all Maine jails and 72-hour holding facilities: York County Jail, Cumberland County Jail, Androscoggin County Jail, Kennebec County Correctional Facility, Two Bridges Regional Jail, Knox County Jail, Franklin County Jail, Somerset County Jail, Aroostook County Jail, Hancock County Jail,

Oxford County Jail, Penobscot County Jail, Piscataquis County Jail, Waldo County Jail, and Washington County Jail.

- b. Within 14 calendar days of the entry of this Order, counsel for the parties will, via telephone, U.S. first class mail, and by email if an email address is available, ask county officials to personally deliver the Notice of Settlement to class members who are in custody at any Maine jail or 72-hour holding facility and unable to access the common areas.
- c. Within 14 calendar days of the entry of this Order, counsel for the parties will request that the Notice of Settlement appear in print in the Portland Press Herald, Lewiston Sun Journal, Kennebec Journal, and Bangor Daily News.
- d. Within 14 calendar days of the entry of this Order, counsel for the parties will make a request to each Maine trial court judge, via email if an email address is available and via U.S. first class mail, the Notice of Settlement. The parties will request that each judge distribute the Notice of every defendant appearing in a Maine criminal court.
- e. Within 14 calendar days of the entry of this Order, counsel for the parties will request that the Notice to be posted in a visible location, in every location where arraignments are held in Maine's courthouses. Counsel for the parties will send, via email, the Notice to the clerk of each courthouse. The parties will request that a copy of the Notice be provided to any individual upon request.

- f. The Court finds that these methods of notification constitute an reasonable method of notifying Class Members of the Action, the proposed Settlement, and their rights with respect to it. The Court finds that the mailing, emailing, and posting of notices to Class Members as set forth in these paragraphs complies with all constitutional and statutory requirements, including all due process requirements.
- g. Within 60 calendar days of the parties' request for the posting of the Notice of Settlement as described above, any objection to the Settlement, containing the information required by the Notice of Settlement, must be timely postmarked and mailed to the ACLU of Maine.
- h. Within 21 calendar days of the Objection Deadline, the parties will file a joint motion for final approval of the proposed Settlement.

6. On _____, 2023 at _____ .m. in Courtroom _____ at the Kennebec County Superior Court, 1 Court Street, Augusta, Maine 04330, counsel for the parties must appear before the undersigned for a Final Approval Hearing, at which the Court will consider whether the proposed settlement is fair, reasonable and adequate.

11. All proceedings in this matter—except those authorized by this Order and in the Settlement Agreement or in furtherance of the proposed settlement—are stayed until further notice.

It is so ordered.

Date:

Justice, Maine Superior Court