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Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

PATRICK SHEEHEY; PATRICIA
SHEEHEY; RAYNETTE NALANI AH
CHONG; SHERRY CAMPAGNA;
MICHAEL HOLM; and TIARE HOLM,
*individually, and on behalf of a class
of Hawai'i-licensed resource families;
B.S.; and T.B., a Minor, by her Next
Friend N.A., individually and on
behalf of a class of persons similarly
situated;*

Plaintiffs,

vs.

STATE OF HAWAII,

Defendant.

CIVIL NO. 14-1-1709-08 VLC
(Contract)
Civil Action; Class Action

**ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF
AMENDED CLASS ACTION
SETTLEMENT**

HEARING MOTION

JUDGE: The Honorable
Virginia L. Crandall

HEARING DATE: April 3, 2018

HEARING TIME: 1:00 p.m.

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2018 APR -9 AM 11:15

N. MIYATA
CLERK

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF AMENDED CLASS ACTION SETTLEMENT

Plaintiffs' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF AMENDED CLASS ACTION SETTLEMENT, filed April 3, 2018 ("Unopposed Motion"), came on for hearing before the Honorable Virginia L. Crandall, Judge of the above-entitled court, on April 3, 2018 at 1:00 p.m. Claire Wong Black appeared on behalf of Plaintiffs and Deputy Attorney General Donna H. Kalama appeared on behalf of Defendant State of Hawai'i.

Having carefully considered the Unopposed Motion, the memorandum, exhibits, and declarations in support, and other filings in support of the Unopposed Motion, argument of counsel, and the records and files herein, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

Preliminary Approval of the Amended Settlement Agreement

1. The Court FINDS and CONCLUDES that the settlement and the proposed Amended State Settlement Agreement is fair, adequate, and reasonable; was reached after Class Counsel investigated and litigated the claims; and was the result of extensive, arms-length negotiations between counsel well-versed in the strengths and weaknesses of the claims asserted. The assistance of an experienced federal magistrate judge in settlement negotiations reinforces that the settlement reached is non-collusive.¹ The Court therefore CONCLUDES that the proposed settlement is within the possible range of settlement approval such that notice to the Settlement Classes is appropriate. The Amended State Settlement Agreement is hereby PRELIMINARILY APPROVED subject to final approval of the settlement.

Form and Manner of Distributing Class Notices

2. The Court FINDS that the proposed Class Notices constitute the best notice practicable under the circumstances. The Class Notices clearly and plainly describe:

¹ See *Capsolas v. Pasta Res., Inc.*, Civ. No. 10-5595, 2012 WL 1656920, at *1 (S.D.N.Y. May 9, 2012).

- a. basic information about the nature of this litigation and the Settlement Classes;
 - b. the terms of the proposed settlement, including the nature of class relief;
 - c. the right to opt out of the settlement and applicable opt-out procedures and deadlines;
 - d. Class Counsel's forthcoming application for attorneys' fees and proposed Service Awards to the Named Plaintiffs;
 - e. the right to object to the settlement terms, including attorneys' fees and Service Awards and applicable procedures and deadlines for objections;
 - f. information about the Court's procedures for final approval of the settlement; and
 - g. instructions on how to obtain additional information regarding this litigation and the settlement thereof.
3. Further, the proposed plan for distributing the Class Notices is a reasonable method, calculated to reach all members of the Settlement Class who would be bound by the Settlement.
 4. The Court accordingly ORDERS that:
 - a. The form of the Class Notices is approved. Non-material changes and corrections may be made to the Class Notices as the Parties deem appropriate or necessary.
 - b. The manner for distributing the Class Notices is approved. Non-material changes to the manner or timing of distribution of notices may be made as the Parties deem appropriate or necessary.
 - c. Class Counsel has already established a website to inform Class Members of the terms of the settlement and related information, which shall remain available until December 31, 2019.
 - d. Following entry of this Order, the Notice Administrator shall prepare final versions of the Class Notices, incorporating the relevant dates and deadlines set forth in this Order and shall,

along with the Parties, take all other actions in furtherance of settlement administration as specified in the Amended State Settlement Agreement.

Deadline to Request Exclusion From Settlement (“Opt Out”)

5. Members of the Settlement Classes may exclude themselves from, or “opt out” of, the settlement. Any request for exclusion or opt out must be in the form of a written, signed statement that clearly conveys a request to be excluded from the Settlement Class and must contain the individual’s full name, mailing address, telephone number and date.
6. To be effective, the exclusion or opt-out statement must be postmarked within forty-five days after the date Class Notices are first mailed to Settlement Class Members, except that Settlement Class Members whose notices are returned to sender will have until the **later** of 14 calendar days from the date that the new Notice was postmarked or the original opt-out deadline to submit a request for exclusion or opt-out statement.
7. Requests for exclusion or opt-out statements shall be sent to Class Counsel at the following address and Class Counsel shall forward to the Court and to defense counsel a list of members who wish to be excluded:

Alston Hunt Floyd & Ing
State Foster Care Settlement Opt-Out
1001 Bishop Street, Suite 1800
Honolulu, Hawai‘i 96813
8. Members of the Settlement Classes who already excluded themselves from, or “opted out” of, the settlement during the prior class notice program are not required to submit new “opt out” statements.

Deadline to Object to Settlement, Attorneys’ Fees, Service Awards

9. Members of the Settlement Classes may object to the settlement, the Amended State Settlement Agreement, Class Counsel’s request for

attorneys' fees and costs, or Service Awards. Objections must be timely filed with the Clerk of the Court and served on the Parties and must state whether the objecting Class Member intends to appear at the Fairness Hearing. Objections must be in the form of a written, signed statement that clearly conveys the substance of the objection and must contain the case name, *Sheehey v. State of Hawai'i*, Civil No. 14-1-1709-08 VLC.

10. To be timely, any objections and notices of intention to appear must be postmarked within forty-five days after the date Class Notices are first mailed to Settlement Class Members, except that Settlement Class Members whose notices are returned to sender will have until the **later** of 14 calendar days from the date that the new Notice was postmarked or the original objection deadline to submit an objection and to file the notice of intention to appear.

11. Objections and notices of intention to appear shall be filed with or sent to the Clerk of the Court at:

Clerk of Court,
First Circuit Court, State of Hawai'i
Ka'ahumanu Hale
777 Punchbowl Street
Honolulu, Hawai'i 96813

Fairness Hearing and Final Approval of Settlement

12. The Court hereby schedules a Fairness Hearing to determine whether to grant final approval of the Amended State Settlement Agreement (including the proposed plan of payment to class members, payment of attorneys' fees and costs, and Service Awards to Named Plaintiffs for June 15, 2018 at 9:00 a.m. in the Circuit Court for the First Circuit, State of Hawai'i at Ka'ahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813.

Deadline for Submitting Motion Seeking Final Approval

13. A Motion for Final Approval of the Class Action Settlement shall be filed no later than 14 days before the Fairness Hearing.

Schedule and Continuances

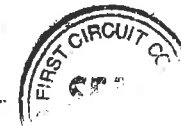
14. The Court sets the following schedule for the Fairness Hearing and the actions that must precede it. The Court further reserves the right to adjourn or continue the Fairness Hearing and the following deadlines without further written notice.

Event	Deadline
Notice Administrator to begin mailing of Class Notices	April 12, 2018
Deadline for motion for attorneys' fees, costs, and Service Awards	April 20, 2018
Deadline to object to settlement, attorneys' fees, or Service Awards (date that objections must be postmarked)	May 29, 2018, or, if notice is returned as undeliverable, 14 days after the postmark date of the second mailing of the notice
Deadline to request exclusion from (opt out of) settlement (date that opt out request must be postmarked)	May 29, 2018, or, if notice is returned as undeliverable, 14 days after the postmark date of the second mailing of the notice
Deadline to file notice of intention to appear (date that notice must be postmarked)	May 29, 2018, or, if notice is returned as undeliverable, 14 days after the postmark date of the second mailing of the notice
Deadline to file motion for final approval	May 31, 2018
Final Fairness Hearing	June 15, 2018, 9:00 a.m.

APR 9 2018

DATED: Honolulu, Hawai'i, _____.

VIRGINIA LEA CRANDALL



JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:



CARON M. INAGAKI

DONNA H. KALAMA

Deputy Attorneys General

Attorneys for Defendant
State of Hawai'i

Sheehey, et al. vs. State of Hawai'i; Civil No. 14-1-1709-08 VLC; First Circuit Court, State of Hawai'i; ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF AMENDED CLASS ACTION SETTLEMENT