

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**SHAQUILLE HOWARD, BROOKE
GOODE, JASON PORTER, KEISHA
COHEN and ALBERT CASTAPHANY, on
their own behalf and on behalf of all others
similarly situated,**

Plaintiffs,

v.

**LAURA WILLIAMS, Chief Deputy Warden
of Healthcare Services; ORLANDO
HARPER, Warden of Allegheny County Jail;
MICHAEL BARFIELD, Mental Health
Director; ALLEGHENY COUNTY;**

Defendants.

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: **Case No. 20-cv-1389**
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: **ELECTRONICALLY FILED**
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: **JURY TRIAL DEMANDED**
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JOINT MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
AND APPROVAL OF CLASS NOTICE

Plaintiffs Shaquille Howard, Brooke Goode, Jason Porter, Keisha Cohen and Albert Castaphany (collectively “Class Representatives” on behalf of the themselves and the certified class they represent), and Defendants Laura Williams, Orlando Harper, Michael Barfield and Allegheny County (collectively “Defendants” and with the Class Representatives the “Parties”), jointly file Motion for Preliminary Approval of their proposed Class Action Settlement and Approval of the Form of Class Notice, and in support thereof, state as follows:

1. On September 15, 2020, the Class Representatives filed a Complaint against Defendants alleging that they were violating the constitutional and statutory rights of the Plaintiff Class and depriving them of appropriate and necessary mental health care.

2. Between the filing of the Complaint in 2020 and the present, the Parties completed extensive fact discovery and expert discovery.

3. On October 31, 2022, the Court certified the Plaintiff Class pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2). The certified Plaintiff Class is defined as:

All individuals currently or in the future incarcerated at Allegheny County Jail and who have, or will in the future have, a serious mental health diagnosis, disorder or disability as recognized in the DSM-V, including but not limited to depression, anxiety, post-traumatic stress disorder, schizophrenia, bipolar disorder, or borderline personality disorder.

4. Trial was scheduled to commence in February 2024, and at the Parties' Request, was postponed to March 2024.

5. Since the time the Complaint was filed, the Parties have been negotiating a potential amicable resolution of the Class' claims. After several years of protracted negotiations, the Parties have now reached an agreement for presentation to the Court.

6. The Parties' proposed settlement contemplates a Consent Order and Judgment to be approved and entered by the Court. A copy of that proposed Consent Order and Judgment is attached hereto as **Exhibit 1**.

7. Through that document, Allegheny County is committing to make certain changes that are intended to provide meaningful improvements in the mental health care at ACJ. The Consent Order and Judgment articulates the specific, extensive commitments being made by the County. The Consent Order and Judgment also contemplates a series of mechanisms by which its requirements will be implemented and monitored. This includes the appointment of an

independent monitor to review the County's compliance and issue reports with recommendations, and the continuing jurisdiction of the Court to address any non-compliance issues if and when they arise.

8. The Parties believe that the proposed settlement fully complies with Rule 23(e)(2) of the Federal Rules of Civil Procedure, and is "fair, reasonable and adequate."

9. The Parties also believe that the proposed settlement satisfies the standard for preliminary approval, after which notice to the Class may be provided and a final fairness hearing scheduled. Substantial investigation and discovery was conducted, such that the parties were fully able to evaluate the strengths and weaknesses of the claims and defenses. The proposed settlement was the result of arms-length negotiations and treats all Class Members equitably as to each other. The relief provided to the Class through this settlement is adequate and is fair and reasonable considering the strengths and weaknesses of the parties' positions, the risk and uncertainty of trial, and the parties' ability to fashion a remedy that provides effective relief to the Class without overburdening the County. Thus, the proposed settlement meets all the requirements for preliminary approval as well as final approval.

10. If the Court preliminary approves the proposed settlement, the Parties propose to provide notice to currently incarcerated class members via their electronic tablets at Allegheny County Jail. The form of the proposed notice is attached hereto as **Exhibit 2**.

11. The proposed notice to the Class is reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Therefore, the Parties seek approval of their proposed notice.

12. The parties propose that notice be provided within ten days of the entry of the Preliminary Approval Order, and that class members have a period of at least 40 days in which to submit any objections to the proposed settlement. The Parties further propose that a Final Fairness Hearing be scheduled approximately sixty days after preliminary approval.

13. A proposed Order scheduling a hearing on the within Motion accompanies this Motion. A proposed Preliminary Approval Order also accompanies this Motion. A memorandum in support of this Motion, explaining in more detail the terms of the proposed settlement and the reasons why it should be preliminarily approved is being filed contemporaneously.

WHEREFORE, the Parties respectfully request that the Court enter the accompanying Order scheduling a hearing on the within Motion and enter the proposed Preliminary Approval Order.

DATED: March 19, 2024

Respectfully submitted,

/s/ Keith E. Whitson

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of March 2024, a copy of the foregoing was served via this Court's ECF as follows:

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