

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

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KIMBERLY HURRELL-HARRING, et al., on Behalf :
of Themselves and All Others Similarly Situated, :

Plaintiffs, :

-against- :

THE STATE OF NEW YORK, et al., :

Defendants. :
----- X

Index No. 8866-07
(Connolly, J.)

**[AMENDED PROPOSED]
ORDER CONCERNING
CLASS NOTICE AND
OTHER MATTERS**

GWC
11/26/14

WHEREAS, an action is pending before this Court styled *Hurrell-Harring v. State of New York* (No. 8866-07) (the "Action"); and

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WHEREAS, Plaintiffs, the State of New York, and Governor Andrew M. Cuomo on October 21, 2014 submitted a Stipulation and Order of Discontinuance ("Settlement Agreement") to the Court; and

WHEREAS, Plaintiffs, the State of New York, and Governor Andrew M. Cuomo have made a joint application, pursuant to CPLR 908, for an order approving the settlement of claims in this Action involving Defendants State of New York, and Governor Cuomo, and, depending on county legislative approvals, claims involving Onondaga County, Suffolk County, and Washington County, and fully discontinuing this Action as to each defendant that signs the Settlement Agreement; and

WHEREAS, the Court has received and reviewed the proposed Notice of Class Action Settlement;

IT IS HEREBY ORDERED THAT:

1. The Court approves, as to form and content, the proposed Notice of Proposed Settlement of Class Action (the “Notice”), and finds that the distribution of the Notice in substantially the manner and form set forth in this Order meets the requirements of CPLR 908, due process, and any applicable law; is the best notice practicable under the circumstances; and shall constitute due and sufficient notice to all persons entitled to such notice.

2. Publication. The Notice shall be published as follows:

- *Albany Times Union*. The Notice shall be published for at least five days total, two of which must fall on weekends, beginning as soon as practicable after the issuance of this Order.
- *Post-Standard*. The Notice shall be published for at least five days total, two of which must fall on weekends, beginning as soon as practicable after the issuance of this Order.
- *Newsday*. The Notice shall be published for at least five days total, two of which must fall on weekends, beginning as soon as practicable after the issuance of this Order.
- *Riverhead News-Review*. The Notice shall be published for at least three days total, beginning as soon as practicable after the issuance of this Order.
- *Post-Star*. The Notice shall be published for at least three days total, one of which must fall on a weekend, beginning as soon as practicable after the issuance of this Order.
- *NYCLU website*. The Notice shall be published continuously on the website of the New York Civil Liberties Union, at www.nyclu.org/PublicDefenseLawsuit, beginning as soon as practicable after the issuance of this Order.

3. Posting. The Notice shall be posted as follows, as soon as practicable after the issuance of this Order, and the defendants shall ensure that it is continuously posted until the date

of the final fairness hearing:

- In Onondaga County, in the Onondaga County Justice Center, in the Jamesville Correctional Facility, and in each county, town, and village courthouse.
- In Suffolk County, at the Legal Aid Society of Suffolk County, Inc. offices in the Suffolk County Court and the Suffolk First District, in the Suffolk County Jail, in the Yaphank Correctional Facility, in the Yaphank Minimum Security Facility, in the Suffolk County Court, in the Suffolk County First District Court, and in each town and village courthouse.
- In Washington County, at the Washington County Office of the Public Defender, in the Washington County Jail, and in each county, town, and village courthouse.
- In the Supreme Court, Albany County Courthouse.

4. Fairness Hearings. Four fairness hearing shall be held before this Court as follows to determine whether the proposed settlement is fair, reasonable, adequate, and in the best interests of the Class and should be approved by the Court, and to determine any other relevant matters that the Court deems appropriate:

- January 7, 2015, at 10:00 a.m., at Supreme Court, Onondaga County, Syracuse, New York 13202
- January 8, 2015, at 10:00 a.m., at Supreme Court, Washington County, Fort Edward, New York 12828
- January 12, 2015, at 10:00 a.m., at Suffolk County First District Court, Central Islip, New York 11722
- January 15, 2015, at 10:00 a.m., at Supreme Court, Albany County, Albany, New York 12207

5. Written Objections to the Proposed Settlement. Written objections to the

proposed settlement will be considered by the Court. Such objections must be entitled:

“Objection to the Settlement in *Hurrell-Harring v. State of New York* (No. 8866-07),”

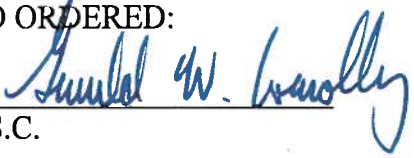
postmarked by December 19, 2014, and sent to: (i) Kristie M. Blase, Esq., Schulte Roth & Zabel LLP, 919 Third Avenue, New York, New York 10022; and (ii) Adrienne Kerwin, Esq., Office of the Attorney General, The Capitol, Albany, New York 12224. No later than January 4, 2015, counsel for Plaintiffs and the State will provide the Court and other parties with any objections they have received.

6. The State of New York shall pay for the costs of publication referenced in paragraph 2, with the exception of the publication on the NYCLU website, which cost shall be borne by Plaintiffs. Onondaga, Suffolk, and Washington Counties shall pay for the costs of posting referenced in paragraph 3 within their respective counties, with the exception of the posting in the Supreme Court, Albany County courthouse, which cost shall be borne by the State of New York.

7. Class Members who support the proposed settlement need not appear at any hearing or take any other action to indicate their approval.

SO ORDERED:

J.S.C.


Hon. Gerald W. Connolly
Acting Supreme Court Justice

11/26/14