

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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JOSEFA JORGE, NYUK SIEM YAP, on behalf of)
herself and her minor sons, C.L. and D.L.,)
SIEWLING LUM, on behalf of herself and her)
minor son, A.W., ANNETTE PADRÓ,)
DORIS RODRIGUEZ, and ROSA VALDÉS,)
on behalf of themselves and all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
NEW YORK CITY TRANSIT AUTHORITY,)
)
Defendant.)

Civil Action No.
14 CV 9946 (RA) (KNF)

**~~PROPOSED~~ ORDER GRANTING FINAL APPROVAL OF CLASS SETTLEMENT
AND CERTIFYING THE SETTLEMENT CLASS**

HONORABLE RONNIE ABRAMS, UNITED STATES DISTRICT JUDGE:

WHEREAS, on December 17, 2014, Named Plaintiffs Josefa Jorge, Nyuk Siem Yap, Annette Padró, Doris Rodriguez, and Rosa Valdés filed a putative class action complaint against the New York City Transit Authority (“NYCTA”) and certain individual defendants in the United States District Court for the Southern District of New York, captioned *Jorge, et al v. The New York City Transit Authority*, No. 14 Civ. 9946, on behalf of a putative class (collectively “Plaintiffs” or “Class Members”) consisting of themselves and all other current and future Limited English Proficient (“LEP”) residents of New York City who have or will have a disability, and who are current or prospective applicants or customers of NYCTA’s Access-A-Ride service, alleging, among other things, that NYCTA violated federal, state, and local law by

maintaining a policy, pattern, and practice of discriminating against LEP applicants and customers of Access-A-Ride by denying them language access services;

WHEREAS, on March 5, 2015, Plaintiffs filed an amended complaint against the NYCTA, adding, *inter alia*, an additional Named Plaintiff, Siewling Lum;

WHEREAS, on October 2, 2015, the named Plaintiffs and the Defendant have entered into a Stipulation of Settlement (“Settlement Agreement”), providing for, *inter alia*, injunctive relief for the Class Members;

WHEREAS, the proposed Summary Class Notice complies with Federal Rule of Civil Procedure 23(e)(1);

WHEREAS, on April 15, 2016, the Court granted the Plaintiffs’ and Defendant’s joint motion asking the Court (i) preliminarily to approve a proposed class settlement agreed to and executed by the parties; (ii) preliminarily to certify the Class; (iii) preliminarily to appoint Class Counsel; and (iv) to approve the content and method of distribution of the proposed notice of the proposed Settlement Agreement (the “Summary Class Notice”) to be given to Class Members;

WHEREAS, the court-approved notice notified the Class Members of their rights under the settlement, and no Class Member objected to the settlement;

WHEREAS, the Court has reviewed and considered the proposed Settlement Agreement, Plaintiffs’ Memorandum in Support of the Motion for Final Approval of Class Action Settlement and Final Certification of the Settlement Class, and the Declaration of Antony Gemmell, dated July 15, 2016 (“Gemmell Declaration”);

WHEREAS, all of the terms of the proposed Settlement Agreement are subject to the Court's approval;

NOW, THEREFORE, GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- (a) Jurisdiction: The Court finds that the District Court has personal jurisdiction over all Class Members and subject matter jurisdiction over (a) the claims asserted in the Complaints and (b) the terms of this Stipulation (including the Release) and all exhibits to this Stipulation.
- (b) Approval of the Proposed Settlement: The Court hereby approves the proposed settlement as set forth in the Settlement Agreement and finds that its terms are fair, reasonable, adequate, and serve the best interests of the Class Members. The terms are consistent and in compliance with the applicable provisions of the United States Constitution, and are in the best interests of each of the Parties and the Class Members. The Court directs the Parties and their counsel to implement and consummate this Stipulation according to its terms and provisions; and declare this Stipulation to be binding on, and have *res judicata* and preclusive effect in all pending and future lawsuits in federal or state court, or in any other legal, administrative or regulatory proceedings that are commenced or maintained by or on behalf of Plaintiffs or any other Class Members or releasers.
- (c) Approval of Class: The Court hereby certifies the Class under Fed. R. Civ. P. 23(b)(2) on behalf of the Class Members.
- (d) Representation of the Class and Attorneys' Fees and Costs. Class counsel in this action are qualified and experienced, satisfying the adequacy of representation

requirement of Fed. R. Civ. P. 23(a)(4). Class Counsel in this action, and the Class representatives, adequately represented the Class for purposes of entering into and implementing this Settlement, and the Court approves Defendant's payment of attorneys' fees and reimbursed expenses to Class Counsel.

- (e) Class Notice and Notice Methodology: The Class Notice and notice methodology implemented under the preliminarily approved Stipulation constituted appropriate notice to the class pursuant to Fed. R. Civ. P. 23(e)(1).
- (f) Dismissal of this Action: This action (including all individual claims and Class claims presented in it) is dismissed, on the merits and with prejudice, without fees or costs to any Party, except as provided in this Stipulation.
- (g) Release: This order incorporates and sets forth in full the release in Section XI of this Stipulation, and makes the release effective as of the date of the Final Judgment.
- (h) Without affecting the finality of the Order Approving Settlement and Final Judgment for purposes of appeal, the District Court will retain jurisdiction as to all matters relating to administration, consummation, enforcement and interpretation of this Stipulation and the Order Approving Settlement and Final Judgment, and for any other necessary purpose.
- (i) This Order will incorporate any other provisions as the District Court deems necessary and just.

Dated: July 29 2016

SO ORDERED



HON. RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE