

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

INDIANA STATE CONFERENCE OF THE	)	
NAACP, for itself and all persons similarly	)	
situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO: 1:09-cv-0849-TWP-DML
	)	
MICHAEL A. GARGANO, in his official	)	
capacity as Secretary of the Indiana Family	)	
and Social Services Administration, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION FOR CLASS NOTICE OF PROPOSED CLASS ACTION  
SETTLEMENT AND SETTING OF A FAIRNESS HEARING**

Plaintiff and Defendants hereby jointly move this Court to direct that notice be provided of the proposed class action settlement of this lawsuit to the class, as required by Rule 23(e)(1) of the Federal Rules of Civil Procedure, and that the Court set a date and time for a fairness hearing on the proposed settlement, as required by Rule 23(e)(2). The proposed settlement includes an award of attorneys’ fees and costs to Plaintiff’s counsel, and the proposed notice includes notice to the class of the proposed award, in compliance with Rule 23(h). The instant motion is being filed contemporaneously with the parties’ Joint Motion to Certify Class Action.

In support of this motion, the parties respectfully state as follows:

1. Plaintiff and Defendants have negotiated and signed a Settlement Agreement which will fully resolve Plaintiff’s claim under Section 7 of the National Voter Registration Act (“NVRA”), 42 U.S.C. § 1973gg-5. Section 7 requires, *inter alia*, that states provide voter registration services to public assistance applicants and recipients. The Agreement provides that, in order to facilitate a full and final settlement of Plaintiff’s claim, the parties shall seek to have

this action certified as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. A Joint Motion to Certify Class Action has been filed contemporaneously with the instant motion. The proposed Settlement Agreement is attached.

2. The parties propose that notice of the settlement be provided to class members in the form set forth in the second attachment to this motion.

3. The parties propose that notice be given by: a) posting in the largest newspapers of general circulation in Indianapolis, Fort Wayne, Evansville, Gary, New Albany, and Richmond; b) posting in all offices of the Indiana Division of Family Resources at which public assistance clients appear to apply for public assistance benefits, re-determine and recertify benefits, and submit changes of address with regard to their receipt of public assistance benefits; and c) on the website of the Indiana Department of Family and Social Services. The newspaper posting would occur once a week for three consecutive weeks; the other postings would begin within one week of the date of the Court's Order directing posting, and would continue until the date of the fairness hearing.

4. The parties request that this Court set this case for a Rule 23(e)(2) fairness hearing on a date approximately 60 days from the date on which the Court approves the form and manner of notice to the class.

5. Plaintiff's counsel will report to the Court at least ten days prior to the fairness hearing regarding any comments received from class members pursuant to the notice of the proposed settlement.

Based on the foregoing, the parties respectfully request that this Court approve the attached class notice and the proposed manner of providing the notice, and set this matter for a fairness hearing. A proposed Order is attached.

May 12, 2011

Respectfully submitted,

FOR PLAINTIFF:

s/ Mark A. Posner

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