

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DWAYNE DIGGS, ET AL.,  Plaintiffs,  v.  CAROL MICI, ET AL.,  Defendants.	22-cv-40003-MRG
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**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT  
AGREEMENT AND APPROVAL OF NOTICE OF SETTLEMENT**

The named Plaintiffs, individually and on behalf of the class (collectively, “Plaintiffs”),<sup>1</sup> and Defendants<sup>2</sup> have entered into a proposed Settlement Agreement (“Agreement”), which they submit to the Court for approval. The parties jointly request that the Court (1) grant preliminary approval to the Agreement, (2) approve the Class Notice and notice plan, (3) approve the claims administration plan, and (4) set a date for a final fairness hearing and a date for filing motions to approve the Agreement and for attorneys’ fees and costs. Plaintiffs are submitting a separate memorandum in support of this motion, which describes the Settlement Agreement, Class Notice and notice plan, and claims administration plan in greater detail. The

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<sup>1</sup> The named Plaintiffs and class representatives are Danavian Daniel, Dwayne Diggs, Demetrius Goshen, James Jacks, David Jackson, Raphael Rebollo, Luis Saldana, Davongie Stone, and Xavier Valentin-Soto.

<sup>2</sup> Defendants are 18 present and former DOC officials and officers: Carol Mici, Paul Henderson, Charles Primack, Steven P. Kenneway, Dean Gray, Ronald Gardner, Patrick DePalo, Donald Denomme, James Gearin, David Brien, Paul Birri, Keith Houle, Robert Deschene, James Allain, Robert D’Amadio, Joseph Bellini, John Madden, and Evan Laranjo (collectively, “Defendants”).

parties request that the Court schedule a hearing on the instant motion for preliminary approval at its earliest convenience. Attached as Exhibit 6 to this motion is a proposed Order.

In support of the motion, the parties state the following:

1. Pursuant to the Agreement, the Department of Correction (“DOC”) has agreed to implement certain policy changes and take other steps to address and resolve Plaintiffs’ claims arising from the events at Souza-Baranowski Correctional Center (SBCC) from January 10, 2020 through February 6, 2020, including, but not limited to, claims concerning the alleged use of excessive force and alleged racial discrimination by DOC correction officers. The Agreement provides that the Commonwealth of Massachusetts, on behalf of Defendants, will pay \$6,750,000, of which \$5,750,000 will be distributed to participating Class Members according to the formula described in the Agreement and Plaintiffs’ memorandum in support of this motion. The remaining \$1,000,000 represents Plaintiffs’ requested attorneys’ fees and costs. Class Members<sup>3</sup> who submit claims will receive at least \$10,000; most are expected to receive at least \$30,000.
2. The parties have concluded that settlement is desirable in order to avoid the time, expense, and inherent risks and uncertainties of continuing this litigation, and in order to finally and completely resolve Plaintiffs’ claims in this lawsuit.
3. The Agreement satisfies the requirements under Fed. R. Civ. P. 23(e)(1) for preliminary approval and issuance of notice to the Class.

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<sup>3</sup> The estimated number of class members is 157.

4. The Agreement is the product of extensive arm's length negotiations over the course of six months.
5. The Agreement was reached after several years of extensive discovery.
6. The Agreement is substantively fair, reasonable, and provides substantial benefit to the Class.
7. The notice plan satisfies due process requirements and the criteria under Rule 23(c)(2)(B). The notice plan is described in the Agreement and in Plaintiffs' memorandum in support of this motion.
8. The proposed Claims Administrator, Analytics, LLC, of Chanhassen, Minnesota, has provided similar claims administration services in many other class action cases, including prisoners' rights class actions, and will efficiently process claims and distribute the settlement proceeds to participating Class Members.
9. The parties request that the Court set a date for the final fairness hearing to decide whether to grant final approval of the Agreement on a date at least ninety (90) days after the Court grants preliminary approval to the Agreement.
10. Attached hereto are the following exhibits:

Exhibit 1: Settlement Agreement and Exhibit A to Agreement  
Exhibit 2: Class Notice to be mailed to Class Members  
Exhibit 3: Claim Form to be mailed to Class Members  
Exhibit 4: Generic Notice available upon request and online  
Exhibit 5: Generic Claim Form available upon request and online  
Exhibit 6: Proposed Order granting relief requested herein

**WHEREFORE**, the parties jointly request that the Court (1) grant preliminary approval to the Agreement, (2) approve the Class Notice and notice plan, (3) approve the appointment of Analytics, LLC, as Claims Administrator and (4) set a date for a

final fairness hearing and a date for filing motions to approve the Agreement and for attorneys' fees and costs. A proposed order is attached. The parties request that the Court schedule a hearing on the instant motion for preliminary approval at its earliest convenience.

Date: May 20, 2025

DEFENDANTS,

CAROL MICI, PAUL HENDERSON,  
PATRICK DEPALO, CHARLES  
PRIMACK, STEVEN KENNEWAY,  
DEAN GRAY, RONALD GARDNER,  
DONALD DENOMME, DAVID  
BRIEN, PAUL BIRRI, KEITH HOULE,  
ROBERT DESCHENE, JAMES  
ALLAIN, JAMES GEARIN, ROBERT  
D'AMADIO, JOSEPH BELLINI, JOHN  
MADDEN, AND EVAN LARANJO,

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*Counsel for Defendants*

Respectfully Submitted,

PLAINTIFFS,

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GOSHEN, JAMES JACKS, DAVID  
JACKSON, RAPHAL REBOLLO, LUIS  
SALDANA, DAVONGIE STONE,  
XAVIER VALENTIN-SOTO, and  
DANAVIAN DANIEL

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*Counsel for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ David Milton  
David Milton