

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LORRAINE PADRO, et al.,

Plaintiffs,

-against-

ORDER

11-CV-1788 (CBA) (RLM)

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

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AMON, Chief United States District Judge.

Having reviewed all submitted comments regarding the proposed settlement in this case, the Court now sets forth the following guidelines for the fairness hearing scheduled for July 24, 2013 at 2:30 p.m.

The Court has received fourteen requests to speak at the hearing. (DE 140, Letter from Jacques M. Farhi; DE 142, Letter from Danielle Hernandez; DE 145, Letter from Elijah Ellis; DE 148, Letter from Linda A. Stagno; DE 150, Email from Hassan Afzal; DE 151, Email from Christopher J. Bowes; DE 152, Email from Larry J. Butler; DE 163, Email from Teresa Moore; DE 164, Email from Richard P. Morris; DE 168, Email from Anthony Ranieri, writing on behalf of Robert Solano; DE 173, Email from Marie Mombrun; DE 176, Gajinder P. Singh; DE 178, Email from Michelle Spadafore; DE 180, Letter from Arnett Abdul-Majied.) All fourteen individuals shall be permitted to speak for up to five minutes each. The Court notes that some of the commenters discuss his or her individual entitlement to benefits or a personal experience before one of the named ALJs. The Court emphasizes that the focus of the fairness hearing is whether the proposed settlement is fair, reasonable, and adequate. Fed. R. Civ. P. 23(e). Comments at the hearing should bear on the terms of the settlement.

Several commenters wrote to the Court asking for more information, further explanation of the settlement, or to be advised of what happens at the fairness hearing. As set forth in the notice of the proposed class action settlement, individuals with questions about the settlement may contact the lawyers who brought the action at the following address and contact numbers:

Urban Justice Center
Padro Class Counsel
123 William Street, 16th Floor
New York, NY 10038-3800
Tel: (646) 459-3068
Fax: (212) 533-4598

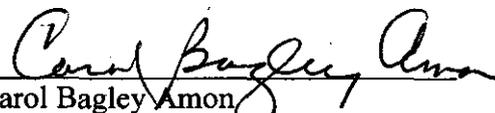
Counsel for both sides shall be given an opportunity to address issues raised by the comments and to present argument on the fairness, reasonableness, and adequacy of the settlement in accordance with the standards laid out by the Second Circuit. E.g., D'Amato v. Deutsche Bank, 236 F.3d 78, 85 (2d Cir. 2001); City of Detroit v. Grinnell, 495 F.2d 448, 463 (2d Cir. 1974), abrogated on other grounds by Goldberger v. Integrated Res., Inc., 209 F.3d 43 (2d Cir. 2000). "The burden of proving the fairness of the settlement is on the proponents." 4 Newberg on Class Actions § 11:42 (4th ed.).

As set forth in the notice of the proposed class action settlement, the fairness hearing shall be held as scheduled on July 24, 2013 at 2:30 p.m. in the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 in Courtroom 10D South. The Clerk of Court is directed to send a copy of this order to all who submitted comments to the Court in this action.¹

SO ORDERED.

Dated: Brooklyn, N.Y.

July 16, 2013


Carol Bagley Amon
Chief United States District Judge

¹ One commenter, Mr. Anthony Ranieri, wrote an email on behalf of Robert Solano, indicating that Mr. Solano would like to speak at the hearing. (DE 168.) Although Mr. Ranieri included Mr. Solano's phone number in the email, the Court directs Mr. Ranieri to inform Mr. Solano of his opportunity to speak.