

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FRANK G. MAYBORG, et al., :  
 :  
 Plaintiffs, : NO. 1:04-CV-00249  
 :  
 :  
 v. : **OPINION AND ORDER**  
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 :  
 CITY OF ST. BERNARD, et al., :  
 :  
 Defendants. :

This matter is before the Court on the parties' Joint Motion for Rule 23 Fairness Hearing (doc. 66).

The parties advise the Court they have reached a settlement of this matter, and request the Court schedule a fairness hearing pursuant to Fed. R. Civ. P. 23(e)(1)(c) to approve the settlement (Id). They submitted a proposed class notice, suggested a hearing date in early October, 2007, and request that in addition to their service of notice, the Court should post the notice on the Court's website (Id.).

Having reviewed this matter, the Court finds the joint-motion of the parties well-taken. However, the Court has modified the proposed notice so as to permit oral objections in open court, for good cause shown, by class members who fail to file written objections.

Accordingly, the Court GRANTS the parties' Joint Motion (doc. 66), SETS the fairness hearing for 3:30 P.M. on October 11,

2007, APPROVES of the class notice as attached to this Order, DIRECTS the clerk to post such notice to the Court's website, and VACATES the previously scheduled status conference, set for August 28, 2007.

SO ORDERED.

Dated: August 16, 2007

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge