

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARETHA BRAZIEL, et al.,

Plaintiffs,

Case No. 1:21-cv-960

v.

Hon. Hala Y. Jarbou

CITY OF BENTON HARBOR, et al.

Defendants.

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IESHA MITCHELL, et al.,

Plaintiffs,

Case No. 1:22-cv-475

v.

Hon. Hala Y. Jarbou

CITY OF BENTON HARBOR, et al.,

Defendants.

_____/

ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT

WHEREAS, Plaintiffs Daretha Braziel, individually and as next friend for minor D.R.; Ro’Nesha Braziel; Deanna Braziel; Keesha Jones, individually and as next friend for minors K.B., D.J., T.C., T.M.C.; Kendasha Bates; Stacey Branscumb; and Emma Kinnard (“Class Representatives”) and Defendants Michael O’Malley, the City of Benton Harbor, Ellis Mitchell, and Marcus Muhammad (“Defendants”)¹ have reached a proposed settlement of the Class claims,

¹ Defendants the City of Benton Harbor, Ellis Mitchell, and Marcus Muhammad have all previously been dismissed from this litigation. Nonetheless, the Court understands that, in the interest of finality, the proposed settlement is intended to bind all Defendants in addition to the proposed Class.

which is embodied in the Covenant Not to Execute, and Assignment of Rights and Claims Agreement (“Agreement”) filed with the Court (ECF No. 321-1);

WHEREAS, on January 22, 2026, the Court entered an Order Granting Preliminary Approval of Proposed Settlement (“Preliminary Approval Order”), conditionally approving the proposed Settlement of this Action pursuant to the terms of the Agreement, appointing Class Counsel, and directing that Notice be issued to the members of the Settlement Class (ECF No. 340);

WHEREAS, pursuant to the Agreement, Class Members have been provided with Notice informing them of the terms of the proposed Settlement and of a Final Approval Hearing to, inter alia: (a) determine whether the proposed Settlement should be finally approved as fair, reasonable, and adequate so that the Final Approval Order and Consent Order and Judgment (ECF No. 321-1, Ex. A) should be entered; and (b) consider any timely objections to this Settlement and the Parties’ responses to such objections.

WHEREAS, a Final Approval Hearing was held on June 17, 2026. Prior to the Final Approval Hearing, the Settlement Administrator filed a declaration with the Court confirming completion of Notice in accordance with the Court-approved Notice Plan. (ECF No. 348.) Class Members were adequately notified of their right to appeal at the hearing in support of or in opposition to the proposed Settlement;

WHEREAS, no Class Members have filed objections challenging the fairness of the Settlement, indicating a positive reaction from the Class and further supporting the reasonableness of the Settlement;

WHEREAS, the Class Representatives have applied to the Court for final approval of the proposed Settlement of the Action, the terms and conditions of which are set forth in the Agreement (ECF No. 321-1);

NOW, THEREFORE, the Court having read and considered the Agreement and the Motion for Final Settlement Approval, having heard any objectors appearing at the Final Approval Hearing, having reviewed all of the submissions presented with respect to the proposed Settlement, and having determined that the Settlement is fair, adequate, and reasonable and in the best interests of the Class Members, it is hereby ORDERED, ADJUDGED, and DECREED THAT:

1. The capitalized terms used in this Order Granting Final Approval of Class Action Settlement have the same meaning as defined in the Agreement (ECF No. 321-1);
2. This Court has personal jurisdiction over Plaintiffs, all Settlement Class Members, and Defendants, and the Court has subject matter jurisdiction to approve and enforce this Settlement and the Consent Order and Judgment (ECF No. 321-1, Ex. A);
3. The Court finds that the Class Notice, detailed in the Article V.B of the Agreement, the Notice Program described in the Declaration of Cameron R. Azari, Esq. Regarding Notice Program (ECF No. 322), and effectuated pursuant to the Preliminary Approval Order: (a) constitutes the best notice practicable under the circumstances of this Action; (b) constitutes due and sufficient notice to the Class of the terms of the Agreement and the Final Approval Hearing; and (c) fully complied with the requirements of the Federal Rules of Civil Procedure, the United States Constitution, and any other applicable law, including the Class Action Fairness Act of 2005, 28 U.S.C. § 1715.
4. The Court confirms and finally certifies, for settlement purposes only, the Settlement Class, pursuant to Rules 23(b)(1)(B) and 23(e), consisting of:

All individuals who have resided in Benton Harbor for a period of two weeks or more from August 2018 through November 2021, excluding the Individual *Mitchell* Plaintiffs. The “Individual *Mitchell* Plaintiffs” are identified on the *Mitchell* docket, *Mitchell et al v. Benton Harbor, City of et al.*, No. 1:22-cv-00475-HYJ-PJG (W.D. Mich.), ECF No. 154, which was filed under seal to protect minor plaintiffs’ privacy.

5. Daretha Braziel, individually and as next friend for minor D.R.; Ro’Nesha Braziel; Deanna Braziel; Keesha Jones, individually and as next friend for minors K.B., D.J., T.C., T.M.C.; Kendasha Bates; Stacey Branscumb; and Emma Kinnard are appointed Class Representatives;

6. Wilson M. Dunlavey, Mark P. Chalos, and Annika K. Martin of Lieff Cabraser Heimann & Bernstein, LLP, also with Carl Edwards and Alice Jennings of Edwards & Jennings, P.C., and Stuart Talley of Kershaw Talley & Barlow P.C. are appointed as Class Counsel under Federal Rule of Civil Procedure 23(g) to represent the Settlement Class;

7. Based on the papers filed with the Court and the presentations made to the Court at the preliminary and final approval hearings, the Court now gives final approval to the Settlement and finds that the Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class Members, and treats them equitably relative to one another. The Court has specifically considered the factors relevant to class settlement approval. *See, e.g., Int’l Union, United Auto., Aerospace, & Agr. Implement Workers of Am. v. Gen. Motors Corp.*, 497 F.3d 615, 631 (6th Cir. 2007).

a. Among the factors supporting the Court’s determination are: the meaningful relief provided to Class Members; the risks of ongoing litigation, trial, and appeal; the risk of maintaining class action status through trial and appeal; the extensive discovery to date; and the positive reaction of Class Members.

b. The Court further finds that, for settlement purposes only, the Settlement Class meets the requirements for class certification under Federal Rules of Civil Procedure 23(a)

and 23(b)(1)(B). Specifically, the Court finds, for settlement purposes only, that (1) the Settlement Class Members are sufficiently numerous such that joinder is impracticable; (2) there are questions of law and fact common to Settlement Class Members; (3) Settlement Class Representatives' claims are typical of those of the Settlement Class Members; (4) Settlement Class Representatives and Class Counsel have fairly and adequately represented the interests of the Settlement Class Members; and (5) the risk of separate actions by individual Class Members would substantially impede others' ability to protect their interests under Rule 23(b)(1)(B) and *Ortiz v. Fibreboard Corp.*, 527 U.S. 815, 834 (1999).

c. The Court finds that the Settlement was negotiated at arm's length and was free of collusion. It was negotiated with experienced, adversarial counsel after extensive discovery, and with the aid of a neutral, qualified mediator. Further, any attorneys' fees and costs award will be the subject of a separate application to the Court.

d. The Agreement and every term and provision thereof are deemed incorporated in this Order and have the full force of an order of this Court.

e. The Court reserves jurisdiction over the *Braziel* and *Mitchell* Actions and directs the Clerk of Court to administratively close these Actions pending resolution of the accompanying declaratory relief action, *City of Benton Harbor, et al. v. The Travelers Indemnity Company of Connecticut, et al.*, No. 1:25-cv-00861-HYJ-PJG (W.D. Mich.), and further order of this Court.

IT IS SO ORDERED.

Dated: June 25, 2026

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE