

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SETI JOHNSON and MARIE
BONHOMME-DICKS, on behalf of
themselves and those similarly situated,
and SHAREE SMOOT and NICHELLE
YARBOROUGH, on behalf of themselves
and those similarly situated,

Plaintiffs,

No. 1:18-cv-467

v.

TORRE JESSUP, in his official capacity
as Commissioner of the North Carolina
Division of Motor Vehicles,

Defendant.

**JOINT MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED CLASS SETTLEMENT**

Defendant Torre Jessup, Commissioner of the North Carolina Division of Motor Vehicles, and the appointed Class Representatives of the Plaintiff classes, Seti Johnson, Marie Bonhomme-Dicks, and Nichelle Yarborough¹ (“Class Representatives”), respectfully move the Court under Federal Rule of Civil Procedure 23 to:

¹ With the Court’s approval, Plaintiffs’ counsel have withdrawn from representation of Plaintiff Sharee Smoot, who now proceeds *pro se* in this suit, *see* Doc. 83, and therefore seek preliminary approval of this settlement on behalf of Plaintiffs Johnson, Bonhomme-Dicks, and Yarborough only.

- Preliminarily approve their negotiated proposed class settlement agreement to resolve all remaining claims in this action, attached as Exhibit A (including Attachments A, A-1, B, and B-1);
- Approve their proposed form of notice of settlement to class members, attached as Exhibit B;
- Order that the parties commence the period for notice of the proposed settlement no later than 30 days following the entry of the Court order approving the settlement agreement;
- Set a date for hearing on the fairness, adequacy, and reasonableness of the proposed class settlement agreement no sooner than 60 days after the Court enters an order preliminarily approving the proposed settlement.

In support of this Motion, the parties submit a memorandum of law, filed herewith.

Respectfully submitted this 1st day of July 2021 by:

/s/ Emily C.R. Early_____

Emily Early
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Ste. 340
Decatur, GA 30030
Tel.: 404-521-6700

Danielle Davis
SOUTHERN POVERTY LAW CENTER
201 Saint Charles Ave., Ste. 2000
New Orleans, LA 70130
Tel.: 504.486.8982

Rodkangyil O. Danjuma
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor

New York, NY 10004
Tel.: 212-519-7876

Jeffrey Loperfido
SOUTHERN COALITION FOR SOCIAL
JUSTICE
1415 West Highway 54, Ste. 101
Durham, NC 27707
Tel.: 919-794-4213

Kristi Graunke
Irena Como
Emily Seawell
Leah Kang
AMERICAN CIVIL LIBERTIES UNION OF
NORTH CAROLINA LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611
Tel.: 919-834-3466

Nusrat J. Choudhury
AMERICAN CIVIL LIBERTIES
UNION OF ILLINOIS LEGAL
FOUNDATION
150 N. Michigan Ave., Ste. 600
Chicago, IL 60601
Tel. 312.201.9740

Attorneys for Plaintiffs and Class Counsel

/s/ Kathryne E. Hancock
Kathryne E. Hathcock
Neil Dalton
NORTH CAROLINA DEPARTMENT OF
JUSTICE
Post Office Box 629
Raleigh, North Carolina 27602
Tel.: (919) 716-6650

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that this day I served the foregoing to Defendant by filing it with the CM/ECF system, which has provided notice to all counsel of record for Defendant, as well as to Plaintiff Sharee A. Smoot, who is proceeding *pro se*, via U.S. Mail.

This 1st day of July 2021.

/s/ Emily C.R. Early
Emily Early
Attorneys for Plaintiffs and Class Counsel