

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JOHN F. KNIGHT, JR., ET AL.,

Plaintiffs and
Plaintiff Intervenors,

UNITED STATES OF AMERICA

Plaintiff,
NUMBER:

CIVIL ACTION

CV-83-M-1676-S

v.

THE STATE OF ALABAMA, ET AL.,

Defendants.

**ORDER PRELIMINARILY APPROVING
SETTLEMENT AGREEMENTS, REQUIRING NOTICE
TO THE CLASS, AND SCHEDULING FAIRNESS HEARING**

This matter is before the Court on the Knight-Sims Plaintiffs' motion for approval of notice to class, for order setting deadline for objections and scheduling of fairness

hearing. Docket No. 3470. The motion addresses the following joint motions for approval of settlement agreements between the Knight-Sims Plaintiffs and the following defendants:

Defendant University of West Alabama, Docket No. 3427;

Defendants State Board of Education, Athens State University et al., Docket No. 3452;

Defendant Troy University, Docket No. 3460;

Defendant University of South Alabama, Docket No. 3461;

Defendant Jacksonville State University, Docket No. 3462;

Defendant University of Montevallo, Docket No. 3463;

Defendants Board of Trustees of the University of Alabama and each of its member institutions, Docket No. 3465;

Defendant University of North Alabama, Docket No. 3466;

Defendant Auburn University and Auburn University Montgomery, Docket No. 3467; and

Defendants State of Alabama et al. (the "State Defendants"), Docket No. 3469.

The Court has considered the joint motions for approval

noted and the proposed settlement agreements, and subject to objections that may be made by the parties or by members of the Plaintiff Class, the Court preliminarily approves settlement agreements noted above.

The Court finds, preliminarily, that the terms of the settlement agreements are fair, reasonable, and consistent with the requirements of the Constitution and laws of the United States. The Court further finds, preliminarily, that the Defendants have satisfied their constitutional and statutory burdens of eliminating, to the extent practicable and consistent with sound educational practice, the vestiges of *de jure* segregation remaining in their institutional conditions, policies, and practices, and by entering into their respective settlement agreements have continued to demonstrate their commitment to continuing to operate in a constitutional and non-discriminatory fashion. *United States v. Fordice*, 505 U.S. 717 (1992).

ACCORDINGLY, it is ORDERED as follows:

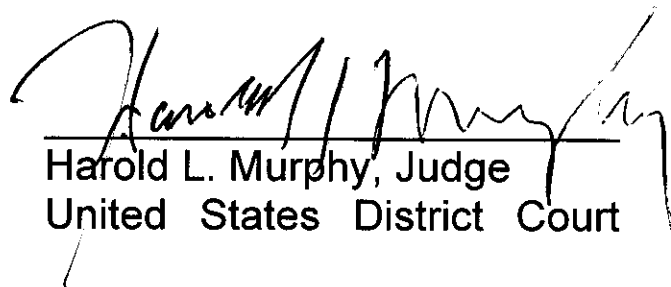
1. Any objections by the parties to the terms of the aforesaid proposed settlement agreements shall be filed no later than ten days from the date of this order.

2. Pursuant to Fed.R.Civ.P. 23(e), notice of the proposed settlement agreements shall be provided to members of the Plaintiff Class in the form and by the means set out in the notice to class attached to this order. The costs for publication shall be borne by the State. All objections by class members must be timely submitted in writing to be considered by the Court.

3. A hearing to determine the fairness of said settlement agreements is **HEREBY SCHEDULED** for December 5, 2006, at 10:00 a.m. CST, in the Hugo L. Black U. S. Courthouse, 1729 Fifth Avenue North, Birmingham, AL 35203, at which time the Court will consider any objections that may have been submitted by the parties or by members of the

Plaintiff Class, and at which time it will consider whether said settlement agreements should be finally approved.

IT IS SO ORDERED this 17th day of October 2006.



Harold L. Murphy, Judge
United States District Court

**NOTICE OF HEARING ON MOTION TO APPROVE
SETTLEMENT AGREEMENTS CONCERNING REMAINING
ISSUES IN KNIGHT AND SIMS V. ALABAMA
Civil Action No. 2:83-CV-1676-HLM (N.D. Ala.)**

**TO ALL BLACK CITIZENS OF ALABAMA AND ALL PAST,
PRESENT AND FUTURE STUDENTS, FACULTY, STAFF AND
ADMINISTRATORS OF ALABAMA STATE UNIVERSITY AND
ALABAMA A&M UNIVERSITY:**

The plaintiffs (who represent the class described above) and the defendants, the State of Alabama, the Governor of Alabama, the State Finance Director, the Alabama Commission on Higher Education ("ACHE") and its members, the Alabama Public School and College Authority and its members, the Alabama State Board of Education, the Chancellor of Postsecondary Education, Athens State University, Calhoun State College, Auburn University and its Board of Trustees, Auburn University Montgomery, Jacksonville State University, Troy University and its Board of Trustees, the Board of Trustees of the University of Alabama, the University of Alabama, the University of Alabama at Birmingham, the University of Alabama in Huntsville, the University of Montevallo, the University of North Alabama, the University of South Alabama, and the University of West Alabama, have asked the Court to approve settlement agreements resolving remaining issues in the statewide higher education desegregation case.

The settlement agreements are entered into voluntarily by each of the parties and collectively provide additional capital funding, continued academic program funding, continued endowment trust funding and continued diversity scholarship funding for Alabama State University and Alabama A&M University; additional need-based financial aid for eligible Alabama students to be administered by ACHE through the Alabama Student Assistance Program; attorneys' fees and

litigation expenses; and the development and implementation of strategic diversity plans at all other defendant universities. Notice is being provided for the benefit of those members of the class whose interests are affected.

The entire text of the settlement agreement with the State defendants is available for review on the web sites of the State of Alabama, the Governor, and ACHE, and the entire text of the settlement agreement with each of the defendant universities is available on that university's web site, all of which can be accessed through the home page of the State of Alabama, www.alabama.gov. All the settlement agreements can also be viewed on the web site of the plaintiff class, www.knightsims.com. The settlement agreements will also be made available for review and copying at the main library of every state university in Alabama.

You have the right to comment on, to object or to support the settlement agreements. All written comments must be submitted to the Clerk, U.S. District Court, Hugo L. Black U. S. Courthouse, 1729 Fifth Avenue North, Birmingham, AL 35203, and must be received no later than November 27, 2006. Judge Harold L. Murphy, United States District Court Judge, has scheduled a hearing for December 5, 2006, at 10:00 a.m. CST, in the Hugo L. Black U. S. Courthouse, 1729 Fifth Avenue North, Birmingham, AL 35203, to determine whether the joint motions to approve the settlement agreements should be granted. The hearing is open to the public. At the hearing, the Court may hear from members of the plaintiff class whose written comments were timely received by the Clerk of the Court, and who indicated in their written comments that they wished to address the Court at the hearing. The Court will consider all timely-submitted written comments, and it is not necessary that you appear at the hearing.

If you have any questions, you may contact counsel for the Knight-Sims plaintiffs, James U. Blacksher, at (205) 591-7238; counsel for the State of Alabama, Robert D. Hunter, at (205) 408-8078; counsel for the Alabama Postsecondary System, Edward M. George, at (334) 265-1960; counsel for State Department of Education, Reginald L. Sorrells, Larry Craven or Darnell Coley, at (334)242-1899; counsel for the University of Alabama System, Norma M. Lemley, at (205) 348-5490; counsel for Auburn University, David R. Boyd, at (334) 834-6500; counsel for Troy University, William K. Thomas, at (205) 716-5200; counsel for the University of Montevallo, Whit Colvin at (877) 705-8101; counsel for the University of North Alabama, Robert M. Hill, Jr., at (256) 767-0700; counsel for the University of West Alabama, Michael G. Kendrick, at (205) 327-8323; counsel for Jacksonville State University, R.M. Woodrow, at (256) 238-6005; counsel for the University of South Alabama, Jean Walker Tucker, at (251)460-6294.

Publication Instructions for Notice (not to be included in Notice)

THIS NOTICE IS TO BE PUBLISHED ONCE A WEEK FOR TWO WEEKS PRIOR TO THE DEADLINE ESTABLISHED BY THE COURT FOR THE CLERK'S RECEIPT OF WRITTEN COMMENTS IN THE LEGAL NOTICE SECTION OF THE BIRMINGHAM NEWS, THE MONTGOMERY ADVERTISER, THE MOBILE REGISTER, THE HUNTSVILLE TIMES, THE TUSCALOOSA NEWS, THE ANNISTON STAR, THE DOTHAN EAGLE, THE BIRMINGHAM TIMES, AND THE MOBILE BEACON, WITH AN ADVERTISEMENT REFERENCING THE LEGAL NOTICE.