

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DENNIS E. JONES 'EL, MICHA'EL
JOHNSON, DE'ONDRE CONQUEST,
LUIS NIEVES, SCOTT SEAL, ALEX
FIGUEROA, ROBERT SALLIE, CHAD
GOETSCH, EDWARD PISCITELLO,
QUINTIN L'MINGGIO, LORENZO
BALLI, DONALD BROWN, CHRISTOPHER
SCARVER, BENJAMIN BIESE, LASHAWN
LOGAN, JASON PAGLIARINI, and
ANDREW COLLETTE, and
all others similarly situated,

Plaintiffs,

v.

RICHARD SCHNEITER and
MATTHEW FRANK,

Defendants.

ORDER

00-C-421-C

Class member Norman Green has filed a document titled "Motion [to] Bar Garvey from Acting on behalf of Plaintiff/Class in negotiation of proposed settlement/modifications." This motion will be denied.

To the extent class member Green seeks to disqualify class counsel from representing

him individually, he is essentially seeking to opt out of the class. However, as I have noted since the beginning of this case, class members do not have the right to opt out of class actions for injunctive relief. E.g., Dkt. #37, at 10 (“The parties agree that there is no right to opt out of a Rule 23(b)(2) class and that the notice to the class should not contain an opt out provision.”) To the extent class member Green is seeking to remove class counsel all together, he does not have the authority to speak for all class members.

In any event, Green does not provide a basis for disqualifying counsel. He says only that counsel is “acting in bad faith” and “working in collusion” with defendants. He provides no examples of any improper conduct. Apparently, class member Green believes that counsel have violated the original settlement agreement by seeking to modify it. However, the parties proposed the new agreement only after this court raised the issue whether the agreement should be terminated completely. Counsel did not act improperly in seeking a new resolution.

Of course, class member Green is entitled to object to the proposed modified settlement agreement, if he believes it is unfair or illegal. In fact, Green has filed such objections with his motion. Rest assured, I will carefully consider Green’s and all other

objections to the modified agreement before determining whether to approve it.

ORDER

IT IS ORDERED that class member Norman Green's "Motion [to] Bar Garvey from Acting on behalf of Plaintiff/Class in negotiation of proposed settlement/modifications" is DENIED.

Entered this 4th day of April, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge