

FILED _____ ENTERED _____
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JUL 09 2007
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

THE HONORABLE ROBERT LASNIK

03-CV-01365-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARION PRICE; RODRIGUE PAUL; HARRY
DAVIS; DAVID L. WILLIAMS; and ALLEN
R. NUNNERY, on behalf of themselves and the
class they represent,

Plaintiffs,

v.

CITY OF SEATTLE, a municipal corporation
and political subdivision of the State of
Washington,

Defendants.

No. CV03-1365L

ORDER UPON SETTLEMENT AND
FINAL JUDGMENT ~~[PROPOSED]~~

THIS MATTER came before the Court for final approval of the proposed class settlement (the "Settlement"). The Court has considered all papers filed and proceedings in this matter, has heard the arguments of counsel, and is fully informed regarding the facts surrounding the proposed Settlement. Based upon this information, the Court has determined that the proposed Settlement should be approved as fair and reasonable. The Court hereby enters this Final Judgment, which constitutes a final adjudication of this matter on the merits. It is therefore

ORDERED, ADJUDGED AND DECREED that:

1. The definitions and provisions of the Settlement Agreement are hereby incorporated as though fully set forth herein.

ORDER UPON SETTLEMENT AND
FINAL JUDGMENT ~~[PROPOSED]~~ - 1

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1 2. This Court has jurisdiction over the subject matter of this litigation with respect
2 to all claims and over all parties to this litigation, including all members of the Plaintiff
3 Class as defined in the Court's Order certifying a class on May 4, 2004 and modified by the
4 Court's Orders revising the class definition on August 1, 2005 and partially decertifying the
5 class on September 19, 2006.

6 3. The Court hereby approves the Settlement and finds that the Settlement is, in all
7 respects, fair, reasonable, and adequate to the Plaintiff Class, within the authority of the
8 parties, and the result of extensive arm's length negotiations.

9 4. The Court approves the payment from the settlement fund of \$7,500 to each of
10 the five named Class Representatives in settlement of their individual claims and in
11 recognition of their services to the Plaintiff Class in this case. The Court further approves
12 allocation of 15% of any residual in the settlement fund to the Seattle Municipal Court's
13 DWLS diversion program, as provided in the settlement agreement, with the remainder
14 reverting to the City of Seattle.

15 5. This Final Judgment does not constitute an expression by the Court of any
16 opinion, position, or determination as to the merit or lack of merit of any of the claims or
17 defenses of the Class, the Class Representatives, or the City of Seattle. Neither this Final
18 Judgment nor the Settlement Agreement is an admission or indication by the City of the
19 validity of any claims in this action or of any liability or wrongdoing or of any violation of
20 law.

21 6. This Court hereby dismisses this action on the merits and with prejudice as
22 against all persons and entities who are members of the Plaintiff Class.

23 7. All persons and entities who are members of the Plaintiff Class are hereby
24 barred and permanently enjoined from prosecuting, commencing or continuing any claims
25 resolved by the Settlement or released in this Final Judgment.
26

ORDER UPON SETTLEMENT AND
FINAL JUDGMENT [PROPOSED] - 2

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1 8. The Notice of Proposed Settlement and summary publication notice
 2 (collectively, "Notice") given to the Plaintiff Class, which set forth the principal terms of
 3 the Settlement Agreement and other matters, was the best practicable notice under the
 4 circumstances. The Notice provided due and adequate notice of these proceedings and of
 5 the matters set forth therein, including the Settlement Agreement, to all parties entitled to
 6 such notice, and the Notice satisfied the requirements of Rule 23 of the Federal Rules of
 7 Civil Procedure and the requirements of constitutional due process.

8 9. Without affecting the finality of this judgment in any way, the Court retains
 9 continuing jurisdiction over (a) implementation of the Settlement Agreement, distribution
 10 of the funds contemplated by the Settlement Agreement, and processing of the claims
 11 permitted by the Settlement Agreement, until each and every act agreed to be performed
 12 pursuant to the Settlement Agreement has been performed; and (b) all parties to this action
 13 and members of the Plaintiff Class for the purpose of enforcing and administering the
 14 Settlement Agreement.

15 DONE this 9th day of July, 2007.

16
 17 

18 THE HONORABLE ROBERT LASNIK

19
 20 Presented by:

21 SCHROETER GOLDMARK & BENDER

22 /s/ Adam J. Berger

23 Adam J. Berger, WSBA #20714
 24 Counsel for Plaintiff Class
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ORDER UPON SETTLEMENT AND
 FINAL JUDGMENT ~~PROPOSED~~ - 3

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