

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOANNE DANIELS-FINEGOLD, ROGERA	)	
ROBINSON, GENE SMITH, REGINALD	)	
CLARK, MADELYN JOAN GOLDEN,	)	
MYRNAIRIS CEPEDA, MAUREEN CANCEMI,	)	
ANDREW FORMAN, DANFORD LARKIN,	)	
ROBERT PARK, THOMAS GILBERT,	)	
and BOSTON CENTER FOR INDEPENDENT	)	
LIVING, individually and as class representatives,	)	
	)	C.A. No. 02 CV 11504 MEL
Plaintiffs	)	
	)	
vs.	)	
	)	
MASSACHUSETTS BAY TRANSPORTATION	)	
AUTHORITY,	)	
	)	
Defendant.	)	

**ORDER GRANTING PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT AND NOTICE OF FAIRNESS HEARING**

The parties to the above-entitled action have moved that this Court preliminarily approve the Settlement Agreement, approve the Settlement Notice and Summary of Settlement Notice and schedule a Fairness Hearing for final approval of the Settlement Agreement and entry of judgment dismissing this action. In support the of the motion the parties have filed the Settlement Agreement and proposed notices.

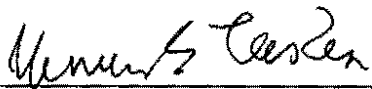
Having reviewed the Settlement Agreement and proposed notices the Court finds that: subject to any objections that might be made at the Fairness Hearing, the Settlement Agreement is fair, adequate, reasonable, and in the best interests of plaintiffs; the notice of settlement and summary notice constitute valid, due, and sufficient notice to the class and the best notice

practicable under the circumstances, complying fully with the requirements of the Federal Rules of Civil Procedure, the Constitution of the United States, and any other applicable law; and that the Joint Motion For Preliminary Approval Of Settlement Agreement And Notice should be **GRANTED** and that this order should be entered.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- a) the Settlement Notice shall be mailed to advocacy and service organizations working with people with disabilities in the MBTA's service area identified by the plaintiffs and the MBTA and the Summary Notice shall be published in the *Boston Globe* and the *Boston Herald* within 10 days after the entry of this Order;
- b) a Fairness Hearing for review and approval of the Settlement Agreement shall be held at 9:30 a.m., June 15, 2006 before United States District Judge Morris E. Lasker, Courtroom 8 of the United States District Court, John J. Moakley U.S. Courthouse, 1 Courthouse Way, Boston, MA 02210;
- c) that class members or any other person with standing may appear at the Fairness Hearing and object to judicial approval of this Settlement Agreement, provided that any objectors shall have complied with the procedure for objections set out in the Settlement Notice and the Summary Notice.

Dated: April 20, 2006



Morris E. Lasker
United States District Judge