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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KATRINA MACK, et al., on behalf of
themselves and others similarly situated,
Plaintiffs

v.

SUFFOLK COUNTY, et al.,
Defendants

Civil Action No. 98-12511-NG

PROPOSED
ORDER

After consideration of the Plaintiffs' Motion for an Order to Permit Partial Settlement Distributions, the Court hereby GRANTS the motion and PERMITS the Claims Administrator to make a partial distribution now to class members using the available funds. The Court FURTHER AUTHORIZES a second distribution to class members once the County pays.

1. The Court directs that the first distribution pay class member awards, court-approved bonuses, attorney's fees, and administrative expenses as follows:

- a. The Claims Administrator will pay each class member one-half of what the Claims Administrator estimates she would have received, under the Settlement Agreement and Distribution Formula, if the settlement had been consummated on schedule and on the budget developed with class counsel; i.e., without yet accounting for

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interest, which will be paid in the second distribution.

- b. The Claims Administrator will pay each bonus recipient one-half of the amount of her court-approved bonus.
- c. The Claims Administrator will pay class counsel one-half of the attorney's fee that would have been paid if the settlement had been consummated on schedule but will subtract the amount of the already-paid interim attorney's fee.
- d. The Claims Administrator and Special Master will be paid, subject to the court's approval, for fees and expenses.

2. The Court directs that the second distribution be made after Suffolk County pays its \$5 million and interest. On the day of the distribution's calculation, the Claims Administrator will allocate the Mack Settlement Escrow Fund account's balance as follows:

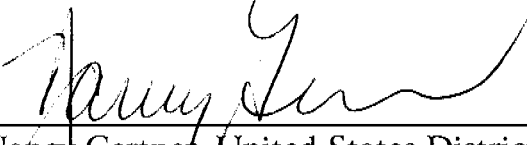
- a. The Claims Administrator and Special Master will be paid, subject to the court's approval, for incurred fees and expenses.
- b. The Claims Administrator will set aside, subject to the court's approval, a portion of the settlement account's funds sufficient to pay for anticipated fees and expenses.
- c. The Claims Administrator will reimburse class counsel for litigation expenses, subject to the court's approval.

- d. The Claims Administrator will pay class counsel an attorney's fee of 30% of the entire amount paid by Suffolk County.
- e. The Claims Administrator will pay each bonus recipient the remaining one-half of her court-approved bonus, along with a proportionate share of the interest paid by Suffolk County.
- f. The Claims Administrator will pay each participating class member her share of the account's remaining funds on the pro-rata basis set by the Distribution Formula incorporated into the Settlement Agreement.

3. If Suffolk County makes its payment before the first checks to class members are mailed, the Claims Administrator may calculate all of the above distributions at once and may combine each class member's payment into a single check.

So ORDERED.

Dated: 4/4/03



Nancy Gertner, United States District Judge