

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

CRISS MURPHY, NORMAN)	
JORDAN, ANDINO WARD, EDDIE)	
BARNES, JR., PAUL HANNON,)	
CURTIS NELSON, DAVID)	
CHAMBERS, DENNIS COLEMAN,)	
HERION MURPHY, and VINCENT)	CASE NO. 06-CV-0480
SAFFORD, Individually and)	
on Behalf of Others Similarly Situated,)	
)	JUDGMENT AND ORDER OF
Plaintiffs,)	DISMISSAL WITH PREJUDICE
v.)	
)	
SUPER STEEL SCHENECTADY,)	
INC.,)	
)	
Defendant.)	

WHEREAS, this matter comes before the Court on the joint request of Plaintiffs Criss Murphy, Norman Jordan, Andino Ward, Eddie Barnes, Jr., Paul Hannon, Curtis Nelson, David Chambers, Herion Murphy, and Vincent Safford and a class of persons similarly situated ("Class Representatives" or "Plaintiffs") and Defendant Super Steel Schenectady, Inc. ("Defendant" or "SSSI"), for (a) final approval of the Settlement of this case as memorialized in the Consent Decree (the "Agreement"), dated December 22, 2006, and (b) entry of a Judgment and Order dismissing this action with prejudice; and

WHEREAS, Plaintiffs and Defendant entered into the Agreement to settle this Class Action; and

WHEREAS, the Court entered a Preliminary Approval Order, dated January 25, 2007, preliminarily certifying the proposed Class for settlement purposes under Federal

Rule of Civil Procedure 23, ordering Notice to Class Members, and scheduling a Fairness Hearing for April 23, 2007; and

WHEREAS, the Court has reviewed and considered the proposed Agreement, the submissions of the parties in support thereto, and held oral argument at the Fairness Hearing in this matter on April 23, 2007,

NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Definitions. For the purposes of this Order, the Court adopts by reference the definitions set forth in the “Definitions” section of the Agreement.

2. Class Action Requirements. The Court finds that the requirements of Federal Rule of Civil Procedure 23 (a)(b)(2), and (b)(3) have been met, in that:

- A. The Settlement Class is so numerous that the joinder of all members is impracticable;
- B. There are questions of law or fact common to the Settlement Class, which questions predominate over any questions affecting only individual members.
- C. The Settlement Class Representative’s claims are typical of the other Settlement Class Members’ claims;
- D. The Settlement Class Representative and Settlement Class Counsel have fairly and adequately protected the interests of the Settlement Class and absent Settlement Class members. The Settlement Class Representatives retained counsel experienced in bringing class action and civil rights litigation;
- E. The settlement class action is an appropriate method for the fair and efficient adjudication of the controversy; and

F. The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate injunctive relief or declaratory relief with respect to the class as a whole.

3. Certification of Settlement Class. The requirements of Federal Rule of Civil Procedure 23 having been met, the Court certifies the following Settlement Class for the purpose of effectuating the Settlement: all African-American individuals who have been employed by or provided contract services to SSSI, at any time, or for any length of time, from April 2003 to January 25, 2007.

4. Notice. The Court finds that dissemination of the Notice as provided for in the Preliminary Approval Order, constituted the best notice practicable under the circumstances to potential Settlement Class Members and complied fully with Federal Rule of Civil Procedure 23, any and all substantive and procedural due process rights guaranteed by the United States Constitution, and any other applicable law.

5. Final Approval of the Agreement. The Court finds that the proposed Agreement is APPROVED as fair, reasonable, and adequate, pursuant to Rule 23(e)(1)(C) of the Federal Rules of Civil Procedure. The Court further finds that each and every term, provision, condition, and agreement of the Agreement, including all exhibits and amendments thereto, apply and are adopted, incorporated, and made part of this Judgment, as if copied herein *in extenso* and shall be effective, implemented, and enforced as provided in the Agreement.

6. Equitable Relief. Defendant SSSI shall effect, implement, and enforce all equitable relief provided for in the General Equitable Provisions described in Section X, A-F of the Agreement.

7. Monetary Relief. Defendant shall pay \$250,000 to class representatives Criss Murphy and Norman Jordan. Defendant shall pay the following amounts to the following class representatives and/or class members:

Name	Monetary Amount
Larry Marshall	\$35,000
Dennis Coleman	\$35,000
Andino Ward	\$75,000
Eddie Barnes, Jr.	\$75,000
Paul Hannon	\$75,000
Curtis Nelson	\$75,000
David Chambers	\$75,000
Herion Murphy	\$75,000
Vincent Safford	\$75,000
Wayne Zimmerman	\$25,000
Eddie Stewart	\$25,000

Defendant shall pay a common benefit fee in the amount of \$105,000 for the benefit of class members qualified for monetary relief in accordance with the terms of the Agreement.

8. Jurisdiction. The Court finds that it has jurisdiction over the subject matter of the Action, the Settlement Class Representatives, the other Settlement Class Members, and the Defendant. Without affecting the finality of the Judgment, the Court reserves exclusive and continuing jurisdiction and venue with respect to the consummation, implementation, enforcement, construction, interpretation, performance, and administration of the Agreement and/or Judgment.

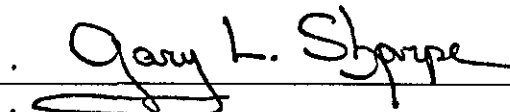
9. Attorneys' Fees, Costs and Expenses. The Court awards to Settlement Class Counsel, Attorneys' Fees and total costs and expenses in the amount of \$444,000.00, which amount the Court finds is fair, adequate and reasonable. This amount shall be paid by Defendant SSSI within ten (10) days after the Final Approval Date as defined in Section IV of the Agreement.

13. Dismissal With Prejudice. The Court finds that the Class Action is hereby DISMISSED WITH PREJUDICE upon the Final Approval Date as defined in Section IV

of the Consent Decree,

14. Entry of Judgment. There being no just reason to delay entry of this Judgment, the Clerk of the Court is ordered to enter this Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED this 23rd day of April, 2007.


Honorable Judge Gary Sharpe
UNITED STATES DISTRICT JUDGE