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ROSEN BIEN ASARO

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DEPUTY CLERK

1 BINGHAM McCUTCHEN LLP KAREN L. KENNARD (State Bar No. 141925)

2 KRISTEN A. PALUMBO (State Bar No. 215857) Three Embarcadero Center

San Francisco, California 94111-4067 Telephone: (415) 393-2000

4 ROSEN, BIEN & ASARO

5 MICHAEL W. BIEN (State Bar No. 96891) 155 Montgomery Street

6 San Francisco, California 94104 Telephone: (415) 433-6830

7

3

8 STEPHEN J. PERRELLO, JR.

(State Bar No. 56288) 9 P.O. Box 880738

San Diego, California 92168

10 Telephone: (619) 277-5900

11 Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

[DDODOGED] ODDED OD ANIMATO POLICY (DDDOGED)

13 FOR THE EASTERN DISTRICT OF CALIFORNIA

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JERRY VALDIVIA, et al., on their own behalf and on behalf of the class of all persons similarly

16 situated,

17 Plaintiffs,

18 v.

19 ARNOLD SCHWARZENEGGER, et al.,

20 Defendants.

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PRISON LAW OFFICE

DONALD SPECTER
(State Bar No. 83925)
General Delivery
San Quentin, California 94964
Telephone: (415) 457-9144

ALEX LANDON (State Bar No. 50957) 2442 Fourth Avenue San Diego, California 92101 Telephone: (619) 232-6022

No. Civ. S-94-0671 LKK/GGH

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF STIPULATED ORDER FOR PERMANENT INJUNCTIVE RELIEF

SF:21549777.3/2096900-2969000039

1	WHEREAS, this Court has presided over the proceedings in the above-capitolical
2	case (the "Class Action") from its inception; and
3	WHEREAS, the parties entered into a Stipulated Order for Permanent Injunctive
4	Relief, lodged with the Court on November 18, 2003, which resolves all but two issues presented
5	in the case; and
6	WHEREAS, the Court has reviewed the Stipulated Order for Permanent
7	Injunctive Relief together with the Exhibits thereto; and
8	WHEREAS, on December 3, 2003, the Court preliminarily approved of the
9	Stipulated Order for Permanent Injunctive Relief and ordered that notice of the proposed
10	settlement be disseminated to the Plaintiff Class; and
11	WHEREAS, on March 8, 2004, this matter came before the Court for hearing
12	pursuant to Federal Rule of Civil Procedure 23(e) and the Order of this Court dated December 3,
13	2003, on the application of the parties for final approval of the proposed settlement set forth in
14	the Stipulated Order for Permanent Injunctive Relief, with no objectors appearing at the hearing;
15	and
16	WHEREAS, due and adequate notice having been given to the Plaintiff Class
17	defined below as required by the Court's December 3, 2003 Order, and the Court having
18	considered all papers filed and proceedings in this case, the pleadings and papers filed in support
19	of final approval of the settlement, as well as all written objections to the proposed settlement,
20	and otherwise being fully informed regarding this litigation and good cause appearing therefore;
21	the Court now finds and orders as follows:
22	FINDINGS
23	1. The Court, having carefully considered the objections to the proposed
24	settlement, finds that the proposed settlement set forth in the Stipulated Order for Permanent
25	Injunctive Relief is fair, adequate and reasonable, and further finds that, notwithstanding the
26	objections received, the benefit to the Plaintiff Class supports final approval of the proposed SF:21549777.3/2096900-2969000039 Case No. Civ. S-94-0671 LKK/GGH

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- settlement in light of all of the relevant considerations, including the fact that the Defendants
- 2 have filed a Notice of Appeal from the Court's July 23, 2003 ruling.
- The Court further finds that the proposed settlement is the product of
- 4 arm's-length, serious, and non-collusive negotiations between experienced and knowledgeable
- 5 counsel for the Plaintiff Class and Defendants, who have actively and competently prosecuted
- 6 and defended this litigation.

IT IS HEREBY ORDERED THAT:

- 8 1. This action is determined to be properly maintained as a class action
- 9 pursuant to Rule 23(b)(2), Federal Rules of Civil Procedure, with a class consisting of (1)
- 10 California parolees at large; (2) California parolees in custody, as alleged parole violators, and
- who are awaiting revocation of their state parole; and (3) California parolees who are in custody,
- having been found in violation of parole and who have been thereupon sentenced to prison
- 13 custody.

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- 14 2. This Court has jurisdiction over the subject matter of this litigation and
- over all parties to the action, including all members of the Plaintiff Class (as defined above).
- 16 3. The notices disseminated to the Plaintiff Class in the forms attached to the
- 17 Court's December 3, 2003 Order and by the means described in Paragraph 7 of that Order
- 18 constituted the best notice practicable under the circumstances. Said notices provided due and
- adequate notice of those proceedings and of the matters set forth therein, including the proposed
- 20 settlement set forth in the Stipulated Order for Permanent Injunctive Relief, to all persons
- 21 entitled to such notice, and said notices fully satisfied the requirements of Rule 23(e) of the
- 22 Federal Rules of Civil Procedure, the Constitution of the United States, due process and any
- other applicable rule(s) of this Court.
- 24 4. The proposed settlement set forth in the Stipulated Order for Permanent
- Injunctive Relief is, in all respects, fair, reasonable and adequate to the Plaintiff Class. The

1	Stipulated Order for Permanent Injunctive Relief was granted final approval at the hearing on
2	March 8, 2004 and has been entered as an Order of this Court on March 9, 2004.
3	5. Without affecting the finality of this Order in any way, this Court hereby
4	retains continuing jurisdiction over (a) implementation of this settlement and the Stipulated
5	Order for Permanent Injunctive Relief; (b) hearing and determining applications for attorneys'
6	fees, costs, interest and expenses in the Class Action; and (c) all parties hereto for the purpose of
7	enforcing and administering the Stipulated Order for Permanent Injunctive Relief.
8	6. By May 24, 2004, the parties are ordered to lodge with the Court a
9	proposed form of final notice to the Plaintiff Class which shall also resolve the two issues
10	remaining for resolution. If by May 24, 2004 the parties are not able to resolve the two
11	remaining issues, or are unable to stipulate to a form of final notice, the parties are ordered to
12	appear before this Court at a status conference on May 24, 2004 at 10:00 a.m. The status
13	conference previously set by the Court for May 3, 2004, at 2:00 p.m. is hereby vacated.
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16	DATED: 3/16/04. By: Counter when
17	The Honorable Lawrence K. Karlton Chief Judge Emeritus
18	United States District Court
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United States District Court for the Eastern District of California March 17, 2004

* * CERTIFICATE OF SERVICE * *

2:94-cv-00671

Valdivias

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Schwarzenegger

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 17, 2004, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Stephen J Perrello Jr Law Office of Stephen J Perrello P O Box 880738 San Diego, CA 92168 AR/LKK

Alexander L Landon Law Offices of Alex Landon 2442 Fourth Avenue San Diego, CA 92101

Karen Kennard Bingham McCutchen LLP Three Embarcadero Center Suite 1800 San Francisco, CA 94111

Michael W Bien Rosen Bien and Asaro 155 Montgomery Street Eighth Floor San Francisco, CA 94104

Donald Specter Prison Law Office General Delivery San Quentin, CA 94964 Case 2:94-cv-00671-LKK-GGH Document 1044 Filed 03/17/04 Page 6 of 6 William Vernon Cashdollar

William Vernon Cashdollar
Attorney General's Office for the State of California
PO Box 944255
1300 I Street
Suite 125
Sacramento, CA 94244-2550

Erika C Aljens Attorney General's Office for the State of California PO Box 944255 1300 I Street Suite 125 Sacramento, CA 94244-2550

Benjamin Laurence Pavone Law Office of Benjamin Pavone 7676 Hazard Center Drive Fifth Floor San Diego, CA 92108-4503

Thomas Stuart Patterson California Attorney General's Office 455 Golden Gate Avenue Suite 11000 San Francisco, CA 94102-7004

John T Philipsborn Law Offices of John T Philipsborn 507 Polk Street Suite 250 San Francisco, CA 94102

Kristen A Palumbo Bingham McCutchen LLP Three Embarcadero Center San Francisco, CA 94111-4067

Peter D Nussbaum Altshuler Berzon Nussbaum Rubin and Demain 177 Post Street Suite 300 San Francisco, CA 94108

Mark F Adams
San Diego Criminal
Defense Bar Association
962 Fifth Avenue
Suite 214
San Diego, CA 92101

Michael J McCabe Criminal Defense Lawyers Club of San Diego 2442 Fourth Avenue San Diego, CA 92101

Jack L. Wagner, Clerk

by: Deputy Clerk