

Honorable Lonny R. Suko

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

BETTY RUCKER, and others,

Plaintiffs,

v.

SPOKANE COUNTY, a municipal
corporation,

Defendant.

No. CV-12-05157-LRS

ORDER GRANTING JOINT
MOTION FOR FINAL
APPROVAL OF CLASS
SETTLEMENT AND AWARD
OF ATTORNEYS FEES, COSTS,
AND INCENTIVE AWARD

THIS MATTER having come before the Court for hearing, pursuant to the Court's Order Granting Joint Motion for Class Certification for Settlement Purposes and Preliminary Approval of Proposed Settlement, dated September 19, 2014 (ECF No. 70), and the Court having reviewed the files and pleadings herein, including:

1. Joint Motion for Final Approval of Class Settlement;
2. The Declaration of Michael Kitson in Support of Joint Motion for Final Approval of Class Settlement;

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- 1 3. The Declaration of Jennifer M. Keough Regarding Notice
- 2 Administration;
- 3 4. Plaintiff's Motion for Approval of Incentive Award and Attorneys' Fees
- 4 and Costs;
- 5 5. Declaration of Andrew S. Biviano in Support of Plaintiff's Motion for
- 6 Approval of Incentive Award and Attorneys' Fees and Costs;
- 7 6. Declaration of Breean L. Beggs in Support of Plaintiff's Motion for
- 8 Approval of Attorneys' Fees and Costs; and
- 9 7. Declaration of Jeffrey Finer in Support of Plaintiffs' Motion for
- 10 Approval of Attorneys fees and Costs.

11 THE COURT FINDS and ORDERS:

12 1. This Order incorporates by reference the definitions in the *Settlement*

13 *Agreement* (ECF No. 65-1); all italicized terms herein shall have the same

14 meanings as set forth in the *Settlement Agreement*.

15 2. This Court has jurisdiction over the subject matter of this action and

16 over all members of the *Class*.

17 3. The notice given to *Class Members* was the best notice practicable

18 under the circumstances, including: (i) individual *Mailed Notice* to all *Class*

19 *Members* who could be identified through reasonable efforts based upon Spokane

20 County records and Advanced Address Searches for *Class Members* whose

21 *Mailed Notice* was returned as undeliverable; (ii) *Publication Notice* twice in the

22 *Spokesman Review*; and (iii) *Publication Notice* posted at Spokane County Jail

23 and Geiger Corrections Center for over one month prior to the deadline to object

24 and opt out. Said notice provided due and adequate notice of these proceedings

25 and of the matters set forth in the *Agreement*, including the proposed *Settlement*,

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1 to all persons entitled to such notice, and said notice fully satisfied the
2 requirements of Rule 23 of the Federal Rules of Civil Procedure and due process.

3 4. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, this
4 Court hereby approves the *Settlement* as set forth in the *Agreement* and the
5 proposed *Plan of Allocation* as set forth in the *Class Notice Form* (ECF No. 65-
6 2). The Court finds that said *Settlement* and the *Plan of Allocation* are, in all
7 respects, fair, reasonable and adequate with respect to the *Class*, and directs that
8 the *Settlement* be consummated in accordance with the terms and conditions set
9 forth in the *Agreement* and the *Plan of Allocation*. The Court hereby orders,
10 adjudges and decrees that the *Settlement Agreement* is binding on the *Named*
11 *Plaintiff*, the *Class*, and the *Defendant* according to its terms.

12 5. Plaintiff's Motion for Approval of Incentive Award and Attorneys'
13 Fees and Costs is hereby granted. The Court approves the payment of a \$10,000
14 service award to Representative Plaintiff Betty Rucker, from the *Settlement*
15 *Amount*, which shall be first applied to outstanding LFO obligations, the terms
16 and conditions of the *Agreement* notwithstanding. *Class Counsel* are hereby
17 awarded, from the *Settlement Amount*, attorneys' fees and costs in the amount of
18 \$125,000.00, to be paid in accordance with the terms and conditions of the
19 *Agreement*.

20 6. The Court hereby dismisses this action in its entirety as to
21 *Defendant*, Spokane County, with prejudice and without costs.

22 7. This Order is a final judgment in the action as to all claims among
23 the *Defendant*, on the one hand, and the *Named Plaintiff* and all *Class Members*,
24 on the other.

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