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IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH, CENTRAL DIVISION

<p>DAVID C., <i>et al.</i>,  Plaintiffs</p> <p>v.</p> <p>JON M. HUNTSMAN, JR., <i>et al.</i>,  Defendants</p>	<p><b>ORDER APPROVING PARTIES' AGREEMENT TO TERMINATE THE LAWSUIT AND DISMISSING CASE WITHOUT PREJUDICE</b></p> <p><b>CIVIL NO: 2:93-CV-00206 TC</b></p> <p>JUDGE CAMPBELL</p>
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The parties' Joint Motion for Final Approval of the Parties' Agreement to Terminate the Lawsuit and For Dismissal Without Prejudice (the "Joint Motion") in the above-captioned matter came before the Court on Thursday, June 28, 2007, at 2:30 p.m. Plaintiffs were represented by

their counsel, Leecia Welch and John O'Toole of the National Center for Youth Law; Gregory Dresser of Morrison & Foerster LLP; and Stephen Clark of Jones Waldo Holbrook and McDonough. Defendants were represented by their counsel, Craig L. Barlow and Susan Eisenman, Assistant Attorneys General for the state of Utah. In an order dated May 18, 2007, the Court preliminarily approved the parties' Agreement to Terminate the Lawsuit (the "Agreement") and authorized the parties' proposed notice procedures. Such notice having been given, and the Court having considered the parties' Joint Motion and supporting papers, the oral argument of counsel, and the other papers of record in this action; the Court makes the following findings of fact and conclusions of law:

1. The parties have engaged in fair and honest arm's-length negotiations. The Court finds that the Plaintiff class has been represented by experienced and competent counsel who have significant experience litigating class actions. Plaintiffs' counsel have zealously advocated for the Plaintiff class during the pendency of this action, and have filed motions to enforce prior agreements and to protect the class. The Court gives weight to Plaintiffs' counsel's opinion that the Parties' Agreement is in the best interests of the class they represent. The Court finds that counsel's representations that this settlement and dismissal without prejudice are in Plaintiffs' best interests are made in good faith, without any collusion with Defendants.
2. Serious questions of fact and law remain as to whether Defendants could demonstrate that they should be permitted to exit federal court oversight. Rather than engage in protracted litigation regarding this question, the parties have entered into an Agreement that allows Defendants to manage their system for an agreed upon period of time without

monitoring from the Child Welfare Policy and Practice Group and the Court or the active involvement of Plaintiffs' counsel and that provides for a final review of the system in October, 2008. The Court finds that this arrangement will not harm the Plaintiff class, and gives Defendants a fair opportunity to demonstrate the sustainability of their reforms.

3. The Court has reviewed the Agreement filed previously in this action (Docket No. 580). The Agreement was made in good faith after a long period of negotiation between the parties. The Court finds that the parties' Agreement represents a fair, reasonable, and adequate compromise and is in the best interests of the Plaintiff class. The Agreement requires Defendants to sustain the reforms that have been achieved through this action, and to continue to operate a transparent and self-correcting system for the benefit of the Plaintiff class.
4. The Court finds that the notice procedures satisfied due process and met the requirements of Rule 23(e) of the Federal Rules of Civil Procedure. Specifically, the notice was published in newspapers throughout Utah and was published on the Department of Human Services' website. Notice was sent to legal representatives for foster children and children who were subjects of investigations based on reports of abuse or neglect. Flyers were sent to all foster parents, and were posted in all Division of Child and Family Services' buildings throughout the State. The Court finds that the Plaintiff class were adequately notified of these proceedings and given sufficient opportunity to object, but that no objections to the settlement were filed. The Court also finds that there are no fiduciary issues for the Court to consider regarding the Plaintiff class.

Based on the above findings of fact and conclusions of law; good cause appearing,

IT IS HEREBY ORDERED that:

The parties' Joint Motion seeking final approval of the Agreement is granted. The Court hereby incorporates the terms of the parties' Agreement into this Order.

The Court further ORDERS that this matter is dismissed without prejudice subject to the terms and conditions of the parties' Agreement. The Court retains jurisdiction for the purpose of enforcing these conditions upon dismissal. On December 31, 2008, after a final court hearing, if no enforcement action is pending, the dismissal of this action will become a dismissal with prejudice without further action by this Court or the parties.

Dated this 25 day of June, 2007.

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH



TENA CAMPBELL  
United States District Court Judge, District of Utah