

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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2006 JUN -9 P 12:16

JOANNE DANIELS-FINEGOLD, ROGERA)
ROBINSON, GENE SMITH, REGINALD)
CLARK, MADELYN JOAN GOLDEN,)
MYRNAIRIS CEPEDA, MAUREEN CANCEMI,)
ANDREW FORMAN, DANFORD LARKIN,)
ROBERT PARK, THOMAS GILBERT,)
and BOSTON CENTER FOR INDEPENDENT)
LIVING, individually and as class representatives,)

Plaintiffs,)

vs.)

MASSACHUSETTS BAY TRANSPORTATION)
AUTHORITY,)

Defendant.)

C.A. No. 02 CV 11504 MEL

U.S. DISTRICT COURT
DISTRICT OF MASS.

ORDER FOR FINAL JUDGMENT

In light of the June 15, 2006, fairness hearing held by the Court to determine whether the parties' Settlement Agreement should be finally approved as fair, reasonable, and adequate,

IT IS HEREBY ORDERED:

1. The Settlement Agreement is hereby finally approved pursuant to Fed. R. Civ. P. 23(e) as fair, reasonable and adequate, and the Settlement Agreement shall be consummated in accordance with its terms and provisions;

2. The form and method of notice of the Settlement Agreement given to the class complied with the requirements of Rule 23 of the Federal Rules of Civil Procedure, satisfied the requirements of due process, was the best notice practicable under the circumstances, and constituted due and sufficient notice of the Settlement Agreement, the fairness hearing, and other matters referred to in the notice to all persons entitled to receive such notice;

3. The class members in this case include all individuals with mobility, hearing, or visual disabilities, as defined by Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131(2), who use, will use, or would use the bus, light rail, and heavy rail rapid transit services operated by the MBTA who are, or will in the future be, denied equal use of these services because the services are not readily accessible to and usable by individuals with such disabilities;

4. The class members, all and each of them (including plaintiffs), are hereby bound by the terms of the Settlement Agreement;

5. The class members are deemed to have released and forever discharged the MBTA with respect to the claims that are released in the Settlement Agreement, which is incorporated by reference herein and attached hereto as Exhibit 1;

6. The class members are hereby permanently barred and enjoined from instituting or prosecuting, either directly, representatively, derivatively or in any other capacity, any action against the MBTA asserting any of the claims released by them in the Settlement Agreement;

7. The Court, without affecting the finality of this Order for Final Judgment, hereby retains and reserves jurisdiction over implementation and performance of the Settlement Agreement pursuant to the terms of the Settlement Agreement; and

8. The Court orders the entry of final judgment dismissing this case with prejudice and without costs.

Dated: June 15, 2006



Morris E. Lasker
Morris E. Lasker
United States District Judge