

[All counsel for both parties listed on last page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YARMAN SMITH, a Minor, by LAGERTHA
SMITH, his guardian ad litem, et al.,

Plaintiffs,

v.

THE BOARD OF EDUCATION OF THE
BERKELEY UNIFIED SCHOOL DISTRICT, et
al.,

Defendants.

Case No.: C 04-3306 WDB

**STIPULATED JUDGMENT AND
ORDER CERTIFYING PLAINTIFF
CLASS AND DESIGNATING CLASS
REPRESENTATIVES AND CLASS
COUNSEL**

Plaintiffs, Yarman Smith, et al. (collectively, "Plaintiffs") and Defendants the Board of Education of the Berkeley Unified School District (the "District"); Gerald Herrick, Director of the Office of Student Services; Michele Lawrence, Superintendent; John T. Selawsky, President of Board of Education; Nancy Riddle, Vice President of The Board of Education; Joaquin J. Rivera, Terry S. Doran, and Shirley Issel, Directors of the Board of Education (collectively, "Defendants") stipulate to the following terms of judgment and request that this Court adopt this Stipulated Judgment and the attached Consent Decree as an Order of the Court.

1. *Class Certification.* Pursuant to Fed. R. Civ. Proc. 23(c)(3), Civil Action No. C 04-3306, styled as *Smith v. Board of Education of the Berkeley Unified School District*, shall be maintained as a class action under Fed. R. Civ. Proc. 23(b)(2) on behalf of the following class of plaintiffs:

“All African Americans and Latinos self-identified as such in official records who have been students in the Berkeley Unified School District and who have been involuntarily excluded from comprehensive school or involuntarily reassigned from comprehensive school programs to non-comprehensive alternative programs for alleged violations of the District’s student conduct rules without having received appropriate due process of law,” with respect to all causes of action outlined in the Complaint.

2. *Class Representatives; Class Counsel.* Yarman Smith, a minor, by Lagertha Smith, his guardian *ad litem*, Juan Muñoz, by Margarita Chavez his guardian *ad litem*, and Summer McNeil, by Sonobia Augustine her guardian *ad litem* are designated as class representatives. William Koski and Molly Dunn of the Stanford Law School Youth and Education Law Clinic, Abigail Trillin and Gabriela Ruiz of Legal Services for Children, and William Abrams of Pillsbury Winthrop, LLP are designated as counsel for the class.

IT IS SO STIPULATED:

Dated: August 15, 2005

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Attorneys for Plaintiffs

By _____ /s/ _____
William S. Koski

Dated: August 15, 2005

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Having read and considered the Joint Motion for Preliminary Approval of the Proposed Consent Decree and supporting papers, including the Proposed Consent Decree and the Proposed Notice to Class and Notice Plan, the Stipulated Judgment, and other pertinent documents filed in this action, and having considered the arguments of the parties, the Court orders that the foregoing Stipulated Judgment is an order of this Court.

The proposed Consent Decree is hereby approved and adopted as an Order of this Court. The Court will retain jurisdiction over this matter to enforce the terms of the Consent Decree.

Dated: August 17, 2005

/s/ Wayne D. Brazil
Honorable Wayne D. Brazil
Magistrate Judge
United States District Court