

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 19 2012

Clerk, U.S. District and
Bankruptcy Courts

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 NIKITA PETTIES, et al.,))
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 Plaintiffs,))
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 v.))
))
 DISTRICT OF COLUMBIA, et al.,))
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 Defendants.))
 _____)

Civil Action No. 95-0148 (PLF)

FINAL JUDGMENT AND ORDER OF DISMISSAL

The Court, having held a Fairness Hearing on December 19, 2012, with notice of this Fairness Hearing having been duly given in accordance with this Court’s Order Granting Preliminary Dismissal (Dkt. No. 2044), and having considered all matters submitted to it at the Fairness Hearing and otherwise, and finding no reason for delay in entry of this Final Judgment and good cause appearing therefore,

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction over the subject matter of the lawsuit, the parties, and all members of the class.
2. Class counsel adequately represented the class for the purposes of concluding this litigation. In the absence of consultations with the original named plaintiffs who cannot be located, class counsel has made reasonable efforts to consult with members of the class, including seeking input from such secondary sources as public interest organizations and caregivers who have day-to-day contact with class members.

3. The Court hereby finds and concludes that class notice was disseminated to members of the class in accordance with the terms set forth in the Order Granting Preliminary Dismissal (Dkt. No. 2044). The Court further finds and concludes that the notice fully satisfied Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process, was appropriate under the circumstances, and supports the Court's exercise of jurisdiction over the class as contemplated by this Order.

4. To the extent that any remain operable, the Court hereby vacates the effectiveness of all orders governing transportation, including, but not necessarily limited to, the following: ordering paragraphs of June 4, 1996 Opinion and Order Regarding Transportation, but not the Opinion (Dkt. No. 214); March 21, 1997 Order (Dkt. No. 322); ordering paragraphs of July 8, 1997 Opinion and Order of Reference, but not the Opinion (Dkt. No. 380); September 16, 1997 Order (Dkt. No. 404); November 14, 1997 Order (Dkt. No. 426); December 22, 1997 Order Regarding Bus Acquisition (Dkt. No. 435); June 25, 2003 Consent Order Appointing Transportation Administrator (Dkt. No. 1118); May 5, 2010 Order Establishing Procedures for Transition of the Department of Transportation Back to Control of the District of Columbia (Dkt. No. 1786); April 27, 2011 Order (Dkt. No. 1896); October 31, 2011 Order (Dkt. No. 1946); ordering paragraphs of Memorandum Opinion and Order of November 14, 2011 Regarding Report and Recommendation of the Supervising Court Master, but not the Memorandum Opinion (Dkt. No. 1952).

5. The Court hereby vacates the effectiveness of the preliminary injunction entered in this matter on March 17, 1995 (Dkt. No. 22) and all subsequent modifications or clarifications thereto, including, but not limited to, the June 29, 1995 Order on Proposals to

Ensure Defendants' Compliance with Preliminary Injunction (Dkt. No. 50) and ordering paragraphs (1), (2) and (3) accompanying Opinion Granting Plaintiffs' Motion to Modify Class Certification and Preliminary Injunction, but not the Opinion (Dkt. No. 66).

6. The Court orders disbursement of all funds, including interest, collected during the course of this litigation that remain in the Court Registry to SchoolTalk, 1111 14th Street NW, Suite 510, Washington D.C. 20005, a D.C. non-profit organization, to be used solely for the purposes jointly proposed by the parties with the Joint Notice filed on December 11, 2012 (Dkt. No. 2055-1).

7. The Court will retain jurisdiction over the ten remaining vendor payment disputes that are pending before the Special Master or the Court. The Court will also retain jurisdiction to consider and award any fees or costs related to the Special Master's work to date, work necessary to resolve the remaining disputes, and costs associated with the closure of the case.

8. The Court will retain jurisdiction to award reasonable attorneys' fees incurred by Class Counsel from September 1, 2012, through December 31, 2012. From that date forward, each Party shall bear its own costs, including attorneys' fees.

9. Pursuant to the Parties' Joint Motion for Preliminary Approval of Dismissal (Dkt. No. 2039), the Court orders that this Final Judgment and Order of Dismissal shall constitute a final judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure, except to the extent that the Court retains jurisdiction for the express purposes specified in paragraphs 6, 7 and 8.

10. The Court hereby dismisses this lawsuit with prejudice. This Order is binding on class members and/or their privies and precludes subsequent lawsuits involving the same claims or causes of action litigated in this case based on facts occurring prior to the date of this Final Order.

11. The Clerk of the Court is directed to enter this Order on the docket forthwith.

SO ORDERED.

DATE: 12/19/12



PAUL L. FRIEDMAN
United States District Judge