

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,	Plaintiff,	Civil Action No. CV-75-S-666-S
v.		
JEFFERSON COUNTY, <i>et al.</i> ,	Defendants.	
JOHN W. MARTIN, <i>et al.</i> ,	Plaintiffs,	Civil Action No. CV-74-S-17-S
v.		
CITY OF BIRMINGHAM, <i>et al.</i> ,	Defendants.	
ENSLEY BRANCH OF THE N.A.A.C.P., <i>et al.</i> ,	Plaintiffs,	Civil Action No. CV-74-S-12-S
v.		
GEORGE SEIBELS, <i>et al.</i> ,	Defendants.	

**NOTICE OF SETTLEMENT AND JOINT MOTION FOR APPROVAL OF
SETTLEMENT AND ENTRY OF JUDGMENT**

The Martin Plaintiffs and Bryant Intervenors (the “Martin/Bryant Parties”) and the City of Birmingham (the “City”) respectfully inform the Court that they have reached a mutually agreeable resolution of the Martin/Bryant Parties’ motion for attorney’s fees and costs against the City (Doc. No. 1726), as detailed below.

As set forth in the Martin/Bryant Parties' motion (Doc. No. 1726), the fair estimate of the amount of attorney's fees and nontaxable expenses claimed is approximately \$1.7 million in nominal dollars, and approximately \$2.7 million, adjusted for interest. In light of the Court's Order granting the City's Motion to Dismiss the City of Birmingham, Alabama, as a Party, and to Dissolve the Consent Decree, as Amended, dated January 27, 2012 (Doc. No. 1724), and the parties' mutual desire to avoid further expense and protracted litigation, the parties have reached this reasonable compromise as the result of arms-length negotiations. The City has accordingly agreed to pay: (1) a charitable contribution of \$250,000.00 to the Lawyers' Committee for Civil Rights Under Law; and (2) a payment of \$100,000.00 to Cravath, Swaine & Moore, LLP, as counsel for the Martin/Bryant Parties, for partial reimbursement of costs. The City payments shall be made within 30 days from entry of the Judgment, which payments shall represent full and final satisfaction of the Martin/Bryant Parties' claims for fees and costs from the City.

The Martin/Bryant Parties and the City therefore jointly move the Court to approve the Agreement and enter a judgment awarding costs and attorney's fees to the

Martin/Bryant Parties substantially in the form of the attached Proposed Judgment.

Dated: March 16, 2012

Respectfully submitted,

/s/ Michael K. K. Choy (with permission)
Michael K. K. Choy

/s/ Rowan D. Wilson
Rowan D. Wilson

BURR & FORMAN, LLP
420 North 20th St., Suite 3400
Birmingham, AL 35203
(205) 251-3000

CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
(212) 474-1000

Attorney for Defendant City of Birmingham

Attorney for Plaintiffs John W. Martin, et al. and Intervenors Gwendolyn Bryant, et al.

Based on the representations made in the parties' joint motion (Doc. No. ___), and on this Court's familiarity with the work performed by counsel for the Martin/Bryant Parties in connection with the City of Birmingham's Consent Decree, the Court specifically finds the proposed settlement fair, adequate, and reasonable, and not the product of collusion between the parties. Accordingly, it is ORDERED, ADJUDGED, AND DECREED that the parties' settlement is APPROVED, and judgment is hereby ENTERED in favor of Cravath, Swaine & Moore, LLP, John W. Martin *et al.*, and Gwendolyn Bryant *et al.* (collectively, the Martin/Bryant Parties"), jointly and severally, and against the City of Birmingham, in the amount of \$350,000.00. In satisfaction of this judgment, the City of Birmingham shall pay \$250,000.00 to the Lawyers' Committee for Civil Rights Under Law, 1401 New York Avenue, NW, Suite 400, Washington, D.C. 20005, Attn: Dan DuPont, and pay \$100,000.00 to Cravath, Swaine & Moore, LLP, as counsel for the Martin/Bryant Parties, for partial reimbursement of costs. These payments shall be made within 30 days from entry of this Judgment, and shall represent full and final satisfaction of the Martin/Bryant Parties' claim for attorney's fees and costs from the City set forth in their motion (Doc. No. 1726).

This judgment fully adjudicates and extinguishes any claim for attorney's fees and costs which the Martin/Bryant Parties or their counsel have or might have made against the City of Birmingham, including but not limited to, any claim under 42. U.S.C. § 1988, the Equal Access to Justice Act, Rules 11, 23, 37, and/or 54 of the Federal Rules of Civil Procedure, and any other rule, law, regulation, or custom by which the Martin/Bryant Parties or their counsel have or might have claimed any entitlement to an award of attorney's fees and/or costs against the City of Birmingham.

This judgment does not adjudicate or in any way impair any other independent claim for attorney's fees and/or costs the Martin/Bryant Parties or their counsel might have or make against any other defendant in these consolidated proceedings.

DONE this ____ day of _____, 2012.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that, on the 16th day of March, 2012, I electronically filed the foregoing "Notice Of Settlement And Joint Motion For Approval Of Settlement And Entry Of Judgment" using the CM/ECF system, which will send notification of such filing to the following counsel of record, the Court-appointed expert (listed below), and the Monitor (listed below).

Jay D. Adelstein, Esq.
Employment Litigation Section, Attn: 4500 PHB
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

T.A. Lawson, II, Esq.
Edwin A. Strickland, Esq.
Assistant County Attorney
280 Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203

Dr. John G. Veres, III
Office of the Chancellor
Auburn University at Montgomery
P.O. Box 244023
Montgomery, AL 36124-4023

Edward A. Hosp, Esq.
Janell M. Ahnert, Esq.
Grace R. Murphy, Esq.
Maynard, Cooper, and Gale, P.C.
1901 6th Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203

James E. Murrill, Jr., Esq.
Robert R. Riley, Jr., Esq.
Keith Jackson, Esq.
Kallie C. Lunsford, Esq.
Riley & Jackson, P.C.
1744 Oxmoor Road
Birmingham, AL 35209

Raymond P. Fitzpatrick, Jr., Esq.
Fitzpatrick, Cooper & Clark, LLP
Farley Building, Suite 600
1929 Third Avenue North
Birmingham, AL 35203

Michael K. K. Choy, Esq.
Burr & Forman, LLP
420 North 20th St., Suite 3400
Birmingham, AL 35203

Leslie A. Coyne, Esq.
Aaron L. Dettling, Esq.
Balch & Bingham, LLP
1901 6th Avenue North, Suite 1500
Birmingham, AL 35203

Byron R. Perkins, Esq.
Perkins Law
2170 Highland Ave. South, Suite 100
Birmingham, AL 35253

Dr. William Sauser, Jr.
Professor & Associate Dean for Outreach
Lowder Business Building
415 West Magnolia Avenue
Birmingham, AL 36849

/s/ Rowan D. Wilson

Rowan D. Wilson

CRAVATH, SWAINE & MOORE LLP

Worldwide Plaza

825 Eighth Avenue

New York, NY 10019

Phone: (212) 474-1000

Fax: (212) 474-3700

E-mail: rwilson@cravath.com