

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AILEEN VILLANUEVA,
Individually and as Class Representative,

Plaintiffs,

And

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

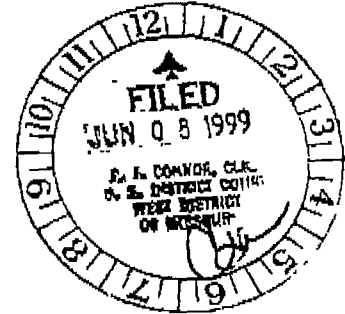
Plaintiff - Intervenor,

v.

WOODBINE HEALTHCARE LIMITED
PARTNERSHIP, et al.,

Defendants.

Case No. 97-1607-CV-W-SOW



CLOSED

ORDER OF FINAL APPROVAL OF AMENDED CONSENT DECREE

The Court, after proper notice to the members of the class, held a hearing on June 4, 1999 at 9:00 a.m. The Court having heard all persons appearing and requesting to be heard and having considered all matters before the Court with regard to this matter and the Amended Consent Decree finds that the terms of the Amended Consent Decree are lawful, fair, just, reasonable, adequate and that the settlement of this matter was reached after good faith, arm's length negotiation and in the absence of collusion. Considering the economic benefits of the settlement to the class, the possibility of plaintiffs' success in obtaining relief prayed for as compared to the economic benefits of the settlement, the relative strength of the claims, the costs and uncertainties of further litigation and the likelihood of collection of any damages the Amended Consent Decree is hereby APPROVED.

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THEREFORE IT IS ORDERED THAT

1. The Amended Consent Decree is approved as lawful, fair, just, reasonable and adequate.

2. The following stipulated class of persons were previously certified by Order of Court dated March 8, 1999 as a class under subparagraph (b)(3) of Rule 23: All persons of Filipino race, national origin and ancestry employed by defendant Woodbine Health Care Limited Partnership pursuant to H-1A visas between and after November 20, 1993 through October 31, 1998 in connection with Woodbine's Attestations filed with the United States Department of Labor and Woodbine's Petitions for a Nonimmigrant Worker filed with the United States Department of Justice, Immigration and Naturalization Service who have not previously settled and released their claims for the described time period.

3. The mailing of notice to members of the class was the best notice practicable to the class members under the circumstances of this action and constitutes due and sufficient notice to all persons entitled thereto.

4. The parties are hereby directed to take all further actions as provided by the Amended Consent Decree and in accordance with this Order.

5. The Court adopts and approves distribution of the settlement funds to the class members pursuant to the formula set forth in the Notice to Eligible Claimants of Proposed Consent Decree.

6. Upon receipt of the settlement funds from the defendant, on or about June 18, 1999, the third party administrator shall deposit such funds in an interest bearing account.

7. The third party administrator is directed to make allocations and payments in accordance with the formula set forth in the Notice to Eligible Claimants of Proposed Consent Decree. The third party administrator shall make such payments in such amounts as are contained in the final Exhibit C to the Amended Consent Decree, which shall be filed with the Court on or before June 25, 1999. The third party administrator shall forward to each class member the amount due pursuant to final Exhibit C in the manner provided in section IIC of the Amended Consent Decree no later than July 6, 1999, with the exception of those class members as provided below.


8. With respect to any class member for whom the third party administrator lacks either a social security number or a W-4, the third party administrator shall promptly forward to each such class member the appropriate forms to complete together with a letter requesting the information and explaining the need for this information. The third party administrator shall have an additional 30 days within which to forward funds to these class members. The third party administrator shall promptly notify counsel for all parties of the failure of any class member to return the requested information.

9. The third party administrator is directed to pay the premiums provided in accordance with the Notice to Eligible Claimants of Proposed Consent Decree.

10. The third party administrator is directed to pay Class Counsel's attorney fees and to reimburse Class Counsel for costs and expenses as provided in the Amended Consent Decree and in accordance with the Court's Order of Approval and Authorization of Payment of Attorney Fees and Expenses.

11. The third party administrator shall provide an accounting of all distributions, a copy of each check issued and statement of withholdings to counsel for all parties on or before December 31, 1999.

IT IS SO ORDERED.


Honorable Scott O. Wright

Date: JUNE 8, 1999