

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ST. CLARE ROSENBERG, WAYNE )  
ANDERSON, CHARLES )  
WASHINGTON, and EDWARD )  
ANDERSON, Individually and on behalf )  
of a class of all other persons similarly )  
situated, )

Plaintiffs, )

v. )

IKON OFFICE SOLUTIONS, INC., )

Defendant. )

CIVIL ACTION NO. 05-CV-9131 (PAC)

District Judge: Honorable Paul A. Crotty

JUDGMENT AND ORDER OF  
DISMISSAL WITH PREJUDICE

WHEREAS, this matter comes before the Court on the joint request of Plaintiffs St. Clare Rosenberg, Wayne Anderson, Charles Washington, and Edward Anderson and a class of persons similarly situated ("Class Representatives" or "Plaintiffs") and Defendant IKON Office Solutions, Inc. ("Defendant" or "IKON"), for (a) final approval of the Settlement of this case as memorialized in the Settlement Agreement (the "Agreement"), dated October 18, 2007, and (b) entry of a Judgment and Order dismissing this action with prejudice; and

WHEREAS, Plaintiffs and Defendant entered into the Agreement to settle this Class Action; and

WHEREAS, the Court entered a Preliminary Approval Order, dated October 30, 2007, preliminarily certifying the proposed Class for settlement purposes under Federal Rule of Civil Procedure 23, ordering Notice to Class Members, and scheduling a Fairness Hearing for January 22, 2008; and

WHEREAS, the Court has reviewed and considered the proposed Agreement, the

submissions of the parties in support thereto, and held oral argument at the Fairness Hearing in this matter on January 22, 2008,

NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Definitions. For the purposes of this Order, the Court adopts by reference the definitions set forth in the "Definitions" section of the Agreement.
2. Class Action Requirements. The Court finds that the requirements of Federal Rule of Civil Procedure 23 (a)(b)(2), and (b)(3) have been met, in that:
  - A. The Settlement Class is so numerous that the joinder of all members is impracticable;
  - B. There are questions of law or fact common to the Settlement Class, which questions predominate over any questions affecting only individual members.
  - C. The Settlement Class Representatives' claims are typical of the other Settlement Class Members' claims;
  - D. The Settlement Class Representatives and Settlement Class Counsel have fairly and adequately protected the interests of the Settlement Class and absent Settlement Class members. The Settlement Class Representatives retained counsel experienced in bringing class action and civil rights litigation; and
  - E. The settlement class action is an appropriate method for the fair and efficient adjudication of the controversy.
3. Certification of Settlement Class. The requirements of Federal Rule of Civil Procedure 23 having been met, the Court certifies the following Settlement Class

for the purpose of effectuating the Settlement: all African-American individuals employed by IKON between January 1, 2001 and December 31, 2005 in the Legal Document Services or IKON Management Services business units in New York State.

4. Notice. The Court finds that dissemination of the Notice as provided for in the Preliminary Approval Order, constituted the best notice practicable under the circumstances to potential Settlement Class Members and complied fully with Federal Rule of Civil Procedure 23, any and all substantive and procedural due process rights guaranteed by the United States Constitution, and any other applicable law.

5. Final Approval of the Agreement. The Court finds that the proposed Agreement is APPROVED as fair, reasonable, and adequate, pursuant to Rule 23(e)(1)C of the Federal Rules of Civil Procedure. The Court further finds that each and every term, provision, condition, and agreement of the Agreement, including all exhibits and amendments thereto, apply and are adopted, incorporated, and made part of this Judgment, as if copied herein *in extenso* and shall be effective, implemented, and enforced as provided in the Agreement.

6. Monetary Relief. Defendant is required to pay the amounts to the class representatives and to the settlement class members who have filed claims forms as set forth in the Agreement. Defendant shall pay the following amounts to the following class representatives:

Name	Monetary Amount
St. Clare Rosenberg	\$60,000
Wayne Anderson	\$40,000
Charles Washington	\$30,000
Edward Anderson	\$45,000

7. Jurisdiction. The Court finds that it has jurisdiction over the subject

matter of the Action, the Settlement Class Representatives, the other Settlement Class Members, and the Defendant. Without affecting the finality of the Judgment, the Court reserves exclusive and continuing jurisdiction and venue with respect to the consummation, implementation, enforcement, construction, interpretation, performance, and administration of the Agreement and/or Judgment.

8. Attorneys' Fees, Costs and Expenses. The Court awards to Settlement Class Counsel, Attorneys' Fees in the amount of \$399,983.81, which amount the Court finds is fair, adequate and reasonable, and total costs and expenses of \$36,516.19. These amounts shall be paid by Defendant IKON within ten (10) days after the Effective Date as defined in the Agreement.

9. Dismissal With Prejudice. The Court finds that the Class Action is hereby DISMISSED WITH PREJUDICE.

10. Entry of Judgment. There being no just reason to delay entry of this Judgment, the Clerk of the Court is ordered to enter this Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED this 22 day of January, 2008



Honorable Paul A. Crotty  
UNITED STATES DISTRICT JUDGE

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

Date:

In Re:

-v-

Case #:

( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is ~~\$250.00~~ <sup>\$450.00</sup> payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: March 4, 2003

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-----X  
|  
-V-  
|  
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**NOTICE OF APPEAL**

civ. ( )

Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

APPEAL FORMS

Docket Support Unit

Revised: March 4, 2003

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

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-V-  
-----X

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ. ( )

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

FORM 2

APPEAL FORMS

Docket Support Unit

Revised: March 4, 2003

United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

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NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME

civ. ( )

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_ respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 3

APPEAL FORMS

Docket Support Unit

Revised: March 4, 2003



United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

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-V-  
-----X

**AFFIRMATION OF SERVICE**

civ. ( )

I, \_\_\_\_\_, declare under penalty of perjury that I have  
served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

**FORM 4**

**APPEAL FORMS**

Docket Support Unit

Revised: March 4, 2003