

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

AMALIA RAMIREZ CASTELANO, *et al* §
VS. § CIVIL ACTION NO. M-08-57
CONDOLIEZZA RICE, *et al* §
§

FINAL ORDER AND JUDGMENT APPROVING CLASS ACTION SETTLEMENT

Before the Court is the Motion for Final Approval of Proposed Class Action Settlement (the “Motion”) filed by Plaintiffs Amalia Ramirez Castelano, Sofia Elizabeth Lopez, and J.S., a minor by and through his next friend Sonia Raquel Cantu-Sanchez, on behalf of themselves, the Class and all Class Members and Defendants (collectively, the “Settling Parties”).

Having read and considered the Settlement Agreement and having held a hearing on the fairness of the proposed Settlement, at which objectors to the Settlement could appear, and based upon familiarity with the files and proceedings in this matter, the Court finds that:

1. The Final Judgment Order (the “Order”) incorporates by reference the definitions in the Settling Parties’ Stipulation and Agreement of Settlement and Release (the “Settlement Agreement”), and all terms used herein have the same meanings as set forth in that Settlement Agreement, unless otherwise defined herein.
2. The Court has subject matter jurisdiction over this Action, the Class Representatives, the Class, and the Defendants.
3. The Court preliminarily approved the Settlement Agreement by Order of June 29, 2009.
4. Notice of the proposed Settlement has been timely disseminated in accordance with the terms of the Preliminary Approval Order, which authorized such notice. Such notice

satisfies the requirements of Rule 23(c)(2) of the Federal Rules of Civil Procedure and the due process requirement of the Fifth Amendment.

5. The issues as to liability and remedies in the Action are issues as to which there are substantial grounds for difference of opinion, and the proposed settlement of the Action constitutes a resolution of those issues that is fair, reasonable, and adequate to the Class Members.

ACCORDINGLY, IT IS HEREBY ORDERED:

6. The Court hereby approves the Settlement set forth in the Settlement Agreement and finds that:

A. the Settlement Agreement is fair, reasonable, and adequate and in the best interests of the Class;

B. the Settlement Agreement has been negotiated at arm's length between competent, able counsel, and no collusion existed in connection with the Settlement Agreement;

C. the record is sufficiently developed and complete to have enabled Plaintiffs and Defendants to evaluate and consider their positions.

7. The portions of the Preliminary Approval Order that, for settlement purposes only, preliminarily and conditionally certified this action as a class action, designated class representatives, and designated class counsel are hereby made final and unconditional.

8. The Settlement Agreement shall be consummated and implemented in accordance with its terms, which are hereby incorporated by reference herein.

9. This Action, the Second Amended Complaint and all claims asserted therein, except for any individual claims under 8 U.S.C. § 1503 that are severed from the Second

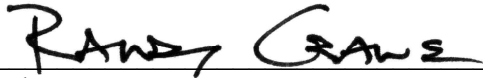
Amended Complaint, are hereby dismissed with prejudice. All parties and Class Members shall bear their own costs and fees except to the extent expressly provided in the Settlement Agreement or in this Final Order. All costs and expenses incurred in identifying and providing notice to the Class and administering the Settlement shall be paid as set forth in the Settlement Agreement.

10. Without affecting the finality of this Final Judgment, the Court retains jurisdiction, as limited by Section IV of the Settlement Agreement, over proceedings arising out of or related to this Settlement Agreement, and the Final Order.

11. This Final Order and Judgment shall not be construed as or deemed to be evidence of an admission or concession as to any claim, defense, or prayer for relief alleged or asserted in this Action.

12. There being no just reason for delay, this Final Order shall be deemed final and the Clerk of the Court is directed to enter this Final Order forthwith.

SO ORDERED this 14th day of August, 2009, at McAllen, Texas.



Randy Crane
United States District Judge