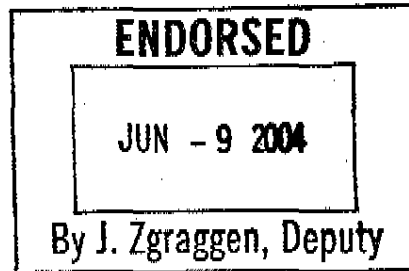


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8 Attorneys for Plaintiffs



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10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SACRAMENTO

12 —o0o—

13 MARY BULL, SCOTT BRUSASCHETTI,
14 JASON WILSON, ROSE PANOFSKY, JACK
15 NOUNNAN, NICHOLAS PAGE, ELLEN
16 FAULKNER, and all those similarly situated,

17 Plaintiffs,

18 v.

19 COUNTY OF SACRAMENTO, SHERIFF LOU
20 BLANAS, and DOES 1 to 50, inclusive,

21 Defendants.

22 DONIZETTI HALE, and all those similarly
23 situated,

24 Plaintiffs,

25 v.

26 COUNTY OF SACRAMENTO, SHERIFF LOU
BLANAS, and DOES 1 to 50, inclusive,

Defendants.

CASE NO. 01AS01545

**ORDER FOR PRELIMINARY APPROVAL
OF SETTLEMENT OF CLASS ACTION**

**CONSOLIDATED
ORDER DATED 3/20/03**

WHEREAS, plaintiffs MARY BULL, SCOTT BRUSASCHETTI, JASON WILSON, ROSE PANOFSKY, JACK NOUNNAN, NICHOLAS PAGE, ELLEN FAULKNER and DONZETTI HALE, by and through class counsel, Mark E. Merin, and defendant County of Sacramento, by and through its

1 attorney, Terence Cassidy, have entered into a Stipulation of Settlement intending to resolve the within
2 consolidated class action pending in this Court;

3 WHEREAS, the Stipulation of Settlement, together with the supporting materials, sets forth the
4 terms and conditions for a proposed settlement and dismissal with prejudice of the pending actions against
5 the defendants;

6 WHEREAS, the Court has before it and has reviewed the parties' Stipulated Motion for
7 Preliminary Approval of Settlement of Class Action together with the Stipulation of Settlement and
8 supporting materials;

9 WHEREAS, the Court is satisfied that the terms and conditions set forth in the Stipulation of
10 Settlement were the result of good faith, arms' length settlement negotiations between competent and
11 experienced counsel for both plaintiffs and defendants, through extensive mediation;

12 IT IS HEREBY ORDERED AS FOLLOWS:

13 **I. PRELIMINARY APPROVAL OF SETTLEMENT AND APPROVAL OF SETTLEMENT**
14 **CLASS**

15 1. The terms of the Stipulation of Settlement are hereby preliminarily approved, subject to
16 further consideration thereof at the Fairness Hearing provided for below. The Court finds that the
17 settlement is sufficiently within the range of reasonableness and that notice of the proposed settlement
18 should be given as provided in this Order.

19 2. The Court hereby orders that the class of persons defined in Paragraph 16 of the Stipulation
20 of Settlement filed and incorporated by reference herewith is certified as a Provisional Settlement Class.

21 3. The Court further conditionally finds that plaintiffs MARY BULL, SCOTT
22 BRUSASHETTI, JASON WILSON, ROSE PANOFSKY, NICHOLAS PAGE, ELLEN FAULKNER and
23 DONZETTA HALE are adequate class representatives for the settlement class.

24 4. The Court further finds that plaintiffs' counsel are adequate class counsel.

25 5. The Court approves the Class Notice of Settlement attached hereto as Exhibit A and further
26 approves the method by which notice is proposed to be given.

1 6. If, pursuant to the terms of the Stipulation of Settlement, it is not consummated, the
2 conditional certification of the settlement class and preliminary approval of the Stipulation of Settlement
3 shall be void and the parties shall have reserved all of the rights to continue with any litigation or further
4 mediation or settlement discussions.

5 7. The Bar Date, as defined in paragraph 2 of the Stipulation of Settlement shall be September
6 30, 2004.

7 **II. NOTICE TO SETTLEMENT CLASS MEMBERS AND EMPLOYMENT OF CLASS**
8 **CLAIM ADMINISTRATOR**

9 8. Counsel for the class ("class counsel") is as follows:

10 Mark E. Merin, Esq.
11 Law Office of Mark E. Merin
12 P.O. Box 255428
13 Sacramento, CA 95865
14 (916) 443-6911 - Telephone
15 (916) 447-8336 - Facsimile
16 office@markmerin.com - E-mail

17 9. Counsel for defendants is as follows:

18 Terence J. Cassidy, Esq.
19 Porter Scott Weiberg & Delehant
20 P.O. Box 255428
21 Sacramento, CA 95865
22 916/929-1481 - Telephone
23 916/927-3706 - Facsimile
24 tcassidy@pswdlaw.com - E-mail

25 10. Class Claims Administrator is as follows:

26 Gilardi and Company, LLC
1115 Magnolia Avenue
Larkspur, CA 94939
(415) 461-0410 - Telephone
(800) Toll Free Number to be arranged.
(415) 461-0412 - Facsimile
classact@gilardi.com - E-mail

11. Beginning no later than July 1, 2004, counsel for the parties acting with the Class Claims
Administrator shall cause to be disseminated the Notice and Claim Form, substantially in the form
attached as Exhibits A and B hereto, in the manner set forth in paragraphs 78 and 79 of the Stipulation of

1 Settlement. Such summary notice as the parties agree will be published in accordance with the terms of
2 the Stipulation of Settlement. Class members will have up to and including September 30, 2004 in which
3 opt-out of this settlement, object to this settlement or file claims. Prior to the Fairness Hearing, the
4 Claims Administrator shall file and serve a sworn statement attesting to compliance with the provisions of
5 this paragraph.

6 12. The notice to be provided as set forth in the Stipulation of Settlement is hereby found to be
7 the best means practicable of providing notice under the circumstances and, when completed, shall
8 constitute due and sufficient notice of the proposed settlement and the Fairness Hearing to all persons and
9 entities affected by and/or entitled to participate in the settlement, in full compliance with applicable
10 statutes and Constitution of the state of California, due process, the Constitution of the United States and
11 all other applicable laws. The notices are accurate, objective, informative and provide class members with
12 all of the information necessary to make an informed decision regarding their participation in the
13 settlement and its fairness.

14 13. Counsel for the respective parties are authorized to retain Gilardi and Company, LLC, 1115
15 Magnolia Avenue, Larkspur, California 94939, as Class Claims Administrator in accordance with the
16 Stipulation of Settlement and this Order.

17 **III. REQUESTS FOR EXCLUSION FROM THE SETTLEMENT CLASS**

18 14. Any member of the settlement class who wishes to be excluded ("opt out") from the
19 settlement class must send a written request for exclusion to the Court, so that it is received by the Court
20 at the address indicated in the Notice on or before the Bar Date. The request for exclusion shall fully
21 comply with requirements set forth in the Stipulation of Settlement. Members of the settlement class may
22 not exclude themselves by filing requests for exclusion as a group or class, but must in each instance
23 individually and personally execute a request for exclusion and timely transmit it to the Claims
24 Administrator.

25 15. Any member of the settlement class who does not properly and timely request exclusion
26 from the settlement class shall be bound by all of the terms and provisions of the Stipulation of

1 Settlement, including but not limited to the releases, waivers and covenants described in the Stipulation of
2 Settlement. Whether or not such person objected to the settlement and whether or not such person made a
3 claim upon or participated in, the Settlement Fund created pursuant to the Stipulation of Settlement.

4 **IV. THE FAIRNESS HEARING**

5 16. A hearing on final approval, the "Fairness Hearing," is hereby scheduled to be held before
6 this Court on October 22, 2004, at 9:00 a.m., to consider the fairness, reasonableness, and adequacy of the
7 proposed settlement, the dismissal with prejudice of these class action complaints with respect to the
8 released parties herein, and the entry of final judgment in the class action. Class counsel's application for
9 award of attorney's fees and costs shall be heard at the time of the Fairness Hearing.

10 17. The date and time of the Fairness Hearing shall be set forth in the Notice, but the Fairness
11 Hearing shall be subject to adjournment by the Court without further notice to the members of the
12 settlement class other than that which may be issued by the Court.

13 18. Any person who does not elect to be excluded from the settlement class may, but need not,
14 enter an appearance through his or her own attorney. Settlement class members who do not enter an
15 appearance through their own attorneys will be represented by class counsel.

16 19. Any person who does not elect to be excluded from the settlement class may, but need not,
17 submit comments or objections to the proposed settlement. Any class member may object to the proposed
18 settlement, entry of the final order and judgment approving the settlement, and class counsel's application
19 for fees and expenses by filing and serving a written objection.

20 20. Any class member making the objection (an "objector") must sign the objection personally.
21 Any objection must state why the objector objects to the proposed settlement and provide the basis to
22 support such position. If an objector intends to appear personally at the Fairness Hearing, the objector
23 must include with the objection a notice of the objector's intent to appear at the hearing.

24 21. Objections, along with any notice of intent to appear, must be filed with the Court no later
25 than September 30, 2004. If counsel is appearing on behalf of more than one class member, counsel must
26 identify each such class member and each class member must have complied with the requirements of this

1 order. These documents must be filed with the clerk of the Court at the following address: Sacramento
2 County Superior Court, Department 39, 720 Ninth Street, Sacramento, California 95814.

3 22. Objections, along with any notice of intent to appear, must also be mailed to class counsel
4 and counsel for defendants at the addresses listed below:

5 Counsel for the class ("class counsel") is as follows:

6 Mark E. Merin, Esq.
7 Law Office of Mark E. Merin
8 2001 P Street, Suite 100
9 Sacramento, CA 95814
(916) 443-6911 - Telephone
(916) 447-8336 - Facsimile
office@markmerin.com - E-mail

10 Counsel for defendants is as follows:

11 Terence J. Cassidy, Esq.
12 Porter Scott Weiberg & Delehant
13 P.O. Box 255428
14 Sacramento, CA 95865
916/929-1481- Telephone
916/927-3706- Facsimile
tcassidy@pswdlaw.com - E-mail

15 23. Only class members who have filed and served valid and timely notices of objection shall
16 be entitled to be heard at the Fairness Hearing. Any class member who does not timely file and serve an
17 objection in writing to the settlement, entry of final order and judgment, or to class counsel's application
18 for fees and expenses, in accordance with the procedure set forth in the class notice and mandated in the
19 order, shall be deemed to have waived any such objection by appeal, collateral tact, or otherwise.

20 24. Persons wishing to be heard at the Fairness Hearing are required to file written comments
21 or objections and indicate in their written comments or objections their intention to appear at the Fairness
22 Hearing. Settlement class members need not appear at the hearing or take any other action to indicate
23 their approval.

24 25. All members of the settlement class who do not personally and timely request to be
25 excluded from the class are enjoined from proceeding against the defendants until such time as the Court
26

1 renders a final decision regarding approval of the settlement and, if the settlement is approved, enters final
2 judgment as provided in the Stipulation of Settlement.

3 **V. OTHER PROVISIONS**

4 26. Upon approval of the settlement provided for in the Stipulation of Settlement, each and
5 every time and provision thereof shall be deemed incorporated herein as if expressly set forth and shall
6 have the full force and effect of an order of this Court.

7 27. The Honorable Raul Ramirez, United States District Court Judge, retired, is hereby
8 appointed to serve as Special Master to review and resolve certain disputes pursuant to the terms of the
9 Stipulation of Settlement.

10 28. All reasonable costs incurred in notifying members of the settlement class as well as
11 administering the Stipulation of Settlement shall be paid as set forth in the Stipulation of Settlement.

12 IT IS SO ORDERED.

13 DATED: JUN - 9 2004, 2004

RICHARD K. PARK

14 _____
15 HON. RICHARD K. PARK
16 JUDGE OF THE SACRAMENTO SUPERIOR COURT
17 IN AND FOR THE STATE OF CALIFORNIA
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