

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

MARCUS BYNUM, et al

Plaintiffs

v.

GOVERNMENT OF THE DISTRICT
OF COLUMBIA,

Defendant

Civil Action No. 02-956 (RCL)

Next Court Event: Status 6/27/05

SETTLEMENT MOTION

MOTION FOR APPROVAL OF SETTLEMENT OF CLASS ACTION

1. The parties to this action have reached an agreement to settle this case memorialized in a “Settlement Agreement,” a copy of which is attached to this Motion, along with the Exhibits to the Settlement Agreement. This Settlement Motion is referenced in the Settlement Agreement as Exhibit “A.”

2. The parties now desire finally to settle and compromise the claims raised in the Lawsuit, but not extending to any claims that may arise as a result of any party’s failure to comply with any provision of this Settlement Agreement.

3. Attached hereto are the Settlement Agreement and the following Exhibits thereto:

- a. EXHIBIT A – Motion for submission of the Settlement Agreement and Exhibits thereto [this motion]

- b. EXHIBIT B – Preliminary Approval Order, a proposed order preliminarily certifying the class
- c. EXHIBIT C – Notice of Class Action, Proposed Class Settlement and Hearing
- d. EXHIBIT D – Claim Form
- e. EXHIBIT E – Final Order of Approval of Settlement

4. The parties hereby move this Court to enter the Preliminary Approval Order (Exhibit B) and to schedule a fairness hearing to consider final approval of the settlement agreement pursuant to Federal Rules of Civil Procedure 23(e).

5. The Preliminary Approval Order (Exhibit B):

- a. evidences the Court's Preliminary Approval of this Settlement;
- b. certifies, for purposes of this Settlement only, the Class based on the current complaint, designates the Named Plaintiffs as the class representatives of the Class, confirms William Claiborne and Lynn Cunningham as Class Counsel for the Class, and appoints Barrett S. Litt as Class Counsel for the Class;
- c. schedules a hearing on the fairness of this Settlement, pursuant to Rule 23 of the Federal Rules of Civil Procedure, and for final approval of this Settlement;
- d. directs that notice of this Settlement be given to the Class; and

e. otherwise authorizes the parties to engage in the activity provided for in the Settlement Agreement designed to advance the settlement process.

6. The parties request that the Preliminary Approval Order be signed and entered on August 31, 2005, the date that the class period ends.

Respectfully submitted,

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Respectfully submitted,

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