

**U.S. District Court
District of New Mexico – Version 3.2.1 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:06-cv-00179-WJ-WPL**

Lira, et al v. Dona Ana County Boar, et al
Assigned to: District Judge William P. Johnson
Referred to: Magistrate Judge William P Lynch
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 03/07/2006
Date Terminated: 05/20/2008
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Jesus Lira

represented by **Jess R. Lilley**
Lilley Law Office
1014 S. Main St.
Las Cruces, NM 88005
(505) 524-7809
Fax: (505) 526-2642
Email: jlilley@zianet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
The Rothstein Law Firm
1215 Paseo de Peralta
P.O. Box 8180
Santa Fe, NM 87504
505-988-8004
Fax: 505-982-0307
Email: jbienvenu@rothsteinlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
Lilley Law Offices
1014 S Main
Las Cruces, NM 88005
(505) 524-7809
Email: mlilley@zianet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
Rothstein Law Firm
P.O. Box 8180
1215 Paseo de Peralta
Santa Fe, NM 87504-8180
505-988-8004
Fax: 505-982-0307
Email: mhd@rothsteinlaw.com
LEAD ATTORNEY
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Michael W. Lilley
Lilley Law Offices
1014 S Main St.
Las Cruces, NM 88005
(505) 524-7809
Fax: (505) 526-2642
Email: lilley@zianet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
Rothstein Law Firm
P.O. Box 8180
1215 Paseo de Peralta
Santa Fe, NM 87504-8180
505-988-8004
Fax: 505-982-0307
Email: rrr@rothsteinlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ben Garcia

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Graciela Martinez

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Stephen Culler

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Cynthia Archer

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Frederick Garcia

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Douglas Beidler
*on their own behalf and on behalf of a
class of similarly situated persons*

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Amber Rodriguez
*on her own behalf and on behalf of a
class of similarly situated persons*

represented by **Jess R. Lilley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marc Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W. Lilley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert R Rothstein
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Dona Ana County Board of
Commissioners**

represented by **H. Nicole Werkmeister**
Narvaez Law Firm, P.A.
P.O. Box 25967
Albuquerque, NM 87125-0967
505-248-0500
Fax: 505-247-1344
Email: nwerkmeister@narvaezlawfirm.com
LEAD ATTORNEY

Raul A. Carrillo, Jr.
P.O. Box 457
Las Cruces, NM 88004
(505) 647-3200
Fax: (505) 647-1463
Email: carrillolaw@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Cheryl Roach
*former Dona Ana County Detention
Center acting administrator, in her
individual and official capacity*

represented by **H. Nicole Werkmeister**
(See above for address)
LEAD ATTORNEY

Raul A. Carrillo, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Christopher Barela
Dona County Juvenile Detention Center
Administrator

represented by **H. Nicole Werkmeister**
(See above for address)
LEAD ATTORNEY

Raul A. Carrillo, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David Wooley
Former Dona Ana County Juvenile
Detention Center Administrator

represented by **H. Nicole Werkmeister**
(See above for address)
LEAD ATTORNEY

Raul A. Carrillo, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alfonso Soliz
Former Dona Ana County

represented by **H. Nicole Werkmeister**
(See above for address)
LEAD ATTORNEY

Raul A. Carrillo, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Claimant

Felipe Balderrama

represented by **Felipe Balderrama**
728 E. Francis Ave.
Pampa, TX 79065
806-662-1999
PRO SE

Date Filed	#	Docket Text
03/07/2006	<u>1</u>	COMPLAINT (5 Summons(es) issued) (referred to Magistrate Judge William P. Lynch) (yc) (Entered: 03/08/2006)
03/08/2006		FILING FEE PAID: on 3/7/06 in the amount of \$250.00, receipt #: 209492. (yc) (Entered: 03/08/2006)
03/08/2006		LETTER re consent to proceed before a U.S. Magistrate Judge (yc) (Entered: 03/08/2006)
03/24/2006	<u>2</u>	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE of s/c by deft Dona Ana County Board on 3/8/06 (jrm) Modified on 03/31/2006 (Entered: 03/27/2006)
03/24/2006	<u>3</u>	NOTICE by deft Dona Ana County Board of Service of Consent to Proceed before a US Magistrate Judge (nc) (Entered: 03/27/2006)

03/27/2006	<u>4</u>	RETURN OF SERVICE executed upon defendant Christopher Barela on 3/27/06 (yc) (Entered: 03/27/2006)
03/27/2006	<u>5</u>	RETURN OF SERVICE executed upon defendant Alfonso Soliz on 3/23/06 (yc) (Entered: 03/27/2006)
03/27/2006	<u>6</u>	RETURN OF SERVICE executed upon defendant Cheryl Roach on 3/27/06 (yc) (Entered: 03/27/2006)
03/27/2006	<u>7</u>	NOTICE by pltfs of refusal to consent to proceed before a U.S. Magistrate Judge (yc) (Entered: 03/27/2006)
03/27/2006	<u>8</u>	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defts Dona Ana County Board, Christopher Barela, Alfonso Soliz and Cheryl Roach on 3/24/06 (jrm) Modified on 03/31/2006 (Entered: 03/28/2006)
03/28/2006	<u>9</u>	MINUTE ORDER: transferring case to the Albuquerque Division and reassigning case from Magistrate Judge Lourdes A Martinez to District Judge William P. Johnson (cc: all counsel*) (jrm) (Entered: 03/28/2006)
04/10/2006	<u>10</u>	UNOPPOSED MOTION by defts to extend time until 4/21/06 to answer the complaint (jrm) (Entered: 04/11/2006)
04/13/2006	<u>11</u>	ORDER by Magistrate Judge William P. Lynch granting defts' motion to extend time until 4/21/06 to answer the complaint [10-1] (cc: all counsel) (yc) (Entered: 04/14/2006)
04/18/2006	<u>12</u>	ORDER by Magistrate Judge William P. Lynch Telephonic Status conference set for 4/19/06 @ 10:30 am (cc: all counsel*) (jrm) (Entered: 04/18/2006)
04/19/2006	<u>13</u>	CLERK'S MINUTES: before Magistrate Judge William P. Lynch Status conference held (*) (jrm) (Entered: 04/19/2006)
04/25/2006	<u>14</u>	ORDER staying proceedings by Magistrate Judge William P. Lynch for a period of 90 days as further described herein; (cc: all counsel) (yc) (Entered: 04/25/2006)
05/10/2006	<u>15</u>	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by deft David Wooley on 5/10/06 (jrm) (Entered: 05/11/2006)
07/27/2006	<u>16</u>	ORDER by Magistrate Judge William P. Lynch setting telephonic Status hearing on 8/14/06 @ 1:30 pm (cc: all counsel)* (jm) (Entered: 07/27/2006)
07/31/2006	<u>17</u>	STIPUALTED MOTION by the parties to stay proceedings for another 90 days (yc) (Entered: 07/31/2006)
08/01/2006	<u>18</u>	ORDER by Magistrate Judge William P. Lynch granting the stipulated motion to stay proceedings for another 90 days until 10/24/06; the Court will hold a status conference on 8/14/06 @ 1:30 p.m.; [17-1] (cc: all counsel) (yc) (Entered: 08/02/2006)
08/14/2006	<u>19</u>	CLERK'S MINUTES: before Magistrate Judge William P. Lynch Status conference held (*) (jrm) (Entered: 08/14/2006)
09/18/2006	<u>20</u>	NOTICE by defts of change of address (jrm) (Entered: 09/19/2006)

11/06/2006	<u>21</u>	ORDER by Magistrate Judge William P. Lynch Telephonic Status conference set for 11/15/06 @ 4:00 PM (cc: all counsel*) (jrm) (Entered: 11/06/2006)
11/16/2006	<u>22</u>	CLERK'S MINUTES: before Magistrate Judge William P. Lynch Status conference held on 11/15/06 (sl) (Entered: 11/16/2006)
11/16/2006	<u>23</u>	JOINT MOTION by parties for continuation of stay (*) (jrm) (Entered: 11/17/2006)
11/17/2006	<u>24</u>	ORDER by Magistrate Judge William P. Lynch granting motion for continuation of stay of proceedings [23-1] (cc: all counsel) (yc) (Entered: 11/17/2006)
03/02/2007	<u>25</u>	ORDER by Judge William P Lynch In Chambers Conference set for 3/15/2007 08:30 AM in Las Cruces – Judge William P. Lynch Chambers before Magistrate Judge William P Lynch. (nl) (Entered: 03/02/2007)
03/15/2007	<u>26</u>	Clerk's Minutes for proceedings held before Judge William P Lynch : In Chambers Conference held on 3/15/2007. (nl) (Entered: 03/15/2007)
03/15/2007	<u>27</u>	ORDER by Judge William P Lynch In Chambers Conference set for 6/19/2007 09:00 AM in Las Cruces – Judge William P. Lynch Chambers before Magistrate Judge William P Lynch. (nl) (Entered: 03/15/2007)
04/03/2007	<u>28</u>	Joint MOTION to Continue <i>of stay</i> by Dona Ana County Board of Commissioners. (Carrillo, Raul) (Entered: 04/03/2007)
04/03/2007	<u>29</u>	Joint MOTION for Order <i>granting continuation of stay</i> by Dona Ana County Board of Commissioners. (Carrillo, Raul) (Entered: 04/03/2007)
04/04/2007	<u>30</u>	NOTICE OF DEFICIENCY sent to Atty R. Carrillo re <u>29</u> Joint MOTION for Order granting continuation of stay; "Incorrect Document – Order filed" (jrm) (Entered: 04/04/2007)
04/04/2007	<u>31</u>	ORDER by Judge William P Lynch granting <u>28</u> Motion to Continue; granting <u>29</u> ORDER on Motion for Order (nl) (Entered: 04/04/2007)
05/03/2007	<u>32</u>	NOTICE by Dona Ana County Board of Commissioners <i>Change of Law Firm Name</i> (Carrillo, Raul) (Entered: 05/03/2007)
06/19/2007	<u>33</u>	Clerk's Minutes for proceedings held before Judge William P Lynch : Status Conference held on 6/19/2007. (nl) (Entered: 06/19/2007)
07/02/2007	<u>34</u>	NOTICE by Dona Ana County Board of Commissioners <i>of Non-Availability</i> (Carrillo, Raul) (Entered: 07/02/2007)
07/03/2007	<u>35</u>	NOTICE OF DEFICIENCY sent to Atty R. Carrillo, Jr re <u>34</u> Notice (Other) DOCUMENT "E" FILED IN WRONG CASE NUMBER" (jrm) (Entered: 07/03/2007)
07/27/2007	<u>36</u>	Stipulated Confidentiality Order by Judge William P Lynch (nl) (Entered: 07/27/2007)
08/20/2007	<u>37</u>	ORDER TO FILE CLOSING DOCUMENTS by Judge William P Lynch (nl) (Entered: 08/20/2007)

09/19/2007	<u>38</u>	Unopposed MOTION to Approve Settlement <i>Of Class Action</i> by Jesus Lira. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Rothstein, Robert) (Entered: 09/19/2007)
09/19/2007	<u>39</u>	AFFIDAVIT re <u>38</u> Unopposed MOTION to Approve Settlement <i>Of Class Action Of John C. Bienvenu</i> by Jesus Lira (Rothstein, Robert) (Entered: 09/19/2007)
09/26/2007	40	NOTICE of Hearing on Preliminary Approval of Settlement Agreement set for 10/9/2007 09:00 AM in Albuquerque – 540 Bonito Courtroom before District Judge William P. Johnson. (mag) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 09/26/2007)
09/27/2007	41	MINUTE ORDER resetting Settlement Conference for 10/9/2007 at 02:00 PM in Albuquerque – 540 Bonito Courtroom before District Judge William P. Johnson. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.(mag) (Entered: 09/27/2007)
10/10/2007	<u>42</u>	Clerk's Minutes for proceedings held before Judge William P. Johnson: Preliminary Approval of Class Action Settlement Hearing held on 10/09/2007. (Court Reporter T. Garrett.) (rwg) (Entered: 10/10/2007)
10/12/2007	<u>43</u>	ORDER by Judge William P. Johnson granting preliminary approval of Settlement Agreement and setting a Final Approval Hearing for 3/31/2008 at 01:30 PM in Las Cruces – Small 3rd Floor Courtroom.(mag) (Entered: 10/12/2007)
11/14/2007	<u>44</u>	Joint MOTION to Consolidate Cases by Jesus Lira. (Rothstein, Robert) (Entered: 11/14/2007)
11/21/2007	<u>45</u>	ORDER by Judge William P. Johnson granting <u>44</u> Motion to Consolidate Case with CV-06-416 JH/CEG. (mag) (Entered: 11/21/2007)
11/25/2007	<u>46</u>	Joint MOTION to Approve Settlement <i>Preliminary of Amended Class Action Settlement Agreement</i> by Jesus Lira. (Attachments: # <u>1</u> Exhibit "A" – Amended Stipulation of Settlement# <u>2</u> Exhibit "B" – Order Granting Preliminary Approval)(Rothstein, Robert) (Entered: 11/25/2007)
11/29/2007	47	NOTICE of Hearing on <u>46</u> Joint MOTION to Approve Settlement Preliminary of Amended Class Action Settlement set for 12/19/2007 02:00 PM in Albuquerque – 540 Bonito Courtroom before District Judge William P. Johnson. Please be advised that this hearing may be continued due to the Courts trailing trial docket currently set to begin on December 18, 2007, in Las Cruces, NM. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.(mag) (Entered: 11/29/2007)
12/18/2007	<u>48</u>	AFFIDAVIT re <u>46</u> Joint MOTION to Approve Settlement <i>Preliminary of Amended Class Action Settlement Agreement of John C. Bienvenu in Support of Joint Motion</i> by Jesus Lira (Bienvenu, John) (Entered: 12/18/2007)
12/19/2007	<u>49</u>	Clerk's Minutes for proceedings held before Judge William P. Johnson: Motion Hearing held on 12/19/2007 re <u>46</u> Joint MOTION for Preliminary Approval of Amended Class Action Settlement Agreement. Court to

		set final settlement hearing in Las Cruces in May. (Court Reporter T. Garrett.) (rwg) (Entered: 12/19/2007)
12/20/2007	<u>50</u>	ORDER by Judge William P. Johnson granting preliminary approval of settlement and setting Final Approval Hearing on 5/12/2008 01:30 PM in Las Cruces – Second Floor Visiting Judge Courtroom.(mag) (Entered: 12/20/2007)
12/20/2007	51	MINUTE ORDER by Judge William P. Johnson vacating the 3/31/07 Approval Hearing pursuant to the Order <u>50</u> entered on 12/20/07. (mag) (Entered: 12/20/2007)
04/28/2008	<u>52</u>	[FILED IN ERROR] NOTICE of Proposed Settlement and claim form by Felipe Balderrama (vv) Modified on 4/30/2008 to add error text [vv] (Entered: 04/29/2008)
05/07/2008	<u>53</u>	Unopposed MOTION to Approve Settlement of <i>Class Action</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler. (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>54</u>	Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler. (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>55</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of John C. Bienvenu</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>56</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of Marc A. Lilley</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>57</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of Amber Rodriguez</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>58</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of Mark H. Donatelli</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu, John) (Entered: 05/07/2008)
05/07/2008	<u>59</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of Rynanne Fitzgerald</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu,

		John) (Entered: 05/07/2008)
05/07/2008	<u>60</u>	AFFIDAVIT re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> , <u>53</u> Unopposed MOTION to Approve Settlement of <i>Class Action of Robert R. Rothstein</i> by Jesus Lira, Ben Garcia, Amber Rodriguez, Graciela Martinez, Stephen Culler, Cynthia Archer, Frederick Garcia, Douglas Beidler (Bienvenu, John) (Entered: 05/07/2008)
05/12/2008	<u>61</u>	Clerk's Minutes for proceedings held before District Judge William P. Johnson: Settlement Conference held on 5/12/2008. (Court Reporter T Garrett.) (vv) (Entered: 05/12/2008)
05/20/2008	<u>62</u>	Final judgment of dismissal and ORDER by District Judge William P. Johnson granting <u>38 46 53</u> Motion to Approve Settlement (vv) (Entered: 05/20/2008)
07/31/2008	<u>63</u>	NOTICE by Jesus Lira re <u>54</u> Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments Notice of Accounting Error</i> (Bienvenu, John) (Entered: 07/31/2008)