

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL POWERS, :: Case No. C-1-02-605  
Plaintiff, :: (Judge Spiegel)  
-vs- ::  
HAMILTON COUNTY PUBLIC ::  
DEFENDER COMMISSION, *et al.* ::  
Defendants. ::

**FINAL ORDER APPROVING CLASS ACTION, APPROVING SETTLEMENT,  
APPROVING DISTRIBUTION OF PAYMENT TO CLASS MEMBERS, AND  
DISMISSING ALL CLAIMS WITH PREJUDICE**

The Court, having conducted a fairness hearing in the above-captioned matter on June 17, 2009, having heard the presentation of counsel, having considered any opposition to the approval of settlement and the certification of a class, and being in all ways sufficiently advised, hereby orders:

1. The Court is satisfied that the notice provided to Class Members was fair and reasonable.
2. The Court is satisfied that the Settlement Agreement entered into between the Class and Defendants is fair and reasonable.
3. Pursuant to the terms and conditions of the Settlement Agreement and any other related Orders of this Court, the settlement of this case proposed by counsel for the Settlement Class and counsel for the Defendants is approved.

4. Pursuant to the terms and conditions of the Settlement Agreement, this case and all the claims asserted herein are dismissed with prejudice.

5. Pursuant to the terms and conditions of the Settlement Agreement, all Class Members are hereby permanently enjoined from initiating or prosecuting any claim set forth in the Complaint in this case.

6. Pursuant to the terms and conditions of the Settlement Agreement, upon the disbursement of funds to the Class, the County, all Defendants in this action, and all of their employees and agents shall be released of any further liability to the Class. Each member of the Class shall be deemed to have covenanted and agreed that he or she will forever refrain from instituting, maintaining, or proceeding against individually and in their official capacities, whether herein named or referred to or not, their respective heirs, legal representatives, successors and assigns, on any claim which was or could have been set forth in the Complaint in this case, and that he or she releases, acquits and forever discharges the Defendants, the Hamilton County Board of County Commissioners, the Public Defender Commission, the Public Defender, any staff member or attorney employed by the public defender, and any and all other officials, appointees, deputies, assistants, agents and employees of the County, whether herein named or referred to or not, and their respective heirs, legal representatives, successors and assigns, from all claims and demands of whatever nature, actions and causes of action, damages, punitive damages, costs, loss of services, attorneys fees, costs of litigation, humiliation, embarrassment, mental anguish, injury to reputation, and money benefits or compensation of any kind on account of or in any way arising from the claims which were or could have been set forth in the Complaint in this case.

7. The Court approves the disbursement of settlement funds pursuant to the terms and conditions of the Settlement Agreement and as set forth in the motion for a final order, pages 2-4. However, Class Counsel shall not make any disbursement to class members until close of business on July 15, 2009, to allow for further claims to be filed.

8. This Court shall retain jurisdiction of any and all matters related to the Settlement Agreement, the administration of class claims and the disbursement of settlement funds.

ENTERED this 17<sup>n</sup> day of June, 2009.

  
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Judge S. Arthur Spiegel  
United States District Court for the  
Southern District of Ohio

Submitted by:

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