



of a Hamilton County correctional facility by a Hamilton County Municipal or Common Pleas Court from August 21, 2000, to the present solely for the purpose of satisfying a fine and/or court costs, including persons who violated probation following a “stay to pay” sentence.

4. Michael Powers is designated Class Representative. Attorneys Robert B. Newman and Stephen R. Felson are appointed Counsel for the Settlement Class, with Stephen R. Felson designated Lead Counsel.

5. Final approval of the settlement is conditioned upon a final showing, to this Court’s satisfaction, that it is fair, adequate and reasonable, is in the best interest of the Class, and should be approved. Prior to such a showing and determination, and until all appeals have been exhausted, there shall be no disbursements to Class Members or to Counsel for the Settlement Class.

6. If the proposed settlement is not approved, should the Settlement Agreement be terminated for any reason, or should it become impossible to enforce it, it shall have no further force or effect, the County and the Settlement Class Members will be released from all obligations arising under it, and the Settlement Class Members and Counsel for the Settlement Class will have no claim to any County funds.

7. The form and substance of the submitted notices are approved for mailing and publication as set forth in the Joint Motion and the attachments thereto. Dissemination of the class notice in substantially the form and in the manner set forth in the Joint Motion and the attachments thereto constitutes the best notice practicable in the circumstances, and satisfies the requirements of due process and Federal Rule of Civil Procedure 23. The parties shall use their best efforts to commence dissemination of notice within fourteen days after the entry of this

Order. The parties shall submit a certificate describing their compliance with these notice requirements no later than five days prior to the scheduled Fairness Hearing.

8. Any Class Member wishing to exercise the right to opt out of the settlement must do so by informing the Court, in writing, of his or her decision on or before 6/5/09, 2009. Any Class Member opting out of the Settlement will be excluded from the benefits of the Settlement and will not receive any payments pursuant to the terms of the settlement.

9. Upon receipt of written notification by a Class Members of that Member's intention to opt out of the settlement, the Clerk of the Court will forward a copy of such notification to:

Stephen R. Felson, Esq.  
215 E. Ninth Street, Suite 650  
Cincinnati, Ohio 45202

and

David T. Stevenson, Esq.  
230 E. Ninth St., 4<sup>th</sup> Floor  
Cincinnati, OH 45202

10. This Court will hold a Fairness Hearing on 6/17/09 at 10AM a.m. in room 842 of the United States Courthouse, 100 E. Fifth Street, Cincinnati, Ohio, 45202 to determine whether to grant final approval of the proposed settlement. Any Class Member wishing to be heard at the Fairness Hearing must file with the Court and serve on counsel a written notice of intent to appear no later than 5:00 p.m. on 6/5/09, mailed to the following:

Kenneth J. Murphy, Clerk  
United States District Court  
U.S. Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202

Stephen R. Felson, Esq.  
215 E. Ninth Street, Suite 650  
Cincinnati, Ohio 45202

and

David T. Stevenson, Esq.  
230 E. Ninth St., 4<sup>th</sup> Floor  
Cincinnati, OH 45202

Any Class Member who has not opted out of the settlement and who wishes to submit a written comment to support or oppose any aspect of it may do so in writing without the necessity of retaining counsel or making any formal appearance, provided such comments are filed with the Court and served on counsel no later than 5:00 p.m. on 6/5/09.

The proponents shall submit their papers in support of final settlement approval by 5:00 p.m. on 6/5/09, and may submit a reply, and any supporting materials, to any comments or objections in advance of the Fairness Hearing. The Fairness Hearing may, from time to time, and without further notice to the class, be continued or adjourned by the Court.

IT IS SO ORDERED.

Dated: 4/29/09, 2009



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