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9 Attorneys for Defendants

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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

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14
15 EMILY ROBINSON, et al.,

16 Plaintiffs,

17 vs.

18 SACRAMENTO COUNTY, et al.,

19 Defendants.

CASE NO: CIV.S-04-1617 FCD/PAN

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

20 KIMBERLY KOZLOWSKI, et al.,

21 Plaintiffs,

22 vs.

23 SACRAMENTO COUNTY, et al.,

24 Defendants.

CASE NO: CIV.S-04-2381 FCD DAD

25 WHEREAS, plaintiffs EMILY ROBINSON, HEATHER HARRISON, RYAN PRICE,
26 KIMBERLY KOZLOWSKI, JASMINE TAGGART and ALICIA ANDERSON, on behalf of
27 themselves and all persons similarly situated, by and through their attorneys, Mark E. Merin of the
28 Law Office of Mark E. Merin, and defendants SACRAMENTO COUNTY, SACRAMENTO

1 COUNTY PROBATION DEPARTMENT, SACRAMENTO COUNTY CHIEF PROBATION
2 OFFICER VERNE SPEIRS, and SACRAMENTO COUNTY ASSISTANT CHIEF PROBATION
3 OFFICER SUZANNE COLLINS, by and through their attorneys, Terence J. Cassidy of the law firm
4 of Porter, Scott, Weiberg & Delehant, have entered into a Stipulation of Settlement intending to
5 resolve all claims raised in these class actions pending in this Court;

6 WHEREAS, the Stipulation of Settlement, together with the supporting materials, sets forth
7 the terms and conditions for a proposed settlement and dismissal with prejudice of the pending
8 above-captioned class actions against all defendants;

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

12 WHEREAS, the Court is satisfied that the terms and conditions set forth in the Stipulation
13 of Settlement were the result of good faith, arms' length settlement negotiations between competent
14 and experienced counsel for both plaintiffs and defendants, after mediation before the Raul Ramirez
15 (Retired), United States District Court Judge;

16 IT IS HEREBY ORDERED AS FOLLOWS:

17 **I. PRELIMINARY APPROVAL OF SETTLEMENT AND APPROVAL OF**
18 **SETTLEMENT CLASS**

19 1. The terms of the Stipulation of Settlement, filed July 10, 2006, are hereby
20 preliminarily approved, subject to further consideration thereof at the Fairness
21 Hearing provided for below. The Court finds that the settlement is sufficiently within
22 the range of reasonableness and that notice of the proposed settlement should be
23 given as provided in this Order.

24 2. The Court hereby orders that the class of persons defined in Paragraph 15 of the
25 Stipulation of Settlement filed and incorporated by reference herewith is certified as
26 a Provisional Settlement Class.

27 3. The Court further conditionally finds that plaintiffs EMILY ROBINSON, HEATHER
28 HARRISON, RYAN PRICE, KIMBERLY KOZLOWSKI, JASMINE TAGGART,

- 1 and ALICIA ANDERSON are adequate class representatives for the settlement class.
- 2 4. The Court further finds that plaintiffs' counsel Mark E. Merin of the Law Office of
- 3 Mark E. Merin is adequate class counsel.
- 4 5. The Court approves the Notice of Proposed Settlement of Class Action Strip Search
- 5 Case attached hereto as Exhibit A and further approves the method by which notice
- 6 is proposed to be given.
- 7 6. If, pursuant to the terms of the Stipulation of Settlement, the settlement is not
- 8 consummated, the conditional certification of the settlement class and preliminary
- 9 approval of the Stipulation of Settlement shall be void and the parties shall have
- 10 reserved all of the rights to continue with any litigation or further mediation or
- 11 settlement discussions.
- 12 7. The Bar Date, as defined in paragraph 2 of the Stipulation of Settlement shall be
- 13 January 8, 2007.

14 **II. NOTICE TO SETTLEMENT CLASS MEMBERS, APPROVAL OF CLASS**

15 **COUNSEL, AND EMPLOYMENT OF CLASS CLAIM ADMINISTRATOR**

- 16 8. Counsel for the class ("class counsel") is as follows:
- 17 Mark E. Merin, Esq.
18 Law Office of Mark E. Merin
19 2001 P Street, Suite 100
20 Sacramento, CA 95814
(916) 443-6911 - Telephone
(916) 447-8336 - Facsimile
- 21 9. Counsel for defendants is as follows:
- 22 Terence J. Cassidy, Esq.
23 Porter Scott Weiberg & Delehant
24 P.O. Box 255428
Sacramento, CA 95865
(916) 929-1481- Telephone
(916) 927-3706- Facsimile
- 25 10. Class Claims Administrator is as follows:
- 26 Gilardi and Company, LLC
27 3301 Kerner Blvd
San Rafael, CA 94901
28 (415) 461-0410 - Telephone
(800) Toll Free Number to be arranged.
(415) 461-0412 - Facsimile

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11. Beginning no later than 30 days from the date of this Order, 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 54 through 58 of the Stipulation of Settlement. Such summary notice as the parties agree will be published in accordance with the Stipulation of Settlement and announcements following a script approved by the parties will be made on such radio stations with the frequency provided in the Stipulation of Settlement. Class members will have up to and including January 8, 2007, in which to opt-out of this settlement, object to this settlement, or file claims. Prior to the Fairness Hearing, the Claims Administrator shall file and serve a sworn statement attesting to compliance with the provisions of this paragraph.

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

13. Counsel for the respective parties are authorized to retain Gilardi and Company, LLC, 3301 Kerner Blvd, San Rafael, CA 94901, as Class Claims Administrator in accordance with the Stipulation of Settlement and this Order.

III. REQUESTS FOR EXCLUSION FROM THE SETTLEMENT CLASS

14. Any member of the settlement class who wishes to be excluded (“opt out”) from the settlement class must send a written request for exclusion to the Court at the address indicated in the Notice, postmarked on or before the Bar Date. The request for

1 exclusion shall fully comply with requirements set forth in the Stipulation of
2 Settlement. Members of the settlement class may not exclude themselves by filing
3 requests for exclusion as a group or class, but must in each instance individually and
4 personally execute a request for exclusion and timely transmit it to the Court.

- 5 15. Any member of the settlement class who does not properly and timely request
6 exclusion from the settlement class shall be bound by all of the terms and provisions
7 of the Stipulation of Settlement, including but not limited to the releases, waivers and
8 covenants described in the Stipulation of Settlement, whether or not such person
9 objected to the settlement and whether or not such person made a claim upon or
10 participated in, the Settlement Fund created pursuant to the Stipulation of Settlement.

11 **IV. THE FAIRNESS HEARING**

- 12 16. A hearing on final approval, the “Fairness Hearing,” is hereby scheduled to be held
13 before this Court on March 2, 2007, at 10:00 a.m., to consider the fairness,
14 reasonableness, and adequacy of the proposed settlement, the dismissal with
15 prejudice of these class action complaints with respect to the released parties herein,
16 and the entry of final judgment in the class action. Class counsel’s application for
17 award of attorney’s fees and costs shall be heard at the time of the Fairness Hearing.

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

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

- 26 19. Any person who does not elect to be excluded from the settlement class may, but
27 need not, submit comments or objections to the proposed settlement. Any class
28 member may object to the proposed settlement, entry of the final order and judgment

1 approving the settlement, and class counsel's application for fees and expenses by
2 filing and serving a written objection.

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

8 21. Objections, along with any notice of intent to appear, must be filed with the Court no
9 later than February 16, 2007. If counsel is appearing on behalf of more than one
10 class member, counsel must identify each such class member and each class member
11 must have complied with the requirements of this order. These documents must be
12 filed with the clerk of the Court at the following address: United States District
13 Court, Eastern District of California, 501 I Street, Courtroom 2, Sacramento,
14 California 95814.

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

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

18 Mark E. Merin, Esq.
19 Law Office of Mark E. Merin
20 2001 P Street, Suite 100
21 Sacramento, CA 95814
(916) 443-6911 - Telephone
(916) 447-8336 - Facsimile

22 Counsel for defendants is as follows:

23 Terence J. Cassidy, Esq.
24 Porter Scott Weiberg & Delehant
25 P.O. Box 255428
26 Sacramento, CA 95865
27 (916) 929-1481- Telephone
28 (916) 927-3706- Facsimile

23. Only class members who have filed and served valid and timely notices of objection
shall be entitled to be heard at the Fairness Hearing. Any class member who does not
timely file and serve an objection in writing to the settlement, entry of final order and

1 judgment, or to class counsel's application for fees and expenses, in accordance with
2 the procedure set forth in the class notice and mandated in the order, shall be deemed
3 to have waived any such objection by appeal, collateral attack, or otherwise.

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

8 25. All members of the settlement class who do not personally and timely request to be
9 excluded from the class are enjoined from proceeding against the defendants until
10 such time as the Court renders a final decision regarding approval of the settlement
11 and, if the settlement is approved, enters final judgment as provided in the Stipulation
12 of Settlement.

13 **V. OTHER PROVISIONS**

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

17 27. Raul Ramirez, retired, United States District Court Judge, retired, is hereby appointed
18 to serve as Special Master to review and resolve certain disputes pursuant to the
19 terms of the Stipulation of Settlement.

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

23 IT IS SO ORDERED.

24 DATED: August 11, 2006

25 /s/ Frank C. Damrell Jr.
26 HON. FRANK C. DAMRELL, JR.
27 JUDGE OF THE UNITED STATES DISTRICT COURT
28 EASTERN DISTRICT OF CALIFORNIA