

TRANSCRIPT OF RULE 23(e) HEARING > JCE/TH
ORDER FROM KVIN J. MAURER, CT. REPORTER
(302) 598-6988 - MAY 11 1994

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

John A. v. Castle

JOHN A. and MARY B., et al.,)
)
Plaintiffs,)
)
v.)
)
MICHAEL N. CASTLE, et al.,)
)
Defendants.)



Civil Action No. 90-200-RRM

FINAL JUDGMENT AND ORDER OF DISMISSAL

This matter being a class action filed on behalf of all youth presently or in the future confined at Ferris School or at the New Castle County Detention Center, as the "Class" was certified by Order of the Court on May 19, 1993 (D.I. 25), and

This matter now having come before the Court on motion of the parties for approval of a negotiated settlement of the action, under terms set forth in a Settlement Agreement filed on March 25, 1994 (D.I. 51), and

The parties having subsequently negotiated a settlement of the claims under 42 U.S.C. §1988 for plaintiffs' attorneys' fees through May 6, 1994, as embodied in two supplemental Agreements of Settlement filed on May 6, 1994 (D.I.'s 53 and 54), and

The Court, having considered all papers filed in connection with the settlement and, following approved notice to the Class, having held a Rule 23(e) fairness hearing on May 6, 1994,

IT IS HEREBY ADJUDGED AND ORDERED this 6th day of May, 1994, as follows:

1. The negotiated settlement pursuant to the Settlement Agreement is fair, reasonable and adequate as a basis for compromising the claims of the plaintiff Class, and it is hereby approved. The terms of the negotiated settlement appear to give appropriate regard to, inter alia, the complexity, expense and duration of the litigation; the risks, expense and possible range of results of pursuing the matter through trial; as well as the reaction of the Class to the settlement.

2. The attorneys' fees and costs set forth in the Supplemental Agreements of Settlement are reasonable and consistent with the negotiated settlement.

3. This action is dismissed, without prejudice.

4. Plaintiffs may move to reopen this case or to request that the Court order the performance of the negotiated settlement agreement. The defendants will not contest the Court's jurisdiction to order the performance of the negotiated Settlement Agreement if and as application may be made to the Court within the next three years in accordance with the procedures set forth in the Settlement Agreement.



United States District Judge