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Received at: 3:53PM, 3/15/2004

03/15/2004 15:52 FAX 415 433 7104

ROSEN BIEN ASARO

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FILED

MAR 17 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
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11 Attorneys for Plaintiffs

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 JERRY VALDIVIA, et al., on their own behalf
and on behalf of the class of all persons similarly
16 situated,

17 Plaintiffs,

18 v.

19 ARNOLD SCHWARZENEGGER, et al.,

20 Defendants.

No. Civ. S-94-0671 LKK/GGH

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[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF STIPULATED
ORDER FOR PERMANENT
INJUNCTIVE RELIEF

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1 settlement in light of all of the relevant considerations, including the fact that the Defendants
2 have filed a Notice of Appeal from the Court's July 23, 2003 ruling.

3 2. The Court further finds that the proposed settlement is the product of
4 arm's-length, serious, and non-collusive negotiations between experienced and knowledgeable
5 counsel for the Plaintiff Class and Defendants, who have actively and competently prosecuted
6 and defended this litigation.

7 IT IS HEREBY ORDERED THAT:

8 1. This action is determined to be properly maintained as a class action
9 pursuant to Rule 23(b)(2), Federal Rules of Civil Procedure, with a class consisting of (1)
10 California parolees at large; (2) California parolees in custody, as alleged parole violators, and
11 who are awaiting revocation of their state parole; and (3) California parolees who are in custody,
12 having been found in violation of parole and who have been thereupon sentenced to prison
13 custody.

14 2. This Court has jurisdiction over the subject matter of this litigation and
15 over all parties to the action, including all members of the Plaintiff Class (as defined above).

16 3. The notices disseminated to the Plaintiff Class in the forms attached to the
17 Court's December 3, 2003 Order and by the means described in Paragraph 7 of that Order
18 constituted the best notice practicable under the circumstances. Said notices provided due and
19 adequate notice of those proceedings and of the matters set forth therein, including the proposed
20 settlement set forth in the Stipulated Order for Permanent Injunctive Relief, to all persons
21 entitled to such notice, and said notices fully satisfied the requirements of Rule 23(e) of the
22 Federal Rules of Civil Procedure, the Constitution of the United States, due process and any
23 other applicable rule(s) of this Court.

24 4. The proposed settlement set forth in the Stipulated Order for Permanent
25 Injunctive Relief is, in all respects, fair, reasonable and adequate to the Plaintiff Class. The
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1 Stipulated Order for Permanent Injunctive Relief was granted final approval at the hearing on
2 March 8, 2004 and has been entered as an Order of this Court on March 9, 2004.

3 5. Without affecting the finality of this Order in any way, this Court hereby
4 retains continuing jurisdiction over (a) implementation of this settlement and the Stipulated
5 Order for Permanent Injunctive Relief; (b) hearing and determining applications for attorneys'
6 fees, costs, interest and expenses in the Class Action; and (c) all parties hereto for the purpose of
7 enforcing and administering the Stipulated Order for Permanent Injunctive Relief.

8 6. By May 24, 2004, the parties are ordered to lodge with the Court a
9 proposed form of final notice to the Plaintiff Class which shall also resolve the two issues
10 remaining for resolution. If by May 24, 2004 the parties are not able to resolve the two
11 remaining issues, or are unable to stipulate to a form of final notice, the parties are ordered to
12 appear before this Court at a status conference on May 24, 2004 at 10:00 a.m. The status
13 conference previously set by the Court for May 3, 2004, at 2:00 p.m. is hereby vacated.

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DATED: 3/16/04.

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By: 

The Honorable Lawrence K. Karlton
Chief Judge Emeritus
United States District Court

United States District Court
for the
Eastern District of California
March 17, 2004

* * CERTIFICATE OF SERVICE * *

2:94-cv-00671

Valdivias

v.

Schwarzenegger

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 17, 2004, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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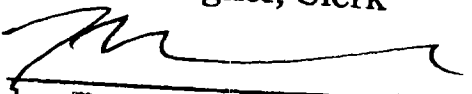
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