

The Honorable J. Kelley Arnold

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RICKEY PERALEZ, on behalf of himself and others similarly situated,)	
)	NO. C06-5625 JKA
Plaintiff,)	
)	STIPULATION AND ORDER GRANTING
v.)	FINAL APPROVAL TO CLASS ACTION
)	SETTLEMENT
)	
THE WASHINGTON DEPARTMENT OF CORRECTIONS, HAROLD CLARKE, DOUGLAS WADDINGTON, BELINDA STEWART, KEVIN SHANAHAN, JEAN STEWART, and JOHN DOES 1-20, employees and officials of the Washington Department of Corrections and/or Stafford Creek Corrections Center,)	
)	
Defendants.)	

STIPULATION

The parties, by and through their counsel of record, hereby stipulate as follows:

- On May 12, 2008, the parties appeared before the Court to request preliminary approval of a proposed settlement agreement in this matter (hereinafter the

1 “Settlement”). Following the hearing, the Court preliminarily approved the Settlement
2 as requested, and the preliminarily-approved settlement was entered as Docket No. 59.

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4 2. According to the Settlement, the parties were required to comply with various
5 procedures relating to notification of class members and determination of attorneys’
6 fees and costs to class counsel and then return to the Court to request final approval of
7 the Settlement.

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9 3. Pursuant to the terms of the Settlement, class counsel duly filed a motion for
10 attorneys’ fees and costs. On or about May 21, 2008, the Court entered an order and
11 judgment granting attorneys’ fees and costs to class counsel [Dkts. 66, 67].

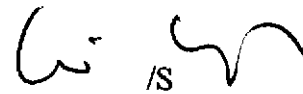
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13 4. Thereafter, the parties sought and obtained court approval for the form of notice to be
14 sent to class members, pursuant to the terms of the Settlement [Dkt. 69].

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16 5. Following court approval of the form of notice, counsel for defendants mailed and
17 published the notice forms in the manner required by the terms of the Settlement. The
18 notice forms duly advised class members of their right to file objections to the terms of
19 the Settlement and further advised class members that the Court would hold a Final
20 Approval Hearing on August 5, 2008 at 9:30 a.m. at the United States Courthouse,
21 1717 Pacific Avenue, Tacoma, Washington in Courtroom D at which it would
22 consider any objections and determine whether to give final approval to the
23 Settlement.

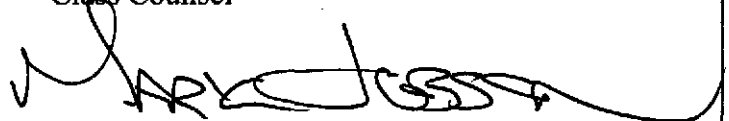
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25 6. Pursuant to the terms of the Settlement and the court-approved form of notice, the time
26 for filing objections has now expired, and no class member has filed an objection or
27 otherwise indicated an objection to the Settlement.
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1 7. The parties believe that the Settlement entered at Dkt. 59 should be finally approved
2 and request that, at the hearing on August 5, 2008 at 9:30 a.m., the Court enter the
3 subjoined order granting final approval to the Settlement. The parties further stipulate
4 that this action may be dismissed with prejudice, but that the Court should retain
5 jurisdiction to monitor and, if necessary, enforce the Settlement in a manner consistent
6 with its terms.
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8 Dated this 30th day of July, 2008.
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11 _____
12 Erik J. Heipt, WSBA # 28113
13 Edwin S. Budge, WSBA # 24182
14 Of Budge & Heipt, PLLC
15 Class Counsel

16 

17 _____
18 Mark C. Jobson, WSBA # 22171
19 Assistant Attorney General
20 Defense Counsel

21 ORDER

22 This matter came before the Court at a duly scheduled hearing in open court on August 5,
23 2008 at 9:30 a.m. The purpose of the hearing was to determine whether to grant final approval to the
24 Settlement Agreement that was preliminarily approved by this Court on May 12, 2008 [Dkt. 59].
25 Class Counsel and defense counsel appeared at the hearing and presented the foregoing stipulation.

26 Having considered the foregoing stipulation, and deeming itself duly advised, the Court
27 hereby finds that the procedures relating to notice, as approved by the Court, appear to have been
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1 followed, that no objections have been received to the Settlement and that the Settlement appears to
2 be fair, reasonable and adequate. Accordingly, the Court hereby orders as follows:

- 3
- 4 1. The May 12, 2008 Settlement Agreement [Dkt. 59] is hereby finally approved;
 - 5 2. This action is hereby dismissed with prejudice; and
 - 6 3. The Court shall retain jurisdiction to monitor and, if necessary, enforce the Settlement in a
7 manner consistent with its terms.

8 DATED this 5th day of August, 2008.

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11 The Honorable J. Kelley Arnold
12 United States Magistrate Judge
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