

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ZELAIDO RIVERA GARCIA, et al.

Plaintiffs,

v.

METRO GANG STRIKE FORCE, et al.

Defendants.

Case No. 09-cv-01996-JNE-AJB

Judge Joan N. Ericksen

Magistrate Judge Arthur J. Boylan

**ORDER FOR CLASS COUNSEL'S ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES**

This action was heard on December 16, 2010, before the undersigned, upon Plaintiffs' Motion for Final Approval of Settlement, Certification of Settlement Class, and Payment of Attorneys' Fees and Reimbursement of Litigation Expenses (Docket #63), and pursuant to the Order Preliminarily Approving Settlement and Approving Notice to Class Members (the "Preliminary Approval Order") entered on September 14, 2010, for the purpose of determining class certification, final settlement approval and whether Class Counsels' application for fees and expenses is appropriate.

The Settlement, as approved by this Court, includes an attorney fee structure in which Plaintiffs' Class Counsels' fees and reimbursed expenses are provided for over and above the \$3,000,000.00 class member settlement amount. This separate and independent agreement was negotiated by the parties after the settlement terms for the class had been reached and were done through separate, arms length negotiations. The

Settlement Agreement provides for a fee structure in which Plaintiffs' Counsel will request, without objection from Defendants', Seven Hundred Seventy Five Thousand Dollars (\$775,000.00) in attorneys' fees and litigation expenses up to a maximum of Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) which is contingent upon the number of participating class members submitting claims.

By previous Order, this Court having conducted the analysis required by the statute, found and concluded, for purposes of settlement only, that the requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure have been satisfied; that a settlement class should be certified; that the Settlement is fair, adequate, and reasonable; that notice was proved in accordance with Rule 23(c)(2); that "incentive" or "special" awards to named plaintiffs serving as class representatives should be approved; and that final judgment should be entered. At this time, no objections have been entered, as such the Court finds and concludes that Class Counsels' fees and expenses are reasonable and appropriate and should be awarded;

Having considered the record in this action, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Based on the submissions provided to the Court, and the oral arguments heard on December 16, 2010, the Court finds that notice of Class Counsel's attorney's fees and reimbursement of litigation expenses has been given to the class pursuant to the Preliminary Approval Order, and that the mailing and publication of the Notice of Proposed Class Action Settlement and Release of Claims (the "Notice") in accordance with the methodology adopted pursuant to this Settlement (a) was the

best notice that was practicable to members of the Settlement Class; (b) was reasonably calculated, under the circumstances, to apprise members of the application of Plaintiffs' counsel for payment of their attorneys' fees and reimbursement of their litigation expenses, (c) was reasonable and satisfied the requirements of due process by providing due, adequate, and sufficient notice to all persons and entities entitled to receive notice; (d) clearly and concisely stated in plain, easily understood language: (i) the application of Plaintiffs' counsel for payment of their attorneys' fees and reimbursement of their litigation expenses and (e) met all applicable requirements of law including, but not limited to, Rule 23(c) and the Due Process Clause of the Fifth Amendment to the United States Constitution.

2. Based on the submissions provided to the Court, and the oral arguments heard on December 16, 2010, the Court finds Class Counsel's request for attorneys fees and litigation expenses in the amount of Seven Hundred Seventy-Five Thousand Dollars (\$775,000), but no more than Eight Hundred Twenty Five Thousand Dollars (\$825,000), contingent upon the number of participating class members submitting claims, and to which the Defendants' do not object, to be fair and reasonable and is hereby approved.
3. Defendants shall have no responsibility for and shall have no liability whatsoever with respect to the allocation among Class Counsel and/or any other person who may assert a claim thereto, of any attorneys' fees or expenses that the Court may award.

4. The Court retains jurisdiction over this Settlement to the extent necessary to implement, effectuate and administer this Settlement and this Settlement Order and Final Judgment, including, but not limited to, any issues arising from the Court's award of attorneys' fees.

This 16th day of December, 2010.

s/ Joan N. Ericksen
Judge Joan N. Ericksen
United States District Judge