

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EBONY DAVIS,	:	CIVIL ACTION
ON BEHALF OF HIMSELF AND	:	
ALL THOSE SIMILARLY SITUATED,	:	NO. 03-CV-1400
Plaintiffs	:	
	:	
vs.	:	
	:	
CITY OF PHILADELPHIA,	:	
PHILADELPHIA TRAFFIC COURT,	:	
HONORABLE FRANCIS E. KELLY,	:	
Individually as President Judge of	:	
Philadelphia Traffic Court,	:	
HONORABLE FORTUNATO PERRI,	:	
Individually as Administrative Judge	:	
of Philadelphia Traffic Court,	:	
OFFICERS JOHN DOE(S) and	:	
OFFICERS RICHARD ROE(S),	:	
Individually and Officers of the	:	
Philadelphia Police Department,	:	
Defendants	:	

ORDER

AND NOW, this 8th day of July, 2003, upon consideration of the Settlement Agreement (Document No. 9) of the parties, and the Court finding that:

(a) The parties stipulate and agree to this Court’s jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331 and 1343(a)(3) and 4;

(b) The parties stipulate and agree that, pursuant to 28 U.S.C. §§2201 and 2202, this Court has jurisdiction to declare the rights of the parties and to grant further relief found necessary and proper;

(c) The parties stipulate and agree that this action be certified as a class action pursuant to Fed.R.Civ.P. 23(b)(2) solely as to the issues of declaratory and injunctive relief;

and,

(d) Counsel for the parties have engaged in serious, good faith negotiations relating to the establishment of procedures to resolve the issues associated with the prosecution and incarceration of persons brought before Philadelphia Traffic Court and to compensate counsel for the Class.

IT IS ORDERED that:

1. The Settlement Agreement is **APPROVED**;
2. The action is certified as a class action pursuant to Fed.R.Civ.P. 23(b)(2) as to the issues of declaratory and injunctive relief only;
3. The Class consists of individuals who have been or may be subject to the jurisdiction of Philadelphia Traffic Court for alleged Motor Vehicle Code violations and have been or may be subject to periods of incarceration as a result of proceedings conducted without the assistance of counsel, due process and/or equal protection of the law;
4. This Court retains exclusive jurisdiction over the parties and the Class members for all matters relating to this action and settlement, including the administration, interpretation, effectuation and/or enforcement of the Settlement Agreement and this Order; and,
5. The case is **DISMISSED** without costs pursuant to Rule 41.1(b) of the Local Rules of Civil Procedure.

BY THE COURT:

TIMOTHY J. SAVAGE, J.