

The Honorable Marsha Pechman



00-CV-01672-BCST

FILED ENTERED
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JUL 15 2004

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT HICKEY, KENNETH HANKIN,
JENNIFER HUDZIEC, STEPHANIE LANE,
CARROLL JACKSON, DENISE COOPER,
NICOLE PEARSON, and EMILY
MALONEY, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

THE CITY OF SEATTLE, a municipality;
PAUL SCHELL, Mayor of the City of Seattle;
and NORMAN STAMPER, Chief of Police of
the City of Seattle,

Defendants.

No. C00-1672P

[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS
SETTLEMENT AND DISMISSING THE
CLAIMS OF ROBERT HICKEY,
CARROLL JACKSON, AND THE CLASS
THEY REPRESENT

THIS MATTER came before the Court on July 15, 2004, pursuant to proper notice for determination, to determine whether the Court should approve the proposed settlement set forth in the Settlement Agreement dated February 25, 2004 (the "Settlement Agreement"). The Court has considered Plaintiffs' Motion for Final Approval and the exhibits attached thereto, and all the papers filed and proceedings herein. The Court has determined that the Settlement should be approved as fair, reasonable, and adequate and hereby orders this final order, which constitutes a final adjudication of this matter on the merits as to Plaintiffs Robert Hickey, Carroll Jackson, and

[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS SETTLEMENT



1 the Class they represent. The Court hereby ORDERS that:

2 1. The Court has subject matter jurisdiction over the parties.

3 2. All defined terms contained herein shall have the same meanings as set forth in
4 the Settlement Agreement. In particular, the term "Class" shall have the meaning ascribed to it
5 in paragraph 1.e. of the Settlement Agreement, and this order shall not be construed as having
6 any affect the rights, claims, or appeals, of anyone who is not a member of the Class.

7 3. The Court hereby approves the settlement and finds that the settlement is, fair,
8 reasonable, and adequate in all respects.

9 4. The City shall pay to Plaintiffs' counsel the amount of \$250,000 within 10 days of
10 this Order. Plaintiffs' counsel shall deduct the amount awarded for attorneys' fees and incentive
11 awards, and then pay settlement awards to all Class Members who return a valid and timely
12 Claim Form, in accordance with paragraphs 6 and 10 of the Settlement Agreement.

13 5. This Court hereby dismisses the claims of Robert Hickey, Carroll Jackson, and
14 the Class with prejudice. This order does not affect the rights, claims, or appeals of any other
15 Plaintiffs named in the complaint, or any individuals who are not members of the Class.

16 6. The Notice distributed by first-class mail to the Class and the Published Notice,
17 taken together, and along with the electronic notices sent by Plaintiffs' counsel to Class
18 members, constitute the best notice practicable under the circumstances, including individual
19 notice to all members of the Class who could be identified through reasonable efforts. The
20 Notice distributed by first-class mail and the Published Notice, on their own, provided due and
21 adequate notice of these proceedings and of the matters set forth therein, including the
22 settlement, to all persons entitled to such notice, and those notices fully satisfied the
23 requirements of Fed. R. Civ. P. 23 and the requirements of due process.

24 7. The Court reserves jurisdiction, without affecting the finality of this judgment,
25 over (a) implementation and administration of the settlement; (b) any dispute between the parties
26 concerning the interpretation, application, or enforcement of the Settlement Agreement; and
(c) any post-final-judgment matters as may be appropriate under court rules.

[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS SETTLEMENT

- 2 -



CAMBRIDGE LOS ANGELES PHOENIX (PLC) SEATTLE
1101 BETH ANNE BLVD, SUITE 2100 & SEATTLE, WA 98101

1 **IT IS SO ORDERED.**

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3 Dated: July 16, 2004.

4 
5 **THE HONORABLE MARSHA J. PECHMAN**
6 United States District Court Judge

7 Presented by:

8 **HAGENS BERMAN LLP**

9
10 By Tyler Weaver
11 Steve W. Berman, WSBA #12536
Tyler Weaver, WSBA #29413

12 Lead Attorneys for Plaintiffs and the Class
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