

LAW OFFICE OF MARK E. MERIN
Mark E. Merin, SBN 043849
2001 P Street, Suite 100
Sacramento, CA 95814
Telephone: 916/443-6911
Facsimile: 916/447-8336

Attorneys for Plaintiffs

PORTER, SCOTT, WEIBERG & DELEHANT
Terence J. Cassidy, SBN 099180
350 University Avenue, Suite 200
Sacramento, CA 95825
Telephone: 916/929-1481
Facsimile: 916/927-3706

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EMILY ROBINSON, et al.,

Plaintiffs,

vs.

SACRAMENTO COUNTY, et al.,

Defendants.

CASE NO: CIV.S-04-1617 FCD/PAN

**ORDER AND JUDGMENT OF
DISMISSAL**

KIMBERLY KOZLOWSKI, et al.,

Plaintiffs,

vs.

SACRAMENTO COUNTY, et al.,

Defendants.

CASE NO: CIV.S-04-2381 FCD DAD

This matter came on regularly for a Fairness Hearing on March 2, 2007, in Courtroom 2 of the above-entitled Court, the Honorable Frank C. Damrell, Jr. presiding. Plaintiff Class was represented by Class Counsel Mark E. Merin of the Law Office of Mark E. Merin; and Defendants were represented by Terence J. Cassidy of the law firm of Porter, Scott, Weiberg & Delehant.

After considering the submissions of the parties, including the Stipulated Motion for Preliminary Approval of Provisional Settlement Class and Settlement of Class Action, together with the extensive exhibits attached thereto; the unopposed Application of Plaintiffs' Class Counsel for

1 Award of Attorneys' Fees and Costs; the Joint Submission of the Parties in Support of Final
2 Approval of the Stipulation of Settlement; the arguments of counsel; and the submission from the
3 Class Claims Administrator,

4 IT IS NOW ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

5 1. On August 11, 2006, this Court entered its order preliminarily approving settlement
6 of the above-captioned consolidated class action. Since the entry of the Court's Preliminary Order,
7 in accordance with the Stipulation of Settlement as proved to the satisfaction of the Court, the
8 requisite notice of the Settlement, with opt-out and objection information, was published in the
9 Sacramento Bee on September 11, 21, and 24, 2006, in the Sacramento News and Review on
10 September 14, 21, and 28, 2006, and in the Comic Press News on October 20, 2006. The notice of
11 the Settlement and approved claimforms, were posted by First Class Mail to the last-known address
12 of each person in the Settlement Class. Both the published notice and the mailed notice specified
13 that Claim Forms had to be delivered to the Claims Administrator, postmarked no later than
14 January 8, 2007.

15 2. Both the published and mailed notices specified that any person who chose to object
16 to the Settlement, either personally or through counsel, and desired to appear at the Fairness
17 Hearing, was required to submit a Notice of Intention to appear, together with written arguments in
18 support of any objection, by February 16, 2007. No written objections were received by the Court.
19 Furthermore, although opportunity was given by the Court to voice objections at the time of the
20 Fairness Hearing, no objections were stated by any member of the Class or representative of any
21 such Class Member.

22 3. The Court is satisfied from all of the memoranda of law, declarations, and exhibits
23 submitted to the Court, that the Stipulation of Settlement is, and the Court now finds, that the
24 Stipulation of Settlement is fair and finally approves it as such. The Stipulation of Settlement is
25 incorporated herein by this reference as if set out in full.

26 4. The "Settlement Class" includes: all of those persons who are members of the
27 following defined class and/or sub-classes who, during the class period from January 1, 1998, to and
28 including October 1, 2004, were booked at Sacramento County Juvenile Hall, assigned to a Unit,

1 and strip searched at the facility:

- 2 a. All juveniles booked and assigned to a Unit at Sacramento County Juvenile
3 Hall and strip searched, including juveniles strip-searched in groups, during
4 the Class Period;
- 5 b. The sub-class of juveniles who, during the Class Period, were booked on
6 misdemeanor, infraction, ordinance violation, or other non-felony offenses
7 not involving violence, drugs or weapons, assigned to a Unit, and strip
8 searched during the period of their incarceration;
- 9 c. The sub-class of all juveniles who, during the Class Period, were booked at
10 Sacramento County Juvenile Hall on felony charges not involving violence,
11 drugs or weapons, assigned to a Unit, and strip searched during the period of
12 their incarceration.

13 5. Persons who previously commenced civil litigation challenging the legality of any
14 strip search at the Sacramento County Juvenile Hall during the class period and have prevailed,
15 settled or had their complaints denied on their merits, and persons who have given timely notice of
16 their election to be excluded from the Settlement Class are not included in the Settlement Class.

17 6. With the exception of the individuals who submitted timely requests to the Court to
18 opt out of the Stipulation of Settlement, all claims and complaints of the named representative
19 Plaintiffs, together with all persons in the Settlement Class, are now dismissed with prejudice as to
20 all of the Released Persons defined to include all Defendants, their predecessors, successors, and/or
21 assigns, together with past, present and future officials, employees, representatives, attorneys and/or
22 agents of the County of Sacramento or Sacramento County Probation Department. Claims and
23 complaints of such persons are now forever barred, and all Settlement Class Members are enjoined
24 from asserting against any released persons any and all claims which the Settlement Class Members
25 had, have, or may have in the future arising out of the facts alleged in the complaints.

26 7. Each Released Person is released from the claims which any Settlement Class
27 Member has had or may in the future have against any such Released Persons arising out of the facts
28 in the complaints.

1 8. This Court explicitly finds that the Stipulation of Settlement, which is now made final
2 by this Judgment, was entered into in good faith, is reasonable, fair, and adequate, and is in the best
3 interest of the Class. The Court expressly approves payment to class counsel, the Law Office of
4 Mark E. Merin, the amount of One Million, Five Hundred Thousand Dollars (\$1,500,000.00), for
5 attorney fees, and costs for the representation of Settlement Class Members herein, to be paid as
6 provided in the Stipulation of Settlement.

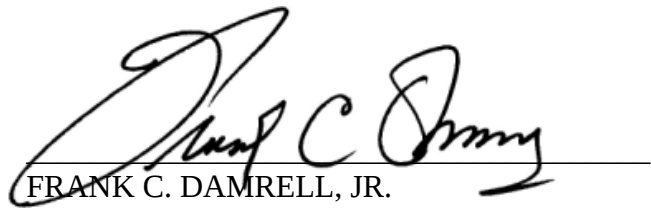
7 9. The Court further explicitly approves payment from the payment fund a total of Two
8 Hundred Eighty Thousand Dollars (\$280,000.00) to be divided among the representative Plaintiffs,
9 as specified in the Stipulation of Settlement. The Court finds the amount is fair and adequate in
10 view of the damages suffered by the representative Plaintiffs and the efforts they expended in
11 litigating this case in the more than two and one-half years it has been pending.

12 10. Claims have been submitted and, in accordance with the claims processing procedure
13 specified in the Stipulation of Settlement, will be reviewed, valued, and paid by the Claims
14 Administrator from funds provided by the defendants as soon as practicable following the effective
15 date of this Judgment, meaning the date it is entered and becomes final. Such Judgment will be
16 deemed final only upon the expiration of the time to appeal or, if a notice of appeal is filed in this
17 matter, upon exhaustion of all appeals and petitions for writ of certiorari.

18 11. The Court reserves continuing and exclusive jurisdiction over the parties in this
19 action, including Defendants and all Settlement Class Members, to administer, supervise, construe
20 and enforce the Settlement in accordance with the terms for the mutual benefit of all of the parties.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complaints in these
22 related actions be dismissed with prejudice and that judgment be and the same hereby is entered
23 pursuant to the terms of this Order.

24
25 Dated: March 2, 2007

26
27 
28 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE