

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KRISTINE FLYNN, *et al.*, on behalf
of themselves and all others
similarly situated,

Plaintiffs,

v.

Case No. 06-C-537-RTR

JIM DOYLE, *et al.*,

Defendants.

**ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

For the reasons set forth in Plaintiffs' Motion for Final Approval of Class Action Settlement, **THE COURT MAKES THE FOLLOWING FINDINGS:**

1. The form and content of the Notice to the Class and the manner by which the Notice to the Class was disseminated constituted "a reasonable manner" of providing notice and satisfied the requirements of Fed. R. Civ. P. 23(e)(1), Fed. R. Civ. P. 23(h)(1), and due process.
2. The Court, having considered all relevant legal factors and evidence, finds the Proposed Settlement Agreement (PSA) to be fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23(e)(2).
3. Defendants' conduct toward Plaintiffs constitutes a "violation of [] Federal right[s]" pursuant to 18 U.S.C. § 3626(a)(1)(A) with regard to the rights guaranteed by the Eighth Amendment, Equal Protection Clause of the Fourteenth Amendment, and the Americans with Disabilities Act.

4. The prospective relief provided by the PSA is narrowly drawn and extends no further than necessary to correct deficiencies in the medical and mental health care provided to Plaintiffs by Defendants and to provide access to prisoners with disabilities in accordance with the Americans with Disabilities Act.

5. The prospective relief provided by the PSA is the least intrusive means of remedying Defendants' violations of Federal rights.

6. The Court makes these findings having given substantial weight to and consideration of any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

7. The prospective relief provided by the PSA complies with the requirements of 18 U.S.C. § 3626(a)(1)(A).

8. The Court approves \$208.50 per hour as the currently hourly rate allowed by 42 U.S.C. § 1997e(d)(3).

9. The Court approves Plaintiffs' counsel's hourly rates as reasonable for the purpose of determining fees recoverable under 42 U.S.C. § 12205.

10. The Court finds that the attorneys' fees and costs provided for in the PSA were directly and reasonably incurred in proving an actual violation of Plaintiff's rights or directly and reasonably incurred in enforcing the relief ordered for a violation. The Court further finds that the agreed-upon amount of attorneys' fees and costs is proportionately related to the court ordered relief for the violations of Federal rights.

THESE FINDINGS HAVING BEEN MADE, IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for Final Approval of Class Action Settlement is **GRANTED**.
2. The Court will retain jurisdiction over this action until all claims have been dismissed.

IT IS SO ORDERED.

Dated: December 2, 2010

s/ Rudolph T. Randa
Hon. Rudolph Randa
United States District Judge