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29 UNITED STATES DISTRICT COURT
30 EASTERN DISTRICT OF CALIFORNIA

31 L.H., A.Z., D.K., D.R., M.N. and R.C., on behalf of
32 themselves and all other similarly situated juvenile
33 parolees in California,

34 Plaintiffs,

35 v.

36 ARNOLD SCHWARZENEGGER, Governor, State
37 of California, MATTHEW L. CATE, Secretary (A),
38 California Department of Corrections and
39 Rehabilitation (“CDCR”); DAVID RUNNELLS,
40 Undersecretary, CDCR; BERNARD WARNER,
41 Chief Deputy Secretary of the Division of Juvenile
42 Justice; CAROLINA GARCIA, Director, Division of
43 Juvenile Parole; DENNIS DULAY, Acting Deputy

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58 Case No. 2:06-CV-02042-LKK-GGH

59 **ORDER GRANTING JOINT**
60 **MOTION FOR FINAL**
61 **APPROVAL OF CLASS ACTION**
62 **SETTLEMENT,**

63 **HEARING**

64 Date: October 6, 2008
65 Time: 10:00 a.m.
66 Courtroom: 4
67 Judge: The Honorable Lawrence K.
68 Karlton

69 A/72656536.3/3008611-0000333556

1 Director of the Division of Juvenile Parole
2 Operations; MARTIN HOSHINO, Executive
3 Director of the Board of Parole Hearings (“BPH”);
4 JAMES DAVIS, Chair of the BPH; JOYCE
5 ARREDONDO, PAUL CHABOT, JOSEPH
6 COMPTON, SUSAN MELANSON, THOMAS
7 MARTINEZ, ASKIA ABULMAJEED, and CHUCK
8 SUPPLE, Commissioners and Board
9 Representatives, CDCR; DIVISION OF JUVENILE
10 JUSTICE; BOARD OF PAROLE HEARINGS; and
11 the JUVENILE PAROLE BOARD,

12 Defendants.

13
14 Whereas, this Court has presided over the proceedings in the above-captioned
15 action and has reviewed the pleadings, records, and papers on file herein;

16
17 Whereas, the parties have entered into a Stipulated Order for Permanent
18 Injunctive Relief, which was lodged with the Court on June 13, 2008;

19
20 Whereas, the Court has reviewed the Stipulated Order for Permanent Injunctive
21 Relief, and has heard from the parties with respect to the proposed settlement of this action;

22
23 Whereas, the Court has previously found that the proposed settlement falls within
24 the range of possible approval and is sufficiently fair to warrant dissemination of notice to the
25 proposed class members apprising them of the settlement;

26
27 Whereas, the Court has determined that adequate notice has been provided to the
28 class members regarding the proposed settlement; and

Whereas, the Court has conducted a hearing with respect to the fairness and
adequacy of the proposed settlement, and good cause appearing therefore, now finds and orders
as follows:

FINDINGS

1. The proposed settlement adequately addresses the needs and rights of class
members, improving certain due process protections in the juvenile parole revocation process
including the right to counsel in parole revocation and parole extension proceedings, significant
adjustments to the nature and timing of parole revocation proceedings in favor of the class,
limitations on the period of confinement after a parole revocation, accommodations under the

1 Americans with Disabilities Act, effective communication in parole proceedings, and the right to
2 appeal with the assistance of counsel.

3 2. The proposed settlement was entered into after discovery was largely
4 complete and certain dispositive motions had been ruled on by this Court.

5 3. The proposed settlement was the product of arm's-length, serious,
6 informed and non-collusive negotiations between experienced and knowledgeable counsel who
7 have actively prosecuted and defended this litigation.

8 4. Class counsel have extensive experience in prisoner, parolee, and juvenile
9 class action litigation and believe that the settlement is in the best interest of the class.

10 5. Plaintiffs' claims are strong, but would have put class members' interests
11 at risk by prolonging the litigation and exposing them to the uncertainties of further litigation.

12 6. No class member objected to the proposed settlement and, in fact, several
13 class members wrote this Court in support of the settlement.


14 7. Accordingly, the Court finds that the proposed settlement is fair, adequate
15 and reasonable.

16 GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED:

17 8. The Stipulated Order for Permanent Injunctive Relief is granted final
18 approval and incorporated herein by this reference, and has the full force and effect of an order
19 of the Court. Pursuant to the terms of the Stipulated Order for Permanent Injunctive Relief, this
20 Court shall retain jurisdiction to enforce the terms of the Injunction and shall have the power to
21 enforce the terms of the Injunction through specific performance and all other remedies
22 permitted by law or equity.

23 IT IS SO ORDERED.

24
25 DATED: October 7, 2008

26 
27 LAWRENCE K. KARLTON
28 SENIOR JUDGE
UNITED STATES DISTRICT COURT