

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

EBON BONNETTE, *et al.*, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

ROCHESTER GAS & ELECTRIC CO.,

Defendant.

CIVIL ACTION NO.: 6:07-cv-06635-MAT

**FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE**

AND NOW, this 7 day of May, 2008, upon consideration of Plaintiffs' unopposed Motion for Final Approval of the Settlement Agreement, pursuant to Rule 23 of the Federal Rules of Civil Procedure, Plaintiffs' Counsel's Motion for an Award of Attorneys' Fees and Expenses, and the parties' joint request at the Final Fairness Hearing for entry of a Judgment and Order dismissing this action with prejudice, IT IS HEREBY ORDERED AS FOLLOWS:

WHEREAS, on February 11, 2008, this Court granted preliminary approval to the parties' proposed Settlement Agreement;

WHEREAS, on May 7, 2008, the Court held a Final Fairness Hearing;

WHEREAS, on May 7, 2008, the Court granted final approval of the parties' Settlement Agreement, finding that the Settlement Agreement is fair, reasonable and adequate within the meaning of Federal Rule of Civil Procedure 23(e) and applicable law; and

WHEREAS, the Court has found that the notice sent to class members fairly and adequately informed them of the terms of the settlement, was consistent with Federal Rule of Civil Procedure 23 and due process, and was given in the manner prescribed by the Settlement Agreement and the Court's Order preliminarily approving the settlement;

1. The Court gives final approval to the parties' Settlement Agreement and all provisions contained therein. Pursuant to the Settlement Agreement, the Court hereby certifies the settlement class under Rule 23(b)(3) of the Federal Rules of Civil Procedure as follows: all African-American individuals employed between May 24, 2002 and October 1, 2006 by Defendant Rochester Gas & Electric Co., except that Robin Johnson is expressly excluded from the class as she previously negotiated a settlement of the same claims advanced here (the "Class").

2. The Court approves Plaintiffs' Counsel's Motion for an Award of Attorneys' Fees and Expenses, and finds that the amounts requested by Plaintiffs' Counsel are fair and reasonable. Plaintiffs' shall receive 33% of the \$2 million fund (\$660,000), established pursuant to the Settlement Agreement, and shall receive reimbursement of \$78,565.59 in expenses they incurred in prosecuting this litigation. These amounts shall be paid to Plaintiffs' Counsel in accordance with the Settlement Agreement.

3. The Court approves the settlement distribution plan set forth in the Affidavit of Edward J. Sincavage, CPA Regarding Claims Administration, dated May 5, 2008, which shall be filed with the Court.

4. The Court hereby enters final judgment in this case and dismisses it with prejudice in accordance with the terms of the Settlement Agreement. The final judgment shall not bind any class members who timely opted out of the settlement. There being no reason to delay entry of this Final Judgment, the Clerk of the Court is ordered to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

5. Without affecting the finality of this Final Judgment in any way, the Court reserves exclusive and continuing jurisdiction over this action, the named Plaintiffs, the certified

class, and the Defendant for purposes of supervising the implementation, enforcement, construction and interpretation of the Settlement Agreement, the Preliminary Approval Order, and this Order and the distribution of settlement payments and tax forms.

IT IS SO ORDERED, this 7 day of May, 2008.

  
HON. MICHAEL A. TELESKA