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**ENDORSED
FILED
ALAMEDA COUNTY**

APR 24 2009

Adeljin, Exec. Off./Clerk

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13 **SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

14 **CAPITOL PEOPLE FIRST, et al.,**
15 Plaintiffs/Petitioners,
16 vs.

) **Case No.: 2002-038715**

) **COMPLEX LITIGATION**

) **CLASS ACTION**

17 **DEPARTMENT OF DEVELOPMENTAL
SERVICES (DDS), et al.,**

) **~~PROPOSED~~ ORDER GRANTING
PARTIES' JOINT MOTION FOR FINAL
18 APPROVAL OF CLASS ACTION
19 SETTLEMENT**

20 Respondents/Defendants,
21

) Date: April 24, 2009

) Time: 2:00 p.m.

) Dept: 20

22) ASSIGNED FOR ALL PURPOSES TO:
23) Judge: Hon. Robert B. Freedman

24) Complaint Filed Jan. 25, 2002

25) Trial Date Set: Vacated
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1 The Parties have submitted to the Court a Motion for Final Approval of the Settlement
2 Agreement in this matter. The Court preliminarily approved the Settlement Agreement by an
3 Order dated March 6, 2009. Notice was given to the class pursuant to the terms of that Order.

4 This Court has reviewed the papers filed in support of this Motion, including the
5 Settlement Agreement, memoranda, declarations, and arguments submitted on behalf of the
6 parties. The Court has also considered the comments and objections submitted to the Court. The
7 Court held a hearing on April 24, 2009, at which time the parties and all other interested persons
8 were afforded the opportunity to be heard in support of and in opposition to the proposed
9 settlement.
10

11 The Court, having fully considered the matter and good cause appearing, hereby
12 ORDERS, as follows:

- 13 1. The Court has jurisdiction over the subject matter of this litigation and over all parties
14 to this action.
- 15 2. The Court finally approves the settlement in accordance with the terms of the
16 Settlement Agreement and finds that the settlement is fair, reasonable, and adequate
17 in all respects.
- 18 3. The Court finds and concludes that the objections and comments to the Settlement
19 Agreement do not provide any basis for disproving the settlement.
- 20 4. The Court orders the parties to the Settlement Agreement to perform all their
21 obligations thereunder.
- 22 5. The Court shall retain jurisdiction during the term of the Settlement Agreement.
23
24 Without affecting the finality of this Settlement Approval and Final Judgment in any
25 way, the Court retains jurisdiction over: (1) implementation and enforcement of the
26 Settlement Agreement pursuant to the terms of the Settlement Agreement and
27
28



1 California Rule of Court 3.769; and (2) any other action necessary to conclude the
2 settlement.

- 3 6. Pursuant to Paragraph IV(C)(4) of the Settlement Agreement, all claims in the 2nd, 4th,
4 5th, 6th, 7th, and 9th Causes of Actions of the "Corrected Sixth Amended Petition for
5 Writ of Mandate (Code of Civ.Proc, Sec. 1085; Verified Complaint for Declaratory
6 and Injunctive Relief)" against Defendant California Department of Mental Health
7 are hereby dismissed Without Prejudice.
8
9 7. Plaintiffs' request for dismissal of John Pineda, submitted on Judicial Counsel Form
10 CIV-100, Request for Dismissal, is granted.

11 **IT IS SO ORDERED.**

12
13 Dated April 10, 2009

Robert B. Freedman

14 Judge Robert Freedman