

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARILYN KEEPSEAGLE, et al.,)
)
 Plaintiffs,)
)
 v.)
)
) Case No. 99-3119 (EGS)(AK)
TOM VILSACK, Secretary, U.S.)
Department of Agriculture,)
)
 Defendant.)

**ORDER ON PLAINTIFFS' MOTION FOR FINAL APPROVAL OF
SETTLEMENT, MOTION FOR APPROVAL OF CLASS REPRESENTATIVE
SERVICE AWARDS, AND MOTION FOR AN AWARD OF ATTORNEYS' FEES AND
EXPENSES**

WHEREAS, the Court entered an order preliminarily approving the Settlement Agreement on November 1, 2010, and held a Final Approval Hearing on April 28, 2011; and the Court has heard and considered all submissions in connection with the proposed Settlement and the files and records herein, including the Objections submitted, Plaintiffs' Motion for Final Approval of Settlement, Motion for Approval of Class Representative Service Awards, and Motion for an Award of Attorneys' Fees and Expenses, as well as the arguments of counsel;

It is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The Settlement was attained following an extensive investigation of the facts and the law. The Settlement resulted from vigorous arm's-length negotiations, which were undertaken in

good faith by counsel with significant experience litigating civil rights class actions.

2. Reasonable and adequate notice was provided to all class members pursuant to the parties' notice plan, which was approved by this Court by order entered November 1, 2010.

3. The Settlement Agreement is fair, reasonable, and adequate within the meaning of Rule 23(e) of the Federal Rules of Civil Procedure.

4. The Motion for Final Approval of Settlement is granted, and the Settlement Agreement is hereby approved.

5. Without affecting the finality of this Judgment and Final Order in any way, this Court hereby retains continuing jurisdiction for a period of five years from the date of entry of this order for the limited purposes set forth in Section XIII of the Settlement Agreement.

6. The following persons timely and validly requested exclusion from the Settlement Class: James Byron Powell Sr., Betty Flannery, Gregary Toscano and Colleen A. Faith. These individuals are hereby excluded from that Class, and are not otherwise bound by this Order.

7. Plaintiffs' Motion for Approval of Class Representative Service Awards is granted, and the proposed awards set forth in Section XV.C of the Settlement Agreement are approved. A service award of \$100,000 shall be paid to each of the following: Gene

Cadotte, Porter Holder, George Keepseagle, Marilyn Keepseagle, Keith Mandan, and the Estate of Lucas Crasco. A service award of \$75,000 shall be paid to each of the following: the Estate of Basil Alkile, and the Estate of John Fredericks, Jr. A service award of \$200,000 shall be paid to Claryca Mandan. Payment of these awards shall be made in accordance with Section VII.E of the Settlement Agreement.

8. Plaintiffs' Motion for an Award of Attorneys' Fees and Expenses is granted. An award of attorneys' fees and expenses in the amount of 8% of \$760,000,000 shall be paid to class counsel in accordance with Section VII.E of the Settlement Agreement.

SO ORDERED.

SIGNED: Emmet G. Sullivan
United States District Court Judge
April 28, 2011