

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 07-cv-00753-MSK-BNB

ALEXANDER L. TRUJILLO,
DAVID HENRICHSEN,
GILBERT LUCERO,
ALAN ROMAN,
COLBY DOOLITTLE,
OTTO KNOLLHOFF, and
MATT MARTIN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE CITY OF COLORADO SPRINGS,

Defendant.

**FINAL ORDER APPROVING SETTLEMENT,
AWARDING FEES, AND CLOSING CASE**

THIS MATTER is before the Court on Class Counsel's unopposed motion for final approval of the proposed settlement and for entry of a final judgment arising out of the Settlement Agreement between the Parties in accordance with Federal Rule of Civil Procedure 23 and 29 U.S.C. § 216(b) (**#95**). Having considered the same, and based upon the representations of counsel, the Court

FINDS and **CONCLUDES** that:

On April 21, 2008, the Court conditionally certified the Settlement Class, appointed class counsel, and preliminarily approved the Settlement Agreement¹ between the Plaintiffs and the

¹ The definitions used in the Settlement Agreement are incorporated herein by reference and are adopted for use herein.

Defendant (#85). The Settlement Class consists of all sworn uniformed officers, employed by the City of Colorado Springs, holding the rank of sergeant or below who have performed one or more of the uniformed patrol and/or uniformed patrol support activities identified in the Settlement Agreement as Covered Assignments in the six years prior to June 8, 2007.

In its Order (#85), the Court approved the form of notice to be given to Class Members of the settlement, prescribed the manner in which notice was to be given, and set August 1, 2008 as the deadline for any Class Member to object to the settlement. Counsel provided notice to the Class Members in this form and in the required manner. Class Members were sent notice of the terms of the settlement, the amount of attorney fees which could be awarded, the amount of the anticipated incentive awards to the Class Representatives, and the fact that reasonable costs could be paid from the settlement fund.

Constitutionally adequate notice reached a large majority of the Class Members. No class member has objected to the Settlement Agreement.

The Settlement Agreement was fairly and honestly negotiated at arms-length, there are serious questions of law and fact which would otherwise place the ultimate outcome of the litigation in doubt, the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation, and the parties agree that the settlement is fair and reasonable. *See Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180, 1188 (10th Cir. 2002). Thus, the Settlement Agreement is fair, adequate and reasonable.

IT IS THEREFORE ORDERED:

1. The Court certifies the Settlement Class.
2. The Settlement Agreement between the Plaintiffs and the Defendant is granted final

approval.

3. Class Counsel's applications for an award of attorney fees in the amount of \$1,312,500.00 and for payment of reasonable costs of \$79,272.22 are approved. Class Counsel may file supplemental applications for costs incurred subsequent to those detailed in the Motion. Each named Plaintiff is awarded the sum of \$15,000 as incentive compensation for having served in their role as named Plaintiffs, pursuing claims on behalf of all Class Members. Those amounts shall be paid by Defendant pursuant to the terms of the Settlement Agreement.

4. The Defendant is hereby directed to implement its obligations under the Settlement Agreement.

5. Without affecting the finality of this Order in any way, the Court retains continuing jurisdiction for purposes of interpreting and enforcing the Settlement Agreement.

6. The Plaintiffs' claims against the Defendant are dismissed, with prejudice, and the Clerk of Court is directed to close this case.

Dated this 26th day of September, 2008

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style and is positioned above a horizontal line.

Marcia S. Krieger
United States District Judge