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24 Attorneys for Plaintiffs

25 **UNITED STATES DISTRICT COURT**

26 **CENTRAL DISTRICT OF CALIFORNIA**

27 **KAREN CRAFT, et al.,**

28 Plaintiffs,

vs.

COUNTY OF SAN
BERNARDINO, et al.,

Defendants.

Case No.: EDCV05-0359 SGL

**[PROPOSED] ORDER RE: FINAL
CLASS FUND DISTRIBUTIONS**

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RECITALS

WHEREAS this is a class action case wherein the Plaintiffs alleged that the Defendant County of San Bernardino and its employees engaged in unlawful strip search practices against individuals within the County’s jail system;

WHEREAS the parties reached a comprehensive settlement totaling over \$25 million for the class;

WHEREAS on September 18, 2007, the Court granted preliminary approval of the settlement and thereafter class notice (“Original Notice Packet”) was sent to approximately 150,300 class members by the claims administrator, Rosenthal & Company (“Rosenthal”), with a claims filing deadline of January 14, 2008 (“Original Filing Deadline);

WHEREAS on April 1, 2008, the Court granted final approval of the settlement;

WHEREAS on August 14, 2008, after Rosenthal and the parties discovered that approximately 2,700 class members were inadvertently omitted from the original class list, the Court entered a Stipulated Supplemental Order Granting Approval to Provide Notice and Payment to Newly Identified Class Members, providing (1) notice and opportunity to file claims to these additional class members (hereinafter “Not-Notified Supplemental Class Members”), (2) distribution of class fund monies to class members who had filed prior to the Original Filing Deadline of January 2008 (“Notified Class Distribution”), (3) creation of a reserve fund of approximately \$1,590,000 to pay claims made by the Not-Notified Supplemental Class Members (“Not-Notified Supplemental Class Members Reserve”), and (4) establishing that otherwise valid claims filed after January 14, 2008, but prior to July 30, 2008, be accepted from any class member, not just the Not-Notified Supplemental Class Members;

1 WHEREAS on October 31, 2008, the Notified Class Distribution to the
2 original Notified Class took place;

3 WHEREAS on February 2, 2009, after Rosenthal and the parties were
4 informed by several incarcerated class members that prison mail caused a delay in
5 receipt of the notice so that claims could not be filed by the deadline, the Court
6 ordered (1) that the deadline to file claims for these incarcerated class members be
7 extended to May 4, 2009 (“2009 Extended Deadline”), (2) that all otherwise valid
8 Claim Forms previously filed late would be accepted and paid, and (3) that the
9 remaining funds would be distributed to the new claimants on a pro rata basis if
10 there were not sufficient funds to pay the full equivalent amounts paid in the
11 previous distribution;

12 WHEREAS, as detailed in the concurrently filed Declaration of Bryan Neff,
13 due to the 2009 Extended Deadline, Rosenthal received an unexpected flood of
14 new claims (14,200, or a 65% increase in the total number of claims) from class
15 members, a significant percentage of whom were incarcerated during the class
16 notice period;

17 WHEREAS if only the unclaimed funds (approximately \$1.5 million) were
18 used to pay Class Members who filed claims by the 2009 Extended Deadline, these
19 additional class members would receive less than 20% of the original Notified
20 Class Distribution;

21 WHEREAS, as detailed in the concurrently filed Declaration of Bryan Neff,
22 in addition to receiving over 14,200 new claims, Rosenthal processed over 13,400
23 pieces of separate correspondence and 17,300 live telephone calls between
24 February 2009 and November 2009, causing Rosenthal to incur a significant and
25 unforeseen expenditure of resources;
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1 WHEREAS Rosenthal's best estimate for the balance of the work to be done
2 is \$325,000, approximately a 29% increase over the original budget, which is
3 reasonable in light of the increased scope of work;

4 WHEREAS there are sufficient monies in reserve to pay all the claimants a
5 fair and reasonable settlement, and to pay Rosenthal for all additional work
6 through and including the final resolution of all claims;

7 WHEREAS the Court has previously expressed the policy that the claims
8 filing process allow as many class members as practicable to file valid claims
9 within a reasonable timeframe;

10 THEREFORE, GOOD CAUSE APPEARING, IT IS ORDERED:

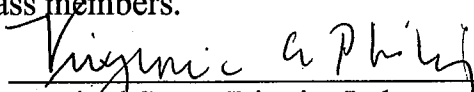
11 That funds from any uncashed checks of the initial distribution be used to
12 supplement the reserve funds allocated to pay the claims filed under the Court
13 ordered 2009 Extended Deadline.

14 That funds from the uncashed checks from the second distribution and the
15 Self-Insured Retention reserve be used to pay the increased administration costs
16 incurred and then make a second distribution to only the Class Members paid as a
17 result of the 2009 Extended Deadline.

18 That any funds remaining from uncashed checks from the third distribution
19 be used to cover any additional administration costs incurred, and then make an
20 additional payment to the named plaintiffs.

21 That a notice to the Class Members paid prior to the 2009 Extended
22 Deadline Distribution informing them that, due to the high volume of additional
23 Class Members paid as a result of the Court's order to grant the 2009 Extended
24 Deadline, no further distributions will be forthcoming, despite the earlier provision
25 for a second round distribution to class members.

26 DATED: February 4, 2010



United States District Judge

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