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15
16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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19

20 XIUFANG SITU, JOSEPHINE GUIN,)
21 WILLARD ELLIS, KAZIMIERA)
22 SOKOLOWSKI, ROSA BEGUN, IRENE)
23 CRAM, JO ANN BURBES, VINCENT)
24 PERILLO, ED RANDOLPH, CALIFORNIA)
25 ALLIANCE FOR RETIRED AMERICANS and)
26 ACTION ALLIANCE OF SENIOR CITIZENS,)
27 on behalf of themselves and all others similarly)
28 situated,)
Plaintiffs,)
v.)
MICHAEL O. LEAVITT,)
Secretary of Health and Human Services,)
Defendant.)

CIVIL ACTION NO.: C06-02841 TEH

**ORDER GRANTING FINAL APPROVAL
OF SETTLEMENT AGREEMENT AND
DIRECTING ENTRY OF FINAL
JUDGMENT**

[Fed. R. Civ. Proc. 23(e)]

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1 The Court has carefully considered the parties' proposed Settlement Agreement
2 ("Agreement"), filed as Exhibit A to the parties' June 19, 2008 joint Motion for Preliminary
3 Approval of Class Settlement, as well as the supporting papers. A final fairness hearing was held
4 on October 6, 2008.

5 The Court finds that the Agreement is fair, adequate, and reasonable. It provides
6 meaningful injunctive relief to the Class, including significant and comprehensive changes to the
7 way that low-income Medicare beneficiaries receive the Medicare Part D prescription drug
8 benefit. The Agreement follows a lengthy period of litigation, discovery and negotiation. It is
9 the result of arm's-length negotiations between the parties, supervised by Magistrate Judge
10 Edward M. Chen.

11 Notice has been given to the Class in the manner directed by the Court, and there have
12 been no objections to the Agreement.

13 Therefore, IT IS HEREBY ORDERED that:

- 14 1. Final approval of the Settlement Agreement is granted.
- 15 2. The Court directs entry of Final Judgment, dismissing this action with prejudice,
16 pursuant to the terms of the Agreement and Federal Rule of Civil Procedure 41(a)(1)(ii). The
17 Final Judgment shall incorporate and be subject to the terms of the Settlement Agreement, as set
18 forth in Agreement § V. The Clerk shall enter judgment and close the file.
- 19 3. The Court awards attorneys' fees as the parties have jointly recommended in
20 Agreement § XV.1.
- 21 4. The Court will retain jurisdiction over this matter for the limited purposes and
22 time period set forth in Agreement § VI.3.

23
24 **IT IS SO ORDERED.**

25
26 Dated: 10/21/08

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THELTON E. HENDERSON
UNITED STATES DISTRICT COURT

