

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JULIUS BRIGGS, on behalf of himself and
all others similarly situated,

No. C 07-5760 WHA

Plaintiff,

v.

UNITED STATES OF AMERICA,

**ORDER AMENDING
FINAL JUDGMENT**

Defendant.

Lead plaintiff Julius Briggs moves pursuant to Rule 60(a) for two amendments to the final judgment in this class action. The motion is unopposed.

First, plaintiff moves to amend the final judgment to give effect to a timely request for exclusion from the settlement by Carmen L. Tate, and to conform the final settlement amount by the value of that excluded class member’s claim, \$91.37, for a final amount of \$7,404,852.82. This amendment is **GRANTED**.

Second, plaintiff moves to authorize payment to plaintiff’s counsel of \$375,000 (representing 75 percent of the EAJA award for fees) and \$52,000 for expenses, promptly upon expiration of the appeal period for the final judgment. Under the current order giving final approval to the settlement, only \$52,000 for expenses and 25 percent of the EAJA award may be disbursed upon expiration of the appeal period for the final judgment. The remaining 75 percent of attorney’s fees can be paid only after counsel certifies that all class members have

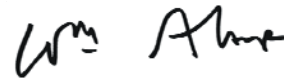
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received and cashed their checks, no problems with the distribution have been reported for a period of 30 days, and there is nothing left to do.

This amendment is **DENIED**. The existing schedule for disbursement of attorney's fees will give counsel an incentive to ensure that the distribution of the settlement funds to the class members occurs as quickly and smoothly as possible.

IT IS SO ORDERED.

Dated: June 14, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE