

\*\*E-Filed 1/28/09\*\*

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 DENNIS BUTLER on behalf of himself and all  
12 those similarly situated,

13 Plaintiff,

14 v.

15 SANTA CRUZ COUNTY; SANTA CRUZ  
16 COUNTY SHERIFF STEVE ROBINS, in his  
17 Individual and Official Capacities; SANTA CRUZ  
18 COUNTY SHERIFF'S DEPUTIES DOES 1  
19 THROUGH 50; and ROES 1 THROUGH 20,

20 Defendants.

Case Number C 07-00941 JF (RS)

ORDER<sup>1</sup> GRANTING MOTION FOR  
FINAL APPROVAL OF  
SETTLEMENT; AND GRANTING  
MOTION FOR APPROVAL OF  
STIPULATED ATTORNEYS' FEES  
AND REIMBURSEMENT OF COSTS

[Re: docket nos. 33, 35]

21 The parties' joint motions for final approval of settlement and for approval of stipulated  
22 attorneys' fees and reimbursement of costs were heard on Friday, January 16, 2009. One  
23 objector, Ms. Rita Kramer, appeared telephonically after having submitted a detailed objection to  
24 the settlement via facsimile on January 15, 2009. The Clerk of the Court is directed to file the  
25 objection.

26 Ms. Kramer does not appear to object to the substance of the settlement but rather  
27 complains that she was deprived unfairly of the opportunity to be a named class representative.

28 <sup>1</sup> This disposition is not designated for publication in the official reports.

1 She claims that it was she who first brought the case to the attention of class counsel Mark  
2 Merin, and that Mr. Merin thereafter prosecuted the case for his own advantage, naming Dennis  
3 Butler as the only representative plaintiff and excluding her. She also accuses Mr. Merin of  
4 preparing the paperwork for her to opt in as a claimant in the class action without her consent.

5 Ms. Kramer's objections relate solely to her attorney-client interactions with Mr. Merin.  
6 Because the objections do not relate to the substance of the settlement, they do not weigh against  
7 approval of the settlement. Given that Ms. Kramer is the only objector, and because the Court  
8 concludes that the settlement is fair and adequate and in the best interest of the class, the Court  
9 will grant the motion for final approval.

10 With respect to the motion for approval of stipulated attorneys' fees and reimbursement  
11 of costs, the Court concludes that the requested fees and costs are fair and reasonable and are  
12 well-documented by the parties' submissions. Accordingly, the Court will grant that motion as  
13 well.

14 Because Ms. Kramer stated unequivocally in the record that she did not wish to be a part  
15 of the class and did not wish to participate in the settlement, she is hereby excluded from the  
16 settlement class. Ms. Kramer is advised to consult with an attorney regarding her interactions  
17 with Mr. Merin in the event she wishes to pursue her concerns further.

18 **ORDER**

19 For good cause shown, it is hereby ordered that:

- 20 (1) the motion for final approval of settlement is GRANTED;
- 21 (2) the motion for approval of stipulated attorneys' fees and reimbursement of costs is  
22 GRANTED;
- 23 (3) the Clerk of the Court shall file the objection of Ms. Kramer submitted to  
24 chambers on January 15, 2009; and
- 25 (4) a separate order and judgment of dismissal shall be filed concurrently herewith.

26 DATED: January 28, 2009

27   
28 JEREMY FOGEL  
United States District Judge

1 Copies of Order served on:

2 Jason Michael Heath Jason.Heath@co.santa-cruz.ca.us, cs1026@co.santa-cruz.ca.us

3 Mark E. Merin , Esq mark@markmerin.com, joshua@markmerin.com, kari@markmerin.com,  
4 paul@markmerin.com

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28