

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable John E. Conway

CASE NO. CIV 96cv716LH (consolidated with
CIV. No. 99CV0208

DATE: March 16, 2005

TITLE: *United Transportation Union Local 1745, et al v. City of Albuquerque*

COURTROOM CLERK: Mary E. Lebeck

COURT REPORTER: Julie Goehl

COURT IN SESSION: 10 a.m.

COURT IN RECESS: 10:40 a.m.

TYPE OF PROCEEDING: Hearing on Plaintiffs' Unopposed Motion to Approv Settlement and Distribution of Settlement Proceeds (Docket No. 402), as amended by Docket No. 408.

COURT'S RULINGS/DISPOSITION: Plaintiff's motion is **granted**. Order is entered in open court.

ATTORNEYS PRESENT FOR PLAINTIFF(S):

Paul Livingston

Justin Livingston

ATTORNEYS PRESENT FOR DEFENDANT(S):

Michael Garcia

Edward W. Bergmann

PROCEEDINGS:

Court in Session: Defense counsel introduce themselves.

Mr. Pennington addresses the Court, providing history of the case. Mr. Pennington explains the terms of the Settlement Agreement and the proposed distribution of proceeds. He believes that the objections filed by two individuals have been resolved.

Mr. Bergmann: concurs with statements made by Plaintiff's counsel.

Ron Otero, objector, addresses the Court. He received response to his objection from Mr. Livingston. He will accept this response, and waive his objection, in the interest of getting the settlement finalized.

Mr. Froonjian, objector, addresses the Court. He objects to being excluded from the lawsuit, because he thinks he should be compensated as a committee member.

Mr. Livingston addresses the Court:

Mr. Froonjian never signed a consent form to be a member of the Class. He is not a member of any committee.

Addresses Mr. Otero's objections. This should be handled as an internal union matter.

The Court: the motion is **granted** and the agreed upon order, tendered by the parties is approved in open court. The Court imposes a 3 week deadline for Plaintiffs' filing of a motion for costs and attorney fees. City asks for three week response time. Court grants this request.

Court in recess.