

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MAR 18 2005

MATTHEW J. DYKMAN
CLERK

**UNITED TRANSPORTATION UNION
LOCAL 1745, et al.,**

Plaintiffs,

v.

CIV No. 96-716 LH/ACT-ACE

CITY OF ALBUQUERQUE, et al.,

Defendants,

Consolidated With

JIMMY S. ANDERSON, et al.,

Plaintiffs,

v.

CIV No. 99-208 MV/LFG-ACE

CITY OF ALBUQUERQUE, et al.

Defendants.

FINAL JUDGMENT

THIS MATTER came before the Court for a March 16, 2004 hearing on Plaintiffs' Unopposed Motion to Approve Settlement and Distribution of Settlement Proceeds (Docket No. 402), as amended on March 13, 2004 (Docket No. 408). The proposed Settlement Agreement ("Settlement Agreement"), detailed in the motion, meets the criteria set forth in Federal Rule of Civil

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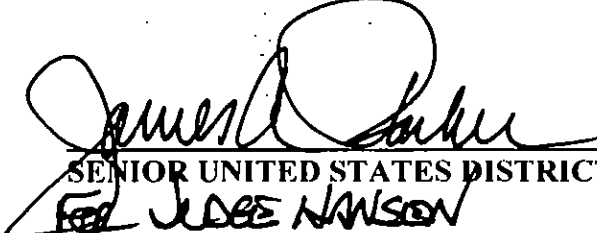
Procedure 23(e)(2). The Court, having fully reviewed the proposed settlement, the proposed distribution of the proceeds of the settlement, and being fully advised in the premises, has concluded that the Settlement Agreement is fair, reasonable and adequate, that it is a significant benefit to the Class, and that it shall be **approved**. The Court has entered an Order Approving Settlement and Distribution of Proceeds.

The Court acknowledges that the Settlement Agreement "does not include Plaintiffs' costs or attorney's fees which, by agreement, are to be decided by stipulation of the parties or by separate petition to the Court." (Pltfs' Am. Unopp. Mot. at 2-3). The parties have not submitted a stipulation as to costs and attorney's fees to the Court. Accordingly, Plaintiffs shall have three weeks in which to file an appropriate motion for costs and fees. Upon receipt of this motion, Defendants shall have three weeks in which to respond.

The Court's entry of the Order Approving Settlement and Distribution of Proceeds resolves all disputed claims under the Fair Labor Standards Act on behalf of similarly situated employees. This Final Judgment adjudicates all existing claims and liabilities of the parties.

IT IS HEREBY ORDERED that Final Judgment is entered in favor of Plaintiffs, who shall be paid as set forth in the Settlement Agreement. This case is **DISMISSED with prejudice**.

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE
FOR JUDGE HANSON