

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
MEDFORD DIVISION

MICHAEL MOSS, *et al.*,

Plaintiffs,

v.

UNITED STATES SECRET SERVICE, *et al.*,

Defendants.

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Civil No. 1:06-cv-3045-CL

ORDER APPROVING CLASS  
ACTION SETTLEMENT;  
DISMISSING CLAIMS AGAINST  
CITY DEFENDANTS

AIKEN, Judge:

This court previously entered an order (doc. 362) adopting Magistrate Judge Clarke's Findings and Recommendation (doc. 360) preliminarily approving the settlement of this class action as between Plaintiffs and Defendants City of Jacksonville, Oregon and Police Chief David Towe (the "City Defendants").

Following the order preliminarily approving the settlement, Class Counsel caused notice to be mailed and published as provided by the court's order. No one objected to or sought to opt out of the settlement.

On August 21, 2018, this matter came before the court at the time set for the Fairness Hearing for final approval of the class action settlement between Plaintiffs and the City Defendants.

Fed.R.Civ.P. 23(e) requires judicial approval of any settlement by a certified class. The settlement must be "fair, reasonable, and adequate." Fed.R.Civ.P. 23(e)(2). A district court "may consider some or all of the following factors" when assessing whether a class action settlement agreement meets this standard:

[1] the strength of plaintiffs' case; [2] the risk, expense, complexity, and likely duration of further litigation; [3] the risk of maintaining class action status throughout the trial; [4] the amount offered in settlement; [5] the extent of discovery completed, and the stage of the proceedings; [6] the experience and views of counsel; [7] the presence of a governmental participant; and [8] the reaction of the class members to the proposed settlement.

*Rodriguez v. West Publ'g Corp.*, 563 F.3d 948, 963-64 (9th Cir. 2009); *accord Staton v. Boeing Co.*, 327 F.3d 938, 959 (9th Cir. 2003).

Having considered the factors set forth in *Rodriguez*, and in particular the arms' length negotiations leading to the settlement, the lack of any objections to the settlement, the parties' agreement to each bear their own costs and fees, and the work of counsel in reaching the agreement, I find that the settlement between Plaintiffs and the City Defendants to be a fair settlement as I stated in court at the Fairness Hearing.

The proposed class action settlement between the Plaintiffs and City Defendants is hereby APPROVED as fair, reasonable and adequate. Pursuant to the settlement, Plaintiffs' claims against Defendants City of Jacksonville, Oregon and Police Chief David Towe are and this action as between the settling parties is hereby DISMISSED WITH PREJUDICE and without costs or attorney fees to either Plaintiffs or Defendants City of Jacksonville, Oregon and Police Chief David Towe.

All other claims having been previously resolved, this case is CLOSED.

IT IS SO ORDERED.

Dated this 24<sup>th</sup> day of August 2018.



Ann Aiken  
United States District Judge