

opt-in notices as described more fully herein, and their heirs and successors, representatives, agents, and attorneys.

b. "Defendant" is defined as the County of El Paso and its employees, elected officials, officers, successors, representatives, agents and attorneys.

c. The County of El Paso will pay the total sum of \$635,000.00 (Six hundred thirty-five thousand dollars) inclusive of all employer contributions ("the Total Settlement") not later than December 24, 2004, as full and final settlement of all claims asserted in this lawsuit inclusive of all of the Plaintiffs' attorneys' fees, expenses, and costs. The amount remaining after payment of Plaintiffs' attorneys' fees and expense reimbursements ("the Settlement Fund") will be distributed by counsel for Plaintiffs to the Plaintiffs and the three additional Sergeants ("the Settling Individuals"). After payment of attorneys' fees and case related expenses from the Total Settlement, the Settling Individuals shall receive shares of the Settlement Fund as follows:

- i.) Each of the Settling Individuals who executed and filed "consents" to "opt-in" to the FLSA collective action will receive \$150.00 each, in addition to any other settlement payment;
- ii.) The Settling Individuals who provided discovery responses in this lawsuit shall receive \$600.00 each, in addition to any other settlement payment;
- iii.) The Settling Individuals who were deposed in this lawsuit shall receive \$1,000.00 each, in addition to any other settlement payment;
- iv.) The Settling Individuals who served as members of the Plaintiffs' Steering Committee in this case shall receive \$250.00 each, in addition to any other settlement payment;
- v.) The Lieutenants and Sergeants who participated in this case and the three additional Sergeants whose claims were shortly to have been filed shall receive \$9,500.00 each, in addition to any other settlement payment;
- vi.) The remaining settlement proceeds shall be paid to all the Settling Individuals on a pro rata basis determined by the length of time each individual was employed by the County of El Paso during the Recovery Period. For example, if a Settling Individual was employed by Defendant for the entire 209 weeks of the Recovery Period that individual would be entitled to a full pro rata share (209/209ths or 100%). On the other hand, if a Settling Individual was employed for only 104 and 1/2 weeks of the Recovery Period that individual would be entitled to a half share (104.5/209ths or 50%) and so on.

d. The County will issue checks to Plaintiffs' attorneys for payment of attorneys' fees and expense reimbursements pursuant to the agreements between Plaintiffs and their counsel and in amounts to be provided to the County by Plaintiffs' attorneys.

e. The County will then issue individual checks from the Settlement Fund for each of the Settling Individuals, in the amounts provided to the County by Plaintiffs' attorneys, consistent with paragraph "c." above.

f. The County will withhold the appropriate taxes including retirement (employer and employee) contributions for current employees and other mandatory (employer and employee) taxes for both current and former employees and will provide these individual checks to Plaintiffs' counsel not later than December 24, 2004, for distribution to the Settling Individuals.

g. Plaintiffs' counsel will obtain signed individual releases (in a form consistent with Exhibit "B" to the Joint Motion for Approval of Settlement) from each of the Settling Individuals at the time of or before they receive their individual settlement check and will provide the County with copies of these signed individual releases within 10 days of the disbursement of the check.

h. Any individual settlement checks which are unclaimed after 90 days will be returned to the County by Plaintiffs' counsel. The County will then void these checks and reissue new checks payable to those Plaintiffs who claimed their original checks. These reissued checks will be made payable in equal amounts to each of the Plaintiffs who claimed their original checks. The County will withhold the appropriate taxes including retirement (employer and employee) contributions for current employees and other mandatory (employer and employee) taxes for both current and former employees and will mail these individual checks directly to Plaintiffs at their current address. The County will also simultaneously mail to Plaintiffs' counsel a copy of all the reissued checks.

i. All claims asserted in this lawsuit will be dismissed with prejudice, with all parties to bear their own costs.

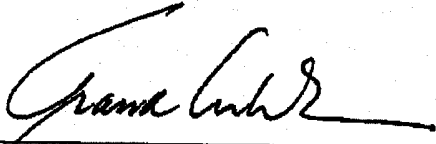
25. Release and Discharge:

The parties also have agreed to mutual releases in the form set out in the Settlement Agreement attached as Exhibit "C" to the Joint Motion for Approval of Settlement. These mutual releases are fully binding and are a complete settlement between all parties, Plaintiffs, and Defendant, as defined herein, and anyone represented by or claiming through such parties. The parties also have agreed that the payment of the sum specified herein and the acceptance of the release of claims herein represent the compromise of matters involving disputed issues of law and fact, and each party assumes the risk that the facts or laws may be otherwise than they believe.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Settlement in this case is APPROVED as set forth above and that this lawsuit is dismissed with prejudice, with all parties to bear their own costs.

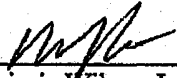
It is further ORDERED that the Clerk of Court shall enter final judgment as specified herein pursuant to Fed. R. Civ. P. 58.

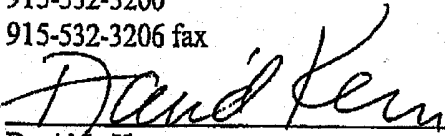
Dated: December 17, 2004



s/ HONORABLE FRANK MONTALVO
Judge, Western District of Texas

AGREED AS TO FORM:

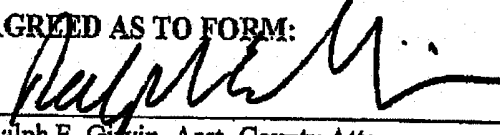

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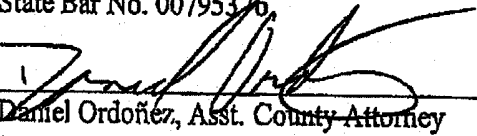

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Counsel for Plaintiffs, Juan Acosta et al

Dated: 12-16-04

AGREED AS TO FORM:


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Counsel for Defendant, El Paso County

Dated: 12/16/04

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

Filed 12-17-04
Clerk, U. S. District Court
Western District of Texas
By [Signature]
Deputy

JUAN ACOSTA, et al.,
Plaintiffs,

v.

THE COUNTY OF EL PASO, TEXAS,

Defendant.

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EP-02-CA-564-FM

FINAL JUDGMENT

The Court having granted the "Joint Motion for Approval of Settlement" [Rec. No. 90], it is hereby ORDERED, in compliance with Fed. R. Civ. P. 58, that this matter be STRICKEN from the docket and there being no just cause for delay, this is a FINAL and APPEALABLE Judgment. IT IS FURTHER ORDERED that all pending motions are DISMISSED as MOOT.

SIGNED this 17 day of Dec., 2004.

[Signature]

FRANK MONTALVO
UNITED STATES DISTRICT JUDGE

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