
TRACEY JOHNSON, Individually on behalf of
herself and on behalf of all others similarly
situated

v.

PENNSYLVANIA AGENCY OF NURSES, INC.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY

:
: JULY TERM, 2008

:
: No. 000057
: Class Action

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**JUDGMENT AND FINAL ORDER GRANTING APPROVAL
OF CLASS ACTION SETTLEMENT**

WHEREAS:

A. On July 13, 2009, the named Plaintiff in this action, individually and as Class Representative, and Pennsylvania Agency of Nurses, Inc. ("PAN" or "Defendant"), by their respective counsel of record, executed and filed with this Court a Joint Stipulation of Settlement and Release ("Stipulation") in full settlement of all class and individual claims in this action (the "Action") as against Defendant;

B. The Stipulation has not been terminated pursuant to its terms;

C. On August 11, 2009, this Court entered an Order, *inter alia*, preliminarily approving the Settlement and conditionally certifying a Class ("Preliminary Approval Order");

D. Pursuant to an Order dated August 20, 2009, this Court directed that a Fairness Hearing be held on December 1, 2009 at 2:00 p.m. to consider and determine whether to issue a final order and judgment approving the fairness, reasonableness and adequacy of the settlement;

E. Pursuant to the Preliminary Approval Order, this Court ordered that the Notice of Pendency of Class Action and Notice of Hearing On Proposed Settlement

Johnson Vs Pa Agency Of-ORDRF



for Court Approval attached to the Stipulation as Exhibit "C" (the "Preliminary Notice")
be distributed according to the terms of the Stipulation to all the members of the
Class;

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F. The Fairness Hearing provided for in the Preliminary Approval Order was duly held before this Court on December 1, 2009, at which time all interested persons were afforded the opportunity to be heard;

G. This Court has duly considered all of the submissions and argument presented with respect to the proposed Settlement;

H. All capitalized terms in this Order that are not otherwise defined have the same meaning as in the Stipulation;

NOW THEREFORE, after due deliberation, this Court hereby FINDS, CONCLUDES, ADJOURNS and DECREES that:

1. This Judgment and Final Order Granting Approval of Class Action Settlement is binding on all members of the Class as defined in the Preliminary Approval Order.

2. The Preliminary Notice fully and accurately informed the members of the Class of all material elements of this Action and the Proposed Settlement, and constituted valid, due and sufficient notice to all members of the Class in all respects, complying fully with Rule 1712 of the Pennsylvania Rules of Civil Procedure and the requirement of due process.

3. The terms and conditions set forth in the Stipulation are fair, reasonable and adequate, are in the best interest of the Class and should be approved, especially in the light of the benefits to the Class accruing there from, the substantial

discovery and investigation conducted by Class Counsel prior to the Proposed Settlement, and the complexity, expense, risk and probable protracted duration of further litigation.

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4. The Stipulation is hereby approved in accordance with Rule 1714 of the Pennsylvania Rules of Civil Procedure and shall be consummated in accordance with the terms and provisions thereof.

5. The incentive service payment from the Settlement Account to Tracey Johnson in the amount of \$5,000.00 is hereby approved in accordance with the terms of the Stipulation.

6. Class Counsel's application for an award of attorneys' fees, in the amount of \$60,000.00 to be paid from the Settlement Account, is hereby approved.

7. Class Counsel's application for reimbursement from the Settlement Account of litigation costs in the amount of \$12,298.77 is hereby approved.

8. This Action is hereby dismissed in its entirety, on the merits, with prejudice, without cost to any party, except to the extent otherwise expressly provided in the Stipulation. This Court intends this Judgment and Final Order Granting Approval of Class Action Settlement to be "final" within the meaning of the Pennsylvania Rules of Civil Procedure and the Pennsylvania Rules of Appellate Procedure.

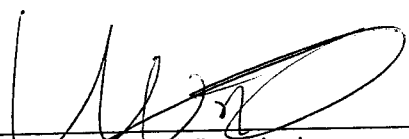
9. All members of the Class who have not submitted timely and valid Exclusion Forms shall be and are hereby conclusively deemed for all purposes to be permanently barred from commencing, prosecuting or otherwise maintaining in any

court or forum any action against PAN for any claims released pursuant to the terms of the Stipulation, which Release is hereby approved.

10. Without affecting the finality of this Judgment and Final Order Granting Approval of Class Action Settlement, this Court retains exclusive jurisdiction over the consummation, performance, administration, effectuation and enforcement of this Order. This Court retains jurisdiction over Defendant, Plaintiff and each member of the Class for the purpose of enabling any of them to apply to the Court for further orders and directions as may be necessary or appropriate for the construction and implementation of the terms of the Settlement, Stipulation and this Judgment and Final Order Granting Approval of Class Action Settlement. Defendant, the Class Representatives, and each member of the Class are hereby deemed to have submitted irrevocably to the exclusive jurisdiction of this Court for any suit, action, proceeding or dispute relating to this Judgment and Final Order Granting Approval of Class Action Settlement or the Stipulation, except to the extent permitted by the Stipulation for resolution in a different forum.

11. The Court finds, pursuant to Pa.R.Civ. 1715, that there is no just reason for delay, and directs the Prothonotary to enter this Order as a Judgment and Final Order Granting Approval of the Class Action Settlement as set forth in the Stipulation.

IT IS SO ORDERED this 1ST day of DECEMBER, 2009.



Honorable Gary DiVito, Judge