

SETTLEMENT AGREEMENT

United States District Court, District of Arizona, #CIV 01-01463 PCT-JAT

(United States Court of Appeals for the Ninth Circuit, #03-15915)

I. INTRODUCTION

This Settlement Agreement (“Agreement”) is made and entered into by and between Veronica Arnold, Tonya Arrington, Anthony Dorsett, Vincent Edwards, Barrington Folkes, Jim Lee, Jesus Sagrero, Raul Salazar, Gregory Stephen, Frank Vilas, the Plaintiff Class as defined below, (hereinafter “Plaintiffs”), and the Arizona Department of Public Safety (“DPS” or “Agency”), Governor Janet Napolitano, DPS Director Dennis Garrett, DPS Lt. Colonel William Reutter, DPS Ofc. John Adams, DPS Sgt. Jeff Brownlee, DPS Ofc. Casey Kasun, DPS Ofc. Howard McDonald, and DPS Ofc. Steven Shroufe (hereinafter “Defendants”).

WHEREAS, on August 6, 2001, Plaintiffs filed a class action complaint alleging that DPS engaged in a continuing pattern and practice of race-based traffic stops, detentions and searches of non-Caucasian motorists;

WHEREAS, Plaintiffs’ claims were brought pursuant to the Fourth and Fourteenth Amendments to the Constitution of the United States; 42 U.S.C. §1983, and Title VI of the Civil Rights Act of 1964, 42 C.F.R. §§ 42.101 et. seq;

WHEREAS, Plaintiffs’ class action was brought pursuant to Rule 23(a) and Rule 23(b)(2) of the Federal Rules of Civil Procedure (“FRCP”), on behalf of themselves and all other persons similarly situated. Each individual class

representative is a non-Caucasian person who has been stopped, detained, and/or searched by one or more DPS officers while traveling in a vehicle on a street or highway in Arizona. Thus, each is a member of the Plaintiff class;

WHEREAS, Defendants deny all allegations against them; and

WHEREAS the parties have given careful consideration to all of the legal and factual issues raised by Plaintiffs' complaint and, without any admission of liability or fault, enter into this Settlement Agreement with the intent to fully, finally and fairly resolve all of Plaintiffs' claims, and have agreed to settle all claims that were or could have been asserted by Plaintiffs in this lawsuit, except those claims which are identified herein and exempted from the coverage of this Settlement Agreement;

NOW, THEREFORE, in consideration of the terms and conditions set forth below, the parties to this suit agree as follows:

II. SCOPE OF AGREEMENT

A. Remand to United States District Court

This Settlement Agreement is subject to all required class action settlement approval procedures under Rules 23(b)(2) and 23(e), FRCP. The Agreement will be submitted for review and approval per Rule 23 to the Honorable James A. Teilborg, United States District Judge, District of Arizona.

Upon the execution of this Agreement by counsel for the parties, a stipulation will be filed with the Ninth Circuit Court of Appeals to dismiss the