

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

GENERAL JURISDICTION DIVISION

CARL L. MASZTAL, JOSEPH A.
GRAUPIER JUANA MARTINEZ and
MARISOL FERNANDEZ, on behalf of
themselves and all others so similarly
situated,

CASE NO.: 98-11208 CA 31

Plaintiffs,

v.

THE CITY OF MIAMI, FLORIDA and
ADORNO & YOSS, LLP,

Defendants.

**THIRD AMENDED ORDER FOR PRELIMINARY APPROVAL OF THE
ADORNO AMENDED SETTLEMENT AGREEMENT AND CITY
SETTLEMENT AGREEMENT**

THIS CAUSE having come before the Court on the City of Miami's
Notification of an Error in the Notice to the Class Envelopes and the Court having
reviewed the material submitted by the City of Miami and considered the negative
impact this error may have caused to the Class by the reduction of time to
consider the settlements and make a decision on whether to opt out or object and

the Court finding that this error by the administrator will prejudice the class: and good cause for this Order having been shown, the Court:

HEREBY AMENDS paragraph 8, 10, 13, and 16 of its previous Order **as follows:**

Class Notice and Right to Opt-Out

8. The Class Notice Period will run for a period of forty-five (45) days commencing on **June 16, 2008 and ending on July 30, 2008**. Publication of Class Notice will run for a period of twenty (20) continuous days.

Fifteen (15) days into the Class Notice Period (**July 1, 2008**), the Administrator will commence publication of the Class Notice, at a minimum, six (6) times over the course of twenty (20) days locally in *The Miami Herald, El Nuevo Herald, Daily Business Review, Sun-Sentinel, Caribbean Today, Haiti En Marche* and nationally two (2) times in the *USA Today*.

All notice envelopes will clearly state "FIRE FEE SETTLEMENT NOTICE" on the front of the envelope. Furthermore, all applicable notices, forms and the web site shall be in English, Spanish and Creole. Notices to appear in publication may appear in the primary language of the publication but must contain a disclaimer in the other two languages directing any possible claimant to the web site to obtain the full notices in their appropriate language.

The Administrator is to notify this Court and copy all counsel of record, prior to exceeding \$300,000 in costs and expenses. In addition, the Administrator

is to provide the Court with a monthly accounting report, beginning on July 1, 2008, containing at a minimum the amounts spent and the purpose for the expenditure.

10. A Class Member may opt-out of the class at any time prior to **August 20, 2008**. Any class member that wishes to opt out or exclude themselves from the Settlements must file their written request for exclusion with the Clerk of the Court no later than **August 20, 2008** as well as mail a copy to the Administrator postmarked no later than **August 20, 2008** (twenty (20) days before the Fairness Hearing) at the following addresses.

To the Administrator: Masztal v. City of Miami
Settlement Administrator
P.O. Box 3170
Portland, OR 97208-3170

To the Clerk of Court: Clerk of Court
11th Judicial Circuit
73 West Flagler St.
Miami, FL 33130

13. A Final Fairness Hearing shall take place before the undersigned, at the Eleventh Circuit Court, Dade County Courthouse, 73 West Flagler St., Miami, FL 33130, Courtroom 11-1, on Tuesday, **September 9, 2008** at 10:00 A.M. to determine:

(a) whether the Court should certify the Class and whether Representative Plaintiffs and their counsel have adequately represented the Class;

(b) whether the Settlements, on the terms and conditions provided for in the Settlement Agreements, should be finally approved by the Court as fair, reasonable and adequate;

(c) whether the Action should be dismissed on the merits and with prejudice;

(d) whether the application for attorneys' fees and costs submitted by Class Counsel should be approved; and

1) A preliminary attorneys' fee hearing is scheduled for **July 22, 2008** at 10:00 A.M. at the Dade County Courthouse, 73 West Flagler St., Miami, FL 33130, Courtroom 11-1 to hear testimony on Class Counsels' Attorneys' Fees Motion.

2) Any motions in support or opposition to said Attorneys' Fees must be submitted to the Court no later than the close of business on **July 15, 2008**, this includes any amendments to Class Counsels' previously submitted Attorneys' Fees Motion.

(e) such other matters as the Court may deem necessary or appropriate.

16. Any member of the Class that files and serves a written objection in the manner set forth below may appear at the Final Fairness Hearing in person or by counsel (a notice of appearance must be filed) and be heard, to the extent allowed by the Court, to object. However, no person shall be heard, and no papers, briefs, or other submissions shall be considered by the Court in connection with its consideration of those matters, **unless** on or before **August 20, 2008** (twenty (20) days before the final fairness hearing), such person:

(a) files with the Clerk of the Circuit Court a notice of such person's intention to appear, together with a statement setting forth such person's objections to the matters to be considered and the basis therefore including specific legal authority and factual bases, together with any documentation that such person intends to rely upon at the Final Fairness Hearing, and

(b) serves copies of all such materials either by hand delivery or by first-class mail, postage prepaid, upon the following counsel:

To Adorno's Counsel: Hinshaw & Culbertson LLP
Ronald L. Kammer, Esq.
David P. Hartnett, Esq.

9155 S. Dadeland Blvd.
Suite 1600
Miami, FL 33156

To Class Counsel: Patrick A. Scott, Esq.

Richard L. Williams, Esq.
Michael Garcia-Petit, Esq.
2800 Miami Center
201 S. Biscayne Blvd.
Miami, FL 33131-4330

To Counsel for City:

Julie O. Bru, City Attorney
Office of the City Attorney
444 SW Second Ave, Ste. 945
Miami, FL 33131

Thomas E. Scott, Esq.
Scott A. Cole, Esq.
Krista A. Fowler, Esq.
Cole, Scott & Kissane, P.A.
1390 Brickell Ave., Third Floor
Miami, FL 33131

DONE AND ORDERED in Chambers, Miami, Florida, this 6 day of
June, 2008.


The Honorable Jose M. Rodriguez
Circuit Court Judge

Conformed Copy
JUN 06 2008
JOSE M. RODRIGUEZ
Circuit Judge

Copies furnished to:
Class Counsel