



**COURT ORDER ON CLASS CERTIFICATION**

The Court has certified the following as a class in this case:

The family members of all the deceased whose remains, for other than a proper government purpose, were accessed, viewed, manipulated, or photographed by Thomas Condon or Jonathan Tobias, M.D., or one of their agents between August 2000 and January 2001 (inclusive) while such bodies were in the custody of the Hamilton County Coroner's Office, without permission from the legal representatives of the deceased.

(Doc. 96). There are two subclasses. One involving those families whose loved ones were photographed and another consisting of those whose loved ones were accessed, viewed or manipulated by Thomas Condon or Jonathan Tobias but for whom there is no photograph. (Doc. 366.) The Court has appointed James Brady and Mary Smith as the class representatives and Stanley Chesley, Paul DeMarco, Renee Infante and Alphonse Gerhardstein, have been named as Class Counsel for the plaintiffs.

**PROPOSED STIPULATED JUDGMENT IN FAVOR OF CLASS AND AGAINST THOMAS CONDON**

The plaintiffs have requested the Court to enter an order approving a stipulated judgment in favor of the class and against Thomas Condon. This judgment does not affect the pending claims against the remaining defendants, Hamilton County, Carl Parrott, Jr., MD, Robert Pfalzgraf, MD, Gary Utz, MD, and Jonathan Tobias, MD. Those claims are set for trial to begin on September 5, 2007.

Mr. Condon has limited funds and earlier this year his attorney in the class action was permitted to withdraw. If this stipulated judgment is not approved he will be defending himself at the class action trial. Mr. Condon is seeking to discharge his debts,

including his obligations to this class through a bankruptcy proceeding. The class has opposed him in bankruptcy court as well as in this civil rights class action. The proposed stipulated judgment covers both the bankruptcy proceeding and the class action. The terms of the stipulated judgment provide for a money judgment to be paid by Mr. Condon and for additional relief as follows:

Pursuant to Fed R Civ Proc 23 and subject to the approval of the Court, the plaintiffs (*Chesher* class) and defendant Thomas Condon stipulate to this judgment in favor of the plaintiffs and against Thomas Condon in an amount equal to the average amount awarded by the jury against the other defendants or otherwise paid by them in *Chesher*. Further, Condon agrees not to appeal said judgment or seek a stay of execution of said judgment. Additional terms of judgment:

1. Condon hereby transfers to the *Chesher* class any ownership interest he claims, could claim, or in the future might claim in the photos of any and all deceased family members in the *Chesher* class.
2. Condon and his attorneys and agents hereby agree to remain under a lifelong duty to return to class counsel for the *Chesher* class all images, including but not limited to negatives, jpegs, prints, photographs, videos, and proofs, in any format, whether electronic or otherwise, of any and all deceased family members of the *Chesher* class. Counsel for Condon in his criminal case shall deliver all images to class counsel immediately after the criminal case is finally concluded.
3. Condon hereby stipulates that Condon, his wife, any children, and everyone acting in concert with him or his family shall never accept any money or things of value as compensation, either directly or indirectly, for performing any services or divulging any information regarding any photos or images of the deceased family members of the *Chesher* class or the story of his actions with respect to the deceased family members of the *Chesher* class.
4. Condon hereby agrees to provide a limited deposition in his bankruptcy proceeding no later than August 7, 2007 without assertion of his privilege under the Fifth Amendment.
5. Condon hereby agrees that, after full notice to the class and subject to approval of a stipulated judgment in the *Chesher* class action and in bankruptcy court proceedings, that he will provide a full deposition to all parties in the *Chesher* case without the assertion of his privilege under the Fifth Amendment prior to the class action trial.
6. Condon agrees that, upon dismissal of the *Chesher* appeal currently pending before the Sixth Circuit and the withdrawal of the objection by the *Chesher* Class to the conversion from Chapter 7 to Chapter 13, he will promptly present to the Bankruptcy Court an amended Chapter XIII plan incorporating the terms of this agreement and which addresses the terms of the stipulated judgment with respect to the class action (present by August 17, 2007).
7. Condon hereby agrees that he will remain in the Chapter 13 plan for at least 36 months.

**FINAL APPROVAL HEARING AND OBJECTION PROCEDURE**

The hearing for the final approval of the stipulated judgment has been scheduled for August 28, 2007 at 3 p.m. in front of the Honorable S. Arthur Spiegel, District Judge for the Federal District Court for the Southern District of Ohio, Potter Stewart U.S. Courthouse, Room 838, 100 E. Fifth Street, Cincinnati, OH 45202.

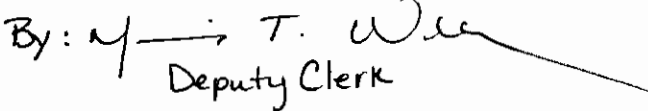
Class members who wish to object to the stipulated judgment should file written objections stating their name and address, indicating the basis for their objection no later than August 24, 2007, mailing objections to the Clerk of Court at the Court's address above and a copy to the following address: Stanley M. Chesley, 1 W. Fourth Street, Suite 1513, Cincinnati, OH 45202.

**QUESTIONS**

Do not contact the court regarding this case. Any questions should be directed in writing to class counsel, Stanley M. Chesley, 1 W. Fourth Street, Suite 1513, Cincinnati, OH 45202.

**James Bonini, Clerk**

Clerk of the United States District Court

By:  T. Wilson  
Deputy Clerk