

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**COMMONWEALTH OF VIRGINIA,
VIRGINIA OFFICE FOR PROTECTION
AND ADVOCACY,**

Plaintiff,

v.

Case No. 3:07CV734 (REP)

JAMES W. STEWART, III,
in his official capacity as
Commissioner,
Department of Behavioral Health and
Developmental Services, of the
Commonwealth of Virginia,

DALE WOODS,
in his official capacity as
Director,
Central Virginia Training Center,
and

VICKY Y. MONTGOMERY,
in her official capacity as
Director, Central State Hospital,

Defendants.

SETTLEMENT AGREEMENT

In order to resolve the plaintiff's claims and to avoid the further time and expense of litigation, the plaintiff, Virginia Office for Protection and Advocacy, and the defendants, James W. Stewart, III, Dale Woods, and Vicky Y. Montgomery, agree as follows:

1. The defendants will provide the plaintiff with access to peer review materials requested in accordance with the requirements of the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI Act), 42 U.S.C. § 10801 et seq., and the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), 42 U.S.C. § 15001 et seq. Defendant James W. Stewart, III, as Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), also agrees to provide the plaintiff with access to peer review materials requested in accordance with the requirements of the PAIMI and DD Acts from the facilities operated by DBHDS.

2. The plaintiff agrees that it will maintain the confidentiality of any peer review information it obtains from the defendants and the facilities operated by the DBHDS during the course of an investigation as provided by federal and state law including 42 U.S.C. § 10806, 42 C.F.R. §§ 51.45 and 51.46, 45 C.F.R. § 1386.22, and Virginia Code § 51.5-39.4.


3. The parties agree to bear the expense of their own attorneys' fees and costs.

4. The parties agree to the dismissal of this case with prejudice as settled.

The undersigned represent that they have the authority to enter into this agreement and that they have read and understand its terms.

Virginia Office for Protection and Advocacy,
Plaintiff

By: _____


Paul Buckley
Managing Attorney

James W. Stewart, III, Commissioner
DBHDS

Dale Woods, Director
Central Virginia Training Center

Vicky Y. Montgomery, Director
Central State Hospital

By: Allyson K. Tysinger
Allyson K. Tysinger
Senior Assistant Attorney General/Chief
Health Services Section
Attorney for Defendants