

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

JAMIE LAMBERTZ-BRINKMAN, on behalf of herself and all others similarly situated; LAURA RIVERA, on behalf of herself and all others similarly situated; CHRISTA STORK, on behalf of herself and all others similarly situated; and JANE DOES 4 THROUGH 10, on behalf of themselves and all others similarly situated;

Plaintiffs,

vs.

KELLIE WASKO, Secretary of the S.D. Department of Corrections; AARON MILLER, Warden of the S.D. Women's Prison; CHRISTOPHER GOFF, Clinical Supervisor at the S.D. Women's Prison; AND JOHN DOE,

Defendants.

3:07-CV-03040-CBK

ORDER

On April 17, 2012, this Court entered a consent decree in this class action by prisoners confined at the South Dakota Women's Prison, requiring defendants<sup>1</sup> to abide by the decree that, *inter alia*, "no prescription medication or dosage will be substituted, changed, increased, reduced or discontinued except under the direction of a qualified physician or other person authorized by law to prescribe medications." The Court reserved jurisdiction over matters related to the administration, interpretation, and enforcement of the decree.

Brenda Schurr, who is a member of the class and a beneficiary of the consent decree by virtue of her status as a person imprisoned at the South Dakota Women's

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), the current office holders are substituted as party defendants.

Prison, filed a motion to hold defendants in civil contempt for alleged violations of the consent decree. I granted plaintiff Schurr's motion to take expedited and limited discovery in support of her motion to hold defendants in civil contempt.

Plaintiff Schurr filed a motion to dismiss her motion for civil contempt order. Defendants filed a motion for summary judgment and a motion to seal certain documents filed in support of summary judgment. The parties have now filed a stipulation to dismiss the motion for contempt order on the merits without costs and fees.


Good cause appearing,

IT IS ORDERED:

1. The stipulation, Doc. 105, is approved.
2. The plaintiff's motion, Doc. 75, to hold defendants in civil contempt is dismissed with prejudice, with each side to bear their own costs and attorney's fees.
3. Defendants' motion, Doc. 104, to seal certain exhibits attached to the memorandum in support of motion for summary judgment, Doc. 101, is granted. The exhibits to Doc. 101 shall be sealed until further order of this Court.
4. Plaintiff's motion, Doc. 99, to dismiss her motion to hold defendants in civil contempt, and defendants' motion, Doc. 100, for summary judgment are denied as moot.

DATED this 30<sup>th</sup> day of August, 2023.

BY THE COURT:

  
CHARLES B. KORNMANN  
United States District Judge