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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ALASKA**

DISABILITY LAW CENTER OF ALASKA, INC.,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 3:12-cv-0050(JWS)
	)	
STATE OF ALASKA, DEPARTMENT OF HEALTH	)	
AND SOCIAL SERVICES, William Streur, Commissioner,	)	
in his official capacity; Division of Public Health;	)	
Kimberli Poppe-Smart, Director of Division of Health Care	)	
Services, in her official capacity; and Section of	)	
Certification and Licensing;	)	
	)	
Defendants.	)	
	)	

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**JOINT MOTION TO DISMISS WITH PREJUDICE**

The parties submit this joint motion to dismiss this matter with prejudice pursuant to the following terms for the Court's approval:

1. The Defendants will provide the Disability Law Center of Alaska with access to state licensure files pursuant to the Disability Law Center's federal access authority at 42 U.S.C. § 15043(c), 42 U.S.C. § 10806(b)(3)(A), 45 C.F.R. § 1366.22(b)(2) and 42 C.F.R. § 51.41(c)(2).

2. The parties agree that the Defendants are required to keep state licensure files confidential under 47.32.180 and may not be disclosed without a court order.

3. The Disability Law Center agrees that under its federal access authority, 42 U.S.C. § 10806(a) and 42 C.F.R. § 51.45(a)(1), that it must keep any documents it receives from the state licensure files as confidential as the Defendants are required to keep them. The Disability Law Center recognizes that its federal access authority under the Protection and Advocacy of Individual with Mental Illness, the Developmental Disabilities Act and the Protection and Advocacy of Individual Rights Program should be construed consistently to the extent that any of the statutes or regulations governing the Disability Law Center's federal authority is silent on the subject of redisclosure of files. *See* 42 U.S.C. § 794e(f)(2) and 62 FR 53548, 53549 (Oct. 15, 1997).

4. The parties agree to bear their own fees and costs.

Wherefore, the parties request this Court order this matter dismissed with prejudice pursuant to the terms enumerated above.

Dated: May 11, 2012

Respectfully submitted,

/s/ Meg K. Allison Zaletel

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Dated: May 11, 2012

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

/s/ Stacie Kraly (consent)

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