

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

D.G.,by Next Friend G. Gail Stricklin, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 08-CV-074-GKF-FHM
	)	
BRAD YARBROUGH, Chairman of the	)	
Oklahoma Commission for Human Services, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION TO MODIFY SETTLEMENT AGREEMENT**

The Parties to the above-referenced litigation, by and through their respective Counsel, hereby seek approval from this Honorable Court to modify their Compromise and Settlement Agreement dated December 15, 2011, approved by the United States District Court for the Northern District of Oklahoma by Order dated February 29, 2012, Case 4:08-cv-00074-GKF-FHM Document 778 (hereinafter “Agreement”). In support of the instant Motion, the Parties show the Court as follows:

1. The Parties are in agreement that circumstances not envisioned during the negotiation and settlement of the associated litigation (specifically, the ongoing COVID-19 pandemic) have deleteriously impacted Defendants’ good faith efforts to achieve the substantial and sustained progress desired by all the Parties as it pertains to specific Performance Area Measures called for in the Agreement.
2. As a result of good faith negotiations and subsequent agreement, Counsel for the Parties, with the understanding and approval of the Monitors, i.e., Co-Neutrals, hereby submit to this Court the attached proposed modification to the Agreement (Exhibit 1) which takes into account the impact of the COVID pandemic.

3. More specifically, counsel for the Parties, with understanding and approval from the Co-Neutrals, have agreed to temporarily hold the good faith determinations of the Co-Neutrals in abeyance as to specifically identified Performance Area Measures during what the Parties have identified as a COVID Recovery Period. Further, subject to additional agreed upon terms, the Parties are seeking to bifurcate the submission of a Final Report by the Co-Neutrals to differentiate between those Measures subject to the COVID Recovery Period and those not subject to the COVID Recovery Period.
4. This constitutes the second joint modification to this Settlement Agreement. The previous joint modification was finalized in September of 2016.
5. Counsel for the Parties jointly present to this Court their good faith belief that the proposed Modification is in the best interest of the Class members, the Department of Human Services, and the State of Oklahoma.
6. This Modification is intended to incorporate and amend the original Agreement as well as the first modification in 2016. Further, it is intended that this Modification will supplement, not supplant, the Agreement or the prior modification. Unless otherwise noted in the proposed, attached modification, all definitions, obligations, and terms and conditions in the Agreement and prior modification remain in force for the terms of the Agreement.
7. Pursuant to this Court's Judgment in the above-referenced case and in accordance with §3.2 of the Compromise and Settlement Agreement, this Court retains jurisdiction in this matter and its approval of this Modification is appropriate.

**RELIEF REQUESTED**

Accordingly, counsel for the Parties jointly seek the approval of this Court to Modify the Compromise and Settlement Agreement (Exhibit 1) in the above-referenced case.

Respectfully submitted,

s/ Ronald Baze

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of December, 2021, the foregoing document was electronically submitted to the Clerk of the Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Angela Rosalee Vicari

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John S. Calahan  
Paul DeMuro  
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Scott Alan Graham  
Richard A. Resetaritz

Catherine A. O'Leary  
Richard W. Freeman  
Joseph W. Strealy

I further certify that on this 13th day of December, 2021, I served the foregoing document  
by e-mail, to the following:

Eileen Crummy  
Kathleen Noonan  
Kevin Ryan

*s/ Ronald Baze*

Ronald Baze