

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

(Class members who have exhausted administrative remedies), on their own behalf and on behalf of those similarly situated),

Plaintiffs,

v.

Governor, Secretary of State, Attorney General, Commissioner of Department of Corrections, Medical Director, ESP Warden, Max Carter, in their official capacities,

Defendants.

CONSENT DECREE

Background

This Consent Decree addresses the Parties' concerns about systemic deficiencies in the delivery of medical care to prisoners at Ely State Prison that put prisoners at significant risk of serious injury. The Parties, in the interests of judicial economy and the rational use of the Parties' limited resources, agree to a resolution of these concerns on the following terms:

Stipulations and Settlement Terms

- (1) The Parties stipulate to the certification of the class of all prisoners who are now or will in the future be incarcerated at Ely State Prison.
- (2) The Parties stipulate that nothing in this Consent Decree constitutes either an admission of liability or any evidence of liability with respect to individual suits for damages.
- (3) Defendants shall comply, and shall ensure that their medical services providers comply, with

the National Commission on Correctional Healthcare (NCCHC) Standards for Health Services in Prison (2003).

(4) Within sixty days of the parties' signing of this Consent Decree, Defendants shall retain a qualified full-time physician to work on-site at ESP.

(5) Defendants shall ensure Plaintiffs' counsel and medical experts access, on reasonable notice, to ESP, and to medical records, documents, prisoners, and staff, for purposes of monitoring for compliance with the terms of this Consent Decree. Plaintiffs will notify Defendants as to any deficiencies they may identify. Plaintiffs will not seek any relief from the Court to enforce the terms of this Consent Decree without first attempting to negotiate an informal resolution with Defendants.

(6) The Court shall retain jurisdiction to enforce the provisions of this Consent Decree.

(7) The Court may award reasonable attorney fees, expert fees, and costs incurred in enforcing the terms of this Consent Decree, pursuant to 28 U.S.C. § 1988 and this agreement.

(8) The remedies set forth in this Consent Decree are narrowly drawn, extend no further than necessary to prevent irreparable harm to Plaintiffs, and are the least intrusive means necessary to prevent an unreasonable risk of injury to Plaintiffs.

(9) The Court finds, following hearing pursuant to Fed. R. Civ. P. 23 (e), that the relief set forth above is appropriate and meets the standard set forth in 18 U.S.C. § 3626(a).

By: _____

Date:

Counsel for Plaintiffs

By: _____

Date:

Counsel for Defendants

SO ORDERED, this ____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE