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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

J.K., a minor by and through R.K., *et al.*,  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

SUSAN GERARD, in her official  
capacity as Director of the Arizona  
Department of Health Services; EDDY  
BROADWAY, in his official capacity as  
Director, Division of Behavioral Health  
Services, Arizona, Department of Health  
Services; ANTHONY D. RODGERS, in  
his official capacity as Director, Arizona  
Health Care Cost Containment System,

Defendants.

No. CIV 91-261 TUC JMR

STIPULATION TO AMEND  
SETTLEMENT AGREEMENT

(Honorable John M. Roll)

1       Plaintiffs and Defendants, through undersigned counsel, being duly authorized to  
2 enter into this stipulation, submit the following in support of the Stipulation to Amend  
3 Settlement Agreement.

4       On July 1, 2001, this Court approved a Settlement Agreement negotiated by the  
5 parties to resolve this matter in lieu of litigation. On January 9, 2006, Plaintiffs invoked  
6 Settlement Agreement, Section IX, Disputes Concerning Implementation. As part of  
7 their dispute, Plaintiffs alleged that Defendants failed to implement the terms of the  
8 Settlement Agreement, including ¶ 15. Defendants denied that they have failed to  
9 comply with ¶ 15 or any other term of the Settlement Agreement. Nevertheless, because  
10 the parties wish to resolve the dispute without litigation, they hereby agree to extend the  
11 applicable dates in ¶¶ 79-81 for three years without prejudice to either party's position.  
12 All remaining terms of the Settlement Agreement shall remain unchanged.

13       The parties, therefore, stipulate that the following dates set forth in Settlement  
14 Agreement ¶¶ 79-81 may be amended as follows:

- 15           1. The July 1, 2007 date in ¶ 79 is changed to July 1, 2010.
- 16           2. The February 1, 2008 date in ¶ 79 is changed to February 1, 2011.
- 17           3. The February 1, 2007 date in ¶ 79 is changed to February 1, 2010.
- 18           4. The July 1, 2007 date in ¶ 80 is changed to July 1, 2010.
- 19           5. All of the February 1, 2008 dates in ¶ 80 are changed to February 1, 2011.
- 20           6. The May 1, 2007 date in ¶ 81 is changed to May 1, 2010.
- 21           7. The July 1, 2007 date in ¶ 81 is changed to July 1, 2010.
- 22           8. The February 1, 2007 date in ¶ 81 is changed to February 1, 2010.
- 23           9. The February 1, 2008 date in ¶ 81 is changed to February 1, 2011.
- 24           10. All remaining terms of the Settlement Agreement shall remain unchanged

1 DATED this 21<sup>st</sup> of November, 2006.

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2006, I electronically transmitted the attached STIPULATION TO AMEND SETTLEMENT AGREEMENT to the Clerk's Office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the following CM/ECF registrants:

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I further certify that on November 21, 2006, I mailed a copy of the foregoing to:

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on behalf of themselves and all others  
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SUSAN GERARD, in her official  
capacity as Director of the Arizona  
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Director, Division of Behavioral Health  
Services, Arizona, Department of Health  
Services; ANTHONY D. RODGERS, in  
his official capacity as Director, Arizona  
Health Care Cost Containment System,

Defendants.

No. CIV 91-261 TUC JMR

**ORDER AMENDING  
SETTLEMENT AGREEMENT**

(Honorable John M. Roll)

The parties having submitted a Stipulation to Amend Settlement Agreement, and  
good cause appearing,

IT IS HEREBY ORDERED, the Settlement Agreement, approved on July 5, 2001  
shall be amended as follows:

1. The July 1, 2007 date in ¶ 79 is changed to July 1, 2010.

- 1           2. The February 1, 2008 date in ¶ 79 is changed to February 1, 2011.
- 2           3. The February 1, 2007 date in ¶ 79 is changed to February 1, 2010.
- 3           4. The July 1, 2007 date in ¶ 80 is changed to July 1, 2010.
- 4           5. All of the February 1, 2008 dates in ¶ 80 are changed to February 1, 2011.
- 5           6. The May 1, 2007 date in ¶ 81 is changed to May 1, 2010.
- 6           7. The July 1, 2007 date in ¶ 81 is changed to July 1, 2010.
- 7           8. The February 1, 2007 date in ¶ 81 is changed to February 1, 2010.
- 8           9. The February 1, 2008 date in ¶ 81 is changed to February 1, 2011.
- 9           10. All remaining terms of the Settlement Agreement shall remain unchanged.
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**Other Documents**

4:91-cv-00261-JMR John Doe v. Symington, et al **CASE CLOSED on 05/16/2002**

**U.S. District Court**

**DISTRICT OF ARIZONA**

**Notice of Electronic Filing**

The following transaction was received from Sorce, Robert entered on 11/21/2006 at 3:46 PM MST and filed on 11/21/2006

**Case Name:** John Doe v. Symington, et al

**Case Number:** 4:91-cv-261

**Filer:** Susan Gerard

**WARNING: CASE CLOSED on 05/16/2002**

**Document Number:** 443

**Docket Text:**

STIPULATION *To Amend Settlement Agreement* by Susan Gerard. (Attachments: # (1) Text of Proposed Order Proposed Order)(Sorce, Robert)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1096393563 [Date=11/21/2006] [FileNumber=1317600-0] [80ab2d76cb35b032ff7c5fd99a2224acbee49f311b43cb4d3feb941cf322e03152f6ea3e0def65a07dcc2fe2e5c80cea9fd31b600d134e8413732e8cd4998fa]]

**Document description:**Text of Proposed Order Proposed Order

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1096393563 [Date=11/21/2006] [FileNumber=1317600-1] [5685fb7bcc24b11d2e30ca32bac844e2299cf4e4245992ba4857c51783b659a633514c23094b637c142dcf161c7f29a7d7932f599deed64d3c1b453fb82c8588]]

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