

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED

APR 17 2012

[Signature]
CLERK

JAMIE LAMBERTZ-BRINKMAN, LAURA)
RIVERA, CHRISTA STORK, AND JANE)
DOES 4 THROUGH 10, ON BEHALF OF)
THEMSELVES AND ALL OTHERS)
SIMILARLY SITUATED,)

CIV 07-3040

PLAINTIFFS,)

**ORDER
APPROVING CLASS
ACTION SETTLEMENT
AND CONSENT DECREE**

vs.)

DENNY KAEMINGK, SECRETARY OF THE)
SOUTH DAKOTA DEPARTMENT OF)
CORRECTIONS, BRENDA HYDE, WARDEN)
OF THE SOUTH DAKOTA WOMEN'S)
PRISON, TANYA REISER, CLINICAL)
SUPERVISOR FOR CORRECTIONAL)
HEALTH SERVICES AT THE SOUTH)
DAKOTA WOMEN'S PRISON, AND)
JOHN DOE DEFENDANTS,)

DEFENDANTS.)

BACKGROUND

Plaintiffs are members of a class of approximately 350 prisoners who are confined at the South Dakota Women's Prison in Pierre, South Dakota. They filed suit against the Defendants, officials of the South Dakota Department of Corrections and the South Dakota Department of Health, on November 21, 2007, requesting injunctive relief. On October 31, 2008, this Court certified a class defined as: "all individuals who are now or will be in the future incarcerated at the South Dakota Women's Prison and who are denied or delayed access to medication or medical treatment, that has been prescribed by a treating physician, based on decisions made by persons who are not themselves qualified to prescribe medication or medical treatment."

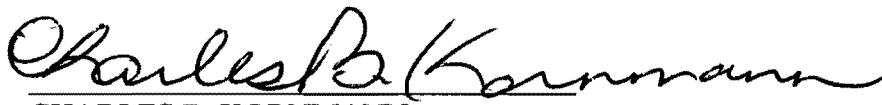
In the interests of judicial economy and efficient use of the parties' resources, the parties entered into a Stipulation and Settlement Agreement and submitted that Agreement to the Court for approval. Under the Court's supervision, the parties provided actual notice to the name class representatives and notice to all of the inmates at the South Dakota Women's Prison by posting the notices in a conspicuous location in each of the seven housing units before the fairness hearing, which was held by the Court on April 16, 2012. The Court has considered the comments of one inmate, submitted in writing to the Court, prior to the fairness hearing. No other comments have been received. The Court has also considered the allegations, defenses, and the terms of the proposed stipulation. After due consideration, the Court decrees as follows:

1. The Court accepts and approves the Stipulation and Settlement Agreement signed by the parties, and incorporates that Agreement into this Order.
2. The Defendants have agreed, pursuant to the Stipulation and Settlement Agreement, that the Court shall enter an order to the effect that 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.
3. The Court reserves jurisdiction over all matters related to the administration, interpretation, and enforcement of this decree, and of the Stipulation and Settlement Agreement leading to this decree.
4. The Court finds that the relief agreed to by the parties and set forth herein is narrowly drawn, extends no further than necessary, and is the least intrusive means necessary to correct alleged violations of federal rights.
5. The duration of the Stipulation and Settlement Agreement and Order will be in accordance with the provisions of 18 U.S.C. § 3626(b).

6. Each party shall bear their own costs and attorney's fees. However, in any future action to enforce this decree or the terms of the Stipulation and Settlement Agreement, the Court has discretion to award costs and attorney's fees.

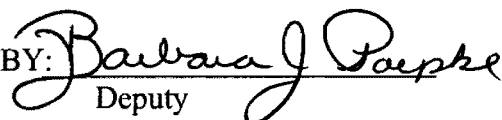
Dated this 17th day of April, 2012.

BY THE COURT



CHARLES B. KORNMANN
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
Deputy

(SEAL)