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AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
)
)
 MERCER COUNTY; et al.)
)
 Defendants.)
)
 (DOCUMENT ELECTRONICALLY FILED))

Case No. 3:05-CV-01122

PROPOSED ORDER OF CONDITIONAL DISMISSAL

WHEREFORE, the Parties filed and stipulated to a Settlement Agreement (Agreement) in this case on February 18, 2005;

WHEREFORE, the Court signed and ordered the Agreement on October 14, 2005;

WHEREFORE, the Agreement was entered by the Clerk of the Court on October 19, 2005;

WHEREFORE ¶ VII.3 of the Agreement provides that the Agreement expired on October 14, 2008, "three years after the [Court's] approval" of the Agreement;

WHEREFORE the Parties have agreed to continue working together to address disputes arising out of this Agreement;

BUT WHEREFORE the Parties agree that Defendants have made significant progress in implementing the Agreement;

AND the Parties have jointly filed a Motion for Conditional

Dismissal With One Year of Continued Oversight;

Pursuant to Federal Rule of Civil Procedure 41(a)(2), it is therefore ORDERED:

1. This case is hereby conditionally dismissed without prejudice.

2. The Court's dismissal of this case is conditioned on Defendants attaining substantial compliance with the remaining provisions of the Agreement.

3. This case shall remain on the Court's inactive docket.

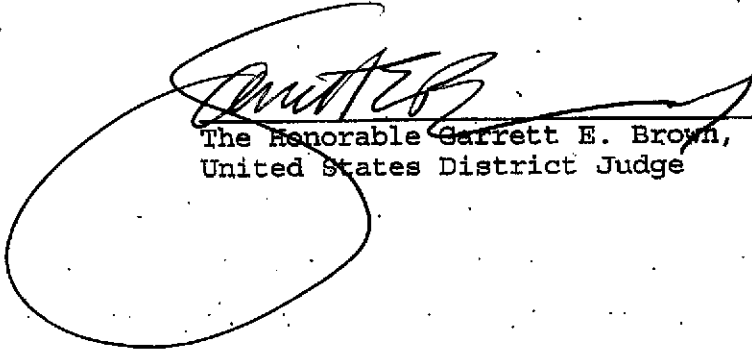
4. The Court retains jurisdiction over this civil action and to resolve any disputes arising out of the Agreement until one year after entry of this Order. This paragraph supersedes ¶ VII.3 of the Agreement.

5. If any dispute arises in this civil action or under the Agreement, either Party may file a motion with the Court to restore this case to the Court's active docket, and the Court may grant any appropriate relief.

6. The services of the Court's Monitor are no longer required. The United States shall continue to have the right to independently evaluate conditions at Mercer County Geriatric Center. To that end, the United States Department of Justice, Civil Rights Division, Special Litigation Section (Division), shall have the right to conduct one additional on-site inspection of the Mercer County Geriatric Center with the Division's own experts.

7. Final dismissal of this case shall continue to be governed by the process outlined in ¶ VII of the Agreement. Final dismissal of this Agreement shall occur one year after the parties signed the Motion for Conditional Dismissal with One Year of Continued Oversight unless a party has filed a motion to stay dismissal with the Court.

SO ORDERED, this 7th day of JANUARY, 2009, in Trenton, New Jersey.



The Honorable Garrett E. Brown, Jr.
United States District Judge