

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MICHIGAN PROTECTION & ADVOCACY  
SERVICE, INC., Case

No. 5:05-CV-0128

Plaintiff,

Hon.

Paul L. Maloney

v

PATRICIA L. CARUSO, in her official capacity as  
Director, Michigan Department of Corrections,

Defendant.

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A. Peter Govorchin (P31161)  
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**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

NOW COME Michigan Protection and Advocacy Service, Inc. (MPAS), Plaintiff, and  
Patricia Caruso in her official capacity as Director of the Michigan Department of Corrections,  
Defendant, by their undersigned counsel and to the Court state:

1. Since August 22, 2007, Lee H. Rome, M.D., and Joel Dvoskin, Ph.D., have acted  
in the capacities of Joint Monitors to oversee Defendant's efforts to address the issues raised by

Plaintiff in its Complaint, as amended, regarding the treatment of certain inmates with mental illness and/or special education needs.

2. The final report of the Joint Monitors attesting that those claims have been resolved will be submitted to the court within one week of today.

3. The issue of Plaintiff's claim for attorneys' fees and costs has not yet been resolved.

4. Pursuant to the Joint Motion filed on November 10, 2010 and approved by this Court on November 16, 2010, this Court retains jurisdiction over the issue of Plaintiff's claim for attorney fees and costs.

5. If the parties are unable to resolve the issue of Plaintiff's claim for attorney fees and costs, a Motion for Attorneys' Fees and Costs will be filed with this Court within thirty (30) days of June 17, 2011.

6. The parties now agree that this matter should be dismissed, with prejudice, except for the issue of attorneys' fees and costs.

WHEREFORE, the parties pray this Court to dismiss the Plaintiff's claim(s) with prejudice, retaining jurisdiction solely to decide the issue of Plaintiff's claim for attorneys' fees and costs, should the parties not be able to resolve that matter.

Submitted by:

*s/with consent of Mark A. Cody*  
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Dated: June 17, 2011

*s/A. Peter Govorchin*  
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Dated: June 17, 2011

*s/with consent of Robert Fleischner*

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Dated: June 17, 2011

**ORDER**

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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Honorable Paul L. Mahoney  
U.S. District Court Judge