

**CLERK OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
230 North First Ave.
Phoenix, Arizona 85025**

**NOTICE OF PROPOSED SETTLEMENT
AND JUDGEMENT HEARING**

TO: All persons, their parents and guardians, who resided at the Training Program at Coolidge on or after February 28, 1977, regardless of where they might now, or in the future reside:

NOTICE OF HEARING

Notice is hereby given that a hearing will be held on June 6, 1983, at 10 o'clock a.m., at the United States District Court, 230 N. 1st Avenue, District of Arizona, Phoenix, Arizona 85025.

The purpose of the hearing is to determine whether a proposed settlement and judgment should be approved by the Court.

This law suit was filed by plaintiffs in an attempt to improve the care and treatment of residents of the Arizona Training Program at Coolidge (ATPC). The case was approved by the Court as a class action composed of persons who resided at the Training Program at Coolidge on or after February 28, 1977, the date the suit was initiated, regardless of where they might now, or in the future, reside.

The defendants in this action are officers and employees of the State of Arizona who have responsibility for the care and treatment of residents of the Training Program at Coolidge.

The parties entered into a previous settlement of this litigation on April 2, 1979. Because the plaintiff class is made up of some 650 persons, that is, all those persons residing at the Training Program at Coolidge as of February 28, 1977, notice was given to all of the residents or their legal guardians or parents of the general terms of this settlement. The notice also stated that a hearing on the settlement would be held June 4, 1979. On June 4, 1979, the Court did consider the settlement and entered a judgment which approved the settlement and which stated in part:

"5. Jurisdiction is retained by the Court until further Order. Any party may apply at any time for such further order as necessary or appropriate for the construction, implementation or enforcement of this Judgment."

The parties have now agreed that the progress of the defendants in complying with the provisions of the settlement agreement of April 2, 1979 warrant termination of the jurisdiction of the Court, other than through the normal relief available in enforcing judgments. The parties have agreed that the defendants are currently in compliance with the settlement provisions which were set forth under the following headings in the April 2, 1979 settlement agreement:

- B. Least Restrictive Environment
- C. Physical and Chemical Restraints
- F. Named Plaintiffs
- G. Human Rights Committee
- H. ARCA Monitoring
- I. Investigating Neglect and Abuse

The parties are also in agreement that the settlement provisions have not been fully complied with in the following areas of the April 2, 1979 settlement:

- A. Physical Structures
- D. Habilitation Program
- E. Insufficient Staff

The parties have agreed on how to resolve the lack of compliance in each of these areas, and to terminate the jurisdiction of the Court. The terms of this agreement are enclosed herein under the title "*Amended Status Report*." (Please note Exhibit A referred to in the Status Report is not enclosed.) The proposed judgment is also enclosed herein under the title "*Proposed Judgment*."

"NOTICE" - continued from page 1.

Inspection of documents, papers and pleadings including a copy of the previous Judgment entered June 4, 1979 and the settlement agreement reached April 2, 1979 may be inspected and copied at the United States District Court, District of Arizona, 230 N. 1st Avenue, Phoenix, Arizona 85025, during regular working hours or at the office of the Association for Retarded Citizens of Arizona, 5610 S. Central Avenue, Phoenix, Arizona 85040 (243-1787 or toll free 800-252-9054).

Please direct any questions concerning this notice or the proposed settlement to Robert Beckett of CAPRA & BECKETT, 111 W. Monroe #1114, Phoenix, Arizona, 85003, (602) 257-0336, or your own attorney, and not to this court.

Any person who wishes to be heard in objection to or support of the Proposed Settlement or Judgment must file a written statement with the Clerk of the Court, United States District Court, District of Arizona, 230 N. 1st Avenue, Phoenix, Arizona 85025, no later than 7 days before the hearing. A copy of this objection should be mailed to Robert Beckett, Attorney for the plaintiffs, 111 W. Monroe #1114, Phoenix, Arizona 85003 and to Robert Segelbaum, Assistant Attorney General, Attorney for the defendants, Department of Law Bldg., 1275 W. Washington, Phoenix, Arizona 85007. Any papers filed with this Court, must comply with the local rules and the Rules of Federal Procedure. No person shall be heard, and no briefs or papers received or considered, unless served and filed as indicated, except as the Court, in its discretion may otherwise direct.

BY ORDER OF THE COURT.

/s/ Wallace J. Furstenau
Clerk of the United States
District Court
For the District of Arizona