

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

NATHALIA GRISWOLD, et al,

Plaintiffs

-vs-

JIM RILEY, et al,

Defendants.

NO. CIV -77-144 PHX CAM

~~PROPOSED~~ JUDGMENT

This case was filed by the plaintiffs on February 28, 1977, alleging violations of the Eighth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, 42 U.S.C. §6010 and 29 U.S.C. §794. On April 5, 1978, this case was certified by this Court as a valid class action, pursuant to the provisions of Rule 23 of the Federal Rules of Civil Procedures

This Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343.

The defendants in this action are Jim Riley, in his capacity as Program Manager District 5 for the Division of Developmental Disabilities and Mental Retardation of the Department of Economic Security ("DES"); Jeremiah Dandoy, in his capacity as Assistant Director for the Division of Developmental Disabilities and Mental Retardation of DES; Douglas X. Petino, in his capacity as Director of DES; and Bruce Babbitt, in his capacity as Governor of Arizona.

The class of plaintiffs are those persons who resided at the Training Program at Coolidge on or after February 28, 1977, up through the date this judgement is signed, regardless of where they might now, or in the future, reside.

On June 4, 1979, following notice to members of the plaintiff class, this Court approved a Settlement reached by the parties on April 2, 1979. Under the terms of this Settlement this Court retained jurisdiction in this matter.

On May 6, 1983 the parties entered into a further settlement agreement entitled "Amended Status Report" which modified in part the April 2, 1979 Settlement and which stipulated to the termination of this Court's jurisdiction.

Notice of the May 6, 1983 Settlement Agreement has been given to members of the class as required by Rule 23(e) of the Federal Rules of Civil Procedure, pursuant to Order of this Court of May 9, 1983.

The Court has examined the stipulated Settlement entitled "Amended Status Report" entered into between the parties and has now determined that such Settlement appropriately protects the rights of the members of the class and is a fair and appropriate resolution of this case.

Therefore, it is hereby,

ORDERED, ADJUDGED AND DECREED:

1. The Settlement entitled "Amended Status Report" entered into between the parties on May 6, 1983 is approved by the Court and is entered as a part of this Judgment as if fully set forth herein. This Judgment also incorporates the parties' Settlement Agreement reached April 2, 1979 as modified by the above entitled "Amended Status Report."

2. This Judgment shall be applicable to and binding upon all parties, their successors, officers, agents and employees.

3. The jurisdiction of this Court in this matter is terminated other than through the normal relief available in enforcing judgments.

4. All parties shall bear their own attorney's fees and costs to the date of this Judgment.

DONE IN OPEN COURT this 6 day of June, 1983.

(s) Carl A. Muecke

CARL A. MUECKE
Judge of the District Court