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LODGED

MAY 06 1983

OFFICE OF THE CLERK
U. S. DISTRICT COURT
DISTRICT OF ARIZONA

FILED

MAY 10 1983

W. J. KUNSTHAU, CLERK
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DEPUTY CLERK

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

ORDER FOR HEARING ON
PROPOSED SETTLEMENT AND
JUDGMENT AND NOTICE TO BE
GIVEN CLASS MEMBERS

The plaintiffs and the defendants having entered into a final and complete settlement of this action subject to the approval of the Court, as set forth in the Status Report dated March 28, 1983 heretofore filed in this case, and the Court having duly considered the proposed settlement as set forth in the Status Report and the arguments and documentation presented in support thereof by both sides and, it appearing to the Court that the proposed settlement merits consideration as to its fairness and reasonableness and that a hearing should be held thereon to determine whether the settlement should be approved by the Court and that notice of the hearing should be given to the members of the plaintiff class as required by Rule 23(e) of the Federal Rules of Civil Procedure.

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IT IS ORDERED AS FOLLOWS:

1. A hearing shall be held before the undersigned United States District Judge, United States Court House, 230 N. 1st Avenue, Phoenix, Arizona 85025 at 10:00 o'clock A.M., on the 6th day of June, 1983, for the purpose of determining whether the proposed settlement of this action is fair and reasonable and judgment should be entered in accordance with the terms and provisions of the settlement.

2. Notice of the hearing shall be sent by first class mail to all known persons legally responsible for members of the plaintiff class at addresses provided by the Department of Economic Security. Content of the notice shall be as attached.

3. Further, plaintiffs will issue a press release relating in substance the information which is contained in the notice to members of the plaintiff class.

4. Proof of giving such notice as hereinabove directed shall be filed in this court prior to the date of the hearing.

5. Any person who wishes to be heard in objection to or support of the Proposed Settlement and Judgment must file a written statement of objection or support with the Clerk of the Court, United States District Court, District of Arizona, 230 N. 1st Avenue, Phoenix, Arizona, no later than 20 days before the hearing. A copy of the statement should be mailed to Robert Beckett, Attorney for Plaintiffs, 111 W. Monroe #1114, Phoenix, Arizona 85003, and to Robert Segelbaum, Assistant Attorney General, Attorney for

1 defendants, Department of Law Bldg., 1275 W. Washington,
2 Phoenix, Arizona 85007. Any papers filed with this Court
3 must comply with local rules and the rules of Federal
4 Procedure. No person shall be heard, and no briefs or
5 papers received or considered, unless served and filed as
6 indicated except as the Court, in its discretion, may
7 otherwise direct.

8 DATED this 9 day of May, 1983.

10 Carl A. Muecke
11 CARL A. MUECKE
Judge of the District Court

12 APPROVED AS TO FORM AND CONTENT:

13 CAPRA & BECKETT

14
15 By Robert Beckett
16 ROBERT BECKETT
Attorney for Plaintiffs

5/6/83
DATE

17 ROBERT K. CORBIN
18 Attorney General

19
20 By Robert S. Segelbaum
21 ROBERT S. SEGELBAUM
Assistant Attorney General

May 5, 1983
DATE

CAPRA & BECKETT
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1 CLERK OF THE UNITED STATES
2 DISTRICT COURT
3 DISTRICT OF ARIZONA
4 230 N. 1st Avenue
5 Phoenix, Arizona 85025

6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 NATHALIA GRISWOLD, et al,)
11 Plaintiffs,) NO. CIV-77-144 PHX CAM
12 -vs-) NOTICE OF PROPOSED
13 JIM RILEY, et al,) SETTLEMENT AND JUDGMENT
14 Defendants) AND HEARING

15
16 TO ALL PERSONS, THEIR PARENTS AND GUARDIANS, WHO
17 RESIDED AT THE TRAINING PROGRAM AT COOLIDGE ON OR AFTER
18 FEBRUARY 28, 1977, REGARDLESS OF WHERE THEY MIGHT NOW,
19 OR IN THE FUTURE RESIDE:

20 NOTICE IS HEREBY GIVEN that a hearing will be held
21 on June 6, 19 83, at 10:00 o'clock
22 A.M., at the United States District Court, 230 N. 1st
23 Avenue, District of Arizona, Phoenix, Arizona 85025.

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

27 This law suit was filed by plaintiffs in an attempt to
28 improve the care and treatment of residents of the Arizona

1 Training Program at Coolidge (ATPC). The case was approved
2 by the Court as a class action composed of persons who
3 resided at the Training Program at Coolidge on or after
4 February 28, 1977, the date the suit was initiated,
5 regardless of where they might now, or in the future,
6 reside.

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

11 The parties entered into a previous settlement of this
12 litigation on April 2, 1979. Because the plaintiff class is
13 made up of some 650 persons, that is, all those persons
14 residing at the Training Program at Coolidge as of February
15 28, 1977, notice was given at that of the residents or their
16 legal guardians or parents of the general terms of this
17 settlement. The notice also stated that a hearing on the
18 settlement would be held June 4, 1979. On June 4, 1979, the
19 Court did consider the settlement and entered a judgment
20 which approved the settlement and which stated in part:

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

24 The parties have now agreed that the progress of the
25 defendants in complying with the provisions of the
26 settlement agreement of April 2, 1979 warrant termination of
27 the jurisdiction of the Court, other than through the normal
28 relief available in enforcing judgments. The parties have

1 agreed that the defendants are currently in compliance with
2 the settlement provisions which were set forth under the
3 following headings in the April 2, 1979 settlement
4 agreement:

- 5 B. Least Restrictive Environment
- 6 C. Physical and Chemical Restraints
- 7 F. Named Plaintiffs
- 8 G. Human Rights Committee
- 9 H. AARC Monitoring
- 10 I. Investigating Neglect and Abuse

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

- 14 A. Physical Structures
- 15 D. Habilitation Program
- 16 E. Insufficient Staff

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

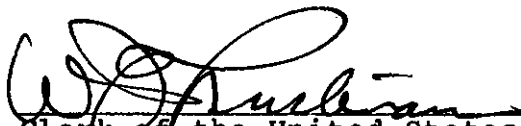
24 Inspection of documents, papers and pleadings including
25 a copy of the previous Judgment entered June 4, 1979 and the
26 settlement agreement reached April 2, 1979 may be inspected
27 and copied at the United States District Court,
28

1 District of Arizona, 230 N. 1st Avenue, Phoenix, Arizona
2 85021, during regular working hours or at the office of the
3 Association for Retarded Citizens of Arizona, 5610 S.
4 Central Avenue, Phoenix, Arizona 85040 (243-1787 or toll
5 free 800-252-9054).

6 Please direct any questions concerning this notice or
7 the proposed settlement to Robert Beckett of CAPRA &
8 BECKETT, 111 W. Monroe #1114, Phoenix, Arizona, 85003, (602)
9 257-0336, or your own attorney, and not to this court.

10 Any person who wishes to be heard in objection to or
11 support of the Proposed Settlement or Judgment must file a
12 written statement with the Clerk of the Court, United States
13 District Court, District of Arizona, 230 N. 1st Avenue,
14 Phoenix, Arizona 85025, no later than 7 days before the
15 hearing. A copy of this objection should be mailed to
16 Robert Beckett, Attorney for the plaintiffs, 111 W. Monroe
17 #1114, Phoenix, Arizona 85003 and to Robert Segelbaum,
18 Assistant Attorney General, Attorney for the defendants,
19 Department of Law Bldg., 1275 W. Washington, Phoenix,
20 Arizona 85007. Any papers filed with this Court, must
21 comply with the local rules and the Rules of Federal
22 Procedure. No person shall be heard, and no briefs or
23 papers received or considered, unless served and filed as
24 indicated, except as the Court, in its discretion may
25 otherwise direct.

26 BY ORDER OF THE COURT.

27 
28 Clerk of the United States
District Court For the
District of Arizona