

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>Kevin Scott Karsjens, David Leroy Gamble, Jr., Kevin John DeVillion, Peter Gerard Lonergan, James Matthew Noyer, Sr., James John Rud, James Allen Barber, Craig Allen Bolte, Dennis Richard Steiner, Kaine Joseph Braun, Christopher John Thuringer, Kenny S. Daywitt, and Bradley Wayne Foster,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>Lucinda Jesson, Dennis Benson, Kevin Moser, Tom Lundquist, Greg Carlson, and Ann Zimmerman, in their individual and official capacities,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Court File No. 11-cv-03659 (DWF/JJK)</p> <p style="text-align: center;">AGREEMENT</p>
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A. The Defendants currently provide the Named Plaintiffs with an electronic folder on the Client Electronic Network for legal documents sent in by their attorneys on disc (“Legal Network Space”).

1) Following the approval of the MSOP executive director or designee, as set out in current policy, but before a plaintiff’s individual legal network space or shared legal network space is searched by MSOP staff, written notice will be provided to Plaintiffs’ Counsel about the approved search. Prior to any search of the Named Plaintiffs’ individual legal network space or shared legal network space, Plaintiffs’ Counsel will be provided with a date certain for the search with not less than two (2) business days’

notice before the search, by email to dgustafson@gustafsongluek.com and kgluek@gustafsongluek.com, and an opportunity will be provided to Plaintiffs' Counsel to be present during the search. Plaintiffs' Counsel can waive the right to be present during the search or come to the facility to be present for the search. In any event, MSOP may search a Plaintiff's individual legal network space or shared legal network space after the expiration of two-day notification to Plaintiffs' Counsel of the intent to access such a space. Plaintiffs' Counsel agree to not disclose to the Plaintiffs MSOP's intention to search an individual legal network space or shared legal network space until after the search is complete. Upon good cause to believe that there is prohibited material in the named Plaintiffs' individual legal network space or shared legal network space, MSOP reserves the right to remove the folder(s) or otherwise restrict access to the individual legal network space or shared legal network space pending access of the folder as described above. Defendants must immediately notify Plaintiffs' counsel if they remove or restrict any folders in the named Plaintiffs' individual legal network space or shared legal network space. If the Defendants do not conduct a search of the named Plaintiffs' individual legal network space or shared legal network space after the above notification to Plaintiffs' counsel, then Defendants shall immediately permit Plaintiffs full access to the named Plaintiffs' individual legal network space or shared legal network space.

2) any information located or discovered in a search of a plaintiff's individual legal network space or shared legal network space that is protected by attorney-client privilege may not be used by MSOP for any purpose, nor may MSOP make any claim that an attorney-client privilege has been waived solely by putting the documents or

information in this folder. This does not prohibit MSOP from using or reporting information found during a search that would not be protected by the attorney-client privilege.

B. Policy No. 301.011, related to room searches currently applies to all Plaintiffs. However, during the pendency of this litigation, Defendants will modify that policy for the above-named Plaintiffs in the following manner:

1) Defendants will provide each of the Named Plaintiffs with a file folder (which will be marked "ATTORNEY-CLIENT PRIVILEGE") in which Plaintiffs can store no more than (25) twenty-five pages of attorney-client confidential materials ("Confidential Folder"). This Confidential Folder may be stored in the Named Plaintiffs' room and does not need to be kept in the storage bins. However, Plaintiffs and Plaintiffs' Counsel understand that Defendants take no responsibility if said folder is not stored in a plaintiff's lockable storage bin and it is accessed by anyone other than Defendants or their agents.

2) prior to any search of a Confidential Folder, Plaintiff and Plaintiffs' Counsel will be provided with a date certain for the search with not less than two (2) business days' notice before the search, by email to dgustafson@gustafsongluek.com and kgluek@gustafsongluek.com, and an opportunity will be provided to Plaintiffs' and/or Plaintiffs' Counsel to be present when a Plaintiff's Confidential Folder is reviewed. Within two (2) business days, Plaintiff or Plaintiffs' Counsel can waive the right to be present during the search or come to the facility to be present for the search. During this period of time, Defendants may retain possession of the Confidential Folder. Defendants

shall not search or review the Confidential Folder during this period of time. In any event, MSOP may search a Plaintiff's Confidential Folder after the notification to Plaintiffs' Counsel of the intent to access such a Confidential Folder. This modification does not otherwise delay or modify any other the requirements set forth in policy for a search of a client's room or person.

3) any information located or discovered in a search of a Confidential Folder that is protected by attorney-client privilege may not be used by MSOP for any purpose, nor may MSOP make any claim that an attorney-client privilege has been waived solely by putting the documents or information in this Confidential Folder. This does not prohibit MSOP from using or reporting information found during a search that would not be protected by the attorney-client privilege.

4) if, after following the protocol set forth in paragraphs 1-3 above, upon search or review of the Confidential Folder, defendants otherwise reserve the right to enforce Facility Policy if it is determined that the contents of the Confidential Folder is in violation of law, Facility Policy or this Agreement (including, for example, containing too many pages or counter-therapeutic materials), and defendants may retain possession of the contents alleged to be in violation. However, Plaintiff and Plaintiffs' Counsel will be notified of any such violation and, for purposes of this Agreement, will be given a fair opportunity to correct any violation for purposes of this Agreement.

5) defendants will continue to allow the Named Plaintiffs to mail to Plaintiffs' counsel at Plaintiff's expense any legal materials that the Named Plaintiffs want scanned and placed in the Privileged Folder. Plaintiffs' counsel may electronically save the legal

materials to a disc that can be sent to their clients to request that the contents be placed in the Privileged Folder by the Defendants, as otherwise provided for and consistent with the current Client Computer Network Policy.

Dated: July 24, 2012

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