

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

C.H., <i>et al</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:09-cv-1574-SEB-JMS
)	
JAMES W. PAYNE, in his official capacity)	
as Director of the Indiana Department of)	
Child Services,)	
)	
Defendant.)	
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)	
THE INDIANA ASSOCIATION OF)	
RESIDENTIAL CHILD CARE)	
AGENCIES, INC. d/b/a IARCCA,)	
an Association of Children and Family)	
Services ("IARCCA"),)	
)	
Plaintiff,)	<i>Formerly, 1:09-cv-1580 WTL-DML</i>
)	<i>(Consolidated with 1:09-cv-1574 for</i>
vs.)	<i>pretrial purposes only)</i>
)	
THE INDIANA DEPARTMENT OF)	
CHILD SERVICES and JAMES W.)	
PAYNE, director, in his official capacity,)	
)	
Defendants.)	

JOINT STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii), Plaintiff Indiana Association of Residential Child Care Agencies, Inc. d/b/a IARCCA ("IARCCA") and Defendants the Indiana Department of Child Services and James W. Payne (collectively, "DCS"), which are the parties to this matter ("Parties") stipulate as follows:

1. The Parties have agreed to, signed, and executed a Settlement Agreement dated February 9, 2011, addressing all claims and defenses in this matter.

2. As the parties have agreed, this Court retains jurisdiction to enforce any breach of the Settlement Agreement or applicable law, without having to exhaust administrative remedies, until 30 days after rates go into effect under the rules to be promulgated at 465 Indiana Administrative Code 2-16 and 2-17 (which rates are now scheduled to go into effect January 1, 2012).

3. The parties agree that the Court's Order on Preliminary Injunction, dated January 20, 2010, may be vacated, and by approving this Stipulation of Dismissal the Court vacates its Entry Granting Preliminary Injunction.

4. The parties hereby stipulate, and this Court hereby orders, that the claims brought by IARCCA against DCS in this lawsuit including, without limitation, those claims made in paragraphs 13 through 38 of IARCCA's Verified Complaint for Declaratory and Injunctive Relief ("Complaint") are dismissed without prejudice and that the claims made in the Complaint cannot be reopened, subject to the provisions of Paragraph 2 above.

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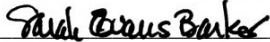
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*Attorneys for The Indiana Department of
Child Services and James W. Payne*

APPROVED AND SO ORDERED

Date: 02/25/2011


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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