

JUL 3 2002

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
FILED

2002 JUL -1 P 4: 53

Eric L., et al., individually and on behalf of all others
similarly situated,

Plaintiffs,

-against-

Donald Shumway, Commissioner of the New
Hampshire Department of Health and Human
Services, et al.,

Defendants.

Civil Action
No. 1:91-CV-376-M

SECOND STIPULATION MODIFYING THE SETTLEMENT AGREEMENT

WHEREAS, pursuant to the Settlement Agreement dated June 2, 1997 (the "Settlement Agreement"), and the Joint Stipulation dated February 28, 2002 (the "First Stipulation")¹, the parties have been negotiating/mediating a resolution of their disputes;

WHEREAS, on June 17 and 21, 2002, the parties participated in mediation with Attorney Debra Ford, and have agreed to continue the mediation efforts through August 31, 2002;

WHEREAS, the parties believe that it is necessary to further extend the terms of the Settlement Agreement and First Stipulation so they may focus their efforts on mediation during July and August 2002;

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this class action through their undersigned counsel, that:

¹ Both the Settlement Agreement and the First Stipulation were approved by the Court.

1. The parties shall continue mediation through August 31, 2002. The mediation shall conclude no later than August 31, 2002, unless further extended by written consent of all parties.

2. Section II, Paragraph 1 of the Settlement Agreement is hereby modified such that:

(a) the term of the Settlement Agreement is hereby extended from December 1, 2002, to January 31, 2003; and

(b) the Termination Date of the Settlement Agreement shall mean January 31, 2003, rather than December 1, 2002.

3. Section II, Paragraph 3 of the Settlement Agreement is hereby modified such that any policies or procedures adopted by the Division of Children, Youth and Families ("DCYF") pursuant to the Settlement Agreement shall remain in effect from the date of issuance until January 31, 2003, rather than December 1, 2002.

4. Section XV, Paragraph 13 of the Settlement Agreement is hereby modified such that the Oversight Panel, with original or substituted members as per Section XV, Paragraph 5, shall dissolve on January 31, 2003, rather than December 1, 2002.

5. Section XV, Paragraph 14 of the Settlement Agreement is hereby modified such that the Monitor's responsibilities shall cease on January 31, 2003, rather than December 1, 2002.

6. To the extent that terms of this Second Stipulation conflict with the terms of the First Stipulation and the Settlement Agreement, the terms of this Second

Stipulation shall govern. All other terms and conditions of the Settlement Agreement and First Stipulation remain in full force and effect.


Respectfully submitted,

Eric L., individually, and on behalf of others similarly situated,

By their Attorneys,
Cravath, Swaine & Moore

Dated: 6/28/02


By


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Disabilities Rights Center, Inc.

Dated: 6/28/02


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Dated: 6/29/02

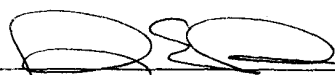
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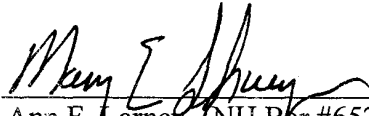
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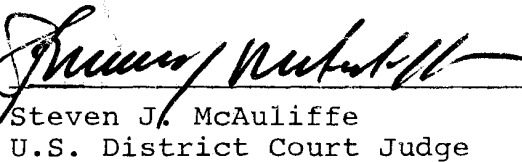
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Approved.

July 1, 2002
Dated


Steven J. McAuliffe
U.S. District Court Judge

7-2-02
COPY TO COUNSEL
WITH ORDER THEREON

*All counsel of
record*