

1 Francis X. Hardiman, Bar No. 140504  
HARDIMAN & CAHILL  
2 2482 Newport Blvd., suite 5  
Costa Mesa, California 92627  
3 (949) 548-5522; Fax (949) 548-5885

4 Herbert Hafif, Bar No. 27311  
Patricia M. Lytle, Bar No. 101712  
5 LAW OFFICES OF HERBERT HAFIF  
269 West Bonita Avenue  
6 Claremont, California 91711-4784  
(909) 624-1671

7 Attorneys for Plaintiff RICHARD S.  
8

**FILED**  
JAN 24 2001  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
BY *[Signature]* DEPUTY

**LODGED**  
JAN 23 2001  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
BY *[Signature]*

**ENTERED**  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
JAN 26 2001  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA OFFICE  
BY *[Signature]*

Priority   
Send   
Clsd   
Enter   
JS-5/JS-6   
JS-2/JS-3

CASE NO. SACV97-219 GLT (ANx)

JUDGE: GARY L. TAYLOR

STIPULATION FOR DISMISSAL AND ORDER THEREON

[F.R.Civ.P. 41(a)(1)]

Courtroom of the Hon. Gary Taylor

9 ROES 1 through 2500,  
10 individually, and on behalf of  
11 all those similarly situated by  
12 WILLIAM CABLE, M.D. as Guardian  
13 ad Litem, MELISSA TISFALE, by  
14 and through her Guardian ad  
15 Litem, Debby Tisdale, RAYMOND  
16 MASAO KAWAGUCHI, by and through  
17 his conservator, Margaret  
18 Reade, SHEILA WILLIAMS, by and  
19 through her conservator, Essie  
20 Rogers, PHILIP WILSON, by and  
21 through his conservator, Betty  
22 Gray, and ROES 2501 through  
23 5000, DEBBIE TISDALE,  
24 individually, and on behalf of  
25 the CALIFORNIA ASSOCIATION OF  
STATE HOSPITAL PARENT COUNCILS  
FOR THE RETARDED, aka  
(CASH/PCR), ASSOCIATION FOR  
RETARDED CITIZENS - CALIFORNIA,  
aka (ARC-CAL), SACRAMENTO  
ASSOCIATION FOR THE RETARDEDD,  
INC., aka (ARC-SACRAMENTO)

26 Docketed Plaintiffs,  
27 Copies / NTC Sent  
JS-5/JS-6  
28 JS-2/JS-3  
CLSD

**ENTER ON ICMS**  
JAN 26 2001  
*[Signature]*

Law Offices of  
HERBERT HAFIF  
9 W Bonita Avenue  
Claremont CA 91711  
Original Document produced  
on recycled paper

1 DEPARTMENT OF DEVELOPMENTAL  
 2 SERVICES OF THE STATE OF  
 3 CALIFORNIA, DONNA E. SHALALA,  
 4 in her capacity as Secretary of  
 5 the DEPARTMENT OF HEALTH AND  
 6 HUMAN SERVICES, FAIRVIEW  
 7 DEVELOPMENTAL CENTER, SOUTH  
 8 COAST REGIONAL PROJECT, HARBOR  
 9 REGIONAL CENTER, REGIONAL  
 10 CENTER OF ORANGE COUNTY, SAN  
 11 DIEGO REGIONAL CENTER, SOUTH  
 12 CENTRAL LOS ANGELES REGIONAL  
 13 CENTER, WESTSIDE REGIONAL  
 14 CENTER, CLIFFORD ALLENBY, as  
 15 Director of the DEPARTMENT OF  
 16 DEVELOPMENTAL SERVICES STATE OF  
 17 CALIFORNIA, HUGH KOHLER, as  
 18 Executive Director of FAIRVIEW  
 19 DEVELOPMENTAL CENTER, LILIA TAN  
 20 FIGUEROA, M.D., as Medical  
 21 Director of FAIRVIEW  
 22 DEVELOPMENTAL CENTER, DAWN  
 23 LEMONDS as Director of SOUTH  
 24 COAST REGIONAL PROJECT,  
 25 Defendants.

---

26 BARBARA BELL AND DANNY WARREN,  
 27  
 28 Intervenor.

29 TO: THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF  
 30 RECORD:

31 IT IS HEREBY STIPULATED by and between the parties to  
 32 this action through their designated counsel that the following  
 33 claims and the requested relief for these claims of Plaintiffs in  
 34 the above entitled action:

- 35 (1) Counts Two through Six of the Second Amended Complaint,  
 36 for violation of Title II of the Americans with  
 37 Disabilities Act;
- 38 (2) Count One, for violation of Due Process, 42 U.S.C. §1983,  
 39 and
- 40 (3) Count Two, for violation of Equal Protection, 42 U.S.C.

\$1983 be and are hereby dismissed with prejudice pursuant to a written executed Settlement Agreement between the parties, a copy of which has been previously filed with this Court, and which primary terms were placed on the record before Magistrate Judge, Honorable Arthur Nakazato on March 30, 2000 and thereafter on June 15, 2000.

IT IS SO STIPULATED.

Dated: 1-23-01 HARDIMAN & CAHILL, APC

By: Margaret M. Cahill by P.M. Lytle  
Margaret M. Cahill, Esq.  
Attorney for Plaintiff

Dated: 1-23-01 BILL LOCKYER, Attorney General of the State of California, JOHN H. SANDERS, Lead Supervising Deputy Attorney General, TAMMY CHUNG RYU, Supervising Deputy Attorney General, RICHARD T. WALDOW, SUZANNE L. SALZWEDEL, Deputy Attorneys General

By: Tammy Chung Ryu by P.M. Lytle  
TAMMY CHUNG RYU  
Supervising Deputy Attorney General  
Attorneys for State Defendants

Dated: 1-23-01 Law Offices of HERBERT HAFIF

By: Patricia M. Lottle by P.M. Lytle  
PATRICIA M. LOTTE  
Attorneys for Plaintiffs

Dated: 1-23-01 PROTECTION & ADVOCACY, INC.

By: Ellen Goldblatt by P.M. Lytle  
ELLEN GOLDBLATT  
Attorneys for Intervenors

///

1 Dated: 1-23-01 RONALD R. HOUSE, ESQ.

2

3

By Ronald R. House by pmj/h  
RONALD R. HOUSE,  
Attorney for San Diego Regional Center

4

5

IT IS SO ORDERED.

6

7

DATE: 1/24/2001

G. L. Taylor

8

Gary L. Taylor, Judge of the Federal  
District Court

9

///

10

///

11

///

12

///

13

///

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

PROOF OF SERVICE

STATE OF CALIFORNIA ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 269 W. Bonita Avenue, Claremont, California 91711.

On January 23, 2001 I served the foregoing document(s) described as: **PROPOSED STIPULATION AND ORDER OF DISMISSAL** on interested party(ies) in this action by /placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list /placing the original /placing a true copy thereof enclosed in sealed envelope(s) as follows:

**SEE ATTACHED SERVICE LIST**

X (BY MAIL) I deposited such envelope(s) in the mail at Santa Ana, California. The envelope(s) was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same date in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

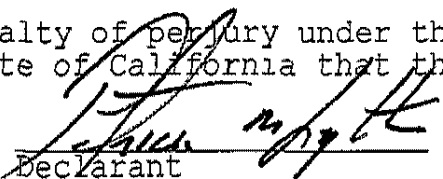
       (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).

XX (BY ELECTRONIC TRANSFER) I caused all of the pages of the above-entitled document to be sent to the recipients noted above/on the attached service list via electronic transfer (FAX) at the respective FAX numbers indicated above/on the attached service list. and by -E-Mail

Executed on January 23, 2001 at Claremont, California.

I declare that I am a member of or employed in the office of a member of the bar to this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States and the State of California that the above is true and correct.

  
Declarant

Law Offices of  
HERBERT HAFIF  
269 W Bonita Avenue  
Claremont, CA 91711  
Original document produced

**SERVICE LIST  
(Richard S. v DDS)**

BILL LOCKYER, Attorney General  
Tammy Chung Ryu, Esq.  
Richard T. Waldow, Esq.  
Suzanne Salzwedel, Esq.  
Deputy Attorney Generals  
300 South Spring Street, Fifth Floor  
Los Angeles, California 90013-1204  
TEL: (213) 897-2456  
FAX: (213) 897-2805

Representing: **DEPARTMENT OF DEVELOPMENTAL SERVICES OF THE STATE  
OF CALIFORNIA, FAIRVIEW DEVELOPMENTAL CENTER, AND INDIVIDUAL  
STATE DEFENDANTS**

Ellen S. Goldblatt, Esq.  
PROTECTION & ADVOCACY, INC.  
449 - 15<sup>th</sup> Street, Ste. 401  
Oakland, California 94612  
TEL: (510) 839-0811  
FAX: (510) 839-5780

Representing: **INTERVENORS**

Ron House, Esq.  
4355 Ruffin Road, Suite 204  
San Diego, Ca. 92123-1648  
TEL: (858) 576-2996  
FAX: (858) 576-2873

Representing: **SAN DIEGO  
REGIONAL CENTER**