



MR-PA-005-003

FEB 9 1992

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUTH L., EUGENE M., JOHN H., : CIVIL ACTION
and all others similarly : NO. 90-5562
situated, by their next friend, :
KEVIN CASEY in his official :
capacity as Executive Director :
of Pennsylvania Protection :
and Advocacy, Inc., :

PLAINTIFFS, :

v. :

JOHN F. WHITE, JR., individually: :
and in his official capacity as :
Secretary, Pennsylvania : Class Action
Department of Public Welfare, :

and :

ALBERT DIDARIO, individually and: :
in his official capacity as :
Superintendent, Norristown :
State Hospital, :

DEFENDANTS. :

SETTLEMENT AGREEMENT AND STIPULATION

Plaintiffs and defendants agree as follows:

1. Pursuant to F.R.Civ.P. 23 (b)(2), plaintiffs and
defendants stipulate to a class defined as:

All persons with a primary or exclusive
diagnosis of mental retardation who are
institutionalized in state hospitals for
persons with mental illness contrary to
professional judgment.

2. The parties agree that this matter shall remain on the
Court's civil suspense list until June 30, 1994, based on the

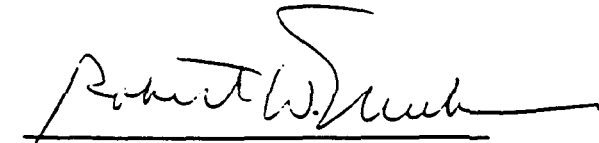
letter of Defendants' counsel, which is attached hereto ("letter"). Although the letter sets forth the understanding of the parties to this matter, it neither extinguishes nor gives plaintiffs any legal rights enforceable in this or in any other forum. Plaintiffs may, at their sole discretion and upon sixty (60) days written notice to defendants' counsel, reinstitute this litigation prior to June 30, 1994, if plaintiffs believe that defendants are not complying with the agreement as articulated in defendants' counsel's letter and if compliance is not accomplished within sixty (60) days of such notice. This case shall be dismissed without prejudice on or before June 30, 1994.

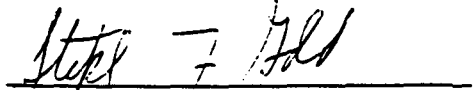
3. This Stipulation does not resolve plaintiffs' claim for attorneys' fees and costs which will be pursued.


4. The Court's approval of this Stipulation is sought solely to comply with F.R.Civ.P. 23 (e). The attached letter is not an Order of the Court and neither the letter nor the Stipulation are a Consent Decree nor does either operate as an adjudication upon the merits of the litigation. Plaintiffs may not enforce the undertakings in the attached letter by civil contempt, specific performance, or any other remedy at law or in equity. The parties agree that nothing in this Settlement Agreement and Stipulation extinguishes any rights which would otherwise be available to plaintiffs for prior wrongdoings.


5. Plaintiffs will not proceed on their motion for a


preliminary injunction as to John H., Peter C., and Ruth L., which was filed on or about October 9, 1991, pending placement of these named plaintiffs in appropriate community-based mental retardation settings.

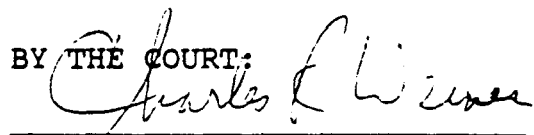

Robert W. Meek, Esquire


Stephen F. Gold, Esquire


Ilené W. Shane, Esquire
Attorneys for Plaintiffs
Dated: 7/1/92


Howard Ulan, Esquire
Assistant Counsel
Dated: 6/23/92


Barry N. Kramer, Esquire
Deputy Attorney General
Attorneys for Defendants
Dated: 6/24/92

BY THE COURT:

J.

ENTERED: 7/10/92

CLERK OF COURT