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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

ANNA MARIA WESTON, by her )  
guardian Barbra Weston, et al. )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
WYOMING STATE TRAINING SCHOOL, )  
et al. )  
 )  
Defendants. )

CIVIL ACTION NO. C90-0004

STIPULATION

## IN GENERAL

Plaintiffs, by and through undersigned counsel, and Defendants, by and through undersigned counsel, hereby agree to the entry of this Stipulation in order to establish an agreed-upon framework which might expeditiously and inexpensively as possible lead to settlement of this litigation. Accordingly, the parties agree to engage in good faith negotiations to resolve this dispute. Good faith means that this Stipulation is not an attempt by either party to purposefully delay the litigation process. In the event that parties are unable to resolve the dispute, the parties are not prohibited from pursuing active litigation.

## BACKGROUND

Suit was filed on January 3, 1990 on behalf of Plaintiffs as a class action complaint to secure relief from alleged unlawful treatment, or risk of unlawful treatment, at the Wyoming State Training School (hereinafter the "WSTS"). Defendants have responded to this litigation by filing a Motion to Dismiss and Motion for More Definite Statement.

Plaintiffs have filed a class action complaint. A ruling on certifying the class has not been entered yet by the Court.

Plaintiffs and Defendants nevertheless have undertaken this Stipulation to address and resolve the alleged disputes, not just to the specific circumstances of the named Plaintiffs, but also to the class as a whole.

The named Plaintiffs have retained the Protection and Advocacy System, Inc., an independent Wyoming private non-profit corporation to provide representation for their rights and interests. Protection and Advocacy is providing representation to the Plaintiffs and proposed class through its General Counsel and private counsel retained by P&A. The named Defendants are represented by the Attorney General's office of the State of Wyoming.

Although a panel of experts is created in this Stipulation, final authority rests with the above-named entities.

#### PROVISIONS OF STIPULATION

The focus of the negotiation efforts of Plaintiffs and Defendants during this Stipulation consists of addressing and resolving the following components of the overall issue of care and habilitation for the identified class which is all individuals with mental retardation currently at WSTS, or who are currently or may in the future be at risk of placement at WSTS, including youths from birth to 21 years, adults and senior citizens:

- 1.) Conditions at the Wyoming State Training School;
- 2.) Education needs, including pre-school;
- 3.) Community services and programs; and
- 4.) Financing.

The range of options are probably many and varied, as further expounded by the WSTS 4-year plan and Plaintiffs' alternative response to the WSTS 4-year plan. However, Plaintiffs and Defendants intend

discussions and negotiations need not be limited to these plans. Negotiations are intended to be a free-exchange of ideas and offers.

A central committee is established by Plaintiffs and Defendants to provide expert advice and recommendations to the Parties. This committee, in addition to counsel, consists of seven members, comprised in the following manner:

<u>Functional Area</u>	<u>Plaintiffs</u>	<u>Defendants</u>
WSTS	Sheila Sandubrae-Davis	Robert Clabby
Education	Tim Beppler	Lynn Simons
Community Services	Scott Bergey	Steve Zimmerman

The seventh member consists of an agreed-upon representative of one of the community services providers of the State of Wyoming. This committee shall meet semi-monthly.

The formation of this central committee does not prevent either the Plaintiffs or Defendants from conferring with or consulting other experts for advice or information, or the formation of sub-committees.

The concerted efforts of the central committee are to reach plans of resolution for the following issues and by the following dates:

- 1.) Immediate Harm Issues - Plaintiffs' identify known immediate harm issues by April 23, 1990.
- 2.) A plan to attack immediate harm issues - May 8, 1990.
- 3.) Plaintiffs submit plan for de-institutionalization - May 15, 1990.
- 4.) A plan concerning de-institutionalization - June 1, 1990.

5.) Plaintiffs submit plan concerning community services and programs - June 15, 1990.

6.) A plan concerning community services and programs - July 1, 1990.

7.) Plaintiffs submit a plan concerning education - July 15, 1990.

8.) A plan concerning education - August 1, 1990.

9.) Funding - ongoing.

Plaintiffs and Defendants recognize that these above-defined planning areas will likely overlap, but the timetable is intended to provide focus.

During this negotiation phase, Plaintiffs and Defendants agree to stay the pursuit of the filing of documents, requests for hearings and other litigation matters, subject to the approval and direction of the District Court. Accordingly, Plaintiffs and Defendants respectfully ask the Court to stay any relevant hearings or orders during this time.

Although the parties agree to use their best efforts to resolve differences on an informal basis, if either party believes that the other party is failing adequately to carry out the provisions of this Stipulation, that party may give written notice of such alleged non-compliance to the other party. The parties will make every attempt to resolve the issues through informal discussion. However, should either party believe that the alleged default is not cured, or that a good faith effort is not being pursued in these discussions, then that party may resume active litigation.

Should either party terminate its participation in negotiations contemplated by this Stipulation, the resolution of specific components shall remain valid and unaffected by the termination of this Stipulation. For example, if the parties fail to agree on a plan concerning education but have reached agreement on the first three areas, the agreed upon plans shall remain in full force and effect.

No effort to negotiate this litigation shall be construed to limit or waive the rights, claims or defenses available to either party.

The parties also agree that any negotiated settlement shall be subject to the approval of the Court, by Order.

DATED this 24 day of April, 1990.



Danny S. Wilde



Michael H. Reese



Michael R. O'Donnell  
for Plaintiffs



Dennis Coll  
for Defendants