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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

CATALYST, a registered name of	:	
NEW MOON PUBLISHING, INC., a	:	
Utah corporation, PRISONER'S	:	
LEGAL NEWS, a non-profit	:	
Washington corporation, and	:	<u>SETTLEMENT</u>
ERIC LEE PIPER,	:	<u>STIPULATION</u>
	:	
Plaintiffs,	:	
vs.	:	
	:	
BOX ELDER COUNTY, a government	:	Case No.
entity, D. LEON JENSEN,	:	
Sheriff of Box Elder County,	:	1:98-CV-00130 K
Sgt. CURTIS HANSEN, Commander	:	
Box Elder County Jail and JOHN	:	
DOES I - X, Officers of the	:	
Box Elder County Jail,	:	
	:	
Defendants.	:	

Plaintiffs **CATALYST**, a registered name of New Moon Press,
Inc., **ERIC LEE PIPER** and **PRISONER'S LEGAL NEWS**, a Washington non-
profit corporation, by and through counsel, Brian M. Barnard and
James L. Harris, Jr. and the defendants **BOX ELDER COUNTY**, a
government entity, **D. LEON JENSEN**, Sheriff of Box Elder County,

Sgt. CURTIS HANSEN, Commander, Box Elder County Jail, by and through counsel Jon Bunderson, Box Elder County Attorney in full settlement of this action agree and stipulate as follows:

1. Defendants admit no wrong doing. Defendants' position is that they have never violated the civil rights of any one and have not violated the constitutional rights of the plaintiffs in this action. Defendants are entering into this agreement simply to end costly and unnecessary litigation and to buy their peace.

2. Defendants and their counsel have familiarized themselves with the applicable and controlling cases decided by the United States Supreme Court, the United States Court of Appeals for the Tenth Circuit and the United States District Court for the District of Utah with regard to first amendment rights of inmates and of those persons and entities that seek to provide first amendment protected materials to inmates.

3. Defendants have received and reviewed a copy of the Davis County Jail rules and regulations (amended/adopted ~June 1, 1997) regarding inmate reading materials, inmates receiving reading materials through the United States Postal Service, etc.

4. Defendants shall draft, adopt, promulgate and implement rules and regulations which shall allow inmates of the Box Elder County Jail to have access to reading materials and other first amendment protected materials during their incarceration, subject

to appropriate and legitimate security interests and concerns related to the operations of the jail.

5. Upon implementation of such rules, this action shall be dismissed with prejudice subject to the terms set forth below.

6. Defendants shall immediately provide to plaintiff Piper and allow him to possess and read the October and November editions of *Prison Legal News* and CATALYST previously received and now being held by defendants in Piper's property. Until such time as the defendants adopt and implement such rules, the defendants shall allow plaintiff Piper and all other inmates to order, receive through the United States Postal Service, possess and read regular monthly editions of newspapers and magazines including but not limited to *The Salt Lake Tribune*, *Prison Legal News*, *Time*, *Newsweek*, CATALYST, *Sports Illustrated*, *Readers' Digest*, etc.

7. In lieu of any claim for damages in this action, defendants shall pay to the plaintiff Piper the sum of one hundred dollars (\$100.00). In lieu of any claim for damages in this action, defendants shall pay to the plaintiff PLN the sum of one hundred dollars (\$100.00). In lieu of any claim for damages in this action, CATALYST shall received from defendants the sum of one hundred dollars (\$100.00) to be donated to and payable to

_____.

8. A permanent injunction shall issue against defendants, their officers and agents from retaliating against plaintiff Piper as a result of the filing of this action, and from them treating him in any way differently from any other inmate because of the filing and pursuit of this action or his complaints which form the underlying basis of this action.

9. In lieu of any attorney fees or court costs pursuant to 42 U.S.C. § 1983 and § 1988, defendants shall pay to plaintiffs' counsel the sum of one thousand seven hundred fifty thousand dollars (\$1,750.00).

10. All payments to be made under this agreement shall be paid to plaintiffs' counsel within ten (10) days of the date of the signing of this agreement.

11. The Court shall enter an order and judgment embodying this agreement.

12. The Court shall retain jurisdiction for the purpose of enforcing this agreement and the resulting judgment and order.

DATED this ___ day of NOVEMBER, 1998.

ATTORNEY for DEFENDANTS

UTAH LEGAL CLINIC
Attorneys for PLAINTIFFS

JON J. BUNDERSON
Box Elder County Attorney

by _____
BRIAN M. BARNARD
JAMES L. HARRIS, Jr.