

Fred Diamondstone

Attorney at Law

2014 Smith Tower
506 Second Avenue
Seattle, WA 98104

(206) 622-1266
FAX (206) 622-5759

Herrera v. Pierce Co.



JC-WA-001-003

April 25, 1996

✓ Ayesha Khan
National Prison Project
ACLU Foundation
1875 Connecticut Avenue N.W., #410
Washington, DC 20009

John Boston
Legal Aid Society
15 Park Row, 23rd Floor
New York, NY 10038

Re: PRLA
Herrera v. Pierce County

Dear Ayesha & John:

Enclosed please find the three settlement orders in Herrera v. Pierce County, plus Judge Burgess' provisional approval of the final settlement.

As we discussed, I look forward to receiving your diskette with memos re the constitutionality and retroactivity.

Ayesha, would you please fax to me a copy of the PRLA language as included in the bill passed by Congress today, together with the bill number.

Thank you for your help. I am sure we'll be in touch in the near future.

Very truly yours,

A handwritten signature in black ink, appearing to be 'FD' with a flourish.

Fred Diamondstone

encl.

cc: John Midgley, Esq.
Sal Mungia, Esq.
Julya Hampton, ACLU-W

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED _____ LODGED _____
RECEIVED
MAR 25 1996
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
BY _____ DEPUTY

THE HONORABLE FRANKLIN D. BURGESS
THE HONORABLE J. KELLEY ARNOLD

FILE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SANDRA HERRERA, et al.,

Plaintiffs,

vs.

PIERCE COUNTY, et al.,


Defendants.

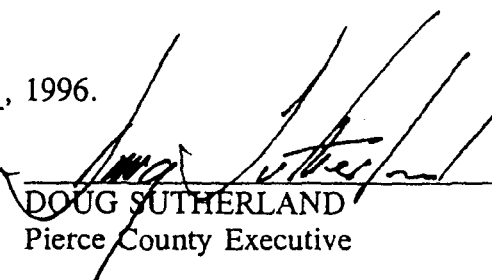
NO. C 95-5025-FDB

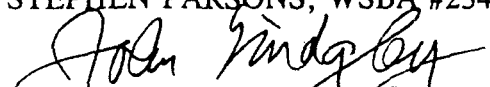
STIPULATED ORDER AND
FINAL JUDGMENT


The parties to this case, for and in consideration of the mutual promises made hereinafter, stipulate that the following Stipulated Order And Final Judgment shall be entered subject to the approval of the Court and after notice to class members, and that it shall be enforceable as set forth in paragraph 17.1 below, subject to the dispute resolution mechanism established by paragraph 12.2 below.

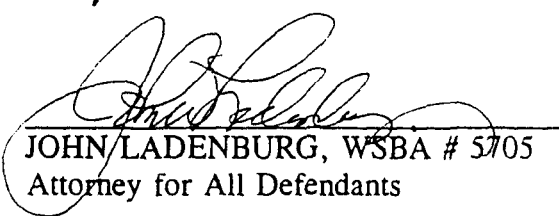
DATED this 15th day of March, 1996.

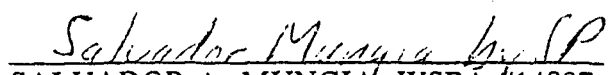

STEPHEN PARSONS, WSBA #23440


DOUG SUTHERLAND
Pierce County Executive


JOHN MIDGLEY, WSBA #6511


FRED DIAMONDSTONE, WSBA #7138
ACLU-W Cooperating Attorney


JOHN LADENBURG, WSBA # 5705
Attorney for All Defendants


SALVADOR A. MUNGIÀ, WSBA #14807
ACLU-W Cooperating Attorney
Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

1. Definitions

1.1 "Defendants" means the named defendants, their agents, subordinates, and employees.

1.2 "PCDCC" means the Pierce County Detention And Corrections Center operated by the defendants, which consists of the main facility at 910 Tacoma Avenue South in Tacoma, WA; the Armory Annex located at 1001 Yakima Avenue South in Tacoma, WA; and any other interim or permanent facility which may come into existence during the pendency of this action.

2. Prior Orders Incorporated

2.1 The following two orders previously entered shall continue to be in effect as part of this final order, and they are fully incorporated herein as if fully set forth and shall continue to be enforced as an injunction as long as this Stipulated Order And Final Judgment is so enforced: the Stipulated Order preliminarily approved by the Court on October 31, 1995 and finally approved by the Court on December 7, 1995; and the Stipulated Order Re: Interim Facility, Classification, And Security Staffing preliminarily approved by the Court on January 26, 1996 and finally approved by the Court on March 14, 1996.

3. Standards For Any New Permanent Jail Facility

3.1 If the defendants, directly or through any agent or contractor, establish a new permanent jail facility, the operations of that facility and the housing of inmates in that facility shall comply with all provisions of this Final Order and Judgment except those provisions dealing exclusively with the main jail or with any interim facility or facilities.

3.2 The defendants shall also insure that any new permanent facility meets standards for safety and supervision that shall be determined by the agreement of the parties and may be drawn from the standards of the American Corrections Association, the former Corrections

1 Standards Board, or other recognized, objective standards. If no agreement is reached, then the
2 standards used for the construction of the permanent new facility shall be determined by
3 arbitration. In the event that the parties are unable to agree upon an arbitrator and/or an
4 arbitration mechanism, the parties may each propose up to three names of proposed arbitrators
5 and the Court shall select an arbitrator from the proposed names. The arbitration shall be in
6 accordance with the rules and procedures of the American Arbitration Association (though the
7 AAA itself need not be utilized).
8
9

10 4. Religious Access

11 4.1 The defendants shall establish and follow written policy requiring that the religious
12 needs of inmates of all faiths will be accommodated to the fullest extent possible, consistent with
13 the legitimate security requirements of the PCDCC, and that any restriction on the exercise of
14 religion will be imposed only for a compelling interest and in the least restrictive manner
15 possible under the circumstances. Inmates shall be advised of the opportunities for worship.
16

17 4.2 The defendants shall allow congregate services for prisoners of various faiths--
18 including but not limited to Christian, Islamic, Jewish and Native American faiths--on their holy
19 days on a regular basis, and shall allow congregate services for other religious groups on an as
20 needed basis, with arrangements to be made through the PCDCC Chaplain. Nothing in this
21 paragraph shall be construed to prohibit the imposition of necessary security measures in
22 connection with congregate services so long as the means used are the least restrictive possible
23 under the circumstances.
24

25 4.3 The PCDCC Chaplain shall a) establish and maintain liaison with various interfaith
26 and church councils to identify religious leaders of various faiths--including but not limited to
27 Christian, Islamic, Jewish and Native American faiths--who are willing to come to PCDCC to
28 assist in or conduct religious counseling or services; b) make contact with Department of

1
2 Corrections or other Native American religious liaisons for consultation as needed on the
3 religious needs of Native American prisoners; and c) make contact with the Islamic Center and
4 Jewish synagogue in Pierce County to identify religious liaisons and volunteers able to assist
5 with the religious needs of prisoners of those faiths.

6
7 4.4 The defendants shall allow reasonable use of essential religious paraphernalia by
8 prisoners (examples include but are not limited to prayer rugs for Muslim prisoners), subject to
9 search or other legitimate security procedures, provided that such procedures do not restrict
10 religious practice.

11 5. Legal Access

12 5.1 The defendants shall provide inmates of the PCDCC with access to adequate legal
13 and other materials to permit them to represent themselves in civil matters, in criminal appeals,
14 or to assist in their legal defense or appeal.

15
16 5.2 The defendants shall provide inmates with access to all materials contained on Pierce
17 County's computer legal research database which is also shared by the Pierce County
18 Prosecutor's Office and the Department of Assigned Counsel. The defendants shall insure that
19 an individual with training in the law and with computer legal research skills is regularly
20 available at reasonable times to assist inmates in conducting computer legal research and
21 constructing queries for computer legal research. In the event that the defendants utilize law
22 students to provide this assistance, the defendants shall insure that coverage is available during
23 student examination periods and vacations. The defendants shall insure that law students or
24 others assisting inmates with legal research or access to legal materials are adequately
25 supervised.
26

27 5.3 The defendants shall also provide inmates who are commencing or engaging in pro
28 se litigation with access to the following:

1
2 (a) sufficient copies of the most recent edition of litigation form books, any and
3 all forms mandated by Pierce County Superior Court and United States District Court for
4 the Western District of Washington in criminal and pro se prisoner litigation, and of the
5 materials contained in Exhibit "A" (attached hereto and incorporated herein as if fully
6 set forth herein);

7
8 (b) the criminal and traffic codes of Tacoma, Pierce County and any local
9 jurisdictions contracting with Pierce County for detention services at the PCDCC;

10 (c) adequate paper, postage, envelopes, ink pens, typewriter, and photocopying.
11 Indigent inmates who are commencing or engaging in pro se litigation shall be provided
12 such materials at no cost. These materials shall be in addition to the envelopes, paper,
13 and postage that is routinely made available to indigent inmates. Pens and other devices
14 which could pose a security risk may be kept from those inmates who constitute a
15 security risk or who are reasonably deemed to seek to use such devices as weapons,
16 provided that defendants shall make available alternative means of access to the courts.

17
18 **6. Medical, Dental and Mental Health Care**

19 6.1 Not later than May 1, 1996, Pierce County shall identify one or more local hospitals
20 that will provide any emergency care and/or hospitalization. Any hospital used for emergency
21 care and/or hospitalization shall be accredited by the Joint Commission on Accreditation of
22 Health Organizations.
23

24 6.2 Defendants shall by April 1, 1996 establish and maintain a mental health housing
25 unit at PCDCC with at least 30 beds. At least 10 of the beds shall be in single cells.
26 Defendants shall develop and follow written policies and procedures regarding this unit. These
27 policies and procedures shall cover at a minimum the following topics: 1) how prisoners are
28 classified to be placed in the unit, how prisoners are classified to be placed in a single cell in

1 the unit, and how prisoners are classified out of the unit; 2) the establishment of a mental health
2 treatment plan for each prisoner and monitoring of his or her progress; and 3) requirements for
3 mental health staff to be accessible 24 hours per day to the medical officer who is on call.
4 Defendants shall provide training to all correctional staff who work in the unit that is adequate
5 to prepare them to deal with the mental health issues that will be presented by prisoners living
6 in the unit. The policies, procedures and training required by this paragraph must be acceptable
7 to the Court Monitor identified below.
8
9

10 6.3 Not later than July 1, 1996, PCDCC shall appoint a Health Authority. If the
11 PCDCC appoints someone other than the Jail Physician to be the Health Authority, that
12 individual shall have an appropriate educational and administrative background in health care,
13 e.g., a Bachelor of Science degree in a health care or related science field such as Nursing
14 (B.S.N.), a Masters Degree in Public Health (M.P.H.), a Medical Degree (M.D.), or a
15 Bachelor of Science or higher degree in Pharmacy. This position shall be in addition to other
16 health care staffing identified in the prior orders referenced in ¶ 2.1, above or may be fulfilled
17 by the Jail Physician. The Jail Physician may work in concert with such other managers and
18 administrators who shall assist in the delivery of jail health care services.
19

20 6.4 Not later than November 1, 1996, PCDCC shall adopt standards necessary to insure
21 that the health care system at the PCDCC meets the constitutional standard of meeting the
22 serious medical needs of all inmates in a timely fashion. The standards adopted by the PCDCC
23 shall also provide that all applicable state law requirements governing medical practice, nursing
24 practice, dental practice and pharmacy practice shall be met and that the standards governing
25 health care practices adopted by Pierce County in Ordinance 87-187S, shall be satisfied.
26 Further, National Commission on Correctional Health Care (NCCHC) and American Public
27 Health Association (APHA) standards should be considered as guidelines in establishing
28

1 standards for PCDCC, provided, that nothing in this Order shall require Pierce County to seek
2 or obtain accreditation by the NCCHC or APHA.
3

4 6.5 Not later than January 1, 1997, PCDCC shall develop a comprehensive set of
5 policies and procedures that will be utilized in the provision of inmate health care at the
6 PCDCC. Such policies and procedures shall address all areas identified by the standards adopted
7 by PCDCC in accordance with the previous paragraph and shall further address the policy and
8 procedure issues identified by the Report on Inmate Health Care Services prepared by Bonnie
9 Norman and submitted to Pierce County on March 2, 1994. Such policies and procedures shall
10 be set forth in a manual and must be acceptable to the Court Monitor identified below.
11 Additionally, the policies and procedures shall be reviewed and updated annually. As part of
12 the policies and procedures, PCDCC shall establish policies and procedures regarding the use
13 of and conditions in crisis cells and other cells (including booking cells) used to isolate prisoners
14 with suicide risks or mental health related behavioral problems, including who can authorize the
15 placement of prisoners in such cells and for how long, the frequency of medical review of the
16 placement, and the use of restraints. As part of the policies and procedures, PCDCC shall also
17 establish a Quality Assurance and Improvement Committee that includes participation of not less
18 than one outside physician who is well qualified and familiar with accepted practices and
19 community standards in the Tacoma/Pierce County medical community. Any such physicians
20 shall be identified by an appropriate local medical organization or authority, such as the
21 Washington State Medical Society or the Chief of Staff at major local hospital, accredited by the
22 Joint Commission on Accreditation of Health Organizations (JCAHO). Additionally, the
23 Tacoma-Pierce County Health Department shall be represented on the Committee.
24
25
26
27

28 6.6 Not later than March 1 1997, PCDCC shall review all job descriptions and contracts
for all health care providers and the health care manager and shall adopt and/or revise job

1 descriptions for all health care providers and the health care manager, consistent with the
2 standards, policies and procedures identified in the preceding two paragraphs.
3

4 6.7 Not later than December 1, 1996, PCDCC shall identify that level of training which,
5 in the medical opinion of the Health Authority, is necessary to insure that all corrections officers
6 will recognize medical emergencies and to see that inmates receive timely medical care for both
7 injury and illness related conditions. Such training shall be completed by all corrections officers
8 no later than March 1, 1997. With respect to officers hired after March 1, 1997, such training
9 shall be completed within four (4) months of the date of hire.
10

11 6.8 Not later than January 1, 1997, PCDCC shall assure that it has available to it, by
12 contract, agreement, or construction of facilities, such infirmary beds as will house inmates who
13 are recovering from obstetrical-gynecological, orthopedic or other surgery, who are paraplegic
14 or quadriplegic, who have contagious illness, or who have other serious medical needs that
15 require infirmary care, including but not limited to, negative pressure rooms to house inmates
16 with illness related to airborne contagion.
17

18 6.9 An agreed expert to be designated by the parties shall serve as a Court Monitor who
19 will serve for a period of time set by the Court, but no less than two years following the
20 adoption of a comprehensive policy and procedure manual. The Monitor shall report to the
21 parties and to the Court periodically as s/he sees fit, but not less than semi-annually, with
22 respect to Defendants' progress towards meeting and compliance with the requirements set forth
23 in paragraphs 6.1 through 6.8, above.
24

25 6.10 Any and all standards, policies, procedures, job descriptions, and architectural
26 plans developed pursuant to paragraphs 6.1 through 6.8 of this Order shall be provided to
27 plaintiffs' counsel upon request, provided, that any detailed architectural drawings whose release
28 would jeopardize the security of the institution may be disclosed on site.

1
2 6.11 Defendants shall provide to the Court Monitor designated herein, copies of the
3 minutes of any and all quality assurance and quality improvement committee meetings effective
4 immediately and continuing so long as a Court Monitor serves and for an additional two years
5 following the discharge of the Court Monitor. This shall not preclude plaintiffs' counsel from
6 requesting that the court allow plaintiffs' counsel to review the minutes for good cause and under
7 seal for the purpose of monitoring compliance with this agreement. Defendants shall also
8 provide the names and qualifications of all members of the Quality Assurance and Quality
9 Improvement Committee(s) during that same time frame. Defendants shall also provide to
10 plaintiffs' counsel copies of any and all training plans, both for health care staff and pursuant
11 to ¶ 6.7 of this Order, including training plans currently in use and to be utilized, so long as the
12 Court Monitor serves and for an additional two years after the discharge of the Court Monitor.
13
14

15 7. Charges For Medical Care

16 7.1 If the defendants choose to charge prisoners directly for health care services, the
17 defendants shall establish and follow written policy that provides a) that no prisoner shall be
18 charged for emergency care or for initial triage of a new medical complaint or necessary follow
19 up treatment prescribed by a health care provider; b) that prisoners will be charged in
20 conformity with a written schedule of charges; c) that all charges shall be reasonable; and d) that
21 prisoners will be provided with clear written information that they will not be discouraged for
22 monetary reasons from bringing health problems to the attention of health care staff.
23

24 7.2 Over the counter medications prescribed by medical personnel for serious medical
25 needs shall be provided without charge. Over the counter medications shall also be available
26 for purchase daily to inmates via commissary, provided that painkillers, antacids and feminine
27 hygiene products shall be provided without charge to those inmates with less than \$5.00 on their
28 accounts.

1
2 7.3 When charging a prisoner account directly for health care, defendants agree to leave
3 a balance of at least \$4.50 on the account. However, defendants need not leave any money on
4 an inmate's account if the account activity demonstrates attempts to avoid payment for medical
5 or other chargeable expenses.

6
7 7.4 Nothing in paragraph 7.1 shall prohibit the defendants from seeking reimbursement
8 from any insurance or other health care plan or program, including government programs such
9 as medicare or medicaid, for any and all health care services for which such insurance, plan or
10 program provides reimbursement. Paragraph 7.1 governs only direct charges to prisoners.

11
12 7.5 Nothing in paragraph 7.1 shall prohibit the defendants from charging prisoners from
13 their non-exempt funds for prisoner-initiated requests for further consultation or repeat visits
14 when health care staff have in their professional judgment resolved a problem presented in initial
15 triage.

16
17 7.6 This order does not address the issue of whether or not Pierce County may carry
18 a negative balance for health care, to be charged against inmate accounts on current or
19 subsequent incarcerations. To the extent that the Amended Complaint raises issues related to
20 negative balances against inmate accounts for health care services, the parties agree that those
21 claims shall be and are hereby dismissed without prejudice.

22 8. Allegations of Staff Misconduct

23 8.1 Defendants shall establish and follow written procedure for investigating all reports
24 of serious staff misconduct which are made by any person. The procedure shall provide that an
25 experienced investigator be assigned to all cases, that all cases be investigated in a prompt,
26 thorough and professional manner (whether or not criminal charges are contemplated), and that
27 the investigation be reviewed by a single chain of command up through the Corrections Bureau
28 Chief.

1
2 8.2 The defendants shall establish and follow written policy specifying that the standard
3 of proof for internal discipline is preponderance of the evidence, and establishing a progressive
4 discipline system.

5 8.3 Defendants shall establish a grievance mechanism for allegations of staff misconduct,
6 independent of the operations division, to receive, investigate and respond to inmate grievances.
7

8 8.4 Defendants shall establish and follow written policies and procedures for referring
9 cases of alleged serious staff misconduct for potential prosecution. These written policies and
10 procedures shall specify what materials should be included for review by the appropriate
11 prosecuting authority. Where cases are referred to the Prosecuting Attorney's office or to the
12 Tacoma City Attorney's office, no investigatory materials shall ever be withheld or otherwise
13 not disclosed to the prosecutor's office, except for those matters which are privileged by law
14 from disclosure and may not be disclosed.
15

16 9. Bedding And Clothing

17 9.1 Defendants shall develop and follow written policy providing that all mattresses,
18 mattress pads, blankets, sheets and other bedding shall be thoroughly cleaned after use by one
19 prisoner before being given to another prisoner.
20

21 9.2 Defendants shall develop and follow written policy providing that at all times,
22 including during laundry periods, all prisoners will be provided at a minimum with a set amount
23 of clothing and bedding.

24 10. Outside Exercise

25 10.1 All prisoners in PCDCC shall be given the opportunity for outdoor exercise for at
26 least one hour at least three times per week, provided that outdoor exercise need not be provided
27 on days of extremely inclement weather (including but not limited to extreme heat or cold, snow,
28 ice, unusually heavy rains, or periods of seriously impaired air quality), and provided further

1
2 that this Order shall not require outdoor exercise to be provided to inmates housed in the
3 Armory (which is to be closed no later than July 1, 1996), nor shall this Order require outdoor
4 exercise to be provided to inmates housed in disciplinary segregation or those inmates who are
5 held in Administrative Segregation due to their own violent behavior.

6
7 11. Air Quality, Heating And Cooling

8 11.1 The defendants have, since the filing of this lawsuit, expended resources to upgrade
9 the heating, cooling, and ventilation system of the main facility. Defendants believe that this
10 heating, cooling, and ventilation system now meets constitutional standards for the care of
11 prisoners. Plaintiffs may, however, after a period of experience following the defendants'
12 expenditure of resources on the system, re-raise the issue of air quality, heating, and cooling.
13 Plaintiffs may re-raise this issue once, no sooner than one year after the effective date of this
14 Stipulated Order And Final Judgment. In order to allow plaintiffs and their experts to review
15 this issue, defendants will provide to counsel for the plaintiff class all relevant records, including
16 but not limited to complaints if any, repair and upgrading information, and other documents
17 regarding the system. The issue of air quality, heating, and cooling shall be considered re-raised
18 upon delivery of a letter from plaintiffs' counsel to the Pierce County Prosecuting Attorney
19 stating plaintiffs' intention to re-raise the issue. If plaintiffs re-raise the issue, the parties will
20 meet and confer in good faith to try to resolve the issue. If such conference does not resolve
21 the issue, plaintiffs may petition the court for a ruling on the constitutional adequacy of the
22 heating, cooling, and ventilation system, and for appropriate further relief.

23
24
25 12. Monitoring And Dispute Resolution

26 12.1 Defendants shall allow counsel for the plaintiff class, on reasonable notice, to
27 inspect all documents and records that tend to demonstrate defendants' compliance or lack of
28 compliance with any terms of this Stipulated Order and Final Judgment. Defendants shall allow

1
2 counsel for the plaintiff class access upon request to PCDCC to inspect any physical changes
3 made pursuant to any order in this case.

4 12.2 In the event the parties disagree over defendants' performance of their obligations
5 under this Stipulated Order And Final Judgment, the parties shall first meet and confer in good
6 faith in order to resolve the disagreement. If the parties are not able to resolve the matter by
7 meeting and conferring, the parties shall submit the matter to a mediator, to be chosen by
8 agreement of the parties, to mediate the issues raised by the parties prior to any motion by
9 plaintiffs for court enforcement.
10

11 13. Modification

12 13.1 If any provision of this Stipulated Order And Final Judgment becomes impossible
13 to perform or would work an unreasonable hardship on defendants due to circumstances beyond
14 defendants' control, or if it appears that the objectives sought can be better achieved through
15 modification of such provision, then defendants shall submit such proposed modification to
16 counsel for plaintiffs for their review. If approved by plaintiffs' counsel, an appropriate order
17 shall be forwarded to the court. If not approved:
18

19 a. Defendants may file and serve a motion for modification setting forth the precise
20 provision which cannot be implemented or should be modified; the reasons therefor; and a
21 detailed proposal for accomplishing the objectives of such provision, including an estimated
22 timetable and any application for modification which would address the problem sought to be
23 remedied.
24

25 b. Plaintiffs may object to and file a written response to any application within 20 days
26 of notice of the lodging of such application.

27 c. In the event that the court has terminated jurisdiction, as provided in ¶ 16 below,
28 defendants may at their option elect to achieve the objectives of this Stipulated Order and Final

1 Judgment by complying with recognized national correctional standards, such as those
2 promulgated by the American Correctional Association.
3

4 14. Effect Of This Order

5 14.1 This Stipulated Judgment and Final Order resolves all of the claims of the class for
6 declaratory and injunctive relief set forth in the First Amended Complaint, except as specified
7 in paragraph 7.6, above. There is no just reason for delay of entry of this Stipulated Order and
8 Final Judgment as a final order and judgment in this case. The plaintiff class certified in this
9 action did not seek damages and nothing in this Stipulated Order and Final Judgment shall be
10 deemed to waive the rights at law of any person to seek damages.
11

12 15. Basis For Order

13 15.1 The parties stipulate, based on the entire record, that the remedies set forth in the
14 Stipulated Order preliminarily approved by the Court on October 31, 1995 and finally approved
15 by the Court on December 7, 1995; the Stipulated Order Re: Interim Facility, Classification,
16 And Security Staffing preliminarily approved by the Court on January 26, 1996 and finally
17 approved by the Court on March 14, 1996; and this Order, are narrowly drawn, extend no
18 further than necessary to correct violations of the federal rights of inmates of PCDCC, and are
19 the least intrusive means necessary to accomplish redress. The entire record on which this
20 stipulation is based includes the following materials not filed with the Court, but available for
21 the Court's review regarding the factual basis for the relief the parties agree should be entered:
22

23 a) The depositions of the following persons, including all exhibits attached to those
24 depositions:
25

26 Efren Caratao, M.D.
27 David Stewart
28 Julie Lord
Julie Leyda
Arlene Yannello
John Sindorf, M.D.

1
2 Ann Gaetz, L.P.N.
3 Benford Bennett, L.P.N.
4 James Jorgenson
5 Ron Jemelka, Ph.D.
6 Kenneth Fleck, P.A.
7 Dinah Moore
8 Philip Yahne
9 Timothy Brown
10 Lt. Marvin Spencer
11 Major James Blanchard
12 Mark French and Andrew Neiditz (30(b)(6) deposition)
13 Captain Eugene Tess
14 Lt. Michael Larson
15 Lt. Philip Murray
16 Peter Rasmussen
17 Hack Yadon
18 Sharon Yadon
19 Sgt. Richard Malidore
20 David Allen, Ph.D.
21 Darryl Herbison
22 Jeffery Brateng
23 Detective Jerry Bates
24 Armond Start, M.D., M.P.H.
25 William Speir.

26 b) Plaintiffs' disclosure of the proposed testimony of the following experts, including
27 supplemental disclosures:

28 Armond Start, M.D., M.P.H.
John Petrich, M.D.
James Austin, Ph.D.
Donald Van Blaricom.

c) Defendant Pierce County's Response To Plaintiffs' First Request For Admissions.

15.2 It is not necessary or appropriate for the Court to enter specific findings of fact and conclusions of law at this time. This Order is the product of extensive negotiations involving competent legal counsel for the parties. The Court is satisfied that from the entire record of proceedings in this action that the remedies contained in this Stipulated Order and Final Judgment are specifically justified as an appropriate basis and consideration for the resolution of the claims settled by this Stipulated Order and Final Judgment. The parties agree that this

1
2 Court has jurisdiction over the subject matter and the parties, and that this Court has the
3 authority to grant the relief included in this Stipulated Order and Final Judgment.

4 16. Jurisdiction

5 16.1 The Court shall retain jurisdiction of this case until such time as the court is
6 satisfied that the terms of this Stipulated Order and Final Judgment have been implemented and
7 that further supervision by the Court is no longer necessary.

8
9 17. Enforcement

10 17.1 This Stipulated Order And Final Judgment shall be enforceable as an injunction.
11 This Stipulated Order And Final Judgment is also a contract and may be enforced according to
12 the law of contracts of the State of Washington in a court of competent jurisdiction.

13 18. Effective Date

14 18.1 Except as otherwise specifically set out above, all provisions of this Stipulated
15 Order and Final Judgment shall be effective immediately upon entry by the Court.

16
17 SO ORDERED this _____ day of _____, 1996.

18
19 _____
UNITED STATES DISTRICT JUDGE

20
21 Recommended for entry this ____ day of _____, 1996.

22
23 _____
UNITED STATES MAGISTRATE JUDGE

EXHIBIT A

1. Washington case law: Washington Reports
2. RCW Annotated
3. Federal case law: Supreme Court Reporter, Fed. 2d., Fed. 3d, F.Supp.
4. U.S. Code Annotated
5. Wright and Miller
6. West's Washington Practice Manual
7. Shepard's Citations:
 - a. Washington Citations
 - b. United States Citations
 - c. Federal Citations
8. Black's Law Dictionary
9. West's Washington Practice Digest
10. Prisoner's self-help litigation manual
11. Washington Court Rules
 - a. Rules of Civil Procedure
 - b. Rules of Criminal Procedure
 - c. Local Court Rules (Pierce County, King County)
 - d. Washington Rules of Evidence
 - e. Rules of Appellate Procedure
12. Federal Court Rules
 - a. Federal Rules of Civil Procedure
 - b. Federal Rules of Criminal Procedure

- c. Local Court Rules (Western District of Washington)
 - d. Federal Rules of Evidence
 - e. Federal Rules of Appellate Procedure
 - f. Rules of the Supreme Court
13. Legal Research in a Nutshell
 14. Legal Writing in a Nutshell
 15. Federal Rules of Evidence in a Nutshell
 16. Mushlin, Rights of Prisoners, Vols. I and II, Shepard's/McGraw-Hill, Colorado Springs, Colorado
 17. Miller, Walter and Kelley, Detention and Corrections Caselaw Catalogue, CRS Inc., Kent Hills, Maine
 18. Liebman, Federal Habeas Corpus Practice and Procedure
 19. Schwartz and Kirklin, Section 1983 Litigation (or equivalent)

To the extent that any of these materials are provided on the computer database described in paragraph 5.2, the materials need not be provided in the form of books.