

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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JUAN F., et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL NO. H89-859 (CFD)
	:	
M. JODI RELL, et al.,	:	
	:	
	:	April 13, 2010
Defendants.	:	
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**DEFENDANTS' MOTION TO VACATE CONSENT DECREE AND EXIT PLAN
PURSUANT TO RULE 60(b)(5)**

In accordance with Rule 60(b)(5) of the Federal Rules of Civil Procedure, the defendants hereby move this Court to Vacate the Consent Decree and Exit Plan. As more fully set forth in the Memorandum of Law in Support of Motion to Vacate submitted herewith, there have been widespread factual and legal changes since the entry of the Consent Decree and Exit Plan that make continued ongoing enforcement of the Consent Decree and Exit Plan no longer equitable. Moreover, because there are no ongoing violations of federal law, and because the objectives of the Consent Decree and Exit Plan have been achieved, and compliance with these objectives has been sustained over an extended period of time, continued enforcement of the Consent Decree and Exit Plan is no longer proper based on established precedent of the United States Supreme Court. Finally, because continued enforcement of the Consent Decree and Exit Plan improperly removes control over Connecticut's child welfare system from those State officials

charged with its administration, and has a substantial impact on State budget priorities, the Motion to Vacate should be granted.

WHEREFORE, the defendants respectfully move this Court for an Order granting the defendants' Motion to Vacate Consent Decree and Exit Plan pursuant to Rule 60(b)(5).

THE DEFENDANTS,

By *Ann H. Rubini*

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CERTIFICATION OF SERVICE

I hereby certify that on the above date, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.



Ann H. Rubin