

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA  
*Plaintiff*

CIVIL ACTION NO.  
3:09-CV-85 (AWT)

v.

STATE OF CONNECTICUT, ET AL.  
*Defendants.*

SEPTEMBER 10, 2013

**NOTICE OF SUBSTANTIAL COMPLIANCE WITH CERTAIN TERMS  
OF THE SETTLEMENT AGREEMENT AND EXTENSION OF TERMINATION**

The United States and the State of Connecticut, the Commissioner of the Connecticut Department of Mental Health and Addiction Services, and the Chief Executive Director of the Connecticut Valley Hospital, entered into a Settlement Agreement that was filed with a Complaint and Joint Motion to Dismiss pursuant to Fed. R. Civ. P. 41(a)(2), in the above captioned matter ("Settlement Agreement").

On July 8, 2009, the above captioned matter was conditionally dismissed pursuant to Fed. R. Civ. P. 41(a)(2), by order of the Honorable Alvin W. Thompson, United States District Judge for the District of Connecticut.

The Parties are notifying the Court that Defendants have substantially complied with Section III, Section IV; Section V; Paragraphs 37, 38, 39, 41, and 42 of Section VI; Section VII; Section VIII; Section IX; Section X; and Section XI. Such listed Sections and Paragraphs are immediately terminated and no longer subject to compliance by Defendants.

The Parties further notify the Court that Paragraphs 36 and 40 of Section VI shall remain subject to compliance under the terms of the Settlement Agreement. The State, while agreeing to the continued application of the Settlement Agreement limited to said Paragraphs, takes the position that this Notice does not constitute an admission that the State has failed to achieve substantial compliance with Paragraphs 36 and 40 of Section VI of the Settlement Agreement. The Parties have extended the termination date of the Settlement Agreement contained in Section XII, Paragraph 93, as follows:

93. This Agreement will terminate on September 10, 2015. If the Designated Consultant determines that the State has not achieved substantial compliance with the remaining provisions of this Agreement, upon mutual agreement of the parties, in writing, this Agreement may be further extended for an additional (60) days to allow the parties to enter into negotiations related to a further extension of this Amended Agreement, if necessary. If the parties agree that the State is in

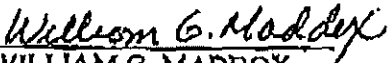
substantial compliance with each of the provisions earlier than the termination date specified above, then the Agreement may terminate at an earlier date. The burden will be on the State and CVH to demonstrate such substantial compliance.

Dated this 10<sup>th</sup> day of September, 2013.


FOR THE UNITED STATES:

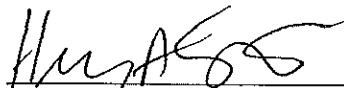
JONATHAN M. SMITH  
Chief  
Special Litigation Section

SHELLBY R. JACKSON  
Deputy Chief  
Special Litigation Section

  
WILLIAM G. MADDOX  
DC Bar No. 421564  
Trial Attorneys  
U.S. Department of Justice  
Civil Rights Division  
Special Litigation Section  
950 Pennsylvania Ave., N.W.  
Washington D.C. 20530  
(202) 514-6251  
(202) 514-0212 (fax)

FOR THE STATE:

  
Paul DiLeo  
Deputy Commissioner  
Connecticut Department of Mental Health and Addiction Services  
410 Capitol Avenue  
P.O. Box 341431  
Hartford, CT 06134



---

Henry Salton  
Assistant Attorney General  
Federal Bar No. CT 07763  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120  
Tel: (860) 808-5210  
Fax: (860) 808-5385