

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WILLIAM DIXON, et al.,

Plaintiffs,

v.

Civil Action No. 74-285 (NHJ)

ANTHONY WILLIAMS, et al.,

Defendants.

**FILED**

DEC 12 2003

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**CONSENT ORDER APPROVING AGREED EXIT CRITERIA WITH  
MEASUREMENT METHODOLOGY AND PERFORMANCE LEVELS**

Upon consideration of the Court Monitor's advice, the agreement of the parties, and the entire record herein, the Court approves the Agreed Exit Criteria with Measurement Methodology, Performance Levels, and Operational Definitions, appended hereto.

Accordingly it is by the Court this 11<sup>th</sup> day of December 2003:

Ordered that the appended Agreed Exit Criteria with Measurement Methodology, Performance Levels, and Operational Definitions shall be and hereby are approved; and it is further

Ordered that the appended Agreed Exit Criteria with Measurement Methodology, Performance Levels, and Operational Definitions shall and hereby do amend and replace the Agreed Exit Criteria and Methodology approved as part of the May 23, 2002 Consent Order of the Court; and it is further

Ordered that, consistent with the May 23, 2002 Consent Order, the Court Monitor shall review, monitor and report to the Court, as a part of the Monitor's reports required under that Order, on the status of defendants' performance on each of the Exit Criteria, and make recommendations to the Court and the parties, to which the parties may submit objections, concerning steps that should be taken to achieve compliance with the performance levels; and it is further


Ordered that when defendants have achieved compliance with respect to the performance levels for any Exit Criterion in accordance with the appended Operational Definitions, the Court Monitor shall report to the Court that the Exit Criterion has been achieved, and active monitoring of that Exit Criterion shall cease absent the Court's entry of a contrary Order upon consideration of any objection submitted by plaintiffs; and it is further

Ordered that, notwithstanding the foregoing, the defendants shall continue to provide to the Court Monitor and to the plaintiffs until this matter is dismissed, the data used to assess defendants' performance with respect to any Exit Criterion as to which active monitoring has ceased; and it is further

Ordered that, notwithstanding the foregoing, active monitoring of any Exit Criterion may be reinstated, at the request of the plaintiffs and after an opportunity for defendants to be heard, in the event that the Court finds that defendants' performance with respect to the Exit Criterion falls substantially below the required performance level, as defined in the appended Operational Definitions, without reasonable justification; and it is further

Ordered that the case shall be dismissed with prejudice if and when (a) the Monitor submits a report affirming that the defendants have achieved compliance with all required performance levels for all of the Exit Criteria, and the Court so finds; or (b) the defendants move for an order of dismissal and demonstrate substantial compliance with all required performance levels for all of the Exit Criteria, and the Court finds, after hearing the views of the Monitor and the plaintiffs, that the case should be dismissed in the interests of justice; and it is further.

Ordered that, before the plaintiffs file any request for reinstatement of active monitoring with respect to any Exit Criteria or the defendants file any motion for an order of dismissal on the grounds of substantial compliance with all required performance levels for all of the Exit Criteria, counsel shall discuss the anticipated request or motion with opposing counsel, either in person or by telephone, in a good faith effort to determine whether there is any opposition to the relief sought and to narrow or eliminate any disagreement, and shall file with the Court, contemporaneously with such request or motion, a statement indicating that such discussion has occurred and setting forth the nature of the parties' remaining disagreement.

  
Norma Holloway Johnson  
United States District Judge

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