

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                               |   |                  |
|-------------------------------|---|------------------|
| UNITED STATES OF AMERICA,     | ) |                  |
|                               | ) |                  |
| Plaintiff,                    | ) |                  |
|                               | ) |                  |
| v.                            | ) | CIVIL ACTION NO. |
|                               | ) | 1:09-CV-119-CAP  |
| THE STATE OF GEORGIA, et al., | ) |                  |
|                               | ) |                  |
| Defendants.                   | ) |                  |
| _____                         | ) |                  |

**MOTION FOR IMMEDIATE RELIEF**

Pursuant to Federal Rule of Civil Procedure 65, the United States moves the Court for immediate relief based on the imminent and serious threat of harm to the life, health, and safety of individuals in Georgia’s State Hospitals in violation of the Constitution and federal statutory law. The State of Georgia continues to fail to serve individuals with disabilities in the most integrated setting appropriate to their needs, and preventable deaths, suicides, and assaults continue to occur with alarming frequency in the Hospitals.

As more fully set forth in the attached Memorandum of Law, there is a substantial likelihood that the United States will prevail on the merits, irreparable harm is being inflicted upon individuals in Georgia’s State Hospitals, the balance

of equities favors granting the relief, and the public interest would be advanced by the relief. A proposed order also is attached.

Respectfully submitted,  
FOR THE UNITED STATES:

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**Local Rule 7.1D Certification**

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1B.

/s/ Robert A. Koch  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this day electronically filed the foregoing MOTION TO CONSOLIDATE with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties in this matter via electronic notification or otherwise:

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This 28th day of January, 2010.

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