

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF GUAM

FILED
DISTRICT COURT OF GUA

APR 22 1998

MARY L. M. MORAN
CLERK OF COURT

UNITED STATES OF AMERICA,)	Case No. CIV91-00020
)	
Plaintiff,)	
)	
v.)	STIPULATED ORDER
)	
TERRITORY OF GUAM, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff United States and Defendant Territory of Guam stipulate and consent to this Order:

I. The United States withdraws its Petitions for civil contempt and Guam withdraws its Motion to Terminate, at least until January 1999.

II. Guam has agreed to build a new prison unit with 80 beds. The design of this 80-bed unit shall be approved by a certified correctional architect. Guam shall complete the Fibrebond facility and Agana Lock-up in compliance with the fire-safety and ventilation requirements of the Settlement Order and provide sanitary food service at these facilities.

NOTE: This provision does not address or resolve the United States' concerns regarding the prison and jail physical plant and the physical safety of prisoners, inmates, and staff.

III. The parties stipulate to an Order establishing the following procedure:



- A. Guam will be in full compliance with the Settlement Order by December 31, 1998.
- B. The United States and/or the Monitor will tour the prison and jails (including the facility formerly known as Rosario, the Agana Lock-up, and the Fibrebond facility) in August 1998. The United States or Monitor will report findings to Guam in early September 1998. The parties will hold a Status Conference on progress toward full compliance with the Court in September 1998. The United States may participate in this Conference by telephone.
- C. The United States will tour the prison and jails in early January or February 1999 to determine whether Guam has met the December 31, 1998, deadline.
- D. To determine compliance:
 - a) The parties' experts and the Monitor shall tour the facilities and make factual observations regarding the installation of the fire-safety equipment and adherence to the training and other fire-safety provisions; sanitation practices in the food service area and the housing units, including appropriate ventilation and lighting.
 - b) If there is no disagreement as to the findings of the experts and the Monitor, the United States and Guam shall accept these findings. If there is a disagreement as to any material finding, then

the Court may hold further proceedings to make its own findings.

c) The Court shall determine whether such findings constitute compliance with the Settlement Order.

E. If Guam is in compliance with the Settlement Order by December 31, 1998, the parties stipulate to dismiss the entire case on December 31, 1999, if by December 31, 1999:

- a) the new 80 bed prison is under construction and due to be completed within a reasonable time; and,
- b) after a compliance tour by the United States, Guam can demonstrate it is maintaining the fire-safety and sanitation equipment and protections by complying with Settlement Order ¶¶ III.2 & IV.3 (testing and repair of alarms); III.4 (testing and repair of generators); III.14 & IV.7 (fire safety training); III.15 & III.8 (fire safety equipment testing and repair); VI.2 (Health inspections and implementation of recommendations); VI.4 (maintenance and repair of kitchen and other equipment, including sprinklers and remote doors).

F. If Guam is not in compliance, the Court may issue remedial orders as a coercive sanction as the Court may

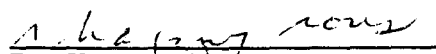
consider best suited to accomplish compliance with the Settlement Order. In determining the proper remedial order or sanction, the court may consider evidence and memoranda presented by the parties as to the circumstances relating to Guam's noncompliance.

IV. In entering into this Stipulated Order, the parties are not waiving any rights or defenses they may have under the Prison Litigation Reform Act, nor are the parties waiving any rights they may have to seek modification of the 1991 Settlement Order.

We stipulate and consent to this:

Counsel for Defendants:

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Acting Attorney General


R. Happy Rons
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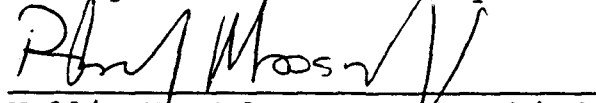
DATE: 4.22.98

So ORDERED:


DATE: 4-22-98

Counsel for Plaintiffs:

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DATE: 4/21/98


ALFRED T. GOODWIN
SENIOR UNITED STATES CIRCUIT JUDGE