

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DISABILITY LAW CENTER, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION
MASSACHUSETTS DEPARTMENT OF CORRECTION, et)	NO. 07-10463 (MLW)
al.,)	
)	
Defendants.)	
)	

JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT

On October 21, 2011 counsel for the Plaintiff Disability Law Center (“DLC”) and the Defendants (“DOC”) jointly notified the Court that they had reached a tentative settlement which they believed resolved all the issues in this litigation. Counsel reported that they were actively seeking approval by all the necessary parties and other stakeholders. Joint Motion to Cancel Upcoming Status Conference, Doc. 246 ¶ 2. The Court ordered the parties to “file a joint status report within thirty days unless they file a joint motion to approve a settlement agreement before the status report is due.” Electronic Order, October 25, 2011 (Boal, M.J.). A Joint Status Report was filed on November 17, 2011 reporting that the settlement agreement had received the requisite approval by the necessary parties and stakeholders. Doc. 247.

The parties now respectfully move that the Court approve the negotiated comprehensive settlement of this matter. Because the settlement discussions have been confidential, the Parties have moved the Court for leave to file the signed Settlement Agreement under seal pending its approval by the Court.

In support of their motion, the parties state that the Settlement is fair, reasonable and adequate to resolve the claims in the plaintiff’s Complaint. The Settlement will benefit Massachusetts inmates with serious mental illness who are in segregation or who have been sanctioned with segregation. The case has been zealously litigated, negotiations have been vigorous and conducted at arms’ length and the Settlement is the product of reasonable and

considered compromise.

A joint memorandum of law describing in detail the course of the litigation, the process of the settlement negotiations and the terms of the agreement is filed with this motion.

The parties request that the Court schedule a hearing on this motion at its earliest convenience.

Dated: December 12, 2011

Respectfully submitted,

Disability Law Center, Inc.,

By its attorneys,

/s/Alison Hickey Silveira

David Yamin, BBO #562216

david.yamin@bingham.com

Carol E. Head, BBO #652170

carol.head@bingham.com

Alison Hickey Silveira, BBO #666814

alison.silveira@bingham.com

BINGHAM MCCUTCHEN LLP

One Federal Street

Boston, MA 02110-1726

(617) 951-8000

Richard M. Glassman, BBO #544381

rglassman@dlc-ma.org

Nancy Jane Murphy, BBO #663749

nmurphy@dlc-ma.org

DISABILITY LAW CENTER, INC.

11 Beacon Street, Suite 925

Boston, MA 02108

(617)723-8455

James Pingeon, BBO #541852

jpingeon@plsma.org

Leslie Walker, BBO #546627

lwalker@plsma.org

Bonnie Tenneriello, BBO #662132

btenneriello@plsma.org

PRISONERS' LEGAL SERVICES, INC.

8 Winter Street, 11th Floor

Boston, MA 02108

(617) 482-2773

Robert Fleischner, BBO #171320
rfleischner@cpr-ma.org
CENTER FOR PUBLIC
REPRESENTATION
22 Green Street
Northampton, MA 01060
(413) 587-6265

James S. Rollins
admitted pro hac vice
james.rollins@nelsonmullins.com
NELSON, MULLINS, RILEY &
SCARBOROUGH LLP
One Post Office Square, 30th Floor
Boston, MA 02109-2127
(617) 573-4722

THE MASSACHUSETTS DEPARTMENT OF
CORRECTION, et al.,

By their attorneys:

NANCY ANKERS WHITE

Special Assistant Attorney General

/s/ William D. Saltzman

William D. Saltzman

BBO No. 439749

Department of Correction Legal Division

70 Franklin Street, Suite 600

Boston, Massachusetts 02110

(617) 727-3300, Ext. 154

wdsaltzman@doc.state.ma.us

/s/ Charles W. Anderson Jr.

Charles W. Anderson Jr.

BBO No. 635016

Department of Correction Legal Division

70 Franklin Street, Suite 600

Boston, Massachusetts 02110

(617) 727-3300, Ext. 161

cwanderson@doc.state.ma.us

/s/ Sheryl Grant

Sheryl Grant

BBO No. 647071

Department of Correction Legal Division

70 Franklin Street, Suite 600

Boston, Massachusetts 02110

(617) 727-3300, Ext. 140

sfgrant@doc.state.ma.us

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on December 12, 2011.

/s/ Alison Hickey Silveira