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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

IN THE MATTER OF LITIGATION RELATING TO CONDITIONS OF CONFINEMENT AT MONTANA STATE PRISON,)	CAUSE NO. CV 93-46-H-LBE
)	
)	
THIS DOCUMENT RELATES :)	JOINT STIPULATION REGARDING MEDICAL CARE
)	
LANGFORD, et al. v. GOV. RACICOT, et al.)	CAUSE NO. CV 92-13-H-LBE
)	

I. HISTORY

This action was filed concerning conditions at Montana State Prison (MSP). On December 30, 1993, the Plaintiffs filed their Fifth Amended Complaint and on January 14, 1994, the action was certified as a class-action by the Court. Following several months of negotiations, the parties through their counsel entered into a Settlement Agreement ("Agreement") resolving most of the Plaintiffs' claims. The Court approved and entered the Agreement



under Rule 23(e) of the Federal Rules of Civil Procedure on November 29, 1994.

Pursuant to the Agreement, Ronald Shansky, M.D., was appointed the impartial expert to assess the Defendants' compliance with the Agreement's medical, dental and mental health care provisions. Dr. Shansky, accompanied by mental health expert Dr. Mary West, conducted on-site tours of Montana State Prison on July 24-25, 1995 and April 15-16, 1996. Dr. Shansky issued reports of his findings following each tour. Dr. Shansky's second report held that the Defendants had not substantially complied with a number of the provisions of the Agreement. The parties thereafter entered into negotiations and jointly stipulate to the following:

II. EXTENSION OF THE MONITORING PERIOD

1. Dr. Ronald Shansky and Dr. Michael Puisis shall serve as the impartial experts to assess Defendants' compliance with the terms of Sections 1 (Medical Care) and 2 (Dental Care) of the Settlement Agreement. Dr. Jeffrey Metzner and Dr. Mary West shall serve as the impartial experts to assess Defendants' compliance with Section 3 (Mental Health Care) of the Agreement. Defendants will pay the fees and expenses of Drs. Shansky and West, but shall not be responsible for the fees and expenses of Drs. Puisis and Metzner.

2. The impartial experts shall conduct an initial on-site tour at Montana State Prison no later than November 30, 1996. The tour shall be conducted in accordance with the terms and conditions set forth in the Agreement. The impartial experts shall submit to

Plaintiffs' and Defendants' counsel a written report of their findings within 30 days of their visit.

3. If the impartial experts conclude in their report that the Defendants have not achieved substantial compliance, they shall conduct a second tour no later than May 30, 1997. This tour shall be conducted in accordance with the same terms as the initial visit. The report issued following this tour shall include a statement indicating whether or not Defendants are in substantial compliance with each of the referenced provisions of the Agreement.

III. DISMISSAL ON SUBSTANTIAL COMPLIANCE

1. Should the impartial experts conclude in either their first or second reports that Defendants have achieved substantial compliance with the referenced provisions of the Agreement, they shall make an on-site visit to MSP four months thereafter. This tour shall be conducted in accordance with the same terms as the initial visit. If the impartial experts conclude that Defendants remain in substantial compliance following this visit, Defendants' counsel may submit the reports to the Court and request a dismissal of those provisions where they have been found to remain in substantial compliance.

Should the impartial experts report substantial compliance in some areas but not others, the Defendants may seek dismissal of portions of the action relating to those areas with which they substantially comply.

IV. CONTINUING JURISDICTION

The Court shall retain jurisdiction over this action for the

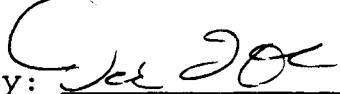
purpose of enforcing the provisions of the Agreement until such time as the Court orders a dismissal with prejudice pursuant to Section III above. This stipulation shall have no effect on the parties' existing rights and obligations under the Agreement except as expressly set forth herein.

State of Montana
Department of Corrections
and Human Services
1539 11th Avenue
Helena, Montana 59601

By: 
Director
For the Defendants


Dated: 8/26/96

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Dated: 8/26/96

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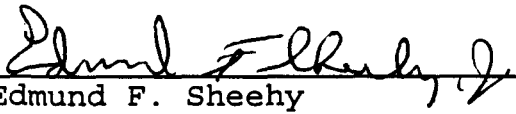
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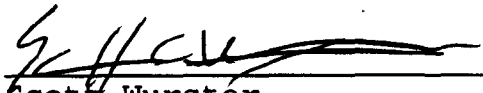
By: 
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