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D.M. v. Terhune



PC-NJ-001-008

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY
 VICINAGE OF TRENTON

C.F., D.M., L.K., A.O. and J.W.,)	HONORABLE ANNE E. THOMPSON
individually and on behalf of)	
all others similarly situated)	
Plaintiffs,)	Civil Action No. 96-1840 (AET)
v.)	
JACK TERHUNE, et al.)	ORDER ENTERING JUDGMENT AND
Defendants.)	DISMISSAL WITH PREJUDICE
)	

The claims in this action having been settled and resolved by and between C.F., D.M., L.K., A.O. and J.W. individually and on behalf of all others similarly situated ("the Plaintiffs") and Commissioner of the New Jersey Department of Corrections Jack Terhune, Chief of Staff Mary Ellen Bolton, Assistant Commissioner Howard L. Beyer, Chief Disciplinary Hearing Officer Eugene F. O'Neill, Health Services Unit Supervisor Thomas Farrell and Director of Psychological Services Dr. Richard Cevasco, having been sued in their official capacity ("the Defendants"); and

WHEREAS, the Court having reviewed the affidavit of Plaintiffs' expert, Dr. Dennis Koson and any comments received by Defendants' expert; and

WHEREAS, pursuant to Fed.R.Civ.P. 17(c) and 23(e), the Court having reviewed the Settlement Agreement, the comments of the individual class members and counsels' submissions to the Court, with heightened scrutiny in light of the mental disabilities of the Plaintiff class and having found that the Settlement Agreement is fair and reasonable; and

WHEREAS, the Settlement Agreement provides for the payment of \$1,220,000 in attorneys' fees and costs to the Plaintiffs' counsel.

IT IS on this day of July, 1999

ORDERED that this action and the claims asserted herein by the Plaintiffs against the Defendants shall be dismissed with prejudice in accordance with the Settlement Agreement between the aforementioned parties.

Honorable John J. Hughes, U.S.M.J.