

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 16 1993

Robert M. Munch
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DWIGHT DURAN, et al.,

Plaintiffs,

vs.

CIVIL No. 77-0721-JB

BRUCE KING, et al.,

Defendants.

ENTERED ON DOCKET
~~FEB 16 1993~~

STIPULATION REGARDING FIRE SAFETY

The parties to this action have met and discussed a number of issues relating to the current status of fire safety issues at the Penitentiary of New Mexico, Santa Fe facilities covered by this court's order. In the course of those discussions, agreement has been reached on several matters as reflected in the following stipulation.

1. Defendants will not object to entry of an order by this Court approving employment of a fire safety expert by the office of the Special Master pursuant to the order of reference.

2. The state will immediately employ its own fire safety expert. In particular, the state agrees to contract with G.W. O'Rourke, a fire safety expert who has previously inspected the Santa Fe facilities and is familiar with the fire safety equipment at those institutions. Mr. O'Rourke will immediately review the two most recent state fire marshal inspections, review existing fire safety plans, conduct a physical inspection of the Penitentiary of New Mexico Santa Fe facilities and make such recommendations as are appropriate.

Duran v. Apodaca



PC-NM-001-029

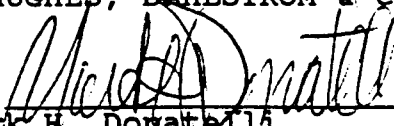
3. The Secretary will take whatever steps are necessary, in accordance with the state procurement code to expedite implementation of any recommendations made by the state's expert which in his opinion are necessary to achieve compliance with Paragraph 20-23 of the Court's order on living conditions (fire safety).

4. Plaintiffs agree to forebear from seeking relief in the form of a finding of contempt for any alleged violations of this Court's order on living conditions, Paragraph 20-23 until the Special Master files the report contemplated by this stipulation, and in any event, for at least thirty days.


5. This stipulation shall be submitted by the court for its review and for entry of an appropriate order.

Approved:

ROTHSTEIN, WALTHER, DONATELLI,
HUGHES, DAHLSTROM & CRON

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