

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RODNEY FUSSELL, <i>et al.</i>,	:	
Plaintiffs,	:	Case No. 1:03-cv-00704
v.	:	Judge Beckwith
REGINALD WILKINSON, <i>et al.</i>,	:	
Defendants.	:	

**AGREED ORDER TERMINATING THE STIPULATION
FOR INJUNCTIVE RELIEF**

Although a dispute exists between the parties as to the extent of which the Defendants' provision of medical care to inmates meet constitutional standards, the parties, Plaintiffs, Rodney Fussell, *et al.*, and Defendants, Reginald Wilkinson, *et al.*, having entered into a private settlement agreement, attached hereto as Exhibit A, concerning all matters pertaining to the Stipulation for Injunctive Relief, the Motion for Extension of the Stipulation for Injunctive Relief, and the Court having been fully advised and considered the same;

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation for Injunctive Relief and all modifications thereto is hereby TERMINATED;

IT IS FURTHER ORDERED that this Court no longer maintains jurisdiction over this matter, nor will it have jurisdiction over the settlement agreement;

FINALLY, the evidentiary hearing previously scheduled for October 9, 2012 is cancelled.

This Order is Final and Appealable

HAVING SEEN AND AGREED TO:

MICHAEL DEWINE
Ohio Attorney General

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SETTLEMENT AGREEMENT (PSA)

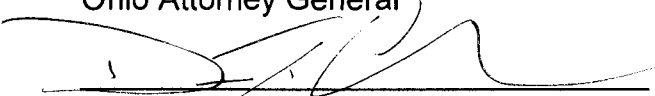
In consideration for the termination of the Stipulation for Injunctive Relief and all modifications thereto as it relates to *Fussell, et al., v. Wilkinson, et al.*, currently pending before Judge Beckwith in the United States District Court for the Southern District of Ohio, Western Division, Case No. 1:03-cv-00704, the Parties, Ohio Justice and Policy Center (OJPC) on behalf of the Class Plaintiffs and Ohio Department of Rehabilitation and Correction (ODRC) on behalf of the Defendants, by and through counsel, agree to the following for a period of two years:

1. A Motion for Extension of Stipulation for Injunctive Relief ("Motion") was filed by Plaintiffs on June 6, 2012. The Motion alleged that Defendants failed to comply with the Modified Stipulation and remedy system-wide constitutional violations in Ohio's prison medical care system. The Defendants have denied both allegations and nothing in this agreement shall constitute or be construed as an admission by the Defendants of these allegations. The Final Report of the Medical Oversight Committee found the Defendants to be constitutionally compliant;
2. The Parties agree that they will sign a stipulation requesting that the Court terminate jurisdiction of this case;
3. In light of this PSA, the parties agree that an evidentiary hearing is not necessary;
4. ODRC will pay OJPC \$45,000 during the first year of the PSA and \$15,000 for the second year of the PSA to assist with staffing costs;
5. ODRC will provide written reports to OJPC during the first year of the PSA that will provide a summary of the consultants' evaluations of ODRC's delivery of health care, orally supplemented with a more detailed review of the clinical analysis that will be provided during quarterly meetings at the option of OJPC. The consultants will be available during the first year to respond to inquiries submitted to ODRC by the OJPC;
6. ODRC will provide policy updates, protocol changes and notice of service delivery changes to OJPC during the second year. During this second year, ODRC will work collaboratively with OJPC on an as needed basis for both systemic and individual inmate issues;

7. The composition of the consultation team will consist of Fred Cohen, Dr. Ronald Shansky and Barbara Peterson;
8. The Institutions to be evaluated shall be selected by ODRC and the consultation team;
9. During the term of the PSA, the Parties agree in good faith to communicate, consider and attempt to resolve issues regarding medical leadership and staffing, delays in care, and medication discontinuity in ODRC institutions where these issues have been a problem, such as Franklin Medical Center, Ohio Reformatory for Women, Pickaway Correctional Institution/Frazier, Chillicothe Correctional Institution, Toledo Correctional Institution, and Allen Correctional Institution. The Plaintiffs understand that any proposed solutions to the above-identified problems require time and resources to implement fully.

On this the 20th day of September, 2012 by:

MICHAEL DEWINE
Ohio Attorney General



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