

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

7/10/95
JUL 10 1995
CLERK
U. S. DISTRICT COURT
DISTRICT OF R. I.

NICHOLAS A. PALMIGIANO, et al.
Plaintiffs

C.A. No. 74-0172-L

v.

LINCOLN ALMOND, et al.
Defendants

THOMAS R. ROSS, et al.
Plaintiffs

C.A. No. 75-0032-L

v.

LINCOLN ALMOND, et al.
Defendants

STIPULATION OF DISMISSAL

On March 18, 1994, the parties entered into a Settlement Agreement to address the ultimate termination of compliance monitoring and the Court's active supervision of the remedial orders in this case. The Agreement was preliminarily approved by the Court on April 13, 1994 and, after notice to the plaintiff class and a hearing, the Court entered an order of final approval on July 15, 1994.¹

The Agreement provided, inter alia, that monitoring of compliance by independent monitors would take place and that after a determination of substantial compliance with the remedial orders of the Court a period of self-monitoring by defendants would commence. After a hearing on December 6, 1994, the Court entered an Order on December 7, 1994 granting a joint motion of the parties

¹ In an appeal by one member of the plaintiff class, the Court of Appeals affirmed the final approval order of this Court. Palmigiano v. Sundlun, Keith Werner, plaintiff-appellant, No. 94-1816 (1st Cir., June 27, 1995) (unpublished opinion).

Palmigiano v. Trivisono



PC-RI-001-020

determining that the defendants were in substantial compliance.² The joint motion provided that the defendants would provide detailed monthly self-monitoring reports of compliance to counsel for the plaintiffs for a period of six (6) months.

The defendants have provided to counsel for plaintiffs a detailed self-monitoring report of compliance for six (6) months, the last report being dated June 19, 1995. Plaintiffs' counsel has periodically requested and received supporting documentation of various aspects of defendants' compliance. In addition, plaintiffs' counsel has independently verified various aspects of defendants compliance by visiting and inspecting each of the facilities covered by the Settlement Agreement and by meeting and corresponding with members of the plaintiff class.

In light of the foregoing, the parties hereby agree and stipulate to the following:

1. The defendants are in substantial compliance with the remedial orders of the Court as defined in the Settlement Agreement and the joint Motion for Determination of Compliance. With respect to certain capital improvements and non-capital improvements or additions, the defendants have submitted to plaintiffs' counsel written documents which set forth in detail a plan for the improvement, alterations, renovation, revision of policies, or addition of employees; the amount of funds required; the source

² The Settlement Agreement and the joint motion defined the term substantial compliance to include certain prospective actions to be taken by defendants.

of those funds; and a specific timetable for completing the plan.³

2. In order to comply with the healthcare provisions of Exhibit A attached to the Motion for Determination of Compliance (II.A. Hiring of a Medical Director; II.C. Develop a system for tracking chronic disease patients; II.D. Develop a Quality Assurance Program), the defendants will comply with and fulfil all of the terms of a contract dated December 23, 1994 between the Rhode Island Department of Corrections and Dr. Ronald M. Shansky.⁴

3. At the time that the Rhode Island Criminal Justice Oversight Committee⁵ adopts the specific population capacities and restrictions set forth in Section III of the Settlement Agreement dated March 18, 1994 (see Settlement Agreement, Sec. IX.B.1.), this case, specifically the provisions of Section III (Overcrowding Restrictions), shall be retired and placed on inactive status in this Court so long as the aforesaid Oversight Committee maintains and enforces the above mentioned population capacities and restrictions (see generally, Section IX, Settlement Agreement. March 18, 1994.).⁶

³ The specific capital and non-capital items included in this provision are identified on Exhibit A attached to the December 6, 1994 Motion for Determination of Compliance.

⁴ This contract was approved by the Rhode Island Department of Administration by Purchase Order No. 147149 dated February 7, 1995.

⁵ Created by Title 42, Chap. 26, Sec. 13 et seq., General Laws of the State of Rhode Island.

⁶ The parties have been advised that the Oversight Committee is scheduled to meet on July 11, 1995 for the purpose of adopting the population capacities and restrictions.

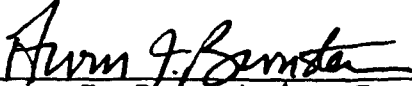
4. This lawsuit and all outstanding decrees shall be dismissed except for the provisions of Section III of the Settlement Agreement (Overcrowding Restrictions) which shall survive and be enforceable only as set forth in Section IX of the Settlement Agreement and paragraph 3. above.

5. The defendants shall provide to plaintiffs' counsel a quarterly report commencing on September 30, 1995 and continuing for a period of five (5) years, each report detailing the actual population of each unit of each facility in the A.C.I. on the last day of the quarter.⁷

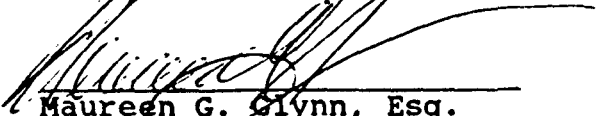
6. The plaintiffs are entitled to recover reasonable and necessary attorneys' fees, expenses and costs incurred in this case.

Dated: July 6, 1995

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⁷ This five-year limitation shall only apply to defendants' obligation to provide quarterly population reports and does not apply to defendants' obligation to maintain the population capacities and restrictions referred to in Section III of the Settlement Agreement.

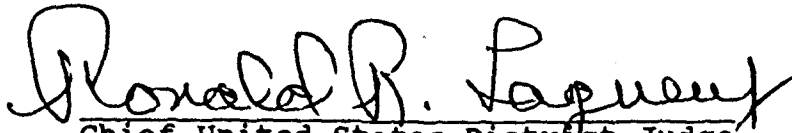
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Approved and So Ordered:


Chief United States District Judge

7/10/95