

LEGAL COUNSEL

DEC 13 2011

DEPT. OF CORRECTIONS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

NICHOLAS A. PALMIGIANO, et al.

v.

BRUCE G. SUNDLUN, Governor of the
State of Rhode Island, and George Vose,
in his capacity as Director, Rhode Island
Department of Corrections¹

THOMAS R. ROSS, et al.

v.

BRUCE G. SUNDLUN, Governor of the
State of Rhode Island, and George Vose,
in his capacity as Director, Rhode Island
Department of Corrections

C.A. No. 74-0172L

C.A. No. 75-0032L

STIPULATION

WHEREAS, the parties entered into a Final Settlement Agreement dated March 18, 1994 and approved by the United States District Court for the District of Rhode Island on July 15, 1994. (Copy is attached);

WHEREAS, the Rhode Island General Assembly has directed the Rhode Island Department of Corrections to close the Donald Price Medium Security facility, as a fiscal savings measure;

WHEREAS, the approximately three hundred inmates housed in the Donald Price facility need to be re-assigned to other Adult Correctional Institutions facilities;

¹ These were the named Defendants when the case was closed in 1994. Presently, Lincoln Chafee is the Governor and A.T. Wall is the Director of the Department of Corrections.

WHEREAS, Defendants have submitted a plan to Plaintiffs' counsel to increase the capacities in the John J. Moran Medium Security facility by adding 120 additional overhead bunks to the facility;

Now, the parties agree to the following amendments of the Final Settlement Agreement, which was dated March 18, 1994, approved by the Court on July 15, 1994, and subsequently amended in June, 1995, further amended on December 20, 1996, approved by the Court on January 3, 1997; further amended on March 4, 1998, approved by the Court on March 27, 1998; further amended on May 16, 2002, approved by the Court on May 31, 2002; further amended on February 3, 2003 and approved by the Court on February 11, 2003; and further amended on July 27, 2007 and approved by the Court on August 1, 2007. (Copies of said Modifications are attached).

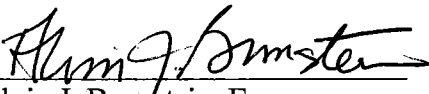
The Final Settlement Agreement, dated March 18, 1994, in Section III, ¶ D. 1 provided that the total capacity of the John J. Moran Medium security facility shall be 898. That capacity was further amended by agreement to permit an increase to 922. The capacity was further amended in 2007 to 1066. The parties now agree to increase the capacity to 1186.

The Defendants have now verified that the aforementioned increases would not be detrimental to the infrastructure of the facilities and would improve prison management. Plaintiffs' counsel has inspected the facilities via video and confirmed that the requisite population increases will not impair or infringe upon inmates' rights.

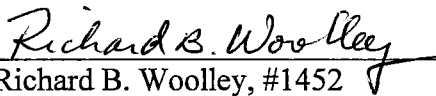
All other provisions of the Agreement remain in full force and effect.

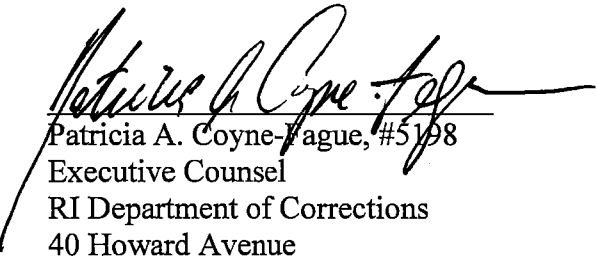
Dated: December 5 2011

Attorney for the Plaintiffs


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Approved and so Ordered:

Ronald R. Lagueux
Senior United States District Judge

Date: _____