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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

IN THE MATTER OF LITIGATION RELATING)	
TO CONDITIONS OF CONFINEMENT AT)	CAUSE NO. CV 93-46-H-LBE
MONTANA STATE PRISON,)	
_____)	
THIS DOCUMENT RELATES :)	SECOND JOINT STIPULATION
_____)	REGARDING MEDICAL CARE
LANGFORD, et al. v. GOV. RACICOT,)	
et al.)	CAUSE NO. CV 92-13-H-LBE
_____)	

I. HISTORY

This action was filed concerning conditions at Montana State Prison (MSP). On December 30, 1993, the Plaintiffs filed their Fifth Amended Complaint and on January 14, 1994, the action was certified as a class-action by the Court. Following several months of negotiations, the parties through their counsel entered into a Settlement Agreement ("Agreement") resolving most of the



Plaintiffs' claims. The Court approved and entered the Agreement under Rule 23(e) of the Federal Rules of Civil Procedure on November 29, 1994.

Pursuant to the Agreement, Ronald Shansky, M.D., was appointed the impartial expert to assess the Defendants' compliance with the Agreement's medical, dental and mental health care provisions. Dr. Shansky, accompanied by mental health expert Dr. Mary West, conducted on-site tours of Montana State Prison on July 24-25, 1995 and April 15-16, 1996. Dr. Shansky issued reports of his findings following each tour. Based on the reports, the parties thereafter entered into negotiations, resulting in the Joint Stipulation Regarding Medical Care (Joint Stipulation I), which was entered as an Order of this Court on September 26, 1996. Pursuant to Joint Stipulation I, Dr. Shansky, Dr. West, Dr. Jeffrey Metzner, and Dr. Michael Puisis toured MSP on November 18-19, 1996 and May 14-15, 1997, and the experts issued reports of their findings following each tour. Based on the reports, the parties thereafter entered into negotiations and jointly stipulate to the following:

II. EXTENSION OF THE MONITORING PERIOD

1. Dr. Ronald Shansky and Dr. Michael Puisis shall serve as the impartial experts to assess Defendants' compliance with the terms of Section 1 (Medical Care) of the Settlement Agreement, excluding provisions 1.C. (Nurses), 1.F. (Intake Screening), 1.J. (Over-the-counter Medications), 1.K. (Annual Physicals), and 1.N. (Eye Care); and to assess compliance with Section 2 (Dental Care)

of the Agreement. Dr. Jeffrey Metzner and Dr. Mary West shall serve as the impartial experts to assess Defendants' compliance with Section 3 (Mental Health Care) of the Agreement, excluding mental health provisions 4. (Organizational Structure), and 5. (Staffing).

2. The impartial experts shall conduct an initial on-site tour at Montana State Prison no later than March 31, 1998. The tour shall be conducted in accordance with the terms and conditions set forth in the Agreement. The impartial experts shall submit to Plaintiffs' and Defendants' counsel a written report of their findings within 30 days of their visit.

3. If the impartial experts conclude in their report that the Defendants have not achieved substantial compliance, they shall conduct a second tour no later than September 30, 1998. This tour shall be conducted in accordance with the same terms as the initial visit. The report issued following this tour shall include a statement indicating whether or not Defendants are in substantial compliance with each of the referenced provisions of the Agreement.

III. DISMISSAL ON SUBSTANTIAL COMPLIANCE

1. Should the impartial experts conclude in either their first or second reports that Defendants have achieved substantial compliance with the referenced provisions of the Agreement, they shall make an on-site visit to MSP four months thereafter. This tour shall be conducted in accordance with the same terms as the initial visit. If the impartial experts conclude that Defendants

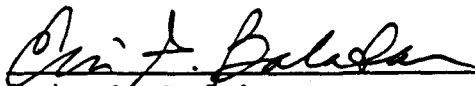
remain in substantial compliance following this visit, Defendants' counsel may submit the reports to the Court and request a dismissal of those provisions where they have been found to remain in substantial compliance.

Should the impartial experts report substantial compliance in some areas but not others, the Defendants may seek dismissal of portions of the action relating to those areas with which they substantially comply.

IV. CONTINUING JURISDICTION

The Court shall retain jurisdiction over this action for the purpose of enforcing the provisions of the Agreement until such time as the Court orders a dismissal with prejudice pursuant to Section III above. This stipulation shall have no effect on the parties' existing rights and obligations under the Agreement except as expressly set forth herein.

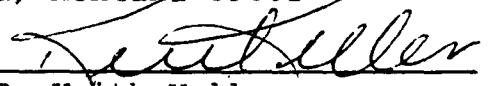
Terry Langford, et. al.

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