



PC-UT-003-003

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APR 15 1993

U.S. DISTRICT COURT

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APR 16 1993

OFFICE OF CHIEF JUDGE
BRUCE S. JENKINS

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

SANDRA HENRY, on behalf of herself)
and others similarly situated;)

Plaintiff,)

v.)

GARY W. DELAND, Director, Utah)
Department of Corrections;)
O. LANE McCOTTER, Director of)
Institutional Operations,)
Department of Corrections; **LYNN**)
JORGENSEN, Warden, Utah State)
Prison; **DANIEL LEATHAM**, Bureau)
Chief of Support Services, Utah)
State Prison; **RUSSELL STEVENSON**,)
Director of Medical Facilities,)
Utah State Prison; **BLIN FREESTONE**,)
Assistant Director of Medical)
Facilities, Utah State Prison;)
GERALD O'BRIEN, Assistant Director)
of Medical Facilities, Utah State)
Prison;)

Defendants.)

Civil No. 89-C-1124 J

**FINAL ORDER APPROVING
AND IMPLEMENTING
STIPULATION OF
SETTLEMENT OF
MENTAL HEALTH CLAIMS**

I. RECITALS

1. On December 18, 1989, plaintiff Sandra Henry (the "Plaintiff") brought this action on her own behalf and on behalf of all inmates (the "Class Members") who were then confined or who might be confined in the future at the Utah State Prison at Draper, Utah (the "Prison");

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2. On December 21, 1989, this case was referred to the Magistrate pursuant to 28 U.S.C. § 636(b)(1)(B);

3. On April 24, 1990, the Court certified this action as a class action under the provisions of Rule 23(b)(1)(A) and (b)(2) of the Federal Rules of Civil Procedure;

4. Plaintiff seeks injunctive relief against officials at the Prison acting in their official capacities (the "Defendants"). Plaintiff alleges violations of the Eighth and the Fourteenth Amendments to the U.S. Constitution, based upon the system-wide inadequacy of medical and mental health care provided to Class Members during their incarceration at the Prison;

5. Plaintiff and Defendants have entered into Stipulation of Settlement of Mental Health Claims, dated September 8, 1992 (the "Settlement") which proposes to settle Plaintiff's claims regarding mental health care at the Prison;

6. At a preliminary hearing regarding the Settlement held on September 25, 1992, Plaintiff submitted a Plan for Notice of Proposed Settlement of Mental Health Claims, which plan was approved by the Magistrate Judge;

7. Plaintiff's attorneys received responses and objections to the Settlement from eleven Class Members and filed copies of those responses and objections with the Magistrate Judge;

8. During a final hearing on December 3, 1992, the Magistrate Judge heard testimony from Plaintiff's expert, Jeffrey L. Metzner, M.D., in support of the Settlement; the Magistrate Judge also received into evidence exhibits submitted by Plaintiff supporting the Settlement;

9. The Magistrate Judge issued his Report and Recommendation, dated January 6, 1993, recommending that the Settlement be approved;

10. This matter came before the Court for hearing on April 12, 1993, on the Report and Recommendation of the Magistrate Judge;

11. W. Cullen Battle and Kathleen H. Switzer appeared for Plaintiff; Frank D. Mylar, Assistant Attorney General, appeared for all named Defendants;

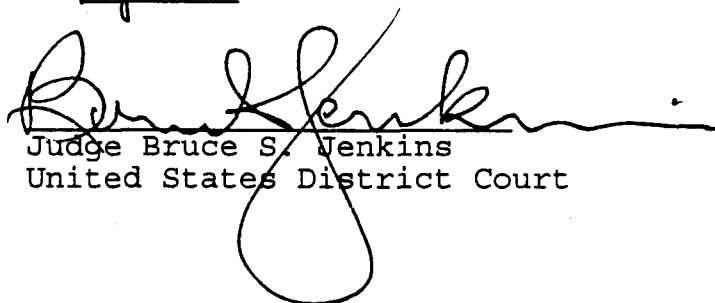
12. There were no objections to the Report and Recommendation from the parties or from the Class Members.

II. ORDER

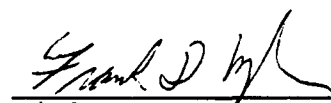
WHEREFORE, having had full opportunity to consider these matters, the Court adopts the Magistrate Judge's Report and Recommendation, approves the Settlement and ORDERS that it be implemented in all respects. All terms of the Settlement are incorporated into this Order. This Court will retain jurisdiction over this case for purposes of enforcing the terms of the Settlement, as provided for in the Settlement. This Order

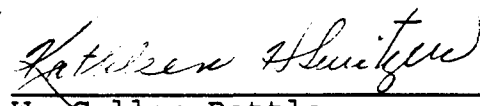
is binding upon all Defendants in their official capacities and upon all persons subsequently acting in those capacities. The effective date of the Settlement shall be the date of this Order.

DATED this 19 day of April, 1993.


Judge Bruce S. Jenkins
United States District Court

APPROVED AS TO FORM:


Kirk M. Torgensen
Frank D. Mylar
Assistant Attorneys General


W. Cullen Battle
Kathleen H. Switzer
FABIAN & CLENDENIN
Attorneys for Plaintiff

United States District Court
for the
District of Utah
April 20, 1993

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:89-cv-01124

True and correct copies of the attached were mailed by the clerk to the following:

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