



PC-UT-003-005

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 STATES
 COURT
 OF UTAH

Feb 11 2 18 PM '93

 HARRIS & HARRIS
 ATTORNEYS
 BY MD
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2/9/93

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

SANDRA HENRY, et al.,	)	Case No. 89-C-1124 J
	)	
Plaintiff,	)	ORDER APPROVING AND
	)	IMPLEMENTING PLAINTIFF'S
v.	)	PLAN FOR NOTICE OF
	)	PROPOSED SETTLEMENT OF
GARY W. DELAND, et al.,	)	MEDICAL AND DENTAL CLAIMS
	)	AND NOTICE OF HEARING
Defendants.	)	

Having considered Plaintiff's Plan for Notice of Proposed Settlement of Medical and Dental Claims, dated February 9, 1993 [the "Proposed Plan"], and having heard the parties on these matters, the Court hereby approves plaintiffs' Proposed Plan and ORDERS that it be implemented.

The Court will conduct a final hearing on MAY 7, 1993, at 9:30 A.M., wherein the Court will consider oral and written submissions and any other evidence it deems proper so that it may, in its discretion, decide whether to approve the Stipulation of Settlement of Medical and Dental Claims as fair, reasonable, adequate, and in the best interests of the plaintiff class, according to Rule 23(e) of the Federal Rules of Civil Procedure.

145

DATED this 11 day of Feb . , 1993.

A handwritten signature in dark ink, appearing to read "Bruce S. Jenkins", written over a horizontal line.

Bruce S. Jenkins
Chief Judge
United States District Court
Attorneys for Plaintiffs

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Alexa P. Freeman
Mark J. Lopez
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1875 Connecticut Avenue, N.W., Suite 410
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Attorneys for Plaintiff
in cooperation with
THE ACLU OF UTAH FOUNDATION, INC.

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

SANDRA HENRY, et al.,	)	Case No. 89-C-1124 J
	)	
Plaintiff,	)	PLAINTIFF'S PLAN FOR
	)	NOTICE OF PROPOSED
v.	)	SETTLEMENT OF MEDICAL
	)	AND DENTAL CLAIMS
GARY W. DELAND, et al.,	)	
	)	Judge Bruce S. Jenkins
Defendants.	)	

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiff's attorneys request the Court to approve the Notice of Proposed Settlement of Medical and Dental Claims and Notice of Hearing, in the form attached hereto as Exhibit "A" (the "Notice"). Plaintiff's attorneys further request the court to direct Defendants to deliver to every inmate at the Utah State Prison (the "Prison"), and to all new inmates incarcerated at the Prison during the notice period, a copy of the Notice within 15 days of the Court's approval of the Notice.

Finally, Plaintiff's attorneys request the Court to direct Defendants to maintain complete copies of the proposed Stipulation of Settlement of Medical and Dental Claims (the "Proposed Settlement") in each block or living area at the Prison and to allow inmates to review the Proposed Settlement upon request and in the same manner as they are now allowed to review copies of the Prison policies and procedures.

Plaintiff agrees to provide copies of the Notice and the Proposed Settlement to Defendants.

DATED this 9th day of February, 1993.

Kathleen H. Switzer
W. Cullen Battle
Kathleen H. Switzer
FABIAN & CLENDENIN,
a Professional Corporation
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 1993, I caused to be hand-delivered, a true and correct copy of the foregoing PLAINTIFF'S PLAN FOR NOTICE OF PROPOSED SETTLEMENT OF MEDICAL AND DENTAL CLAIMS to:

Kirk M. Torgensen, Esq.
Frank D. Mylar, Esq.
Assistant Attorneys General
330 South 300 East, 2nd Floor
Salt Lake City, Utah 84111

Mary Ann Fowler

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THE ACLU OF UTAH FOUNDATION, INC.

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

SANDRA HENRY, et al.,	)	Case No. 89-C-1124 J
	)	
Plaintiff,	)	NOTICE OF PROPOSED
	)	SETTLEMENT OF MEDICAL
v.	)	AND DENTAL CLAIMS
	)	AND NOTICE OF HEARING
GARY W. DELAND, et al.,	)	
	)	Judge Bruce S. Jenkins
Defendants.	)	

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**THIS NOTICE MAY AFFECT YOUR RIGHTS.
PLEASE READ CAREFULLY.**

**TO: ALL INMATES AT THE UTAH STATE PRISON
AT DRAPER, UTAH.**

YOU ARE HEREBY NOTIFIED THAT:

1. This lawsuit was filed on December 18, 1989, by Sandra Henry ("Plaintiff") on behalf of all inmates, present and future (the "Class Members"), at the Utah State Prison (the "Prison"). Plaintiff's Complaint alleges that officials at the Prison (the "Defendants") have violated the Eighth and the Fourteenth Amendments to the U.S. Constitution because inadequate medical and mental health care has been provided to Class Members during their incarceration at the Prison. Defendants have denied and continue to deny these allegations.

2. Plaintiff's attorneys and Defendants have entered into Stipulation of Settlement of Medical and Dental Claims (the "Proposed Settlement") dated January 26, 1993, which proposes to settle all of the claims in this lawsuit regarding medical and dental health care at the Prison.

3. Under the Proposed Settlement, the Defendants agree that the Prison has a legal obligation to provide adequate medical and dental services to Class Members suffering from medical or dental problems.

4. As set forth in greater detail in the Proposed Settlement, the Defendants agree that the Prison will:

a. adequately screen and evaluate inmates entering the Prison for medical and dental problems and, as indicated, to develop an individualized treatment plan, and to provide medical and dental services and care according to that plan;

b. train Prison staff in recognizing and caring for inmates with medical or dental problems, and in properly referring inmates into medical and dental services;

c. maintain specific staffing levels for doctors and other medical and dental professionals;

d. maintain prompt and adequate access to medical and dental services;

e. treat medical and dental problems with emergency intervention, routine medical and dental treatment, and treatment for chronic medical and dental problems;

f. provide support services such as therapeutic diets, pharmacy services, and health education;

g. provide on-site infirmary beds;

h. monitor continuity of care through adequate record-keeping, and quality assurance reviews;

i. transfer inmates with medical and dental problems to off-site health care providers and institutions when needed; and

j. develop adequate policies and procedures to administer medical and dental services.

5. The Defendants shall have two years to come into compliance with the Proposed Settlement. The court shall retain jurisdiction for purposes of enforcing the Proposed Settlement until one year after compliance is achieved.

6. The Proposed Settlement must be approved by the Court before it becomes effective. Once approved, the Proposed Settlement will bind the rights of all Class Members in seeking system-wide injunctive relief for medical and dental claims. However, the Proposed Settlement will not affect the rights of any inmate to bring an individual lawsuit for money damages.

7. You may object in writing to terms of the Proposed Settlement. Any objection must be mailed to Kathleen H. Switzer, Fabian & Clendenin, P.O. Box 510210, Salt Lake City, Utah 84151, and received on or before April 1, 1993.

YOU ARE FURTHER NOTIFIED:

The Court will conduct a final hearing on May 7, 1993,
at 9:30 am, before the Honorable
Bruce Jenkins, 350 South Main Street, Room 246, U.S.

Courthouse, Salt Lake City, Utah 84101, wherein the court will consider oral and written submissions and any other evidence it deems proper so that it may, in its discretion, decide whether to approve the Proposed Settlement as fair, reasonable, adequate, and in the best interests of the plaintiff class, according to Rule 23(e) of the Federal Rules of Civil Procedure.

DATED this 14th day of February, 1993.



W. Cullen Battle
Kathleen H. Switzer
FABIAN & CLENDENIN,
a Professional Corporation
Attorneys for Plaintiffs

United States District Court
for the
District of Utah
February 12, 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:

Frank D Mylar, Esq.
UTAH ATTY GENERAL'S OFFICE
6100 South 300 East, #204
Salt Lake City, UT 84107

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