

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

S.H., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO. 2:04-cv-1206
	)	
HARVEY J. REED,	)	
Defendant.	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:08-cv-475
	)	
THE STATE OF OHIO, et al.,	)	
	)	
Defendants.	)	JUDGE ALGENON L. MARBLEY
	)	

JOINT MOTION FOR ENTRY OF AGREED ORDER

The Parties in the above-entitled cases jointly move this Court to enter as its Order the attached Agreed Order and Exhibit A thereto, which embody the Parties' agreement for a resolution of the Plaintiffs' claims in these actions. In support of this motion, the Parties state as follows:

1. On December 20, 2004, the *S.H.* Plaintiffs filed a complaint (Doc 1 in *S.H. v. Reed*, 2:04-cv-1206) challenging conditions at Defendants' juvenile correctional facilities. On May 16, 2008, the United States also filed a complaint (Doc 2 in *U.S. v. Ohio*, 2:08-cv-475) challenging conditions at Defendants' juvenile correctional facilities.
2. On February 18, 2014, the *S.H.* Plaintiffs filed a motion for specific performance (Doc 389) and alleged a failure "to provide adequate treatment to youth who are or have been on

the mental health caseload. As a result many of these youth are experiencing excessive periods of seclusion” *Id* at p. 1.

3. On March 31, 2014, the United States filed a supplemental complaint to include claims relating to Indian River Juvenile Correctional Facility, Circleville Juvenile Correctional Facility, and Cuyahoga Hills Juvenile Correctional Facility. (Doc 140). On April 29, 2014, the United States renewed its motion for a temporary restraining order in *United States v. Ohio*, raising concerns about Defendants’ use of seclusion for all youth with an identified mental health disorder (Doc 145).

4. Thereafter, the Parties engaged in settlement negotiations aimed at addressing the issues raised in those filings, and the parties have now reached agreement on a resolution of Plaintiffs’ claims. The Parties’ agreement is embodied in the Joint Proposed Order and Exhibit A thereto, which is attached to this motion.

ACCORDINGLY, the Parties request that the Court enter the attached Joint Proposed Order and Exhibit A thereto as its Order. Subject to the conditions in the Joint Proposed Order, the *S.H.* Plaintiffs request that the Court dismiss without prejudice their motion for specific performance, and the United States requests that the Court dismiss without prejudice the United States’ renewed motion for a temporary restraining order and the claims in the United States’ supplemental complaint concerning youth who are not on the mental health caseload.

DATE: May 20, 2014

s/ Alphonse A. Gerhardstein

ALPHONSE A.

GERHARDSTEIN

(Ohio Bar No. 0032053)

Trial Attorney for Plaintiffs

Gerhardstein & Branch Co. LPA

432 Walnut Street, Suite 400

Cincinnati, Ohio 45202

(513) 621-9100

(513) 345-5543 fax

agerhardstein@gbfirm.com

s/Kim Brooks Tandy

KIM BROOKS TANDY

(Ohio Bar No. 0076173)

Attorney for Plaintiffs

Children's Law Center, Inc.

104 East 7th Street

Covington, Kentucky 41011

(859) 431-3313

ktandy@childrenslawky.org

Attorneys for Plaintiffs

DATE: May 20, 2014

CARTER STEWART
United States Attorney
Southern District of Ohio

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division
United States Department of Justice

/s/ Deborah F. Sanders

DEBORAH F. SANDERS (0043575)
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
(614) 469-5715 (T)
(614) 469-5653 (F)
Deborah.Sanders@usdoj.gov

EVE HILL
Deputy Assistant Attorney General
Civil Rights Division

JONATHAN M. SMITH
Chief
Special Litigation Section

/s/ Benjamin O. Tayloe, Jr.

BENJAMIN O. TAYLOE, JR.
Deputy Chief
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-8103 (T)
(202) 514-4883 (F)
Benjamin.Tayloe@usdoj.gov

SILVIA J. DOMINGUEZ-REESE
CYNTHIA COE
ALEXANDRA L. SHANDELL
Trial Attorneys
Special Litigation Section

Attorneys for Plaintiff

DATE: May 20, 2014

/s/ Judith Goldstein

JUDITH GOLDSTEIN

(Ohio Bar No. 0069655)

Assistant Attorney General

Criminal Justice Section

150 East Gay Street, 16th Floor

Columbus, Ohio 43215

(614) 644-7233

Fax: (614) 728-9327

Judith.goldstein@ohioattorneygeneral.gov

/s/ Thomas Anger

THOMAS ANGER

(Ohio Bar No. 0088577)

Assistant Attorney General

Criminal Justice Section

150 East Gay Street, 16th Floor

Columbus, Ohio 43215

(614) 644-8742

(877) 584-2041

Thomas.anger@ohioattorneygeneral.gov

Certificate of Service

I HEREBY CERTIFY that this date, May 20, 2014, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will simultaneously serve notice of such filing to counsel of record and the Court Monitor to their registered electronic mail addresses.

/s/ Thomas Anger

THOMAS ANGER

(Ohio Bar No. 0088577)

Assistant Attorney General

Criminal Justice Section

150 East Gay Street, 16th Floor

Columbus, Ohio 43215

(614) 644-8742

(877) 584-2041

Thomas.anger@ohioattorneygeneral.gov