

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LORETTA ROLLAND, et al.
Plaintiffs,

v.

DEVAL PATRICK, et al.,
Defendants.

Civil Action No. 98-30208-KPN

**JOINT NOTICE OF SETTLEMENT AGREEMENT and
MOTION TO ESTABLISH A TIMETABLE FOR REVIEW**

The parties are pleased to report that on March 18, 2008, they signed a Settlement Agreement on Active Treatment. The purpose of and principles reflected in this agreement are set forth in paragraphs 1-3, which state as follows:

1. The purpose of this Settlement Agreement is to comply with and implement the Court's active treatment orders, including its April 10, May 15, June 13, and August 2, 2007 Orders. This Agreement describes the actions that the defendants will take to satisfy their obligations under the federal law and orders of the Court to provide active treatment to all class members by transitioning the majority of individuals who are in nursing facilities to the community, by providing active treatment transition services to those awaiting community placement, and by ensuring that those who remain in nursing facilities promptly receive active treatment consistent with the Court's orders. The Agreement sets forth specific timelines so that all class members, whether they are moving to a community setting or remaining in a nursing facility, will receive enhanced services as soon as possible.

2. This Agreement also provides specific dates by which all actions must be completed and criteria for terminating the litigation. This Agreement supersedes and replaces the original Settlement Agreement approved by the Court on January 10, 2000.

3. The following principles form the foundation of this Agreement but do not create independently enforceable rights, only apply to this case, and shall not constitute precedent with respect to any other matter:

a. The most effective method for providing appropriate habilitation and supports to class members is through integrated community services and supports.

b. The provision of services in the community is the preferred method for meeting the needs of most class members. As a result, the provision of appropriate

services to most class members who currently are in nursing facilities is best accomplished through their transition to the community and the expansion of community services.

c. The transition to the community of class members who are in nursing facilities, together with the provision of appropriate transition services while they await community placement and the provision of appropriate community supports as set forth in their transition plans, satisfies the defendants' obligation to provide active treatment to those individuals under the prior Settlement Agreement, dated January 10, 2000 and subsequent orders of this Court.

d. Class members with developmental disabilities will also be provided equal access to community living opportunities and support services.

A copy of the entire settlement agreement is attached hereto as exhibit A.

Proposal for Scheduling Order.

When the parties reached the original settlement agreement in October 1999, the Court made a preliminary finding of fairness and gave the agreement preliminary approval, subject to class members being given notice and an opportunity to comment, the subsequent submission of a more detailed explanation by the parties of why the settlement agreement should be approved, and a fairness hearing.

The parties jointly request that the Court establish the following schedule for giving notice to class members and conducting further review regarding the fairness of the agreement:

Parties jointly file motion for preliminary approval, with memorandum explaining the settlement agreement, and proposed notice to class members for court review	April 8, 2008
Hearing on preliminary approval and form of notice to class members	April 14, 2008
Send approved notice to class members	April 18, 2008
Deadline for class members to file comments about or objections to proposed settlement agreement	May 9, 2008
Parties file memorandum re fairness of proposed settlement agreement	May 16, 2008
Fairness hearing	during week of May 19, 2008

Respectfully submitted,

THE PLAINTIFFS, BY THEIR
ATTORNEYS,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Cathy E. Costanzo
Steven J. Schwartz (BBO # 448440)
Cathy E. Costanzo (BBO # 553813)
Center for Public Representation
22 Green Street
Northampton, MA 01060
(413) 586-6024

/s/ Kenneth W. Salinger
Kenneth W. Salinger (BBO # 556967)
Office of the Attorney General
Commonwealth of Massachusetts
One Ashburton Place
Boston, MA 02108
(617) 727-2200 ext. 2075

Matthew Engel
Disability Law Center
30 Industrial Drive East
Northampton, MA 01060

Frank Laski
Mental Health Legal Advisors Committee
399 Washington Street, 4th Floor
Boston, MA 02108

Jeffrey Follett & Catherine Wicker
Foley Hoag & Eliot
155 Seaport Blvd.
Boston, MA 02210-2600

March 21, 2008

Certificate of Service

I hereby certify that this document was filed through the Electronic Case Filing (ECF) system and thus copies will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF); paper copies will be sent to those indicated on the NEF as non registered participants on or before March 24, 2008.

/s/ Kenneth W. Salinger