

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 21, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DISABILITY RIGHTS
WASHINGTON, a nonprofit
membership organization for the
federally mandated Protection and
Advocacy Systems,

Plaintiff,

v.

YAKIMA COUNTY, and Ed
Campbell in his official capacity as
Director of the Yakima County
Department of Corrections,

Defendant.

NO: 1:18-CV-3237-RMP

ORDER GRANTING STIPULATION
AND JOINT MOTION TO APPROVE
SETTLEMENT AND
ADMINISTRATIVELY CLOSE CASE

BEFORE THE COURT is the parties' Stipulation and Joint Motion to
Approve Settlement and Administratively Close Case. ECF No. 2. The parties
stipulate and move the Court to (1) approve the Settlement Agreement, ECF No. 3-
2, reached by the parties and incorporate it into this Order, (2) award Plaintiff
attorney's fees and costs as agreed to in the Settlement Agreement, and (3)
administratively close the case during the pendency of the compliance and

ORDER GRANTING STIPULATION AND JOINT MOTION TO APPROVE
SETTLEMENT AND ADMINISTRATIVELY CLOSE CASE ~ 1

1 monitoring period of the Settlement Agreement, so that the parties may move to
2 reopen the case to seek the Court's assistance in enforcing the Settlement
3 Agreement. The parties indicate that they will file a joint motion for final
4 dismissal of this matter with prejudice once the exit criteria set forth in the
5 Agreement are met.

6 Pursuant to the parties' stipulation, the Court **GRANTS** the parties' motion,
7 **ECF No. 2.**

8 Accordingly, **IT IS HEREBY ORDERED:**

- 9 1. All parties are to abide by the Settlement Agreement, ECF No. 3-2,
10 which is hereby incorporated into this Order.
- 11 2. Plaintiff is awarded attorneys' fees and costs as agreed to in the
12 Settlement Agreement, ECF No. 3-2 at 44–45. Judgment shall be entered
13 for Plaintiff's previously incurred attorneys' fees and costs and future
14 claims for attorneys' fees and costs as follows:

15 a. Defendant shall pay Plaintiff \$100,000.00 for the costs and fees
16 incurred by Plaintiff through December 19, 2018.

17 b. Defendant shall pay Plaintiff \$20,000.00 annually for Plaintiff's
18 attorneys' fees and costs for the three-year period beginning on
19 December 19, 2018. As recognized by the parties in the
20 Settlement Agreement, the time period may be less than three
21 years if substantial compliance is achieved at an earlier date. If the

1 Agreement is extended for any period of time, by mutual
2 agreement of the Parties or after a determination of lack of
3 substantial compliance, the Parties or the Court will determine the
4 appropriateness of future fees and expenses. For periods of time
5 where this Agreement is not in effect for an entire year, the Parties
6 agree that the amount for that fiscal year will be pro-rated based on
7 the number of months during the year that this Agreement was in
8 effect.

9 c. A year for purposes of the annual payment will be October 1
10 through September 30. Defendant shall pay Plaintiff's counsel on
11 October 1 of each year.

12 3. The Court will retain jurisdiction over the case. The parties shall, by
13 September 1, 2021, file a motion for final dismissal or joint status report
14 updating the Court on progress.

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1 4. The file in this matter shall be administratively closed during the period
2 of compliance and monitoring, and shall be reopened by motion of any of
3 the parties.

4 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
5 Order, provide copies to counsel, enter judgment as directed, and **close the file.**

6 **DATED** December 21, 2018.

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8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
10 United States District Judge
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