

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

PEOPLE FIRST OF TENNESSEE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:95-1227
)	(cons. w/ 3:96-1056)
)	JUDGE SHARP
CLOVER BOTTOM DEVELOPMENTAL CENTER, et al.,)	
)	
)	
Defendants.)	

*******AGREED ORDER VACATING INJUNCTIVE RELIEF AND
PARTIALLY DISMISSING CASE WITH PREJUDICE**

On January 29, 2015, this Court entered an Agreed Order relative to its approval of an Exit Plan entered into by the parties to this action, the plaintiffs People First of Tennessee (“People First”) and the United States of America (the “United States”), the intervenors Parent Guardian Association of Clover Bottom Developmental Center and Parent Guardian Association of Greene Valley Developmental Center (collectively the “PGA”), and the defendants State of Tennessee, et al., (collectively the “State”) (People First, the United States, the PGA and the State shall collectively be referred to herein as the “Parties”). [See Agreed Order at ECF No. 1138 (the “Agreed Order”) and Exit Plan at ECF No. 1138-1 (the “Exit Plan”)]. The Agreed Order includes a provision that requires the Court to “enter an order vacating all outstanding injunctive relief in the [captioned matter] except that relief that applies to Greene Valley Developmental Center ... and dismissing the [captioned matter] with prejudice and in all respects except as to any then existing orders relating to the provision of services to class

members while residing in GVDC” upon the State completing all material provisions of Sections II-IX of the Exit Plan. [See Agreed Order at ¶2].

Before the Court is the Report and Recommendation of Magistrate Judge Barbara D. Holmes, entered December 11, 2015, recommending the Court find that Defendants have complied with all material provisions of Sections II-IX of the Exit Plan. [See ECF No. 1158] (the “December 11 R&R”). The December 11 R&R specifically finds that Defendants have complied with and completed Section IV.E, Section VI.B, Section VII.B, and, Section IX of the Exit Plan. *Id.* at p. 2 (*adopted by the Court*, ECF No. 1160). In addition, based upon the Court’s previous findings of State compliance with all of the other material provisions of Sections II-IX of the Exit Plan (*see* Report and Recommendation, ECF No. 1141, *adopted by the Court*, ECF No. 1160; Report and Recommendation, ECF No. 1145, *adopted by the Court*, ECF No. 1153; Report and Recommendation, ECF No. 1147, *adopted by the Court*, ECF No. 1153; Report and Recommendation, ECF. No. 1149, *adopted by the Court*, ECF No. 1160; Report and Recommendation, ECF No. 1155, *adopted by the Court*, ECF No. 1159; and, Report and Recommendation, ECF No. 1157, *adopted by the Court*, ECF No. 1159), the December 11 R&R recommends the Court find Defendants have complied with all material provisions of Sections II-IX of the Exit Plan.

No objections to the December 11 R&R, or any of the other cited Report and Recommendations, have been filed, and the time for filing objections has expired.

On de novo review of the Magistrate Judge’s December Report and Recommendation, the Court hereby **ADOPTS** the December 11 R&R. The Court **FINDS** that Defendants have completed the provisions in Section IV.E, Section VI.B, Section VII.B, and, Section IX of the

Exit Plan. The Court further **FINDS** that Defendants have complied with and completed all material provisions of Sections II-IX of the Exit Plan.

The Court also notes that Clover Bottom Developmental Center was closed on November 19, 2015, when the final six class members residing there transitioned to community homes. In addition, since the entry of the Agreed Order, over twenty class members residing in Greene Valley Developmental Center (“GVDC”) have transitioned to homes in the community. Under the terms of the Exit Plan and Agreed Order, Defendants continue to have obligations to class members residing at GVDC pursuant to Section X.D through X.F of the Exit Plan, and Sections V.A.5 and V.A.9 of the original Settlement Agreement (the Settlement Agreement was unconditionally approved by the Court via an order entered on November 23, 1999 at Doc. No. 326). Moreover, after a class member transitions out of GVDC, the State is obligated to fulfill its responsibilities pursuant to Section X.G of the Exit Plan.

Based on these findings and the entire record in this cause, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Pursuant to Paragraphs 2 and 8 of the Agreed Order approving the Exit Plan, all outstanding injunctive relief heretofore entered in this case is hereby **VACATED** except for the injunctive relief that applies to GVDC and any class member residing therein while they reside therein;

2. Pursuant to paragraphs 2 and 8 of the Agreed Order approving the Exit Plan, this case is **DISMISSED WITH PREJUDICE** in all respects except as to any existing orders relating to the provision of services to class members residing in GVDC;

3. Class membership status previously granted to persons pursuant to Orders issued in this case is hereby dissolved and dismissed except for persons residing at GVDC, who shall maintain

their class membership status while they remain residents of GVDC. Following the transition of an individual from GVDC, their class membership status shall dissolve immediately and without further order of the court upon the following conditions being satisfied: (1) the completion by the State, as contemplated in Section X.G. of the Exit Plan, of a 1-day, 5-day and 30-day post-transition review for the individual (the "Post Placement Reviews"); and, (2) the elapse of fifteen days following the completion of the Post Placement Reviews for the individual, which period allows each conservator sufficient time to request copies of the Post Placement Reviews for their ward from the State; and,

4. The Court shall continue to have and exercise jurisdiction of this matter but only for the following purposes: to resolve any claims or disputes involving persons while they reside at GVDC; to oversee the completion of Section X of the Exit Plan; and, to resolve any claims or disputes regarding attorney fees related to this matter.

IT IS SO ORDERED THIS 37th day of February, 2016.



KEVIN H. SHARP
UNITED STATES DISTRICT COURT