

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DISABILITY RIGHTS WASHINGTON,

*Plaintiff,*

v.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS and CHERYL STRANGE,  
Secretary of the Department of Corrections, in her  
official capacity,

*Defendants.*

No. C23-1553-JCC

~~[JOINT PROPOSED]~~ ORDER:

GRANTING 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 (Dkt. No. 2). The parties move this Court to (1) approve the Settlement Agreement (Dkt. No. 3-1) reached by the parties; (2) issue a consent decree incorporating the Agreement into this Order; (3) award Plaintiff attorneys' fees and costs as provided in the Agreement; and (4) administratively close the case during the compliance and monitoring period of the Settlement Agreement, so that the parties may move to reopen the case to seek the Court's assistance in enforcing the Settlement Agreement. At the end of the monitoring period, absent an order extending or shortening the term of the Agreement, the Agreement will

1 automatically terminate, the Court's jurisdiction will end, and the Court shall dismiss the case with  
2 prejudice.

3 The Court has reviewed the record and files herein, the completed briefing, and information  
4 presented at the hearing, and is fully informed.

5 The parties' stipulated joint motion is **GRANTED**.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 1. All parties are to abide by the Settlement Agreement (Dkt. No. 3-1), which is incorporated  
8 into this Order. Plaintiff is awarded attorneys' fees and costs as agreed to in the Settlement  
9 Agreement (Dkt. No. 3-1). Judgment shall be entered for Plaintiff's previously incurred  
10 attorneys' and costs and future claims for attorneys' fees and costs as follows:

11 a. Defendants shall pay Plaintiff \$1,500,000 for the costs and fees incurred by Plaintiff  
12 through the date of entry of this order.

13 b. Defendants shall pay Plaintiff \$300,000 annually for Plaintiff's attorneys' fees and  
14 costs for the compliance period beginning on the date of entry of this order. As  
15 recognized by the parties in the Settlement Agreement, the period may be shorter  
16 if substantial compliance is achieved at an earlier date. If the Agreement is  
17 successfully enforced or extended for any length, by mutual agreement of the  
18 parties or after a determination of lack of compliance, the parties or the Court will  
19 determine the appropriateness of future fees and expenses. For periods of time  
20 where this Agreement is not in effect for an entire year, the Parties agree that the  
21 amount for that year will be prorated based on the number of months during the  
22 year that this Agreement was in effect.

1 c. One year for purposes of the annual payment will be one year from the date of entry  
2 of this order. Defendant shall pay Plaintiff's counsel on that date each year.

3 2. The Court will retain jurisdiction over the case. At the end of the monitoring period, absent  
4 an order extending or shortening the term of the Agreement, the Agreement will  
5 automatically terminate, the Court's jurisdiction will end, and the Court shall dismiss the  
6 case with prejudice.

7 3. The file in this matter shall be administratively closed during the period of compliance and  
8 monitoring and shall be reopened by motion of Plaintiff's or Defendants' counsel.

9 4. The District Court Executive is directed to enter this Order, furnish copies to counsel, enter  
10 judgment as directed, and **close the file**.

11  
12 DATED this 17th day of October 2023.

13  
14 

15 John C. Coughenour  
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 *s/ Ethan Frenchman*

19 Ethan D. Frenchman, WSBA #54255  
20 Danny Waxwing, WSBA #54225  
21 Heather McKimmie, WSBA #36730  
22 Disability Rights Washington  
23 315 5<sup>th</sup> Avenue S, Suite 850  
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C23-1553-JCC  
[JOINT PROPOSED] ORDER APPROVIING  
SETTLEMENT - 3

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4 *Attorneys for Plaintiff*

5 *s/ Candie Dibble*

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13 *Attorney for Defendants*

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[JOINT PROPOSED] ORDER APPROVIING  
SETTLEMENT - 4

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