

of Montana; LEONARD L. “LUCKY” LARSON,)
 Sheriff of Lake County, in his official and individual)
 capacities; STEPHEN IRWIN, M.D., medical doctor)
 of Lake County Detention Facility, in his official and)
 individual capacities; and LUKE MATHIAS, Captain)
 and Chief Detention Officer of Lake County)
 Detention Facility, in his official and individual)
 capacities,)
)
 Defendants.)

**AGREED STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER OF DISMISSAL
 AS TO ALL CLAIMS AND ALL REMAINING DEFENDANTS**

The undersigned duly authorized representatives of the parties agree and stipulate as follows:

In order to fully resolve all of Plaintiff’s claims in the above-captioned case, but without admitting any wrongdoing, Defendant Lake County stipulates, pursuant to its settlement agreement with Plaintiff, that it will promulgate and implement the following policy at the Lake County Detention Center:

“Medical Care for Pregnant Inmates with Opiate Dependency

During an inmate’s initial intake health screening, any woman who indicates she is, or might be, pregnant and who reports a history of opiate use or dependency will be asked to provide detailed information as to the estimated date of pregnancy, type of opiates used (including drug maintenance therapies), drug treatment history, and amount, frequency, and duration and last use of the narcotic. This information will be documented in writing, provided immediately to a physician (or other medical personnel) providing services to the Detention Center, and made part of the inmate’s medical file.

Upon receipt of the information, whether by phone, fax, email, or other means, the physician (or other medical personnel) will provide a referral for the inmate to be examined by an obstetrical provider (an obstetrician or other physician with an obstetrical practice) as soon as practicable for a timely medical evaluation to assess the inmate's risk of opiate withdrawal and to establish a plan of care.

The pregnant inmate will receive the plan of care established by the obstetrical provider, which may include, but is not limited to, general prenatal care and obstetrical care, continuation of medication maintenance therapy, tapering of maintenance medication, or any other medical and supportive care that the obstetrical provider determines to be necessary to prevent the pregnant inmate from undergoing opiate withdrawal syndrome while in the Detention Center. A copy of the records documenting the medical evaluation and plan of care will be made part of the inmate's medical file at the Detention Center. Ongoing assessment and care will be provided and documented as directed by the obstetrical provider.

All current detention staff and future hires will receive an initial training on the existence, purpose, and procedures for implementing this policy. All detention staff will receive retraining on this policy at least twice annually.

This policy must be explained orally, and provided in writing, to every female inmate who indicates she is, or might be, pregnant.”

In exchange, Plaintiff agrees and stipulates that the above-entitled action as to all claims and all defendants will be dismissed with prejudice and without costs.

Defendants further stipulate to make the agreed upon policy effective no later than April 15, 2011, and agree that the policy will be incorporated into the Lake County Sheriff's Office Detention Policy and Procedure Manual, no later than May 16, 2011.

Dated this 4th day of April 2011

/s/ Diana Kasdan
Diana Kasdan
Talcott Camp
ACLU Foundation

/s/ Jennifer Giuttari
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Attorneys for Defendants Lake
County, Larson, and Mathias

[PROPOSED] ORDER

THIS MATTER having come before the undersigned judge of the above-entitled Court, based on the foregoing agreed stipulation between the parties, now, therefore,

HEREBY ORDERS that this matter, including all claims and all remaining

defendants, shall be dismissed from the above-entitled action with prejudice and without costs or interest to any party.

DATED THIS ____ day of April 2011

/s/

Donald W. Molloy, District Judge
United States District Court

Certificate of Service

I hereby certify that, on this 4th day of April 2011, true and correct copies of the foregoing were served on the following persons by electronic mail:

Dee Ann Cooney
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/s/ Diana Kasdan
Attorney for Plaintiff