# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

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| THE UNITED STATES OF AMERICA, |  |
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| Plaintiff,                    |  |
| V.                            |  |
| THE STATE OF LOUISIANA,       |  |
| Defendant.                    |  |

Civil Action No: 3:18-cv-608

#### JOINT MOTION FOR DISMISSAL

1. Plaintiff, the United States of America and Defendant, the State of Louisiana (collectively "the Parties"), hereby move for the dismissal of this proceeding under Federal Rule of Civil Procedure 41(a)(2).

2. On May 29, 2018, the Parties agreed upon the attached Agreement to Resolve Department of Justice Investigation (*Exhibit A*). The Agreement resolves litigation initiated by the United States with the filing of a Complaint pursuant to Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131–12134.

3. In consideration of, and consistent with the terms of the Agreement, the Parties jointly move the Court to dismiss the lawsuit without prejudice, subject to retention of jurisdiction and reinstatement upon the United States' motion for the purpose of resolving any claim that Defendant materially breached any provision of the Agreement, pursuant to Paragraph 127 of the Agreement.

- 4. Each Party shall bear its own costs and attorneys' fees.
- 5. A proposed order for dismissal is attached hereto.

This 6th day of June, 2018

Respectfully submitted,

FOR THE UNITED STATES:

BRANDON J. FREMIN United States Attorney Middle District of Louisiana

JOHN M. GORE Acting Assistant Attorney General Civil Rights Division

STEVEN H. ROSENBAUM Chief, Special Litigation Section

MARY R. BOHAN Deputy Chief

/s/ John J. Gaupp JOHN J. GAUPP, LBN 14976 Assistant United States Attorney 777 Florida Street, Suite 208 Baton Rouge, Louisiana 70801 Telephone: (225) 389-0443 East: (225) 380,0685

Fax: (225) 389-0685 E-mail: john.gaupp@usdoj.gov /s/ C. Adrienne Mallinson C. ADRIENNE MALLINSON NH Bar No. 17126 Trial Attorney Special Litigation Section Civil Rights Division U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530 Telephone: (202) 353-1142 Fax: (202) 514-0212 adrienne.mallinson@usdoj.gov

## FOR THE STATE OF LOUISIANA:

/s/ Stephen Russo\_\_\_\_\_ STEPHEN RUSSO LA Bar No. 23284 Executive Counsel Louisiana Department of Health stephen.russo@la.gov

/s/ Kimberly Sullivan KIMBERLY SULLIVAN Deputy General Counsel LA Bar No. 27540 Louisiana Department of Health 628 N. 4<sup>th</sup> Street, P.O. Box 3836 Baton Rouge, LA 70821 (225) 342-1128 kimberly.sullivan@la.gov

## **CERTIFICATE OF SERVICE**

I certify that the foregoing Joint Motion for Dismissal was served through electronic file delivery on June 6, 2018.

/s/\_John J. Gaupp

## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

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| THE UNITED STATES OF AMERICA, | - |
|-------------------------------|---|
| Plaintiff,                    |   |
| v.                            |   |
| THE STATE OF LOUISIANA,       |   |
| Defendant.                    |   |

Civil Action No: 3:18-cv-608

#### **ORDER GRANTING JOINT MOTION FOR DISMISSAL**

Upon the joint motion of Plaintiff, the United States of America and Defendant, State of Louisiana, to dismiss this case in light of the Agreement to Resolve Department of Justice Investigation reached by the parties;

It is hereby ORDERED that: This matter is DISMISSED WITHOUT PREJUDICE, subject to retention of jurisdiction and reinstatement upon the United States' motion for the purpose of resolving any claim that Defendant materially breached any provision of the Agreement, pursuant to Paragraph 127 of the Agreement. Each party shall bear its own costs.

> John W. deGravelles UNITED STATES DISTRICT JUDGE

Dated: \_\_\_\_\_, 2018

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