

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,

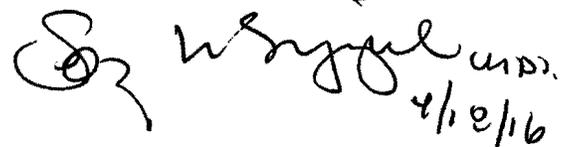
PLAINTIFF,

vs.

MARION COUNTY NURSING HOME
DISTRICT d/b/a MAPLE LAWN
NURSING HOME,

DEFENDANT.

Civil No. 2:13-CV-00026-RWS



JOINT STIPULATION AND MOTION FOR DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1), all parties to this case stipulate to its dismissal. The parties jointly state as follows:

1. By rule, a case may be dismissed without a court order upon the filing of “a stipulation of dismissal signed by all parties who have appeared.” *Fed.R.Civ.P. 41(a)(1)*.

The two parties who have appeared in this case are Plaintiff, the United States of America, and Defendant the Marion County Nursing Home District d/b/a Maple Lawn Nursing Home (“Maple Lawn”). Counsel for both parties have electronically signed this Stipulation.

2. In general, the case involves allegations by the United States Department of Justice that Defendant, a long-term care facility organized as a nursing home district, violated federal statutes and the United States Constitution.

3. This case commenced on March 14, 2013, with the filing of a Complaint, Joint Motion for Unopposed Entry of Settlement Agreement, and Memorandum in Support of Joint Motion for Unopposed Entry of Settlement Agreement.

4. On March 22, 2013, this Court issued its Order Entering Settlement Agreement as an Order of the Court, and retaining jurisdiction over the case.

5. Pursuant to the Settlement Agreement, Barbara A. Primm, BSN, BSeD, RN-BC, LNHA, is serving as the Monitor regarding compliance with the Settlement Agreement. Ms. Primm filed her first Monitor's Report on July 25, 2013. Her first Semi-Annual Compliance Report was adopted by the Defendant and filed with the Court on September 19, 2013.

6. On January 30, 2014, the Plaintiff and Defendant filed their Joint Statement Regarding Defendant's Compliance With Settlement Agreement, informing the Court that the Plaintiff and Defendant Maple Lawn concurred in the conclusion of the Monitor that as of January 15, 2014, "substantial compliance with the Substantive Provisions of the Agreement has been achieved by Maple Lawn at this time."

7. On April 10, 2014, the Monitor and Maple Lawn filed their first Annual Report on Compliance With the Settlement Agreement, covering the period March 22, 2013 through March 27, 2014.

8. On October 3, 2014, the Monitor and Maple Lawn filed a Semi-Annual Report on Compliance With the Settlement Agreement, covering the period March 22, 2013 through September 19, 2014.

9. On March 31, 2015, the Monitor and Maple Lawn filed a Second Annual Report on Compliance With the Settlement Agreement covering the period March 27, 2014 through March 19, 2015.

10. On October 6, 2015, the Monitor and Maple Lawn completed their Semi-Annual Report for the Period of March 19, 2015 to September 20, 2015.

11. The Settlement Agreement provides that "This Agreement shall terminate when Defendant has achieved substantial compliance with each provision of the Agreement and has maintained substantial compliance with the Agreement for a period of two years. The parties agree and stipulate that Maple Lawn achieved substantial compliance on January 15, 2014, and has remained in substantial compliance at all times to and through January 15, 2016.

WHEREFORE, for the reasons stated herein, the Parties jointly stipulate to the dismissal of this action, with each party to bear its own costs, and the Parties jointly move this Court for its order dismissing the case.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 15, 2016, I electronically filed a true and accurate copy of the foregoing with the Clerk of the Court by using the Court's electronic filing system, and also provided a copy by email to Katherine Houston at the email address specified above.

R. Ryan Harding