

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff, and)	
)	
PEOPLE FIRST OF TENNESSEE, et al.,)	
)	
Plaintiffs-Intervenors,)	
)	
v.)	No. 92-CV-2062-JPM-tmp
)	
STATE OF TENNESSEE, et al.,)	
)	
Defendants, and)	
)	
PARENT-GUARDIAN ASSOCIATIONS)	
OF ARLINGTON DEVELOPMENTAL)	
CENTER,)	
)	
Defendants-Intervenors.)	

**ORDER GRANTING JOINT MOTION TO VACATE ALL OUTSTANDING INJUNCTIVE
RELIEF AND DISMISSING THE CASE WITH PREJUDICE**

Before the Court is the Report and Recommendation of Magistrate Judge Diane K. Vescovo (ECF No. 3009), filed November 8, 2013, recommending that the Court find Defendants have complied with all material provisions of the Exit Plan (ECF No. 2941).

Additionally, on November 8, 2013, the Court, per notice to the Parties (ECF No. 2989), held a hearing to receive the Final Report of the Court Monitors (ECF No. 3014), the final statements of the Parties, and Notices of Points of Concern from

the Parties (ECF Nos. 3005-07). The Report and Recommendation recommends the Court find Defendants have completed the following provisions of the Exit Plan:

- Section II.K.2;
- Section II.L;
- Section II.M.1;
- Section II.M.2;
- Section II.M.3;
- Section VI.A;
- Section VI.F;
- Section VI.G; and
- Section VII.B.

(ECF No. 3009 at 1-2.)

In addition, based upon the Court's previous findings of State compliance with all other material provisions of the Exit Plan (see Report and Recommendations, ECF No. 2957, adopted by the Court, ECF No. 2963; Report and Recommendations, ECF No. 2959, adopted by the Court, ECF No. 2967; Report and Recommendations, ECF No. 2970, adopted by the Court, ECF No. 2975; Report and Recommendations, ECF No. 2974, adopted by the Court, ECF No. 2980; Report and Recommendations, ECF No. 2978, adopted by the Court, ECF No. 2981; Report and Recommendations, ECF No. 2983, adopted by the Court, ECF

No. 2986; Report and Recommendations, ECF No. 2988, adopted by the Court, ECF No. 3010; Report and Recommendations, ECF No. 2996, adopted by the Court, ECF No. 3011; Report and Recommendations, ECF No. 3004, adopted by the Court, ECF No. 3012), the Report and Recommendation recommends the Court find Defendants have complied with all material provisions of the Exit Plan. (ECF No. 3009 at 2.)

No objections to the Report and Recommendation (ECF No. 3009) have been filed, and the time for filing objections has expired.

On de novo review of the Magistrate Judge's Report and Recommendation, supplemented by the statements of the Parties, and recognizing the Points of Concern received from the Parties and acknowledged by the State of Tennessee, the Court hereby ADOPTS the Report and Recommendation (ECF No. 3009). The Court finds Defendants have completed the provisions in Section II.K.2, II.L, II.M.1, II.M.2, II.M.3, VI.A, VI.F, VI.G, and VII.B of the Exit Plan. The Court further finds Defendants have substantially complied with all material provisions of the Exit Plan.

Following Judgment entered on August 3, 1995, for the United States of America (ECF No. 414), the Court retained jurisdiction to enforce the Remedial Order of September 2, 1994

(ECF No. 338), and the subsequent orders of the Court, including the Exit Plan of January 17, 2013 (ECF No. 2941). Pursuant to Paragraph 7 of the Agreed Order approving the Exit Plan (ECF No. 2942), all outstanding injunctive relief heretofore entered in this case is hereby VACATED, and this case is DISMISSED WITH PREJUDICE as set out in the Supplemental Judgment (ECF No. 3020) which is entered simultaneously with this Order and is incorporated herein as if set out verbatim.

The Court shall continue to have jurisdiction solely to resolve any claims or disputes regarding attorney fees related to this matter.

IT IS SO ORDERED, this 4th day of December, 2013.

/s/ Jon P. McCalla
JON P. McCALLA
U.S. DISTRICT COURT JUDGE