

1 Name, Bar No. XXXX
2 ORGANIZATION
3 Address
4 City, State ZIP
5 Phone
6 Attorney for Plaintiffs

7 Name
8 ORGANIZATION
9 Address
10 City, State ZIP
11 Phone
12 Attorneys for Plaintiffs

13 Name
14 ORGANIZATION
15 Address
16 City, State ZIP
17 Phone
18 Attorneys for Defendant

19 Name
20 ORGANIZATION
21 Address
22 City, State ZIP
23 Phone
24 Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

25 Plaintiff A, individually as parent)
26 and next friend of her minor children, and)
27 **Plaintiff B**, individually as parent) NO: CIV 99-106 TUC WDB
28 and next friend of her minor children, on)
behalf of all other minors similarly situated,)
Plaintiffs,)
vs.)
XXXXXX, Director, Arizona)
Department of Economic Security,)
Defendant.)

STIPULATION AND ORDER OF
DISMISSAL

(The Honorable XXXXXXXX)

1 WHEREAS, this action alleges that A.R.S. §§ 46-299 and 46-300 and implementing
2 rules violate the due process clause of the United States Constitution and that the aforesaid
3 statute and rules, as applied, deprive plaintiffs and members of the putative class of a
4 substantial property interest without due process of law;
5

6 WHEREAS, plaintiffs seek declaratory and injunctive relief against the operation of so
7 much of A.R.S. §§ 46-299 and 46-300 and implementing rules that plaintiffs allege violate the
8 due process clause of the United States Constitution;
9

10 WHEREAS, a class has not yet been certified in this action;

11 WHEREAS, defendant and the Arizona Department of Economic Security (the
12 “Department”) deny all of plaintiffs’ allegations and any and all liability for programs administered
13 pursuant to A.R.S. §§ 46-299 and 46-300 and implementing rules:
14

15 WHEREAS, the parties have agreed to resolve all the issues presented in this litigation
16 without further proceedings and without admitting any fault or liability; and
17

18 WHEREAS, the parties desire to settle this action on the terms and conditions agreed to
19 in the Principles of Agreement (“Principles”) that are attached as Appendix “A;”
20

21 **IT IS HEREBY ORDERED:**

22
23 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

24 1. This action is voluntarily dismissed without prejudice pursuant to Rule 41(a)(1)(ii)
25 of the Federal Rules of Civil Procedure.
26
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1 **PRINCIPLES OF AGREEMENT**

2 2. The Principles identify those matters the parties agree to accomplish in
3 exchange for the dismissal of this action.
4

5 3. The failure of either party to implement or to otherwise execute any matter
6 agreed to in the Principles, without the agreement or consent of the other party or the party's
7 authorized representatives or counsel, shall constitute a violation of this Stipulation and Order of
8 Dismissal ("Stipulation and Order") and shall be fully enforceable before this Court.
9
10

11 **JURISDICTION OF THE COURT**

12 4. This Court shall retain jurisdiction over this Stipulation and Order and the
13 Principles for modification and enforcement purposes during the term specified in Section XIV of
14 the Principles.
15

16 **GENERAL PROVISIONS INVOLVING THIS STIPULATION AND ORDER**

17 5. No provision in this Stipulation and Order or the attached Principles shall infringe
18 upon the right of any individual identified in this cause of action to seek relief against defendant
19 in the appropriate forum for an alleged violation of A.R.S. §§ 46-299 and 46-300 and
20 implementing rules.
21

22 6. Nothing contained in this Stipulation and Order and the attached Principles shall
23 be deemed to be a finding or an admission that defendant has in any manner violated plaintiffs'
24 rights as contained in the Constitution, Statutes, Rules, and Regulations of the United States or
25 the State of Arizona.
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7. No provision of this Stipulation shall be deemed a waiver by the defendant of his rights under the Tenth and Eleventh Amendments to the United States Constitution.

8. Defendant shall pay, pursuant to 42 U.S.C. Section 1988, plaintiffs' attorney's fees in the sum of \$115,000 within 30 days of the date the Court approves and signs this Stipulation and Order ("Court Order date"). Payments of the amounts recited in this paragraph 8 will be made by check payable to the William E. Morris Institute for Justice in full satisfaction of all claims for fees and costs arising out of this cause of action.

9. Prior to either party making a motion for enforcement or contempt of this Stipulation and Order based upon claimed violations, the aggrieved party shall follow the dispute process in Section XI of the Principles in order to give the other party an opportunity to cure such alleged violations.

10. This Stipulation and Order and the Principles are final and binding upon the parties, their successors, and assigns.

On Consent:

DATED:

PHOENIX, ARIZONA

ORGANIZATION

By: _____
Name
ORGANIZATION
Address
City, State ZIP
Phone

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Attorney for Plaintiffs

ORGANIZATION

By: _____

Name
ORGANIZATION
Address
City, State ZIP
Phone

ORGANIZATION

By: _____

Name
ORGANIZATION
Address
City, State ZIP
Phone
Attorney for Defendant

**OFFICE OF THE ARIZONA
ATTORNEY GENERAL**

XXXXXXX
Attorney General

By: _____

XXXXXXXXXX
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorneys for Defendant

SO ORDERED:

DATED:

PHOENIX, ARIZONA

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THE HONORABLE XXXXXXXXXXXXX
UNITED STATES DISTRICT COURT JUDGE