

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 0000-432355

03/09/2010

HON. KAREN L. O'CONNOR

CLERK OF THE COURT  
L. Owens  
Deputy

CHARLES ARNOLD

EDWARD L MYERS III

v.

STATE OF ARIZONA DEPT OF HEALTH  
SERVICES, et al.

GREG D HONIG

DENNIS I WILENCHIK  
ANNE C RONAN  
STEVEN SCHWARTZ  
CENTER FOR PUBLIC REPRESENTATI  
22 GREEN ST  
NORTHAMPTON MA 01060  
JOSEPH KANEFIELD  
KAREN J HARTMAN  
DONALD M PETERS  
CHARLES L ARNOLD

UNDER ADVISEMENT RULING

The Court has considered the parties' Joint Stipulation to Stay Litigation During Fiscal Budget Crisis; public comment; and the attorneys' statements.

The issues raised pursuant to the stipulation are difficult for all those involved. Class members are understandably concerned with the staying of the proceedings without a court monitor. For the past many years, they have had no better friend than court monitor, Nancy Diggs. She has worked tirelessly in her efforts to provide accurate and reliable information to the Court and the parties so that decisions could be made regarding the quality of behavioral health

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care. In addition, she provided class members a venue to voice concerns and receive assistance. Her hard work and dedication for so many years has been greatly appreciated.

Without a court monitor's oversight, there is an understandable expectation that treatment and services will suffer. However, the parties' analysis of the budget issues affecting this case is without opposition. There is not enough funding available to provide compliance with the court orders or to pay litigation costs for the next two years. Further, there is no dispute that the legislature has the willingness and the votes to repeal the law affecting this case in order to pass a state budget. Approving the stipulation takes away any budgetary reason the legislature may have for repealing the law. Therefore,

IT IS ORDERED approving the stipulation, all in accordance with the formal written order signed this date.

IT IS FURTHER ORDERED that the parties shall work with the Court Monitor to ensure that any files or documents in her possession that must be retained are retained in accordance with the law.

The Court acknowledges the efforts by Anne Ronan and Joe Kanefield in working together and reaching this agreement. Both proceeded with a mind set to do the best they could for class members under these extraordinary circumstances and they did so with level heads and being fair and reasonable in their negotiations.