

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division**

Catherine Hutchinson, et al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 07-30084-MAP
)	
Deval L. Patrick, et al.)	
)	
Defendants.)	
)	

JOINT MOTION FOR DISMISSAL

Pursuant to Fed.R.Civ.P. 41(a)(2), and consistent with Fed. R. Civ. P. 23 and Paragraph 51 of the Amended Settlement Agreement, the parties hereby move to dismiss this action with prejudice. In support of this Motion, they state as follows:

1. Plaintiffs and Defendants entered into an Amended Settlement Agreement that was approved by the Court pursuant to Fed. R. Civ. P. 23(e) on September 18, 2013. (Attached to Memorandum in Support, Ex. A). As required by that Amended Agreement, the Defendants have expanded their home and community-based service system for Class Members with Acquired Brain Injuries (ABI), conducted outreach to Class Members in nursing and long-term rehabilitation facilities to inform them about the opportunity for community living, coordinated the transition of Class Members who chose to transition to the community, and provided a range of integrated services and supports to such individuals in the community.

2. Specifically, and as set out in the Joint Memorandum in Support of Dismissal, the Defendants have added an additional 1,083 waiver slots in accordance with the terms of the Agreement. As of December 31, 2020, the Defendants have transitioned 1,187 Class Members

to the community. They have identified and met with Class Members in facilities to inform them of community living opportunities, developed family and peer-to-peer networks, implemented rules, regulations and policies governing the ABI and MFP waivers, expanded available services, provided agreed upon data, and met quarterly with the Plaintiffs. These actions demonstrate substantial compliance with their obligations under the Agreement.

3. Defendants also have stated their intention to continue existing outreach activities to Class Members in facilities, and to maintain and expand the ABI and MFP waivers and their service networks, as evidenced by the renewal of the ABI and MFP waivers beyond the term of the Amended Agreement,

WHEREFORE, for the reasons set forth in the Joint Memorandum in Support, the parties respectfully request that the Court schedule a hearing on this matter and dismiss this action with prejudice, consistent with Fed. R. Civ. P. 23 and Paragraph 51 of the Amended Settlement Agreement.

Dated: August 24, 2021

RESPECTFULLY SUBMITTED,

MAURA HEALEY
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2021, I electronically filed the foregoing document using the CM/ECF system. I certify that the counsel of record are registered as ECF filers and that they will be served by the cm/ecf system to: Steven J. Schwartz, sschwartz@cpr-ma.org and Kathryn L. Rucker, krucker@cpr-ma.org,

/s/ Samuel Furgang