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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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at 1 o'clock and 30 min P.M.
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 91-00137 DAE/KSC
)	
Plaintiff,)	ORDER DISMISSING ACTION
vs.)	WITH PREJUDICE
)	
STATE OF HAWAII, LINDA LINGLE,)	
Governor, CHIYOME L. FUKINO,)	
Director of Health; MICHELLE R.)	
HILL, Deputy Director, Behavioral)	
Health Administration of the Department)	
of Health; MARK A. FRIDOVICH,)	
Administrator, Hawaii State Hospital ¹ ,)	
)	
Defendants.)	

¹ Pursuant to F.R. Civ.P. 25(d)(1) the following public officer is substituted for his formerly named predecessor in his official capacity only: Mark A. Fridovich, Administrator, Hawaii State Hospital, is substituted for William T. Elliott former Acting Administrator, Hawaii State Hospital.

ORDER DISMISSING ACTION WITH PREJUDICE

On December 10, 2004, pursuant to the parties' Stipulation for Dismissal of Hawaii State Hospital Remedial Plan for Compliance, the Court entered its Order dismissing with prejudice the Hawaii State Hospital Remedial Plan ordered by the court on February 21, 2002 (HSH Plan) and all stipulations and orders related to the Hawaii State Hospital theretofore entered in this action, with the exception of Section I(1)(xi) of the HSH Plan, which Section was incorporated into the Plan for Community Mental Health Services ordered by the Court on January 23, 2003 (Community Plan).

On October 26, 2005, the Court approved a Joint Stipulation And Order Regarding Plan For Community Mental Health Services (Oct. 2005 Stipulation and Order) that provided in pertinent part as follows:

In the event that the Court determines that Defendants have not achieved substantial compliance with the Community Plan by June 30, 2006, Defendants shall present to the Court a detailed description of the processes, procedures, structures, and programs to complete implementation of the Community Plan. Defendants shall continue their efforts to implement the Community Plan under the supervision of the Court, Special Master, and the Special Monitor until termination on or before November 30, 2006. This lawsuit shall terminate nevertheless on November 30, 2006 by a dismissal with prejudice, as there are no conditions precedent to dismissal with prejudice on November 30, 2006.

Oct. 25 Stipulation and Order, at p.6, para.G

NOW, THEREFORE, this action is hereby dismissed with prejudice effective November 30, 2006.

DATED: Honolulu, Hawaii, DEC 1 2006.

DAVID ALAN EZRA
DAVID ALAN EZRA
United States District Judge

USA v. SOH, et al., CIVIL NO. 91-00137, ORDER DISMISSING ACTION WITH PREJUDICE