

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA,


Defendant.

Case No. 5:12-cv-557-D

**CONSENT ORDER ENTERING
THIRD MODIFICATION OF SETTLEMENT AGREEMENT**

Having considered the Joint Motion to Enter Third Modification of Settlement Agreement (“Joint Motion”), D.E. 39, the Court hereby GRANTS the Joint Motion and specifically retains jurisdiction to enforce the 2012 Settlement Agreement, D.E. 2-2, as modified in 2017, D.E. 30-1, and in 2020, D.E. 36-1, and as further modified by the instant Third Modification of Settlement Agreement filed on March 1, 2021 as Attachment A to the Joint Motion, incorporated here by reference.

SO ORDERED this 1 day of March, 2021.



JAMES C. DEVER III
United States District Judge

ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NORTH CAROLINA,

Defendant.

Case No. 5:12-cv-557-D

THIRD MODIFICATION OF SETTLEMENT AGREEMENT

1. This document modifies the Settlement Agreement (“Agreement”) in the above-referenced matter between the United States and the State of North Carolina (collectively, the “Parties”). Details of the Agreement and subsequent modifications thereto are set forth in the Second Modification of Settlement Agreement that the Parties filed on October 21, 2020, D.E. 36-1, and are incorporated here by reference. *See also* D.E. 37 (Order granting Parties’ Joint Motion to Enter Second Modification of Settlement Agreement).
2. The parties now enter a third modification, which amends Section V(C) to read as follows:

The Court shall retain jurisdiction of this action for the purposes specified in Section V(A) until July 1, 2021 unless:

(1) the Parties jointly ask the Court to terminate the Agreement before July 1, 2021. If the State has substantially complied with the Agreement before that date, the United States shall not unreasonably decline to join the State in a motion to terminate the Agreement early; or

(2) the United States disputes that the State is in substantial compliance with the Agreement as of July 1, 2021. If so, the United States shall inform the Court and the State by March 31, 2021 that it disputes substantial compliance, and the Court may schedule further proceedings as appropriate. In any such proceedings, the burden shall be on the State to demonstrate substantial compliance.

3. This modification incorporates by reference and amends the Agreement the Parties entered on August 23, 2012 and the prior modifications that the Parties entered on October 27, 2017 and October 21, 2020. This modification supplements and does not supplant the Agreement or the prior modifications. Unless otherwise noted, all definitions, obligations, and terms and conditions in the Agreement and prior modifications remain in force for the term of the Agreement as extended.

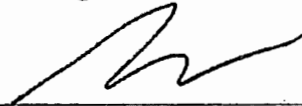
Executed on this 1st day of March, 2021.

FOR THE UNITED STATES:

G. NORMAN ACKER III
Acting United States Attorney
Eastern District of North Carolina

JOSHUA B. ROYSTER
Assistant United States Attorney
Chief, Civil Division
Eastern District of North Carolina

PAMELA S. KARLAN
Principal Deputy Assistant Attorney General
Civil Rights Division


REBECCA B. BOND
Chief
Disability Rights Section
Civil Rights Division

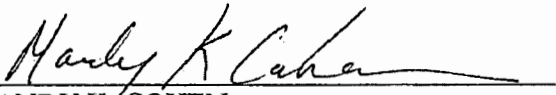
ANNE S. RAISH
Principal Deputy Chief
Disability Rights Section
Civil Rights Division

ELIZABETH S. WESTFALL
Deputy Chief
Disability Rights Section
Civil Rights Division

JULIA M. GRAFF
H. JUSTIN PARK
Trial Attorneys
Disability Rights Section
Civil Rights Division

Executed on this 1st day of March, 2021.

FOR THE STATE OF NORTH CAROLINA:


MANDY K. COHEN
Secretary of the North Carolina Department of Health and Human Services