



That Mr. Cohen's resignation as the Monitor is accepted by the Court. His resignation shall be effective as of the date of this order;

That the Plaintiff's Motion to Dismiss Fred Cohen as Monitor is dismissed as moot;

That the motion hearing set for October 25, 2010 is vacated;

That Vincent Nathan is appointed as Interim Monitor effective as of the date of this order. Mr. Nathan shall be vested with the full powers and responsibilities of a Monitor as provided in the Stipulation for Injunctive Relief until such time as the Court appoints a permanent Monitor. Mr. Nathan shall be compensated at the hourly rate for which he is currently compensated as a member of the Monitoring Team;

That Mr. Cohen's transition request is granted. DYS shall maintain Mr. Cohen's and Ms. Mitchell's contracts for personal services for thirty days from the date of this order. During that time, Mr. Cohen may conduct matters necessary for his transition from the role of Monitor. Any activities undertaken pursuant to the transition that require or depend upon the power of the Monitor for their execution shall be approved or denied by the Interim Monitor;

That in accordance with Paragraph 253 of the Stipulation for Injunctive Relief, which governs "[i]n the event that Fred Cohen is unable or unwilling to serve as the Monitor," the parties shall each submit for the Court's approval two candidates for the position of Monitor. The Court will also accept the joint submission by the Parties of a nominee or nominees if the Parties succeed in their attempt to reach a consensus. The submissions, whether joint or separate,

shall be filed on or before November 19, 2010, and shall only be for candidates who are willing and able to serve as Monitor if selected by the Court.

**IT IS SO ORDERED.**

**/s Algenon L. Marbley**  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATE: October 21, 2010**