

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is entered into by and between PRISON LEGAL NEWS ("PLN") and the MASSACHUSETTS DEPARTMENT OF CORRECTION ("DEPARTMENT"), on behalf of itself and HAROLD CLARKE, JAMES BENDER, JOHN MARSHALL, and KATHLEEN DENNEHY (collectively "the DEFENDANTS").

WHEREAS, PLN commenced a lawsuit in the United States District Court for the District of Massachusetts, entitled Prison Legal News v. Harold Clarke, et al., USDC NO. 08-10677-RGS (the "litigation"); and

WHEREAS, the DEPARTMENT and the DEFENDANTS deny any violation of PLN's constitutional rights and deny all of the legal claims asserted or which could have been asserted by PLN in the litigation or in any other forum; and,

WHEREAS, the parties wish to settle the litigation in the spirit of compromise and in avoidance of further protracted litigation;

NOW, THEREFORE, in consideration for the promises contained herein, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The DEPARTMENT shall pay PLN the sum of \$5,000.00 (five thousand dollars), inclusive of any attorneys fees and costs, by delivering a check for that amount to its counsel, the Law Offices of Howard Friedman, made payable to, "Howard Friedman as attorney for PRISON LEGAL NEWS", in full settlement of all claims against the defendants arising out of or related to the acts and omissions alleged in the above described litigation. The DEPARTMENT shall forthwith initiate the process by which the Commonwealth of Massachusetts shall issue payment.

2. The DEPARTMENT acknowledges that PLN sells and otherwise distributes books, magazines and other publications, some of which PLN publishes and some of which PLN does not (collectively, "publications"). The DEPARTMENT agrees that PLN may distribute to DEPARTMENT inmates any of the publications it currently distributes or that it may in the future distribute, subject to the requirements set forth in 103 CMR 481.00, Inmate Mail. The DEPARTMENT further acknowledges that it has provided notice to all superintendents that PLN may distribute its publications to DEPARTMENT inmates, subject to the requirements set forth in 103 CMR 481.00, Inmate Mail. The DEPARTMENT further agrees to re-issue a notice to all superintendents that PLN may distribute its publications to DEPARTMENT inmates, subject to the requirements set forth in 103 CMR 481.00, Inmate Mail.
3. The DEPARTMENT shall provide a general notice to all DEPARTMENT inmates that they may order and receive publications from PLN, subject to the requirements set forth in 103 CMR 481.00, Inmate Mail, by posting this information in an area where inmates generally receive notices and information at the inmate law library at each DEPARTMENT facility. The DEPARTMENT may note that the notice is for informational purposes only, and that said notice does not in any way represent the DEPARTMENT'S views, promotion, endorsement or sponsorship of PLN, moreover, that some of these publications may be available through other sources as well.
4. The DEPARTMENT agrees to notify PLN in writing, pursuant to 103 CMR 481.16(2) if any publication sent by PLN is received at any DOC institution but not delivered to the inmate to whom it was addressed. Such notice shall include the reason the publication was not delivered.
5. PAUL WRIGHT, an authorized representative for PLN, shall sign a Release, a copy of which is attached hereto.
6. Upon execution of this Settlement Agreement, PLN shall execute the attached Stipulation of Dismissal, and deliver it forthwith to counsel for the DEPARTMENT, who shall then execute it and file it with the United States District Court for the District of Massachusetts.
7. This Settlement Agreement shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

- 8. This Settlement Agreement constitutes and embodies the entire agreement and understanding between the parties.
- 9. If any term of this Settlement Agreement shall be held to be invalid, illegal or unenforceable, the validity of all other terms hereof shall be in no way affected thereby, and this Settlement Agreement shall be construed and enforced as if such invalid, illegal or unenforceable term had not been included herein.

IN WITNESS WHEREOF, each of the parties hereto has caused this Settlement Agreement to be executed in their names and on their behalf.

PLAINTIFF:

By Its Attorney:



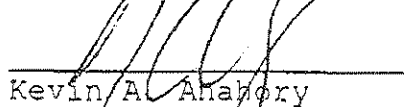
Dated: 4/23/09

David Milton
Law Offices of Howard Friedman, P.C.
90 Canal Street, 5th Floor
Boston, MA 02114
(617) 742-4100

DEFENDANTS:

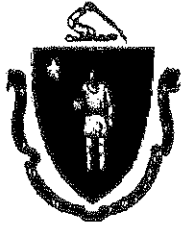
By Their Attorneys:

NANCY ANKERS WHITE
SPECIAL ASSISTANT ATTORNEY GENERAL



Dated: 5/12/09

Kevin A. Anahory
Counsel
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110
(617) 727-3300 ext. 125



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety & Security
Department of Correction
Northern Sector
P. O. Box 9125
Concord, MA 01742-9125

(978) 405-6600 Fax: (978) 405-6619

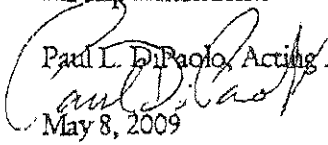


Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners
Paul L. DiPaolo
Acting Assistant Deputy
Commissioner

MEMORANDUM

TO: All Superintendents

FROM:  Paul L. DiPaolo, Acting Assistant Deputy Commissioner

DATE: May 8, 2009

SUBJECT: Prison Legal News - Settlement Agreement

Subject to the requirements set forth in 103 CMR 481.00, Inmate Mail, Prison Legal News may distribute its publications to Department inmates. Moreover, if a publication is received at the institution, but is not delivered to the inmate to whom it was addressed, please ensure that the institution's Mailroom staff follow 103 CMR 481.16(2), including providing written notice to Prison Legal News detailing the reasons for the denial.

Please provide a copy of this notice to your Mailroom staff and ensure the notice is posted in the institution's Mailroom.

If there are any questions pertaining to this notice, contact our office. Thank you for your cooperation.

cc: James R. Bender, Deputy Commissioner
Nancy A. White, General Counsel
Kevin A. Anahory, Counsel
Luis S. Spencer, Assistant Deputy Commissioner - Southern Sector
File



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Correction

Division of Inmate Training and Education

Post Office Box 71

Hodder House

2 Merchant Road

Framingham, MA 01704-0071

Tel: (508)-935-0901

Fax: (508)-935-0907



Harold W. Clarke
Commissioner

James R. Bender
Ronald T. Duval
Veronica M. Madden
Deputy Commissioners

Carolyn J. Vicari
Director

To: Department of Correction Librarians
From: Mary-Jo Sweeney, Manager of Library Services
Re: Prison Legal News
Date: May 12, 2009

The Department of Correction Legal Division has requested that the attached notice concerning Prison Legal News be placed in an area where inmates generally receive notices and information at every inmate library. Please ensure this notice is posted. Please notify institution personnel, as needed, concerning posting of this message. Let me know if you have any questions.

Thank you.

Subject to the requirements set forth in 103 CMR 481.00, Inmate Mail, you may purchase and receive publications from Prison Legal News. This notice is for informational purposes only and does not in any way represent the Department of Correction's views, promotion, endorsement or sponsorship of Prison Legal News; moreover, some of the publications may be available through other sources as well.