

2. Plaintiffs filed their complaint and motion for temporary restraining order and preliminary injunction in this matter on September 23, 2008, and served a copy of the same upon Emery Milliken, process agent for DHHS on September 26, 2008.
3. On September 25, 2008, a hearing on the request for the temporary restraining order was held before the Honorable Alan Baddour, Superior Court Judge. Upon reviewing the pleadings, affidavits and hearing arguments of counsel, Judge Baddour entered a temporary restraining order enjoining the Department from proceeding with its plan to move patients from the Central Regional Hospital Raleigh Campus to the new hospital in Butner, and set the injunction hearing for October 6, 2008.
4. On October 1, 2008 Judge Baddour signed a Consent Order Continuing Temporary Restraining Order, in which the parties agreed to continue the restraining order in effect until further orders of the court.
5. The Department has worked to resolve the issues raised in the complaint and Secretary of the Department of Health and Human Services, Lanier M. Cansler, has worked closely with representatives of Disability Rights North Carolina to address their concerns with moving patients to the new facility.
6. The Department has held meetings with Plaintiff Disability Rights to review its new plan to move patients from the Raleigh Campus to Butner.
7. The safety concerns raised in the complaint have been appropriately addressed, and the Department is ready to move forward with implementing its new plan to move patients from the Raleigh Campus to Butner.

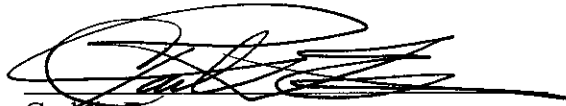
Based upon the foregoing findings of fact, the court makes the following:

CONCLUSIONS OF LAW

1. That the allegations of unsafe conditions at the Butner Campus which gave rise to the issuance of the temporary restraining order have been resolved.
2. The Plaintiffs do not object to the dissolution of the temporary restraining order.

Based upon the foregoing findings of fact and conclusions of law, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the temporary restraining order entered September 25, and extended by consent on October 1, 2008 is hereby dissolved.

This the 7th day of October, 2009.



Carl R. Fox
Superior Court Judge Presiding