

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

BLANCHE W. BELL,
Plaintiff,
vs.
THE EPISCOPAL CHURCH HOME, INC.,
d/b/a BISHOP GADSDEN RETIREMENT
COMMUNITY,
Defendant.

Case Number: 2:05-1953-DCN-RSC

CONSENT ORDER

Plaintiff, Blanche W. Bell, having filed a Motion for Preliminary Injunction ("Motion"), and the parties hereto having conferred by and through their undersigned counsel and having reached a proposed resolution to said Motion, pursuant to the provisions, reservations and without any admissions, as set forth below;

IT IS NOW HEREBY ORDERED, by and with the consent of the parties, as follows:

The parties specifically and fully reserve and preserve any and all claims, defenses, arguments and positions (collectively referred to as "Claims") they have or may raise in this action against each other. This Consent Order in no way represents any waiver of any such Claims and is entered into without any admissions of any allegations or Claims raised in the Motion and in this litigation now or in the future. Having fully reserved and preserved all Claims and without any admissions, the parties agree as follows:

Plaintiff is allowed to continue her residency in her current apartment at Bishop Gadsden Retirement Community during the pendency of this action before the United States District Court with Plaintiff providing, at her sole cost, her own personal care through her personal care attendants, and Plaintiff accepts full and sole responsibility and liability for the care received from such personal care attendants and any consequences there from;

Plaintiff agrees to make no claims, causes of action or other demands against Bishop Gadsden Retirement Community resulting from any care received from her own personal care attendants;

Defendant will provide, pursuant to this Consent Order and without waiver of any and all Claims it may raise in this action and without admission of any allegations of Plaintiff, which it vehemently disputes, only those services to Plaintiff as outlined in the parties' Residence and Services Agreement ("Agreement") and will not provide, nor be responsible for, providing any personal care services beyond those outlined in the Agreement for apartment residents for such time as she remains in an apartment;

Plaintiff agrees to provide Defendant a list of all persons providing her care, prior to the provision of any services to Plaintiff by such persons, as follows: (1) for those individual persons providing Plaintiff care, they must be listed on Defendant's Sitter Registry and must meet the requirements of Sitter registrants, and/or (2) for those persons providing Plaintiff care through an outside home health agency, they must not be former employees of Defendant, unless approved by Defendant, but are not otherwise required to be listed on Defendant's Sitter Registry;

The Agreement will control and govern the relationship between the Plaintiff and Defendant for all items not otherwise explicitly modified in this Consent Order; and

The parties agree that, should this action continue by an appeal taken by either party from a judgment of the United States District Court, the relief mutually agreed to in this Consent Order shall end, but such end shall be without prejudice to the parties' rights, if any, to request an extension of such relief during any period of appeal subject to the requirements of Rules 62 and/or 65, Federal Rules of Civil Procedure, and such other and further district court and

appellate court rules as may be applicable.

AND IT IS SO CONSENTED AND ORDERED.



The Honorable David C. Norton
United States District Judge

July 25, 2005
Charleston, South Carolina

WE SO AGREE:

s/ Harriet McBryde Johnson
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ATTORNEYS FOR THE PLAINTIFF

WE SO AGREE:

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