

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW MEXICO**

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UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
THE CITY OF ALBUQUERQUE,)	
)	
Defendant,)	CIVIL NO: 1:14-cv-1025-RB-SMV
)	
v.)	
)	
THE ALBUQUERQUE POLICE)	
OFFICERS' ASSOCIATION,)	
)	
Intervenor.)	
)	
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**NOTICE OF PARTIES' SUBMISSION OF FIRST AMENDED AND RESTATED
COURT-APPROVED SETTLEMENT AGREEMENT**

Plaintiff, United States of America, and Defendant, City of Albuquerque (collectively, the "Parties"), file this Notice, with the consent of Intervenor Albuquerque Police Officers' Association ("APOA") and the concurrence of the Independent Monitor, for the purpose of submitting for the Court's review and approval a First Amended and Restated Court-Approved Settlement Agreement, which updates the original Settlement Agreement filed on November 14, 2014 (Doc. 9-1) by incorporating court-approved changes, modifications, and amendments to the original Settlement Agreement since its filing. The original Settlement Agreement was signed by the chief principals of the City of Albuquerque and the United States of America to resolve

allegations that the Albuquerque Police Department engaged in a pattern or practice of using excessive force. This Court approved the original Settlement Agreement and entered it as an Order of the Court on June 2, 2016. (Doc. 134).

After the original Settlement Agreement was approved and entered as an Order, the Parties and APOA jointly stipulated to modify the original Settlement Agreement under Paragraph 338 of the Agreement (*See* Doc 9-1, ¶ 338) on five separate occasions. The Independent Monitor concurred in each of the five stipulations and each was thereafter approved by this Court. The First Amended and Restated Court-Approved Settlement Agreement incorporates each of these modifications to the original Settlement Agreement and is intended to facilitate access to the most current and complete version of the Court-Approved Settlement Agreement. The Parties are not seeking additional amendments beyond those already approved by this Court through this Notice.

Specifically, the First Amended and Restated Court-Approved Settlement Agreement incorporates changes from the following Joint Stipulations filed by the Parties and approved by this Court: Doc. 140, filed August 21, 2015; Doc. 157, filed January 14, 2016; Doc. 166, filed February 29, 2016; Doc. 179, filed May 30, 2016; and Doc. 230, filed November 18, 2016. These Joint Stipulations have resulted in modification of the following 36 paragraphs from the original Settlement Agreement: 12(ccc), 62, 63, 86, 89, 108, 111, 115, 117, 119, 124, 126, 127, 141, 142, 143, 144, 149, 151, 164, 169, 176, 196, 199, 200, 204, 212, 220, 231, 243, 258, 259, 300(c), 308, 309, and 319.

For the above reasons, the Parties and APOA, with the concurrence of the Independent Monitor, hereby submit the First Amended and Restated Court-Approved Settlement Agreement, reflecting changes to various paragraphs of the original Settlement Agreement.

For Plaintiff UNITED STATES OF AMERICA:

DAMON P. MARTINEZ
United States Attorney
District of New Mexico
ELIZABETH M. MARTINEZ
Executive Assistant United States Attorney
MICHAEL HOSES
Assistant United States Attorney
Chief, Civil Division
RUTH F. KEEGAN
Assistant United States Attorney
U.S. Attorney's Office
District of New Mexico
P.O. Box 607
Albuquerque, NM 87103
Telephone: (505) 346-7274
Email: Ruth.F.Keegan@usdoj.gov

T.E. WHEELER, II
Acting Assistant Attorney General
Civil Rights Division
ROBERT MOOSY
Deputy Assistant Attorney General
Civil Rights Division

/s/ Corey M. Sanders
STEVEN H. ROSENBAUM
Chief
EMILY GUNSTON
Special Counsel
LUIS E. SAUCEDO
Counselor to the Chief
COREY M. SANDERS
PATRICK KENT
Trial Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Telephone: (202) 305-3229
Facsimile: (202) 514-4883
Email: corey.sanders@usdoj.gov

For Defendant CITY OF ALBUQUERQUE:

/s/ Jessica M. Hernandez
JESSICA M. HERNANDEZ
City Attorney
JENICA L. JACOBI
Managing Assistant City Attorney
JERAMY SCHMEHL
Assistant City Attorney
City of Albuquerque
P.O. Box 2248
Albuquerque, NM 87103
Telephone: (505) 768-4500
Email: jmhernandez@cabq.gov

For Intervenor ALBUQUERQUE POLICE OFFICERS' ASSOCIATION:

/s/ Frederick M. Mowrer
FREDERICK M. MOWRER
Sanchez, Mowrer & Desiderio, P.C.
P. O. Box 1966
Albuquerque, NM 87103
Telephone: (505) 247-4321

Concur:

/s/ James D. Ginger
JAMES D. GINGER, Ph.D.
Independent Monitor
Public Management Resources, Inc.
6877 Francis Marion Road
Pamplico, SC 29583
Telephone: (843) 493-6293