

5/17/95

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED 3 7 c l y
I.;N 17 9 55 21 '95, f 4P
U.S. District Court (SizT
CIVIL ACTION NO. 82-0422-F / o / G ! 2 0

OLGA RAMOS, et al, >
Plaintiff 1

v i'

ERNEST E, PROULX, et al, ;
Defendants 1

AGREEMENT FOR ENTRY OF FINAL JUDGMENT - a&-

WHEREAS, it is the intention of the Plaintiffs and the Defendant City of Holyoke Gas and Electric Department and each of its commissioners, officers, employees and agents (hereafter, "HG&E") to resolve finally all issues between them raised by Plaintiffs' Amended Complaint without the time and expense of contested litigation;

WHEREAS, by entering into this agreed judgment, the parties intend to further their mutual objectives and legal obligations of providing equal housing opportunities for persons of all races and national origins;

WHEREAS, it is expressly understood by all parties to this agreement that HG&E makes no admission of liability nor admission of any past discriminatory practices nor shall this agreement be construed as evidence of any liability or any past discriminatory practice;

NOW, THEREFORE, the Plaintiffs and HG&E by their respective attorneys, hereby stipulate and agree that the following provisions may be approved by the Court as a Final Judgment in this action between Plaintiff and HG&E:

5-17-95
allowed this date
Freedom, S.S.

I. Termination of Service for Reasons Other than Non-Payment

- A. Nothing herein shall be construed to prevent terminations for reasons of safety, health, cooperation with proper civil authorities or for any other proper reason for which termination of power is specifically granted in the general laws. After receiving a notice from the City of Holyoke (City) requiring HG&E to terminate utility service to residential customers, HG&E shall post a notice in the building pursuant to 220 C.M.R. 25.04(10). Where service to a residential building is terminated on account of public health or safety after receiving such a notice from the City, HG&E shall post a notice in a common hallway of the building stating the reason for the termination and the fact that service will be restored if the danger to public health or safety is removed. The notice shall also include a telephone number at HG&E and at the Massachusetts Department of Public Utilities (DPU) which a tenant may call for an explanation of the situation and the tenant's rights. If any tenant disputes the existence of an unsafe condition, the tenant may apply to the DPU for an immediate determination of that issue. HG&E shall also notify the DPU immediately, when feasible, of any residence termination required by public safety or health, and in any event, within twenty-four (24) hours of such termination, excluding Saturdays, Sundays and holidays.
- B. If 220 C.M.R. 25.04(10) is subsequently amended, this Judgment shall automatically be modified by substituting the amended 220 C.M.R. 25.04(10) for Section IA above.

To the extent that applicable law provides for procedures which are broader or more stringent .that those set forth in this agreed judgment, then applicable law shall apply, notwithstanding this agreement.


C. Plaintiffs specifically waive all rights they may have to assert any continuing jurisdiction over HG&E in this case.

II. Waiver of Claims for Attorneys' Fees

A. The Plaintiffs and HG&E hereby waive any right they have to receive attorneys' fees or costs from each other relating or arising from claims brought to this action.


DATED: 9/19/76
Springfield, MA

DEFENDANTS, CITY OF HOLYOKE GAS
AND ELECTRIC DEPARTMENT, AND ITS
COMMISSIONERS, OFFICERS AND
EMPLOYEES



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