

1 **JOINT RESOLUTION APPROVING THE HOUGHTON CASE**
2 **FINAL SETTLEMENT AGREEMENT**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: Susan Duckworth

7
8 **LONG TITLE**

9 **General Description:**

10 This resolution approves the final settlement agreement in the Houghton case.

11 **Highlighted Provisions:**

12 This resolution:

- 13 ▶ approves the final settlement agreement in the Houghton v. Department of Health
14 case.

15 **Special Clauses:**

16 None

17
18 *Be it resolved by the Legislature of the state of Utah:*

19 WHEREAS, the Department of Health and other state entities and employees of Utah
20 were sued by Paul Houghton, and others representing a class of Medicaid recipients, alleging
21 failure to pay Medicaid recipient's attorney fees incurred in bringing third party liability claims;

22 WHEREAS, the matter was vigorously litigated by both parties for 16 years and went
23 up to the Utah Supreme Court four times;

24 WHEREAS, the parties have entered into a final settlement agreement;

25 WHEREAS, by entering into this settlement, the state of Utah agrees, if the settlement
26 is approved by the Third Judicial Court, Salt Lake Department, State of Utah, to pay on the
27 terms set forth in the final settlement agreement a total settlement amount of \$5,500,000, which
28 constitutes a full and final settlement, and shall satisfy all of the defendants' legal and equitable
29 liability to the plaintiffs and plaintiff's class;

30 WHEREAS, by entering into this settlement, the plaintiffs, representing the class of
31 Medicaid recipients who may have a claim against the state concerning the proceedings,
32 release, on the merits and with prejudice, all claims, causes of action, damages, or other forms
33 of relief whether known or unknown, actual or pending, threatened, which may now exist, or
34 may hereafter accrue, under federal or state law;

35 WHEREAS, a settlement of more than \$1,000,000 requires the Governor's and the
36 Legislature's approval before a government entity may sign such an agreement; and

37 WHEREAS, the Governor approved the final settlement agreement on February 9,
38 2011:

39 NOW, THEREFORE, BE IT RESOLVED that the Utah Legislature approves the
40 Houghton v. Department of Health, Final Settlement Agreement.