

In the United States District Court
For the Southern District of Alabama
Southern Division

Kevin P. Rooks, et al
Plaintiffs

v.

Thommy Herring, et al
Defendants

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Civil Action No. 92-0316-M

JOINT MOTION TO DISMISS

Comes now the United States Department of Justice, Special Litigation Section, Civil Rights Division by and through counsel, the Honorable Andrew Barrick, Plaintiffs, Intervenor, for inspection and compliance, Honorable Frederick H. Stevens, Conecuh County Attorney, representing CONECUH COUNTY, FREDDIE STALLWORTH, JEROLD DEAN, LEONARD MILLENDER, HUGH BARROW, and FRANK PATE, in their official capacities as Conecuh County Commissioners; EDWIN L. BOOKER, individually and in his official capacity as Sheriff of Conecuh County; and LARRY FARRELL, individually and in his official capacity as Chief Deputy of Conecuh County, Defendants, Honorable Ellen Leonard, representing Alabama Department of Corrections, Thommy Herring, Commissioner, defendant, and Henry Brewster and Robert Toone representing plaintiffs KEVIN P. ROOKS, JOHN PAUL OWENS, KENNETH EARL WILLIAMS, CURTIS SEXTON, individually and on behalf of all inmates in the Conecuh County Jail in Evergreen, Alabama, praying of this Honorable Court an Order to Dismiss in captioned cause, and in support the following is offered:

The Conecuh County Jail was inspected on June 6, 1996, by the United States Department of Justice representative who found the Jail in full compliance with the provisions of the Consent Decree with four exceptions the completion of

which were in progress on the day of the inspection and three of which have been completed since the inspection on June 6, 1996, and the fourth of which, training to the point of certification, is an ever ongoing factor due to jail personnel turnover.

The four and Conecuh's progress are:

1. Finance the training of those jail personnel who are not certified to the point of certification within the next 6 months.

Due to turn over in jail personnel training is an ongoing factor to which Conecuh is dedicated and committed.

2. Furnish two walkie talkie body radios to be used by the two jail employees on duty for safety communications.

The two walkie talkie radios were on hand in the jail on the day of the inspection but the employees were not using them. Sheriff hall has issued a stern order that they must be used.

3. Finance and install hard wire smoke alarm system for automatic notice of excessive smoke to Evergreen Fire Department.

This is part of the contract for a completely new telephone system for the jail the phone contractors were working in the jail on the day of the inspection. The Contract has since been completed. The hard wire warning system is in place.

4. Finance and install a seven day cranking clock for the emergency electrical generator.

This cranking clock has been purchased and is on hand as of June 13, 1996, and will be installed in a few days.

Conecuh County has filed with this Honorable Court its FINAL COMPLIANCE REPORT showing its completion of the provisions of the CONSENT ORDER as of June 13, 1996.

Conecuh County has acted in good faith to comply with the provisions of the Consent Decree in captioned cause and is in substantial compliance with the requirements of the Consent Decree. Therefore the jail now fully meets all constitutional requirements implicated by the terms of the settlement.

All parties in this case enter into this joint motion requesting this Honorable Court to dismiss this cause. Conecuh will fully perform its obligation to pay counsel for plaintiffs due costs, expenses, and attorneys' fees as set forth in paragraph 154 and Appendix D of the Consent Order. The parties request that this Court retain jurisdiction to enforce this specific provision of the Consent Order.

The United States Department of Justice, Civil Rights Division, Conecuh County, Alabama, Alabama Department of Corrections and Plaintiffs and Class Members by and through above named counsel enter into this Joint Motion asking this Honorable Court to Dismiss this cause.

Respectfully submitted,

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FAX TRANSMITTAL

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Transmittal Cover Sheet

Date: 11-6-96 Time: _____

To: Hon. Andrew Barrick, Special Litigation
Section Chief Civil Rights Division
US Dept of Justice FAX 202-514-0212
Washington D.C.

From: Fred Steuler Conecuh County Attorney
9 Court Sq - Evergreen Ala
RE: Re: Rules: JOINT MOTION TO DISMISS

Message: Am sending copy of

Number of Pages (including this cover sheet) 6

Some other names -

A diligent search this AM has not
located our signed copy -
Will send it when found -

Rooks & U.S. v. Herring



JC-AL-007-004