

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
CASE NO. 76-6086-CIV-MIDDLEBROOKS**

OLLIE CARRUTHERS, et al.,)
)
Plaintiffs,)
)
v.)
)
SCOTT J. ISRAEL, as Sheriff of Broward County, Florida, et al.)
)
Defendant.)
<hr/>)

**JOINT MOTION TO APPROVE
STIPULATION REGARDING ATTORNEYS' FEES**

Pursuant to the Court's Order dated August 15, 2017 ("Order") (DE 1011), counsel for Defendants and Plaintiffs conferred regarding Plaintiffs' fees and costs addressed by the Order. Plaintiffs have asserted that they are entitled to more than \$1 million in attorneys' fees, costs, and interest for services rendered by the National Prison Project of the ACLU Foundation and the ACLU Foundation of Florida (collectively "ACLU") in this action. However, in the interest of resolving this matter without any further litigation, the parties submit this stipulation for consideration and approval by the Court which, if adopted by the Court, wholly resolves Plaintiffs' Motion for Attorneys' Fees (DE 992), as well as any and all claims for fees, costs, and interest associated with litigating the Motion (DE 1014) (collectively, the "Motions").

IT IS STIPULATED AND AGREED between Plaintiffs and Defendants that:

1. Plaintiffs agree to accept a total of \$825,000 from Defendants collectively in full and complete satisfaction of all claims against Defendants for attorneys' fees, costs, and interest at issue in the Order and the Motions.

2. Of the \$825,000 to be paid to Plaintiffs per Paragraph 1 above, Broward County (the "County") shall pay \$350,000, and Sheriff Scott Israel of the Broward County Sheriff's Office ("Sheriff") shall pay \$475,000.

3. The foregoing sums shall be paid as follows:

A. From the County, \$350,000 in one payment no later than October 30, 2017.

B. From the Sheriff, \$200,000 in a payment no later than October 9, 2017, followed by \$275,000 in a payment no later than October 30, 2017.

4. In consideration of the foregoing sums and other consideration received by the Plaintiffs or on behalf of the Plaintiffs, the Plaintiffs, their attorneys, agents, and employees hereby agree not to sue the Sheriff or the County, or otherwise make any further demand from the Sheriff or the County, with respect to Plaintiffs' Motion for Attorney's Fees (DE 992) (encompassing fees through October 17, 2016), as well as their fees and costs associated with litigating their Motion for Attorney's Fees and Costs for Fees Litigation (DE 1014) (including any interest or other amounts in connection therewith). The ACLU agrees to look to the Sheriff for payment of post-October 17, 2016, attorney's fees for the ACLU incurred pertaining to Mental Health issues and the Sheriff agrees to be responsible for such fees but reserves the right to raise any legal objection as to the reasonableness of those fees.

5. County will voluntarily dismiss its appeal with respect to attorneys' fees and costs within 7 days of Court approval of this Stipulation. The Parties further agree that Plaintiffs' Motion for Attorney's Fees and Costs for Fees Litigation (DE 1014) and Broward County's Motion for Allocation of Attorneys' Fees (DE 1012) will become moot upon Court approval of this Stipulation.

6. As to any Defendant that fails to pay the designated amounts set forth above by the specified dates, Plaintiffs shall be entitled to interest as against that Defendant accruing from the date of this Stipulation in accordance with Florida law.

7. The parties respectfully ask the Court to approve and enter this Stipulation as an Order of the Court.

DATED this 28th day of September, 2017.

By: /s/ Nancy Abudu
Nancy G. Abudu
ACLU Foundation of Florida
4343 W. Flagler St., Suite 400
Miami, FL 33134
Telephone: (786) 363-2700
nabudu@aclufl.org
Fla. Bar No. 111881

Christopher C. Cloney, Esq.
CLONEY & CLONEY, P.A.
5505 North Atlantic Avenue, Suite 202
Cocoa Beach, Florida 32931
Telephone: (321) 631-3336
ccc@cloney.com
Fla. Bar No. 179595

Eric Balaban
National Prison Project of the ACLU Foundation
915 15th Street
Seventh Floor
Washington, D.C. 20005

Attorneys for Plaintiff Class

By: Terrence Lynch (signed by permission)

Terrence Lynch, Esq.
Office of the General Counsel for
the Broward County Sheriff
2601 West Broward Blvd.
Fort Lauderdale, FL 33312
Terrence_Lynch@sheriff.org
Attorney for Sheriff Israel

By: Michael J. Kerr (signed with permission)
Michael J. Kerr
Deputy County Attorney
Broward County Governmental Center
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
mkerr@broward.org
Attorney for Broward County

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document and proposed Order were served by CM/ECF on September 28, 2017 on all counsel or parties of record on the Service List below.

/s/ Nancy Abudu
Nancy Abudu

Service List

Michael J. Kerr
Deputy County Attorney
Governmental Center, suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Electronic Service
mkerr@broward.org

Scott Andron
Broward County Attorney's Office
115 S. Andrews Ave., Room 423
Fort Lauderdale, FL 33301
Electronic Service
sandron@broward.org

Terrence Lynch, Esq.
Office of the General Counsel for
the Broward County Sheriff
2601 West Broward Blvd.
Fort Lauderdale, FL 33312
Electronic Service
Terrence_Lynch@sheriff.org

Chris Cloney
CLONEY & CLONEY, P.A.
5505 North Atlantic Avenue, Suite 202
Cocoa Beach, Florida 32931
Electronic Service
ccc@cloney.com

Eric Balaban
National Prison Project of the ACLU Foundation
915 15th Street, 7th Floor
Washington, D.C. 20005
Electronic Service
ebalaban@aclu.org

Nancy G. Abudu
ACLU Foundation of Florida
4500 Biscayne Blvd., Suite 340
Miami, FL 33137
Electronic Service
nabudu@aclufl.org

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 76-06086-CIV-MIDDLEBROOKS**

OLLIE CARRUTHERS, et al.,

Plaintiffs,

v.

**SCOTT ISRAEL, as Sheriff of
Broward County,**

Defendant.

_____)

ORDER

THIS CAUSE comes before the Court upon the parties' Joint Motion to Approve Stipulation Regarding Attorneys' Fees (DE 1020). For good cause shown and in consideration of the record of this case, IT IS ORDERED:

1. The Motion is GRANTED. The Stipulation is adopted by the Court and is incorporated as if fully set forth herein.

2. Plaintiffs' Motion for Attorneys' Fees and Costs for Fees Litigation (DE 1014) and Broward County's Motion for Allocation of Attorneys' Fees (DE 1012) are hereby denied as MOOT.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this _____ day of _____, 2017.

DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

General Information

Court	United States District Court for the Southern District of Florida; United States District Court for the Southern District of Florida
Federal Nature of Suit	Prisoner Petitions - Civil Rights[550]
Docket Number	0:76-cv-06086
Status	CLOSED