

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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FREDERICK HARPER, *et al.* individually and  
on behalf of all present and future inmates in the  
Fulton County Jail in Atlanta, Georgia,

Plaintiffs,

v.

FULTON COUNTY, GEORGIA *et al.*,

Defendants,

MYRON FREEMAN, Fulton County  
Sheriff, in his official capacity,

Defendant and Third Party Plaintiff

v.

JIM DONALD, Commissioner,  
Georgia Department of Corrections,  
in his official capacity; and the  
GEORGIA DEPARTMENT OF  
CORRECTIONS,

Third-party defendants.

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CIVIL ACTION  
NO. 04-CV-1416-MHS

**NOTICE OF  
PROPOSED  
SETTLEMENT OF  
CLASS ACTION  
LAWSUIT**

**READ THIS CAREFULLY — IT MAY AFFECT YOUR LEGAL RIGHTS**

Lawyers from the Southern Center for Human Rights, representing a group of inmates at the Fulton County Jail, the Fulton County Board of Commissioners and its members, the Fulton County Sheriff and the Commissioner of the Georgia Department of Corrections have negotiated a settlement of a case regarding living conditions, staffing and other issues at the Fulton County Jail. The case was brought as a class action lawsuit on behalf of all inmates confined in the Fulton County Jail – the Rice Street facility and the Bellwood and Marietta Annexes. The case is before Judge Marvin Shoob in the United States District Court for the Northern District in Atlanta, Georgia.

THE PURPOSE OF THIS NOTICE IS

TO INFORM YOU OF THE  
PROPOSED SETTLEMENT OF THE SUIT

TO INFORM YOU OF YOUR RIGHTS WITH  
RESPECT TO THE PROPOSED SETTLEMENT; AND

TO TELL YOU HOW TO FILE IN THE COURT  
ANY OBJECTIONS YOU MAY HAVE TO THE SETTLEMENT

1. **The Settlement Class.** The Parties have agreed, and the Court has been asked to approve, a class made up of “All inmates who are now or will be in the future confined at the Fulton County Jail in Atlanta, Georgia.” If you are in the main jail, the Marietta Annex or the Bellwood Annex, you are part of the class. The proposed *Consent Order* may affect your legal rights, as well as things about the jail described below and in the *Consent Order*.

2. **Terms of the Proposed Settlement.** Subject to the approval of the Court, the proposed *Consent Order* limits the population of the Jail, requires that a certain level of staffing be maintained, and affects the living conditions and other aspects of the conditions and operations of the Jail. Among other things, the *Consent Order*:

a) Provides that staffing levels will be maintained in order to maintain security and distribute medications to inmates;

b) Provides that no inmates will be assigned to sleep on the floor and that no more than two inmates will be housed in a cell;

c) Provides that the population of the main jail is to average 2250; and that no more than 200 people will be housed at the Bellwood Annex and no more than 100 at the Marietta Annex;

d) Requires the replacement, repair, and preventive maintenance of mechanical, plumbing and electrical systems;

e) Requires policies and procedures addressing environmental health and safety of the living conditions at the Jail;

g) Requires policies for the provision of laundry to inmates;

h) Requires the provision of adequate facilities for disabled inmates and visitors;

i) Provides for a monitor to inspect the jail four times a year to see that there is compliance with the terms of the *Consent Order*.

The United States District Court for the Northern District of Georgia will maintain jurisdiction to enforce the provisions of the *Consent Order*. If lawyers for the inmates or any other party believe that the *Consent Order* is being violated, they can – after trying to work out the disagreement in accordance with the terms of the *Consent Order* – move the District Court to enforce it.

The lawsuit does not involve money damages for the class, so whether or not this case settles or goes to trial, no class member will obtain money from the Defendants.

***This very brief and general summary of the Consent Order does not include all of its terms and conditions.*** The only complete statement of the terms of the proposed settlement is found in the actual *Consent Order*. A copy of the *Consent Order* is attached. You may also obtain a copy of the *Consent Order*, ask questions and find out more about it by writing to the lawyers for the inmates, Stephen Bright, Joshua Lipman, and Vanessa Buch, or paralegal Mary Sidney Kelly, at the Southern Center for Human Rights, 83 Poplar Street, N.W., Atlanta, Georgia, 30303.

3. **Reasons for Settlement.** Trial of this case would not occur for some time and in any trial there is always the risk of an unfavorable outcome. The lawyers for the inmates believe that the *Consent Order* provides the same relief they would obtain at trial. It does so immediately upon approval of the *Consent Order* by the Court. The lawyers believe the *Consent Order* is fair, reasonable, adequate, and in the best interests of the inmates at the jail. They have considered the immediate benefits of the settlement to people who are now in the Jail, the delay that would result if the case were to go to trial and possibly be appealed, and the risk of an unfavorable outcome if the case went to trial.
4. **Questions About the Proposed *Consent Order*.** If you have questions about the proposed *Consent Order*, you may contact the lawyers representing the class of inmates by writing to:

Stephen Bright, Joshua Lipman,  
Vanessa Buch and Mary Sidney Kelly  
Southern for Human Rights  
83 Poplar Street, N.W.  
Atlanta, Georgia 30303

5. **Binding Effect.** The *Consent Order* does not affect any claims for damages brought in other cases by inmates at the Jail.
6. **If the Proposed *Consent Order* is Not Approved.** If the Proposed *Consent Order* is not approved by the Court, the case will go to trial. However, if that happens, there is no assurance: (a) that the trial will take place while you are still in the Jail; (b) that any decision at trial will be in favor of the inmates; (c) that a favorable trial decision, if any, will be as favorable as the *Consent Order*; or (d) that any such favorable trial decision would be upheld on appeal.
7. **If You Agree with the Proposed *Consent Order*.** If you agree with the proposed *Consent Order*, you do not have to do anything. The judge will hold a hearing to consider any objections to the *Consent Order* and then decide whether to approve the settlement. If the Judge approves the *Consent Order* and signs it, it then becomes effective.
8. **If You Object to the Proposed *Consent Order*.** If you believe that the *Consent Order* should not be approved by the Judge for any reason, you may write to the Judge and provide your reason. To do this, you must send your objection in writing to: Clerk's Office, Richard B. Russell Building, 75 Spring Street, S.W., Atlanta, Georgia, 30303-3361.

The objections must contain the following:

- (1) The case name and number: Harper v. Fulton County, No. 04-CV-1416-MHS
- (2) What you object to about the *Consent Order*;
- (3) An explanation of why you object;
- (4) Your full name and number.

You must submit your objection by 5 p.m. on January 27, 2006. After receiving and reviewing any objections, the Judge will hold a hearing on Friday, February 3, 2006, at 11:00 a.m. to decide whether to approve the *Consent Order*. If the Judge finds that it is fair, adequate, and a reasonable resolution

of this case and approves it, then the *Consent Order* will become final.

9. **Clerk's Address.** The mailing address for the Clerk of the Court is:

Office of the Clerk  
United States District Court  
Richard B. Russell Building  
75 Spring Street, S.W.  
Atlanta, Georgia 30303-3361

*Remember – you must put the name and number of the case on anything that you send the Clerk.* (Harper v. Fulton County, No. 04-CV-1416-MHS)

This \_\_ day of \_\_\_\_\_, 2005

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Clerk of Court  
United States District Court  
Northern District of Georgia  
Atlanta Division