

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES RUSSEL, et.al.,

Plaintiffs,

v.

WAYNE COUNTY, et. al,

Defendants.

Case No. 20-cv-11094

Honorable Mark A. Goldsmith

Magistrate Judge Elizabeth A. Stafford

**DEFENDANTS' RESPONSE IN OPPOSITION OF PLAINTIFFS' MOTION
FOR EXPEDITED CONSIDERATION OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs request for expedited consideration of a Temporary Restraining Order is unwarranted.

The Plaintiffs, and any purported class of plaintiffs, are part of a class action Consent Judgment entered in the matter of *Wayne County Jail Inmates, et. al, v. William Lucas, et, al*, Case No. 71-173217 CZ, before the Honorable Chief Judge Timothy Kenny in the Third Circuit Court for the County of Wayne. The plaintiffs' class is represented by William Goodman and Deborah Choly. The issues raised in Plaintiffs' Motion for Temporary Restraining Order have been and are continually being addressed as part of the Consent Order.

Specific as to the Jail's response to the current COVID pandemic, Inmate Class Counsel, in conjunction with the Wayne County Prosecutor, and the ACLU,

have participated in an on-going collaborative effort for administrative release of inmates, including those that are medically vulnerable. This process has been overseen by Chief Judge Kenny.

Inmates with pending cases have the opportunity to bring emergency bond motions in Third Circuit Court. Judge Kenny has further signed an Order assigning representation for all inmates who are not represented by counsel for purposes of bond issues.

As of this writing, 205 inmates have been administratively released from the Wayne County Jail since March 19, 2020.¹

Moreover, conditions of confinement in the Jail are squarely within the purview of the aforementioned Consent Order. Since the onset of the COVID pandemic, the Wayne County Jail has taken numerous measures to ensure the safety and welfare of the inmates and its staff, in accordance with CDC guidelines. These measures include providing proper cleaning, masks, and sanitation supplies; established protocols to quarantine inmates upon entry into the jail, as well as COVID-19 positive inmates, and appropriate testing of inmates². Inmate Class Counsel has participated in numerous meetings detailing the measures that have been and are being taken. These meetings have been presided upon by Judge

¹ Current inmate population in the Jail is 820 inmates, nearly half of the average daily inmate population.

² Beginning this week, all inmates in the custody of the Wayne County Jail will be tested for COVID-19. Previously, only symptomatic inmates were being tested.

Kenny and provide for an appropriate forum and remedy for any alleged inadequacies.

Conclusion and Relief Requested

For the reasons provided herein, Defendants request this Honorable deny Plaintiffs' request for expedited consideration and Temporary Restraining Order. Plaintiffs' request is merely an attempt to circumvent the pending Consent Order and divest the Circuit Court and Judge Kenny of his jurisdiction.

WHEREFORE, Defendants respectfully request that this Court deny Plaintiffs' requested relief in its entirety.

Respectfully submitted,

/s/ SUE HAMMOUD
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Dated: May 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 5, 2020 using the electronic filing system with the Clerk of the Court. I declare that the statements above are true to the best of my information, knowledge, and belief.

/s/ Sue Hammoud

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