

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANGEL COLON, ROY SCHMITT, JUBRA'EEL
LEBRON, WINIFRED GATES, MARK HARKINS,
MATTHEW CARLEY, CECILIO TOLEDANO, and
ANDREW CRAWFORD, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

PASSAIC COUNTY, PASSAIC COUNTY BOARD OF
CHOSEN FREEHOLDERS, SONIA ROSADO in her
official capacity as Passaic County Freeholder, TANESHA
WAY, in her official capacity as Passaic County Freeholder,
PAT LEPORE, in his official capacity as Passaic County
Freeholder, TERRY DUFFY, in his official capacity as
Passaic County Freeholder, JAMES GALLAGHER, in his
official capacity as Passaic County Freeholder,
BRUCE JAMES, in his official capacity as Passaic County
Freeholder, ELISE EVANS, in her official capacity as
Passaic County Freeholder, PASSAIC COUNTY
SHERIFF'S DEPARTMENT, JERRY SPEZIALE,
in his official capacity as Sheriff of Passaic County,
CHARLES MEYERS, in his official capacity as Warden of
Passaic County Jail, STEVEN MYERS, in his official
capacity as Deputy Warden of Passaic County Jail, and
GEORGE W. HAYMAN, in his official capacity as
Commissioner of the New Jersey Department of Corrections,

Defendants.

**ORDER DIRECTING
NOTICE OF
SETTLEMENT**

Case No. 08-4439
(DMC-MF)

WHEREAS individual plaintiffs filed this class action suit on September 3, 2008, against the Defendants seeking declaratory and injunctive relief on behalf of a class of inmates at the Passaic County Jail as well as the recovery of attorney's fees and costs; and

WHEREAS, the Complaint was brought pursuant to 42 U.S.C. § 1983, seeking redress for alleged violations of the First, Fifth, Eighth and Fourteenth Amendments of the United States Constitution; and

WHEREAS, the matter was certified as a class action on May 27, 2009, and the class was defined as “all persons who are now or will become incarcerated at PCJ during the pendency of the lawsuit”; and

WHEREAS, Defendants have filed Answers in which they deny Plaintiffs’ allegations; and

WHEREAS, the litigants have engaged in informal discovery; and

WHEREAS, Plaintiffs and Defendants acknowledge that, to the extent possible, it is in their best interests to resolve the issues raised in the Settlement Agreement, attached hereto as Exhibit 1, by means other than litigation and, to this end, have agreed to enter into a federally enforceable Settlement Agreement, consistent with the requirements of the Prison Litigation Reform Act, 18 USC § 3626; and

WHEREAS, the Settlement Agreement incorporates the following documents: the Memorandum of Understanding Concerning Fire Safety Issues at the Passaic County Jail (Exhibit A to Settlement Agreement); the Memorandum of Understanding Concerning Environmental Health Issues at the Passaic County Jail (Exhibit B to Settlement Agreement); the Memorandum of Understanding Concerning Correctional Issues at the Passaic County Jail (Exhibit C to Settlement Agreement); the Memorandum of Understanding Concerning Medical Issues at the Passaic County Jail (Exhibit D to Settlement Agreement); and the Memorandum of Understanding Concerning Mental Health Services at the Passaic County Jail (Exhibit E to Settlement Agreement);

WHEREAS, the terms of the Confidentiality and Protective Order entered by the Court on February 25, 2010 (“Confidentiality Order”), a copy of which is attached to the Settlement Agreement as Exhibit F, remains in full force and effect as to any documents or information disclosed during the course of the litigation;

WHEREAS, the claims against George W. Hayman, in his official capacity as Commissioner of the New Jersey Department of Corrections, are not part of the Settlement Agreement;

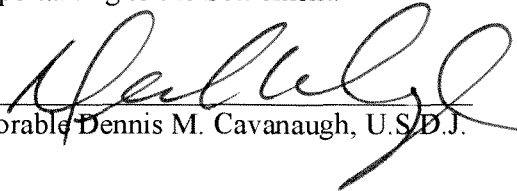
WHEREAS, the Settlement Agreement shall be applicable to, and binding upon, all parties, their officers, agents, employees, assigns and their successors in office.

THIS MATTER having come before the Court on the parties’ Joint Motion, and the Court having considered the papers and for good cause shown; IT IS ON THIS 13th day of JAN., 2012, ORDERED:

1. Within fifteen (15) days of the date of this Order, one (1) copy of the following documents shall be provided in a sealed envelope to each inmate in the Passaic County Jail:
 - (a) The plain language summary of the Settlement Agreement in both English and Spanish, as described in § XIV(A) of the Settlement Agreement and a copy of which (in English) is attached to the Settlement Agreement as Exhibit G (hereinafter, “summaries”);

- (b) A comment sheet, which shall include a statement that class members shall have the right to comment on/object to the proposed Settlement and that all comments/objections to the proposed Settlement must be (1) provided to a Passaic County Jail ombudsman or (2) mailed directly to Jennifer B. Condon, Seton Hall University School of Law, Center for Social Justice, 833 McCarter Highway, Newark, NJ 07102 no later than **March 1, 2010**; and
 - (c) A return envelope addressed to Jennifer B. Condon, Seton Hall University School of Law, Center for Social Justice, 833 McCarter Highway, Newark, NJ 07102.
- 2. Within fifteen (15) days of the date of this Order, the following documents shall be posted in all day rooms, common areas, and the law library and shall be electronically available on the law library computers until the Court's Final Approval of the Settlement Agreement:
 - (a) The attached Settlement Agreement; and
 - (b) The summaries.
- 3. Upon request by an inmate, a Passaic County Jail ombudsman shall provide a copy of the Settlement Agreement to the requestor no later than four (4) days from the date of the request.
- 4. Upon the Court's Final Approval of the Settlement Agreement and for the duration of the Settlement Agreement:

- (a) Two (2) laminated copies of the Settlement Agreement and summaries shall be posted in the law library and shall be electronically available on the law library computers. Defendants shall be responsible for replenishing any missing copies on a monthly basis; and
 - (b) The summaries shall be printed as a subsection of the Inmate Handbook.
5. Class member comments/objections to the proposed Settlement Agreement that were provided to a Passaic County Jail ombudsman shall be sent by the Jail to Jennifer B. Condon, Seton Hall University School of Law, Center for Social Justice, 833 McCarter Highway, Newark, NJ 07102 by no later than **March 2, 2012**. Class counsel shall provide copies of all written comments to the Court and counsel for the Defendants no later than **March 15, 2010**. These comments/objections will be reviewed by the Court prior to the Fairness Hearing.
6. The Court will conduct a Fairness Hearing on the entry of the propose Settlement on **27 MARCH, 2012** before the Honorable Dennis M. Cavanaugh, at which time counsel shall appear and the Court will evaluate the merits of the Settlement for the purpose of final approval of this Class Action Settlement, and the resolution of the litigation pursuant to Federal Rules of Civil Procedure 23(e), in light of any written comments received from class members and any statements of counsel pertaining to the Settlement.



Honorable Dennis M. Cavanaugh, U.S.D.J.