

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

FILED IN OPEN COURT
SEP 07 2000
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HAYES WILLIAMS, et al.,)
Plaintiffs,)

v.)

JOHN MCKEITHEN, et al.,)
Defendants,)

UNITED STATES OF AMERICA,)
Amicus Curiae.)

IN RE: JUVENILE FACILITIES)

IN RE: TALLULAH CORRECTIONAL)
CENTER FOR YOUTH)

IN RE: JETSON CORRECTIONAL)
CENTER FOR YOUTH)

IN RE: SWANSON CORRECTIONAL)
CENTER FOR YOUTH)

IN RE: LOUISIANA TRAINING)
INSTITUTE - BRIDGE CITY)

IN RE: JENA JUVENILE JUSTICE)
CENTER)

BRIAN B., et al.,)
Plaintiffs,)

v.)

RICHARD STALDER, et al.,)
Defendants.)

Civ. No. 71-98-B

Civ. No. CH 97-MS-001-B

Civ. No. CH 97-0665-B-M1

Civ. No. CH 97-0666-B-M1

Civ. No. CH 97-0667-B-M1

Civ. No. CH 97-0668-B-M1

Civ. No. CH 98-0804-B-M1

Civ. No. 98-886-B-M1

FILED IN OPEN COURT
SEP 07 2000
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
294

THE UNITED STATES OF AMERICA,)
Plaintiff,)

Civ. No. 98-947-B-1

v.)

THE STATE OF LOUISIANA,)
et al.,)
Defendants.)

A.A., et al.,)
Plaintiffs,)

Civ. No. 00-246-C-M1

v.)

WACKENHUT CORRECTIONS CORP.,)
et al.,)
Defendants.)

JOINT MOTION FOR CONDITIONAL DISMISSAL AND OTHER RELIEF

NOW INTO COURT, through undersigned counsel, come the United States Department of Justice (the "Department of Justice"), the private plaintiffs in the captioned actions (the "Plaintiffs"), and the Governor, the Secretary of the Department of Public Safety and Corrections, the Secretary of the Department of Health and Hospitals, and all other agencies, departments, officers and agents of the State of Louisiana who have been named as defendants in the captioned actions (collectively the "State Defendants") and move for an Order, conditionally dismissing certain claims asserted by the Department of Justice and Plaintiffs against the State Defendants, and for other relief.

The Department of Justice, Plaintiffs and State Defendants have agreed on the terms of a private settlement agreement, a copy of which is attached as Exhibit A, under which the State Defendants undertake prospective obligations regarding Louisiana's secure juvenile facilities, and under which the Department of Justice and Plaintiffs agree to a conditional dismissal of these actions against State Defendants.

Plaintiffs move for withdrawal and dismissal, without prejudice, of all allegations, claims and requested relief pertaining to the administrative remedy procedure and any other procedures currently in place for asserting and resolving grievances.

The Court has not considered the merits of any pending claims for attorneys fees, or the amount of attorneys fees that may be awarded (the "Attorney Fee Claims"), except to the extent that prevailing party status and fees may have been previously recognized in Williams. Plaintiffs and State Defendants will negotiate in good faith with each other and with other defendants in these actions in an effort to settle and resolve all pending attorney fee claims. The parties do not move this Court for dismissal of pending claims of prevailing party status or attorney fee claims, and the parties request that the Court expressly reserve those claims in these actions.

State Defendants have claims against other defendants in

these actions for contribution, indemnity and subrogation and/or other claims that have been asserted, or have not yet been asserted. State Defendants do not dismiss or release these claims and request that the Court expressly reserve and not dismiss any and all such claims that State Defendants may have against any other defendants in this action.

In addition, the parties move that all orders entered in these actions be terminated and rescinded except as set forth in this paragraph:

- I. Consent orders. The effect of the following consent orders is stayed until either: (a) final dismissal of these actions, at which time all consent orders shall be terminated and shall have no prospective effect; or (b) 120 days following entry of an order reopening these actions:

April, 1996 Order (Bridge City Correctional Center),

November 14, 1996 Order (Swanson Correctional Center for Youth-Monroe),

April, 1998 Order (Jetson Correctional Center for Youth), and

November 15, 1994 Order (Tallulah Correctional Center for Youth), as modified by orders dated February 21, 1995, December 22, 1995, November 19, 1996, November 12, 1997, November 20, 1997, December 16, 1997, December 23, 1997 and March 10, 1998.

- II. Jurisdictional orders. The substantive effect of the following orders may have been superceded, modified or

rescinded; however, these orders may continue to be cited and relied upon by the parties solely for the purpose of establishing this Court's jurisdiction, for the purpose of establishing class counsel or prevailing party status, and for the purpose of supporting the "Attorney Fee Claims":

June 10, 1975	Judgment adopting Special Master's report
August 6, 1980	Original judgment on attorney's fees/prevaling parties
January 24, 1983	Injunction to stop accepting juveniles until population limits set
February 7, 1983	Motion to set population limits on juvenile facilities
December 7, 1983	Stipulation and Consent Decree for adult facilities
April 24, 1984	Juvenile consent decree
November 26, 1986	Extension of consent decree
January 6, 1988	Extension of consent decree
October 27, 1988	Extension of consent decree
January 30, 1991	Class certification order
June 25, 1990	Original appointment of Nordyke and Denlinger
June 25, 1991	Ruling setting attorney fee rates
June 30, 1993	Extension of Consent Decrees and other Judgments
December 22, 1994	Order concerning TCCY
June 23, 1995	Order denying Motion by

August 21, 2000 (5:12PM)

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Transamerica Development

September 26, 1996	Order granting motion to terminate consent decrees for adult facilities except LSP and the Juvenile Facilities
April 1, 1997	Order granting motion by to release adult institutions except LSP and the juvenile facilities
September 24, 1998	Motion and Order Approving Settlement and terminating consent decree and supervision over LSP but preserving claims regarding Juvenile Facilities
December 9, 1998	Minute Entry concerning class certification in <u>Brian B.</u>
April 21, 1999	Order granting motion for partial dismissal of LSP

III. Surviving Orders. The following surviving orders are not stayed; however, all surviving orders shall automatically terminate upon final dismissal of these actions (unless previously modified or terminated):

June 21, 1989	Original appointment of Court Expert
August 19, 1994	Order pertaining to the appointment of the Court Expert
September 26, 1996	Order appointing Expert John Whitley

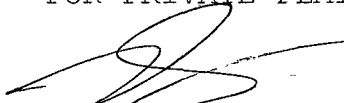
Plaintiffs request that the Court order a hearing under Rule 23 of the Federal Rules of Civil Procedure for the purpose of approving the Settlement Agreement. The parties agree to ask

the Court to hold in abeyance Plaintiffs' pending motions to certify a class in Brian B. and A.A., as provided for in the Settlement Agreement.

WHEREFORE, Plaintiffs and the Department of Justice move for an order conditionally dismissing these actions (except for the attorney fee claims, grievance claims and contribution claims discussed above) as against State Defendants only, reserving to the Plaintiffs and to the Department of Justice the right to reopen or reinstate claims asserted in these actions in accordance with the Settlement Agreement, provided, however, that the order also provides that the action shall be unconditionally dismissed, with prejudice, on motion of any party at any time after January 21, 2003 if no motion to reopen or reinstate has been filed prior to that date.

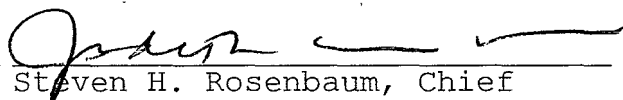
RESPECTFULLY SUBMITTED:

FOR PRIVATE PLAINTIFFS

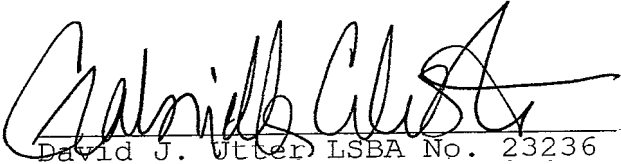


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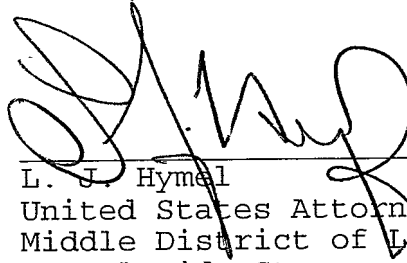
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8/30/00

DATE

8/29/00

DATE



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9/5/00

DATE

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