

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.)

Civil No. 71-98-B
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

Civil No. CH 97-MS-001-B

Civil No. CH 97-0665-B-M1

Civil No. CH 97-0666-B-M1

Civil No. CH 97-0667-B-M1

Civil No. CH 97-0668-B-M1

Civil No. CH 98-0804-B-M1

Civil No. 98-886-B-M1

DKT. & ENTERED

DATE 9/14/00
NOTICE MAILED TO:

DATE _____ BY [Signature]

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Lewis 3
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THE UNITED STATES OF AMERICA,)	Civil No. 98-947-B-1
Plaintiffs,)	
)	
v.)	
)	
THE STATE OF LOUISIANA, <u>et al.</u>)	
Defendants.)	
_____)	
)	
A.A. <u>et al.</u> ,)	Civil No. 00-246-C-M1
Plaintiffs,)	
)	
v.)	
)	
WACKENHUT CORRECTIONS CORP.,)	
<u>et al.</u> ,)	
Defendants.)	
_____)	

ORDER

Considering the Joint Motion for Conditional Dismissal and Other Relief ("Joint Motion"), filed by the State Defendants, the Private Plaintiffs, and the United States in the above-captioned matters, and considering the proposed Settlement Agreement attached as Exhibit A to the Joint Motion, and considering the record of these proceedings:

IT IS ORDERED that the Court acknowledges and reaffirms the class of Plaintiffs existing in Williams v. McKeithen comprised of all juveniles currently held in Louisiana's secure juvenile facilities and who will be held in these facilities during the term of this Settlement Agreement, and until the above-captioned lawsuits are finally dismissed. The Court will hold in abeyance

Plaintiffs' motion to certify a class in Brian B. v. Stalder and A.A. v. Wackenhut. If the Lawsuits are reopened, Plaintiffs may reurge these motions. The Court acknowledges that the State has agreed to permit Plaintiffs to name replacement class representatives in Williams, Brian B. and/or A.A. and to waive the requirements for exhaustion of administrative remedies, provided that Plaintiffs have given the State written notice of the claims to be asserted, at least ten days prior to reurging of the motion.

IT IS FURTHER ORDERED that the Louisiana Department of Public Safety and Corrections give notice of this Order, the Settlement Agreement, and the proposed conditional dismissal of these claims to members of the Plaintiff class by posting a notice in places that are conspicuous to members of the class at all secure juvenile training facilities within ten days of the entry of this order. The notice of settlement shall be in substantially the following form:

Notice to Members of Class
Hayes Williams v. McKeithen

Pursuant to order of the Honorable Frank J. Polozola, Chief Judge, United States District Court for the Middle District of Louisiana, notice is given under the Federal Rules of Civil Procedure that, in the matter entitled Williams v. McKeithen and all related and consolidated actions, a Joint Motion for Conditional Dismissal and Other Relief has been filed by Plaintiffs, the United States Department of Justice, and State Defendants (including the Louisiana Department of Public Safety and Corrections), and the parties have

agreed to entry of an order conditionally dismissing all claims asserted in these actions except claims pertaining to the administrative remedy procedure, claims pertaining to education, and claims for attorneys fees.

Copies of the Joint Motion for Conditional Dismissal and Other Relief and the Settlement Agreement will be made reasonably available to the juvenile population. Any objection to the proposed Settlement Agreement shall be submitted in writing to the Court's Expert, John Whitley, at Post Office Box 760, Denham Springs, Louisiana, 70727-0760, on or before September 22, 2000.

IT IS FURTHER ORDERED that a hearing is noticed for October 3, 2000^{at 9:00 A.M.} to address comments from members of the Plaintiff Class, but no hearing shall actually be held unless the Court deems such a hearing to be necessary in order to address the issues raised in the comments.

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; therefore, IT IS ORDERED that all Attorney Fee Claims are reserved, and this Order shall not be interpreted to limit any Private Plaintiff's right to file or to pursue any such claim.

IT IS FURTHER ORDERED that any asserted or unasserted claims for indemnity or contribution for attorneys fees, or any other claims that may exist between or among the defendants named in

the captioned actions (the "**Contribution Claims**") are reserved by all parties, and this Order shall not be interpreted to limit any defendant's right to file or to pursue any such claim.

IT IS FURTHER ORDERED that claims relating to education (the "**Education Claims**") are not addressed or conditionally dismissed by this Order. The Education Claims are governed by the terms of a separate settlement agreement previously executed by the parties.

IT IS FURTHER ORDERED that, except for the **Attorneys Fee Claims**, the **Contribution Claims**, and the **Education Claims**, all claims that have been asserted by the United States or Private Plaintiffs arising out of or related to the subject matter of these actions, are conditionally dismissed, conditioned on the State Defendant's compliance with the terms of the Settlement Agreement and subject to the rights of Private Plaintiffs and the United States to move to reopen these actions in accordance with the terms of the Settlement Agreement. The Court shall retain jurisdiction over these actions until their final dismissal, provided, however, that all claims asserted in those actions other than Education Claims shall be finally dismissed, on motion of any party at any time after January 21, 2003, if no motion to reinstate or reopen is filed and pending on January 21, 2003.

IT IS FURTHER ORDERED that all of Plaintiffs' claims and allegations related to Administrative Remedy Procedures in these

actions are dismissed, without prejudice to Plaintiffs' right to reassert those claims either in new actions or in these actions in the event these actions are reopened in accordance with the Settlement Agreement.

IT IS FURTHER ORDERED that all orders entered in these actions are 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 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 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

IT IS ORDERED that records of individual juveniles ("**records**") may be released to counsel for United States or Plaintiffs for use in monitoring the settlement agreement notwithstanding the provisions of any statutory provisions that might limit the disclosure of juvenile records; and that this order shall be treated as the equivalent of a signed release that might otherwise be necessary under Louisiana law in order for the Department of Public Safety & Corrections ("DPSC") to release

such records. Nothing in this order shall be construed as a waiver of, or ruling on, any other objection to introduction of documents into evidence in future proceedings that may be asserted on behalf of the DPSC.

IT IS FURTHER ORDERED that records produced pursuant to this Settlement Agreement may be examined only by (i) the Court, (ii) the Court's expert, (iii) all counsel of record in this matter, (iv) staff and clerical personnel involved in the preparation and review of pleadings and reports for counsel of record, (v) those consultants retained by the parties identified in the Settlement Agreement or retained in connection with a decision to reopen the Lawsuits, and (vi) United States officials as necessary for the United States to carry out its law enforcement responsibilities. All counsel shall be responsible for assuring that the confidentiality of records produced to them pursuant to the Settlement Agreement is maintained by any consultants, staff and clerical personnel to whom the records may be revealed. Pleadings or other documents that contain identifying information (such as the name, address, or social security number of any juvenile or any individual accused of any wrongdoing) shall be filed only under seal or in redacted form, using the individual's initials only.

Baton Rouge, Louisiana this 7 day of September, 2000.

Francis J. Deloach
Chief Judge, Middle District of
Louisiana