

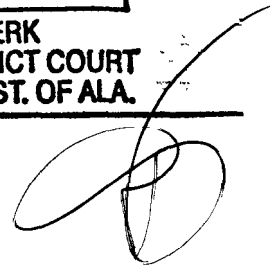
FILED IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
MONTGOMERY DIVISION

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FILED

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U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.



LINDA LAUBE, THERESA BARRON,  
BARBARA BUSH, LACHRONDRIA  
CROCKETT, MARJORIE EWING,  
WANDA GOODMAN, ALMA GUTIERREZ,  
LISA HEREFORD, LA'TOYA JONES,  
KATIE MOORE, TERRI NEWBY,  
BARBARA PELZER, APRIL RICE,  
KELLI WASHINGTON, and MELINDA  
WASHINGTON,  
on behalf of themselves and other  
persons similarly situated,

Plaintiffs,

v.

MICHAEL HALEY,  
Commissioner of the Alabama  
Department of Corrections,  
  
GLADYS DEESE,  
Warden of Julia Tutwiler  
Prison for Women,  
  
PATRICIA HOOD,  
Acting Warden of Edwina Mitchell  
Work Release Center,  
  
MARY CARTER,  
Director of Birmingham  
Work Release Center,  
  
NAPHCARE, INC.  
Health Care Provider for  
Alabama Department of Corrections,  
  
FRANCIS HENDERSON,  
Medical Director of NaphCare, Inc.  
  
DON SIEGELMAN,  
Governor of Alabama,  
in their official capacities,

Defendants.

CIVIL ACTION

No. 02-T-957-N

CLASS ACTION

**COMPLAINT**

## I. INTRODUCTION

1. The fifteen named plaintiffs bring this suit on behalf of themselves and all other female prisoners in Alabama. Women prisoners in Alabama are at a substantial risk of serious injury and death due to the outrageously overcrowded and dangerous conditions in which they are forced to live and the denial of minimally adequate medical and mental health care at the Julia Tutwiler Prison for Women, the Edwina Mitchell Work Release Center, and the Birmingham Work Release Center.

2. Women prisoners in Alabama are packed so tightly into cells and dormitories that the extreme tension and volatility caused by lack of space results in women slashing one another with razors, fights, and other serious assaults. Security staff, vastly outnumbered by the prisoner population, do not provide security. The potential for violence is exacerbated by the lack of air circulation and unbearably hot temperatures, the dilapidated condition of the buildings, and the lack of proper mental health treatment for mentally ill women mixed in with other prisoners in open dormitories.

3. Defendants have failed to carry out their statutory and constitutional obligations to maintain and operate correctional facilities that provide for the basic safety, security, and health care of women prisoners in Alabama. Plaintiffs bring this action on behalf of themselves and all others similarly situated,

pursuant to 42 U.S.C. § 1983 and the Eighth and Fourteenth Amendments to the United States Constitution.

## **II. JURISDICTION**

4. This action is brought pursuant to 42 U.S.C. § 1983, 29 U.S.C. § 794, and 42 U.S.C. § 12131 et seq. This Court has jurisdiction over plaintiffs' claims pursuant to 28 U.S.C. §§ 1331 and 1343, and the United States Constitution.

5. This Court is authorized to grant declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

## **III. VENUE**

6. The Middle District of Alabama is an appropriate venue for this action under 28 U.S.C. § 1391(b)(2) because a "substantial part of the events or omissions giving rise to the claim[s] occurred" in this district, and one or more of the defendants lives in this district.

## **IV. PARTIES**

7. Plaintiffs LINDA LAUBE, THERESA BARRON, BARBARA BUSH, LACHRONDRIA CROCKETT, MARJORIE EWING, WANDA GOODMAN, ALMA GUTIERREZ, LISA HEREFORD, LA'TOYA JONES, KATIE MOORE, TERRI NEWBY, BARBARA PELZER, APRIL RICE, KELLI WASHINGTON, and MELINDA WASHINGTON are serving state sentences through confinement in Julia Tutwiler Prison for Women, the Edwina Mitchell Work Release Center, and the Birmingham Work Release Center. The named

plaintiffs seek to represent themselves and all other current and future women state prisoners.

8. Defendant MIKE HALEY is Commissioner of the Alabama Department of Corrections. As Commissioner, HALEY is responsible for the daily supervision of operations at the Alabama Department of Corrections. He is the highest ranking official in the Alabama Department of Corrections. Defendant HALEY is sued in his official capacity as Commissioner of the Alabama Department of Corrections.

9. Defendant GLADYS DEESE is the Warden of Julia Tutwiler Prison for Women in Wetumpka, Alabama. As warden, defendant DEESE is responsible for the day-to-day operations of the prison. Defendant DEESE is sued in her official capacity as warden of Tutwiler Prison.

10. Defendant PATRICIA HOOD, a captain at Edwina Mitchell Work Release Center, is the interim warden of Edwina Mitchell, located directly behind Tutwiler Prison in Wetumpka, Alabama. As warden, defendant HOOD is responsible for the day-to-day operations of the work release center. Defendant HOOD is sued in her official capacity as warden of Edwina Mitchell Work Release Center.

11. Defendant MARY CARTER is the warden of Birmingham Work Release Center. As warden, defendant CARTER is responsible for the day-to-day operations of the work release center. Defendant

CARTER is sued in her official capacity as warden of Birmingham Work Release Center.

12. Defendant DONALD SIEGELMAN is the Governor of Alabama. As chief executive of the State of Alabama, defendant Siegelman has authority to exercise "all functions and duties of the department [of corrections]...acting by himself or by and through such administrative divisions or such officers or employees or individuals as he may designate." Ala. Code §§ 14-1-17, 14-1-1.1. Defendant SIEGELMAN is sued in his official capacity as Governor of Alabama.

13. Defendant NAPHCARE, INC., is a private company under contract with the Alabama Department of Corrections to provide all necessary medical and mental health services to all persons incarcerated in the Alabama Department of Corrections.

14. Defendant DR. FRANCIS HENDERSON is the medical director of NaphCare, Inc. As medical director, defendant HENDERSON is responsible for arranging all levels of health care, ensuring the quality and accessibility of all health care services provided to inmates, and monitoring compliance with established medical policies and procedures. Defendant HENDERSON is sued in his official capacity.

15. At all times relevant to the events described herein, defendants were employed by and acted under color of law of the State of Alabama.

**V. CLASS ACTION ALLEGATIONS**

16. The plaintiffs bring this action on behalf of themselves and all others similarly situated pursuant to Rules 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The class consists of all women who are now or will in the future be incarcerated in an Alabama Department of Corrections facility.

17. The class is so numerous that joinder of all members is impracticable. There are approximately 1,500 women prisoners in Alabama. This population changes often as prisoners are transferred into the prison system and released.

18. There are questions of law and fact common to the class. These include the nature and constitutionality of conditions, practices, policies and treatment of women prisoners in Alabama.

19. The conditions, policies, practices and treatment challenged in this action apply with equal force to the named plaintiffs and all members of the class so that the claims of the named plaintiffs are typical of those of the class.

20. The named plaintiffs will fairly and adequately represent the interests of the class. They possess the requisite personal interest in the subject matter of the lawsuit. They are represented by two law offices experienced in class-action litigation involving unconstitutional conditions in prisons and jails.

21. Defendants have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

## **VI. STATEMENT OF FACTS**

### **A. Female State Prisoners in Alabama are Confined in Severely Overcrowded, Unbearably Hot, Poorly Ventilated, and Understaffed Facilities.**

22. The Alabama prison system is designed to hold no more than 718 women prisoners, distributed between the Julia Tutwiler Prison for Women and the Edwina Mitchell Work Release Center, located in Wetumpka, Alabama; and the Birmingham Work Release Center in Birmingham, Alabama. There are currently over 1,500 women prisoners in Alabama, who are incarcerated in dangerous, dilapidated, and severely overcrowded buildings unfit for human habitation.

23. All women sentenced to prison in Alabama are first sent to Julia Tutwiler Prison for intake and classification. In addition to serving as the intake and classification facility, Tutwiler Prison also serves as the women's diagnostic center and medical ward for both physical and mental illnesses. As a result, Tutwiler Prison houses all security levels from minimum to maximum, as well as women with a range of mild to severe medical needs. Most women are mixed in together in the prison's large open-bay dormitories.

24. The "intake" or "receiving" area at Tutwiler Prison is a small dormitory designed to handle approximately 20 women at a time. Due to overcrowding, the intake area consistently holds more than three times that number. Mold grows unabated on the walls. Pipes are corroded, and sinks and shower drains are encrusted with sludge. Showerheads and toilets are inadequate and often nonfunctional. Outside exercise and other activities are not available to women in intake, who spend all day locked down and idle. Women are regularly held in the intake area for 4 weeks or more, waiting for a space to open up in the prison or work release centers.

25. After they are released from intake, many women remain at Tutwiler Prison for the duration of their sentence. The prison holds over 1,000 women in a 60-year old facility designed for 364 people. The unbearably hot and poorly ventilated dormitories are intensely overcrowded, with bunk-beds pushed to within 16 inches of one another. Prisoners have extremely little space to move, limited activity, and no privacy.

26. To accommodate the excessive number of women prisoners, defendants have replaced regular beds with bunk-beds in the open-bay dormitories at Tutwiler Prison, pushed bunk-beds to within inches of each other, converted areas intended for manufacturing into sleeping areas, and illegally refused to remove state prisoners from county jails.



27. Tutwiler Prison has ten dormitories. Dormitories 1-7 hold approximately 80 women each, in open-bay barracks designed for half that number. Dormitory 6 is known as the Mental Health dormitory, but not all the women in the dorm are mentally ill. Nor are all the mentally ill women in the prison placed in dorm 6; many mentally ill women in need of a supportive living environment are mixed into general population. Elderly women, women suffering from chronic or serious medical conditions, women who are confined to wheelchairs, and the pregnant women are concentrated in Dormitory 7. However, some elderly and chronic care patients are scattered throughout the prison. Dormitory 8 is the intake area described above. Dormitory 9 was the prison factory before it was converted into a dormitory to accommodate the overcrowding. Dormitory 9 holds approximately 238 women in an open-bay dormitory. Dormitory 10 is an L-shaped, corrugated metal structure separate from the main prison.

28. Two Medical Isolation Units (MIU) hold HIV-positive women who are strictly segregated from the rest of the population and denied equal access to programs, including work release. These women are not permitted into the yard or the dining hall. Their outside time is limited to a small patch of grass adjacent to the MIU, and their meals are brought to the unit. The forced idleness and lack of interaction with general population causes great stress, anger, and hopelessness among the HIV-positive

women.

29. There are approximately 25 single-person cells in the entire prison. These 25 cells are not sufficient to accommodate all the women who are sentenced to death; those who are actively suicidal, psychotic or otherwise suffering acute mental breakdown; those in need of acute medical care; and women who must be segregated for disciplinary or safety reasons.

30. Because there are so many more prisoners than the prison was designed to handle, many toilets and showers are completely inoperable, or have inadequate drainage so they leak and leave standing water and raw sewage on the floor of the bathrooms. The available plumbing, even when fully functional, is grossly inadequate to meet the needs of the excessively large population. Women enter their names on a sign-up sheet or wait in long lines to use the toilet, sink, or shower, causing further anger and tension among the population. Their clothes are often returned from the inadequate laundry facilities still dirty or damp and mildewed.

31. After they are medically cleared, classified and processed into the Alabama Department of Corrections, some women are transferred from Tutwiler Prison to one of the two work release centers, Edwina Mitchell Work Release or Birmingham Work Release. Women who have chronic medical problems (such as HIV) are not eligible for work release, and are forced to serve all of

their time at Tutwiler Prison even if they are otherwise minimum custody and good candidates for work release or supervised release. Prisoners who receive disciplinary reports at the work release centers are sent back to Tutwiler Prison.

32. Edwina Mitchell currently holds approximately 260 minimum security prisoners in two corrugated metal buildings on the backside of Tutwiler Prison. Because the dormitories are filled with bunk-beds, the sight-lines are blocked and the guards cannot see what is happening from their posts. The dormitories are hot and poorly ventilated.

33. Even though Edwina Mitchell is called a work release center, over 75% of the women are in fact not on work release. These women must spend all day sitting in the alley between the two buildings. There is no shade and no grass in the alley, and women are forced to sit idly in the hot sun all day, with no work and no activities.

34. The Birmingham Work Release Center is a single building comprised of fourteen dormitories, each of which holds 22 women. The "lock-up" cell on the second floor has four beds and no air conditioning or circulation. This facility is so overcrowded and understaffed that defendants have resorted to nailing the windows shut to prevent escape. The windows have been nailed shut despite obvious danger from extreme heat, and numerous complaints by the prisoners and their families to prison officials and the

health department. During the early morning hours of July 28, 2002, Claudia Booker Muller died in the work release center, apparently from heat-related causes.

35. All of the prison facilities for women become unbearably hot in the summer. Because most of the facilities are not air-conditioned, defendants attempt to circulate or cool the air using large, industrial fans. The facilities have become so overcrowded that the sheer mass of bodies makes these attempts to circulate the air nearly futile. The extreme heat and stagnant air, the noise of the fans, and the failure of the fans to adequately cool living quarters intensifies the tensions and volatility caused by overcrowding.

36. The lack of space, air, and basic essential facilities like showers and toilets increase the volatility of the prison environment, increasing the risk of fights and physical assault. Women fight for an opportunity to use an operable toilet or sink, be near a fan in the heat of the summer, or obtain drinkable water or ice.

37. The extremely crowded living areas in the women's prisons in Alabama, with women sleeping only one or two feet apart, also facilitates the transmission of infectious disease, especially airborne diseases such as tuberculosis and skin infections such as staphylococcus.

**B. Due to Severe Overcrowding, Women Prisoners in Alabama are Denied their Basic Human Needs and are at Substantial Risk of Serious Injury and Death from Physical Violence and Inadequate Health Care.**

38. The potential for serious violence among prisoners who are deprived of adequate living space, ventilation, personal safety and security, and other basic needs is exceptionally high. In the past 3 months there has been a significant increase in assaults and violent behavior at Tutwiler Prison. In May 2002 there were as many reported assaults at Tutwiler Prison as there were at all four maximum security men's prisons *combined*.

39. Women forced to live in impossibly crowded conditions have slashed one another with razors, stabbed, beaten, and assaulted one another in desperate attempts to establish the barest amount of personal space and to protect themselves from harm. Women throughout Tutwiler Prison suffer a substantial risk of serious physical harm from such attacks.

40. Prisoners outnumber security staff by a dangerously high number. In the past 20 years, the number of women prisoners incarcerated at Tutwiler Prison has grown from approximately 200 to 1,000, a five-fold increase. The number of security staff, by comparison, is essentially the same as it was 20 years ago. Alabama's prisoner-to-guard ratio is, by a significant margin, the worst in the country. As a result, guards are unable to provide even minimally adequate protection, and women prisoners

are at constant risk of being slashed and assaulted.

41. Guards are often placed in charge of 75 to 100 prisoners at a time. For most of the day, there is a *single* officer guarding approximately 240 prisoners in Tutwiler Prison's Dorm 9, where there have been numerous fights and assaults using razors within the past two months.

42. Due to the shortage of security staff, prison guards are forced to work 12 and 16-hour shifts, which means they are exhausted and unable to respond to threats and assaults or carry out their other duties. Security working in such a stressful environment have become disrespectful and short-tempered, contributing to the overall tension in the prison. Some guards regularly sleep during their shifts because they are working an excessive number of hours.

43. There have been numerous assaults on security staff. On July 7, 2002, an officer at Tutwiler was assaulted and seriously injured by a mentally ill prisoner in Dorm 10, where 106 prisoners are confined in a space built for 65. Prisoners had to run to the main building for help. As a result of this and similar assaults, security officers already fearful of walking into prisoner living areas have become even more reluctant to enter the open dormitories where they are impossibly outnumbered, leaving these areas largely unsupervised.

44. The insufficient number of security staff to supervise

and patrol the large prison population makes it nearly impossible to conduct adequate shakedowns and searches, which allows large amounts of dangerous contraband such as knives and shanks to be hidden throughout the prison facilities.

45. When inmate-on-inmate assaults occur, it is very difficult for prisoners to get the attention of a single guard, who then has to wait for back-up before attempting to intervene. Many security officers, out of fear for their own safety, choose to ignore fights and assaults altogether. Others wait until after the damage is done before stepping in to issue disciplinary warnings.

46. Prison guards turn a blind eye to the violence and fail to respond when victims report these assaults because there is no place to put those who need to be protected or to segregate those who threaten to injure others.

47. The danger created by overcrowding is further exacerbated by the fact that the vast majority of the plaintiff class are held in open bay dormitories. Known enemies, including women who have testified against one another, are housed together in general population dormitories.

48. There are not enough protective custody cells. Prisoners who require protection are often forced into general population where there is an extremely high risk that they will be repeatedly victimized.

49. The tension and danger caused by forcing women to live in unsupervised dormitories where bunks are stacked on top of one another and weapons are plentiful has been made even worse by the reduction and elimination of treatment, educational, and vocational programs. The lack of activities, exercise, and work for prisoners contributes to the already substantial risk of fights and assaults. For example, at Edwina Mitchell, most of the prisoners spend from 7:00 a.m. to 5:00 p.m. sitting or standing in a small outdoor area where they have nothing whatsoever to do except bake in the hot sun.

50. Defendants have warned that they will place bunks in areas where women visit with their families, which threatens to eliminate or drastically reduce the amount of contact women have with their children, parents, and other loved ones. Depriving women of such a fundamental source of support and hope creates an even more volatile and dangerous environment.

51. Many women who are eligible for work release are not on work release. Similarly, women who are qualified for supervised release through the Supervised Intensive Restitution (SIR) program or similar programs remain in the prison because there are not sufficient officers for those programs. As a result, women who are qualified to participate in work or other supervised release programs remain in general population at Tutwiler Prison or sitting idle at Edwina Mitchell, needlessly



exacerbating the overcrowding, and hindering the progress of these women through the corrections system.

52. Prisoners, who are unable to secure their own medical care because they are incarcerated and so must rely entirely on defendants to provide basic health care, are systematically denied adequate treatment for their basic medical and mental health needs. A 55-year old woman with heart problems died in the exceedingly hot lock-up cell at Birmingham Work Release during the early morning of July 28, 2002, after screaming all night for help, and despite her brother calling the work release center insisting that she urgently needed medical treatment.

53. The medical system is chaotic and disorganized. Critical records are shoddily kept, if kept at all. Requests for medical attention are ignored for days or weeks at a time. At Tutwiler Prison, sick call screening takes place in the middle of the night. Patients who make the screening are often told their records are not present and are sent back to their dormitory. Prisoners are charged three dollars every time they request treatment or have a question about their medical condition, even if they never actually see anyone or receive any treatment. This unreasonable fee deters legitimate requests for treatment and evaluation.

54. The administration of medication to prisoners at Birmingham Work Release is haphazard and inconsistent. For

example, women who are required to drive the van that carries other prisoners to and from work often do not finish this duty until after "pill call" has ended, and they are then denied their medication

55. The medical care available to women prisoners in Alabama is characterized by long delays, a shortage of qualified medical personnel, and poor care. The lack of minimally adequate medical care, including mental health care, places both the person suffering from serious illness and those around her in substantial danger of harm. Mentally ill prisoners housed in general population without proper medical treatment increase the overall tension of a dormitory when symptoms of their illness include unpredictable, disruptive, or bizarre behavior.

56. Medication and treatment for prisoners with acute and chronic medical and mental health are delayed or denied because there is not enough medical or security staff or space to carry out this function.

57. There are inadequate facilities for mentally ill women who are in need of treatment and a supportive living environment. Women who are in mental health crisis or actively suicidal are placed in the "green room" at Tutwiler Prison, a unit containing 4 single-cells. Because the green room cells are barren and extremely uncomfortable, guards and medical personnel are able to discourage women from seeking necessary mental health care by

threatening to place them in the green room.

58. Some mental health patients are placed in Dorm 6, an open-bay dormitory with little mental health counseling and no organized mental health programming. The prisoners in Dorm 6, a mix of both mentally ill and non-mentally ill women, are usually left alone in the dormitory, with no security officer in sight.

59. The remainder of the women suffering from mental illness remain in general population without proper mental health treatment, a situation that is dangerous to both the mentally ill prisoner and the prisoners around her. Many of the recent assaults with razors were carried out by mentally ill women forced to live in large general population open-bay dormitories without adequate mental health treatment.

60. The lack of adequate security staff affects the ability of mental health counselors to conduct their rounds in the open dormitories, and the crowded conditions make private conversations impossible. It is unlikely that any seriously mentally ill patient can receive proper mental health treatment in such conditions.

61. The inadequate medical care for mental and physical illnesses aggravates the volatile environment in which people fear for their very lives. Prisoners who are in pain, sick, and injured are even more desperate than others and less able to tolerate the miserable conditions in prison.

**C. Defendants Have Acted and Continue to Act with Deliberate Indifference to the Substantial Risk of Serious Injury and Death to Which Plaintiffs and Other Class Members Are Exposed.**

62. For many years, defendants have known about and failed to take the necessary steps to abate the rapidly worsening conditions challenged in this lawsuit, and their deliberate indifference to these conditions has resulted in the crisis that now threatens the basic health and safety of named plaintiffs and all members of the plaintiff class. Defendants are aware of the serious harm that results from confining people in severely overcrowded facilities, but they have done little other than blame one another or their predecessors for the current disastrous situation.

63. Defendants have responded to attempts by prisoners and their families to report dangerous prison conditions by retaliating or threatening to retaliate against the prisoners for exposing the problems. For example, at Birmingham Work Release, the warden and other officials threaten to send prisoners back to Tutwiler if they contact the health department to complain about the conditions there. Likewise, the officials threaten to cut off air conditioning or to deny prisoners ice if they report problems at the facility. At Edwina Mitchell, prisoners are told that communicating with officials from the Department of Corrections will result in disciplinary action.

64. This Court has repeatedly found that overcrowding inevitably causes and exacerbates other impermissible prison conditions. This Court has explicitly and on multiple occasions ordered defendants to remedy the overcrowding that has been endemic in Alabama's prison system for the past 30 years.

65. Rather than take responsibility for the overcrowding, defendants and their predecessors have allowed overcrowding to worsen steadily. Most notably, defendants have intentionally allowed prisoners to languish in county jails in an attempt to shift responsibility for these prisoners' custody from the state to the counties. Defendants have failed to expand the number of work release centers available for the increasing number of women prisoners who qualify for work release. Defendants have failed to expand the SIR program to accommodate the increasing number of women prisoners eligible for SIR placements.

66. Where defendants have responded to the violence caused by overcrowding, the response has been wholly unreasonable. Aggressive intervention by Correctional Emergency Response Team guards who yell and curse at the women is untimely, ineffectual, and intended only to intimidate and terrorize. Rather than prevent further violence, the response of defendants has only heightened the tension and makes the prisons even more dangerous.

## **VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

67. There are no administrative remedies within the Alabama Department of Corrections for named plaintiffs and other members of the plaintiff class to exhaust.

## **VII. CAUSES OF ACTION**

68. Defendants' deliberate indifference to the substantial risk of serious physical violence to which women prisoners in Alabama are exposed, as described in paragraphs 1-3, 22-51, and 62-66, violates plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

69. Defendants' deliberate indifference to plaintiffs' serious medical and mental health needs, as described in paragraphs 1-3, 27-29, 34-35, 37, and 52-66, violates plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

70. Defendants' deliberate indifference to the denial of plaintiffs' basic human needs of living space, ventilation, plumbing and sanitation, as described in paragraphs 1-3, 22-37, and 61-65, violates plaintiffs' rights under the Eighth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs respectfully pray that this Court:

71. Assume jurisdiction over this action;

72. Personally conduct an unannounced inspection of Tutwiler Prison, the Edwina Mitchell Work Release Center and the Birmingham Work Release Center;

73. Schedule an evidentiary hearing on plaintiffs' motion for a preliminary injunction to take place within 14 days;

74. Immediately grant plaintiffs limited expedited discovery to determine facts related to their request for a preliminary injunction, including an expert inspection of the prison facilities, depositions of prison officials, and access to medical and institutional records and other documents relevant to the need for a preliminary injunction;

75. Grant plaintiffs a full trial and discovery in this matter;

76. Adjudge and declare that the acts and omissions of the defendants with regard to the class members violate the Eighth and Fourteenth Amendments to the United States Constitution;

77. Order defendants to comply with the Constitution and enjoin defendants from subjecting plaintiffs to cruel and unusual punishment;

78. Award plaintiffs the costs of this lawsuit and reasonable attorney's fees; and

79. Order such additional relief as the Court may deem just and proper.

Respectfully submitted this 19<sup>th</sup> day of August, 2002,

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