

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WOMEN PRISONERS OF THE DISTRICT OF COLUMBIA DEPT. OF CORRECTIONS, <u>et. al.</u>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 93-2052
)	(JLG)
DISTRICT OF COLUMBIA, <u>et. al.</u>)	
)	
Defendants)	
)	

CONSENT MOTION TO DISMISS WITH PREJUDICE

The Plaintiffs and Defendants, by and through counsel, jointly request dismissal of the above captioned case with prejudice. Pursuant to Local District Court Rule 7.1(m), the parties consent to this motion. Plaintiffs and Defendants respectfully direct the Court's attention to the attached Memorandum of Points and Authorities in support of this motion.

Respectfully submitted,

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THE CONSENT MOTION TO DISMISS WITH PREJUDICE**

Pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626(b)(2) and (3), and Fed. R. Civ. P. 60(b)(5), the parties in this action have agreed to terminate the remaining orders entered in the above-captioned civil action. The parties have exchanged correspondence and information regarding the status of compliance, and Plaintiffs' counsel has contacted and received comments from class members.

1. The parties commenced discussions on the termination of the Court Orders in this case in June 2003.

2. Pursuant to those discussions, Plaintiffs' counsel requested to meet with their clients at the Central Detention Facility (CDF) and at the Correctional Treatment Facility (CTF) in order to ascertain current conditions at those facilities as they related to the Orders.

3. Prior to those meetings, Plaintiffs' counsel sent a notice to all women prisoners at CDF and CTF notifying them of the purpose and time of the meetings. See Attachment A
4. Plaintiffs' counsel, Brenda V. Smith and Reenah L. Kim, conducted open meetings with the women prisoners at the CDF on June 19, 2003 and June 20, 2003, and at CTF on August 8, 2003.
5. In addition, detailed reports on compliance with the Court Orders have been submitted to Plaintiffs' counsel on a monthly basis since 1994. The D.C. Department of Corrections ("Department") responded on March 25, 2003 and January 29, 2004 to Plaintiffs' counsel on the status of compliance with the Orders.
6. On April 9, 2004, the Director of the Department of Corrections provided additional assurances of the Department's intent to continue to address the issues raised in the instant litigation in a constitutional manner. See Attachment B.
7. In conjunction with this motion, the parties will be sending an additional notice to women prisoners at the CDF and the CTF and to District of Columbia women under the jurisdiction of the Federal Bureau of Prisons of the parties' intent to dismiss this matter, Plaintiffs' request for fees and providing 30 days for comment. This notice will be sent to women individually, posted at institutions, and published in the "Our Place, DC" newsletter, which is distributed to

District of Columbia women inmates in each federal facility. See Attachment C

Upon consideration of the monthly compliance reports submitted by the defendants, the correspondence among the parties, Plaintiffs' inquiry on the status of compliance and the determination by the parties that prospective relief does not remain necessary to correct current violations of constitutional rights that are the subject of the outstanding consent decree, the parties, pursuant to the PLRA, agree to and jointly move for the termination of the Orders granting prospective relief entered in the above-captioned civil action. The parties have settled all pending attorney fees and costs abrogating the need to file a petition pursuant to Fed.R.Civ.Pro. 23(h).

Wherefore, the Plaintiffs and Defendants, by and through counsel, jointly request dismissal of the above captioned case with prejudice. Pursuant to Local District Court Rule 7.1(m), the parties consent to this motion.

Respectfully submitted,

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CONSENT ORDER

Pursuant to the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626(b)(2) and (3) and Fed. R. Civ. P. 60(b)(5), the parties to this action have jointly moved to terminate the remaining orders entered in the above-captioned civil action and to dismiss this case. The parties have exchanged correspondence and information regarding the status of compliance, and Plaintiffs' counsel has contacted and received comments from class members. Upon consideration of the monthly compliance reports submitted by the defendants, the correspondence among the parties, Plaintiffs' inquiry on the status of compliance and the determination by the parties that there are no current violations of constitutional rights that are the subject of the outstanding consent decree that require prospective relief, the parties, pursuant to the PLRA, have agreed to and moved for the termination of the Orders granting prospective relief entered in the above-captioned civil action. Additionally, the parties have settled plaintiffs' request for attorneys' fees in accordance with the Fed.R.Civ.Pro. 23 (h)(1).

Wherefore, it is by the Court this _____ day of _____, 2004

ORDERED: That all of the Orders entered in the above-referenced civil action granting prospective relief are terminated; it is,

FURTHER ORDERED: That Defendants shall pay the plaintiffs the sum of \$50,000. (fifty thousand dollars) in full and final settlement of all pending fees and costs within 30 days of dismissal of this case consistent with Fed.R.Civ.Pro 23(h). It is,

FURTHER ORDERED: That upon the signing of this Order and approval of the Plaintiffs' final attorney fee award, this case shall be dismissed with prejudice.

United States District Judge

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