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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Ft. Pierce Division

RECEIVED

JUL 28 2003

FLORIDA JUSTICE INSTITUTE, INC.

Case No. 02-14331-Civ-Paine/Lynch

ALLEN BRASH,)
)
Plaintiff,)
)
v.)
)
WEXFORD HEALTH SOURCES, INC.,)
a Florida corporation, DAVID)
ROWE, and JAMES CROSBY, in)
his official capacity as)
Secretary of the Florida)
Department of Corrections,)
)
Defendants.)

FILED by <u>JK</u> D.C.
JUL 24 2003
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLA. - W.P.B.

ORDER

THIS CAUSE comes before this Court upon the Plaintiff's Emergency Motion for the Conversion of the Preliminary Injunction to a Permanent Injunction as to Defendant Crosby. Having heard argument and reviewed this Emergency Motion and the pertinent portions of the record, and being otherwise advised in the premises, it is hereby,

ORDERED AND ADJUDGED that the Court finds that the preliminary injunction entered April 28, 2003, and as clarified on May 6, 2003, is hereby modified and made a permanent injunction pursuant to 18 U.S.C. §3626(b)(4). It is further

ORDERED AND ADJUDGED that Defendant Crosby shall ensure that the Plaintiff be fully retreated with Pegylated Interferon and Ribavirin. It is further

ORDERED AND ADJUDGED that Plaintiff's rights under the Eight Amendment to the U.S. Constitution will be violated unless the Plaintiff continues to receive retreatment for his Hepatitis C and cirrhosis at Okeechobbe Correctional Institution, or any other facility where suitable retreatment can be provided. It is further

ORDERED AND ADJUDGED that this Order is narrowly drawn and extends no further than necessary to correct the violation of the alleged federal right of which this Court previously found there was a likelihood of success on the merits and is the least intrusive means necessary to correct that federal right without adversely impacting public safety or the operation of the criminal justice system. It is further

ORDERED AND ADJUDGED that the Plaintiff is the prevailing party for purposes of awarding attorneys' fees and costs. It is further

ORDERED AND ADJUDGED that the parties shall attempt to resolve the Plaintiff's attorneys' claim for fees and costs within sixty (60) days of the entry of this Order. In the event that the parties are unable to resolve Plaintiff's claim for attorneys' fees and costs within sixty (60) days from the entry of this Order, the Plaintiff shall file his motion for attorneys' fees and costs within ninety (90) days from the entry of this Order. It is further

ORDERED AND ADJUDGED that all pending motions are denied as

moot. It is further

ORDERED AND ADJUDGED that the Court shall retain jurisdiction to consider and decide whether the Plaintiff's attorneys' fees, expenses, and costs are to be recovered. It is further

ORDERED AND ADJUDGED that the Court shall retain jurisdiction over this Order for the full term of the Plaintiff's retreatment for Hepatitis C and cirrhosis.

DONE AND ORDERED at West Palm Beach, Florida, this 24th day of July, 2003.


UNITED STATES DISTRICT JUDGE

cc: Randall C. Berg, Jr., Esq.
Valerie J. Martin, AAG
Mitchel Chusid, Esq.
Patrick Patrissi, Esq.
Lynn Sharon, Esq.