

EXHIBIT A

FILED

JUN 28 1995

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

NORMAN L. GILLESPIE, CLERK
By [Signature]

Deputy

DAVID D. MOORE, ET AL.,

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:90CV125-S-D

KIRK FORDICE, ET AL.,

DEFENDANTS

AGREED JUDGMENT OF SETTLEMENT AND DISMISSAL

This case comes before the Court for entry of final judgment by negotiated agreement and consent of the parties, through counsel.

The Court finds that the named plaintiffs in this action, represented on remand by a veteran prisoners' rights attorney appointed by the Court, represent a Rule 23 class described as all HIV-positive, convicted felony offenders committed pursuant to state law to the custody of the Mississippi Department of Corrections, wherever now housed or hereafter to be housed within the State of Mississippi.

The class so described meets all F.R.Civ.P. 23 (a) prerequisites and is properly maintainable pursuant to F.R. Civ. P. 23(b)(1) and (b)(2).

To promote settlement, plaintiffs' counsel has waived payment of any and all attorney's fees and costs.

In the totality of circumstances of the case, the Court finds that the negotiated, agreed judgment ought to be and the same is hereby approved and implemented as directed below.

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PC-MS-002-001

EXHIBIT A

1. The named plaintiffs, represented by instant appointed counsel, are individual representatives of a larger F.R.Civ.P. 23 class hereby described and defined as:

All HIV-positive, convicted felony offenders committed pursuant to state law to the custody of the Mississippi Department of Corrections, wherever now housed or hereafter to be housed in the State of Mississippi.

2. Payment of any and all attorney's fees and costs have been waived by plaintiffs' attorney, and defendants have no liability or obligation for payment of said attorney's fees and costs.

3. Pursuant to the Federal Rules of Civil Procedure, newly appointed Mississippi Department of Corrections Commissioner Steve Puckett is hereby named as an additional, necessary defendant in this case.

4. Within sixty (60) days from the day of this Order, Defendants shall submit for court approval a plan and phase-in timetable for housing only members of the plaintiff class in Unit-28 of the Mississippi State Penitentiary, and for such other, additional housing unit assignment of class members as may be necessary for disciplinary or other classification reasons.

5. Within sixty (60) days from the date of this Order, Defendants shall submit for court approval a plan and phase-in timetable to provide more jobs and more frequent outdoor exercise and sports competition by increased "yard-calls" at the unit, inter alia, for class members resident in Unit-28

at the Mississippi State Penitentiary.

6. That within sixty (60) days of the date of this Order, the Defendants shall submit for Court approval a plan by which segregated class members will be provided with reasonable educational activities/courses, and job assignments as an alternative to those educational opportunities/courses and job assignments available to the prison population at large. The plan shall contain a timetable providing for substantial implementation as soon as possible and complete implementation on or before January 15, 1996.

7. Defendants shall allow extended family visitation to class members, and shall within sixty (60) days of this judgment submit for Court approval a plan, policy, and rules and regulations by which extended family visitation will be provided as soon as possible.

8. Beginning August 1, 1995, or as soon thereafter as the present, temporary inmate residents of Unit-30 gym are removed and Unit-30 gym returns to use as a gym, defendants shall provide Unit-28 class members gym call at Unit-30 gym at least once a week when gym call at Unit-30 is held.

9. Defendants shall prescribe and provide medically appropriate diets for class members wherever housed, and shall, within sixty (60) days of this Order, submit for court approval a plan by which this will be accomplished and implemented.

10. Beginning within thirty (30) days of the date of this Judgment, Defendants shall provide class members housed at Unit-28 with a minimum of two-day-a-week sick call by nurse or doctor either at their housing unit or at the Mississippi State Penitentiary Hospital, and a three-day-a-week pick-up of sick call request forms at housing Unit-28 for transport to and medical review at the Mississippi State Penitentiary Hospital.

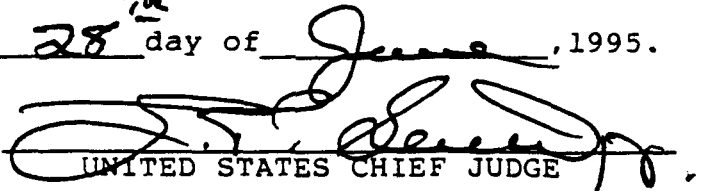
11. It is expressly understood by the parties that the provisions in this Order do not constitute a "prevailing" or an admission of liability by the Defendants, or a recognition or vindication of plaintiffs' constitutional rights and are agreed to solely as a compromise to avoid expense and to terminate all controversy and claim for damages arising from the incidents set forth in Plaintiffs' complaint herein.

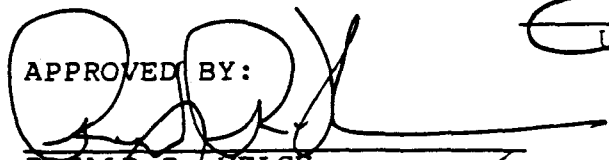
12. The parties hereby obligate themselves to seek in good faith an informal resolution to any dispute as to term or applicability of this Order prior to instituting any legal action relative thereto.


13. The Court retains jurisdiction of the case to receive and approve the plans directed herein, to supervise implementation of the Court's orders, and to grant such modification of or addition to this Order or to the submitted plans as the review standards of fairness and reasonableness may require.

14. If implementation of the above is achieved and substantial compliance maintained during a two-year period from the date of this Order, then, upon submission of an agreed order or upon motion of Defendants, the case will be dismissed with prejudice, unless good cause to the contrary can be shown.

SO ORDERED, this the 28th day of June, 1995.


UNITED STATES CHIEF JUDGE

APPROVED BY:

RONALD R. WELCH
ATTORNEY FOR PLAINTIFFS


LEONARD C. VINCENT
ATTORNEY FOR DEFENDANTS