

NO. DIST. OF MISSISSIPPI
FILED

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

NOV 13 10 07 AM '97

U.S. DISTRICT CLERK
D. Danforth

NAZARETH GATES, ET AL., PLAINTIFFS

VS. LEAD CASE NO. GC-71-6-S-D

KIRK FORDICE, ET AL., DEFENDANTS

CONSOLIDATED WITH

DAVID D. MOORE, ET AL. PLAINTIFFS

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

KIRK FORDICE, ET AL. DEFENDANTS

ORDER

These post-judgment, class action injunctive relief causes come before the court on the joint ore tenus motion of the parties, by and through counsel, to consolidate, and also on the two motions of plaintiffs' court-appointed counsel for post-judgment awards of attorney's fees pursuant to the Civil Rights Attorney's Fees Act of 1976, 42 U.S.C. Section 1988.

The Court finds, pursuant to Rule 42, F.R.Civ.P., and Rule 5, Uniform Local Rules Of The United States District Courts For The Northern And Southern Districts (Uniform Local Rule), that these post-judgment cases have common defendants, that all the plaintiff class in Moore are also members of the larger plaintiff class in Gates, that the Moore class can properly be certified as a subclass in Gates to protect its separate identity upon consolidation, that

Moore v. Fordice



PC-MS-002-006

COB 81, pgs 298-300

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the the cases have common issues of law and fact, and that they should be and the same are hereby consolidated.

The Court finds that the defendants are in substantial compliance with the previous orders and agreed judgment entered in Moore v. Fordice, that the parties have negotiated an agreed settlement of the attorney's fees issues presented, that said agreed settlement is well taken, and that it should be approved. It is therefore

ORDERED

1. That the above styled and numbered Moore v. Fordice case should be and the same is hereby consolidated with and placed in the division and under the jurisdiction of the above styled, numbered, and earliest filed Gates v. Collier pursuant to Uniform Local Rule 5, and Rule 42, F.R.Civ.P.

2. That the following described class from Moore is hereby certified as a subclass of the larger class already certified in Gates v. Collier

"All HIV-positive inmates sentenced to the custody of the Mississippi Department of Corrections wherever now housed or hereafter to be housed within the State of Mississippi."

3. That future pleadings pertaining to the Moore consolidated case and subclass shall have the same heading, style, and numbers as that of this Order.

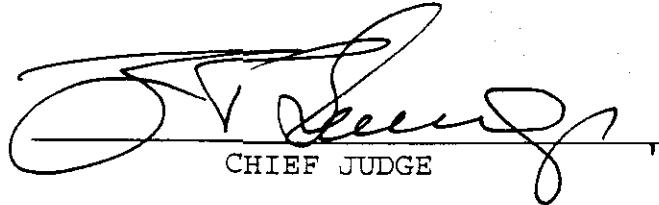
4. That the Clerk is directed duly to file a copy of this order in all cases and to take such action as is necessary to effectuate this order of consolidation and certification of subclass.

5. That in full and complete settlement of plaintiffs' first and second verified motions and for all additional attorney time and expense to date, defendants shall pay Ronald Reid Welch, P.A., the sum of \$18,750.00 (eighteen thousand seven hundred fifty dollars) no later than June 31, 1998, with legal judgment interest to be paid from the date of this order until paid in full.

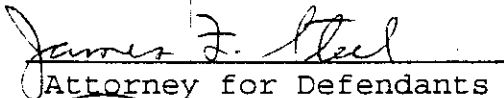
6. That a separate final judgment order for the fees awarded in Paragraph 5 shall issue this day from the court and be duly filed by the Clerk.

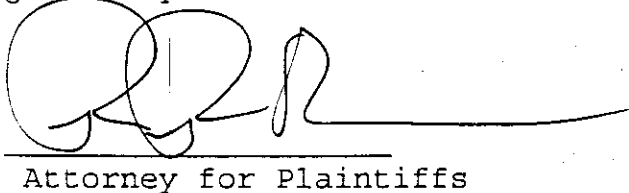
7. That the parties obligate themselves to seek in good faith an informal resolution to any dispute in this case prior to instituting any legal action relative thereto.

SO ORDERED, this, the 15th day of November 1997.


CHIEF JUDGE

AGREED:


Attorney for Defendants


Attorney for Plaintiffs

CERTIFYING STAMP

I certify that the foregoing is a true copy of the original thereof now in my office.

ATTEST 24 NOV 97

Norman L. Gillespie, CLERK

By Diana C. Crotch
DEPUTY CLERK