



PC-NY-006-002

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUIS MILBURN, JESUS ALVAREZ, WILLIAM :
HARRIS, JOSEPH MACK, THOMAS BROUGHAL, :
RONALD DAVIDSON, CHARLES THOMAS, JOHNNY :
PINKNEY, VINCENT SCIABICA, ANTHONY BATTLE, :
MARCELLUS THOMAS, MEYER WEINER, and RAMON :
SEVILLA, on behalf of themselves and all :
other persons similarly situated, :

Plaintiffs,

- against -

THOMAS A. COUGHLIN III, Commissioner of :
the New York State Department of Correc- :
tional Services; MARIO CUOMO, Governor of :
the State of New York; ROBERT GREIFINGER, :
Deputy Commissioner and Chief Medical :
Officer of the New York State Department :
of Correctional Services; CHARLES SCULLY, :
Superintendent of Green Haven Correctional :
Facility; SAUNDRA JOHNSON, Regional Health :
Services Administrator for Green Haven :
Correctional Facility; DARLY JEANTY, :
Facility Health Services Director at Green :
Haven Correctional Facility; and CHEREE :
LEMMERMAN, Nurse Administrator at Green :
Haven Correctional Facility, individually :
and in their official capacities, :

Defendants.

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STIPULATION FOR
ENTRY OF
MODIFIED FINAL
JUDGMENT BY
CONSENT

79 Civ. 5077
(RJW)

This action was brought on September 25, 1979, challenging the provision of health care services at Green Haven Correctional Facility ("Green Haven") as violative of prisoners' rights under the United States Constitution. The Court certified the case as a class action on December 16, 1980, the class consisting of all persons who are or will be incarcerated at Green Haven. Although defendants denied that plaintiffs' rights under the Constitution had been violated, the parties agreed that it was in the best interests of all the parties that the issues be resolved without further litigation and entered into a Stipulation for Entry of Final Judgment, dated June 23, 1982, and a Supplemental Stipulation, dated August 20, 1982, which the Court after a hearing approved and adopted as the Final Judgment of the Court on August 23, 1982. Since that time, the Final Judgment has been modified

or subject to additional Orders, Stipulations and Understandings on several occasions, including Orders of August 12, 1983; May 21, 1984; December 3, 1984; September 22, 1986; and October 24, 1988.

On October 6, 1989, plaintiffs filed a motion for contempt, modification of the Final Judgment, and the appointment of a Master. Defendants opposed this relief. On March 6, 1990, the Court appointed a Medical Auditor whose duties include reporting to the Court on the degree of compliance with the Final Judgment and making recommendations. The Medical Auditor's First Report was issued on June 8, 1990. The Medical Auditor found areas of non-compliance with the Final Judgment and recommended modifications of the Court's Orders.

On July 16, 1990, the Court commenced a hearing on plaintiffs' application for contempt and modification of the Final Judgment. Several witnesses testified concerning the delivery of health services to the plaintiff class. On July 27, 1990, the hearing was adjourned and thereafter the parties began settlement discussions.

The parties have now agreed to resolve plaintiffs' motion without further litigation by consenting to the entry of the attached Modified Final Judgment by Consent ("Modified Final Judgment"). The Modified Final Judgment, if approved by the Court after notice to the plaintiff class, will supersede with a single document the 1982 Final Judgment and its associated Orders, Modifications, Stipulations, and Understandings (except those pertaining to the Medical Auditor, entered March 6, 1990, October 22, 1990, and December 10, 1990). It will also include new modifications addressing issues raised by plaintiffs' motion of October 6, 1989. Upon entry of the Modified Final Judgment, plaintiffs' motion of October 6, 1989, will be dismissed without prejudice.

Dated: New York, New York
August 1st, 1991

For Plaintiffs:

PHILIP WEINSTEIN
JOHN A. BECK
DALE A. WILKER
DORI A. LEWIS
The Legal Aid Society
Prisoners' Rights Project
15 Park Row - Suite 718
New York, New York 10038
(212) 577-3530

By: S/ John A. Beck

For Defendants:

ROBERT ABRAMS
Attorney General of New York
New York State Department of Law
120 Broadway
New York, New York 10271
(212) 341-2633

By: S/ Ronald Turbin
RONALD TURBIN
Assistant Attorney General