

Milburn v. Coughlin

United States District Court for the Southern District of New York
December 15, 1980, Decided ; December 16, 1980, Filed
79 Civ. 5077 (RJW)

Reporter: 1980 U.S. Dist. LEXIS 17842

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, -v- THOMAS A. COUGHLIN III, Commissioner of the New York State Department of Correctional Services; HUGH G. CAREY, Governor of the State of New York; ARTHUR WEBB, Assistant Commissioner for Health Services of the New York State Department of Correctional Services; DAVID R. HARRIS, Superintendent of Green Haven Correctional Facility; JOSEPH KEENAN, Deputy Superintendent of Green Haven Correctional Facility; E. MICHAEL KALONICK, Health Services Administrator of Green Haven Correctional Facility; MARC FREEDMAN, Physician at Green Haven Correctional Facility; and FLORENCE GAGLIARDY, Nurse Administrator at Green Haven Correctional Facility, individually and in their official capacities, Defendants.

Counsel: [*1] WILLIAM E. HELLERSTEIN, NEW YORK, NEW YORK, for Plaintiffs.

Robert Abrams, Attorney General, for Defendants.

Judges: Robert J. Ward, UNITED STATES DISTRICT JUDGE.

Opinion by: Robert J. Ward

Opinion

ORDER

Plaintiffs having moved for an order, pursuant to Rule 23(c)(1) and (d)(2) of the Federal Rules of Civil Procedure, that this action be certified and maintained as a class action and that notice of this action be given to the class,

and the Court having found that this action satisfies the requirements of Rule 23(a) and (b)(2), it is hereby

ORDERED that this action be maintained as a class action pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, and it is further

ORDERED that the class shall consist of all persons who are or will be confined at the Green Haven Correctional Facility, and it is further

ORDERED that notice of this action be given to the members of the class by posting a copy of the attached notice in each common area of Green Haven Correctional Facility and by distributing a copy of the notice to each new admission to Green Haven, and it is further

ORDERED that the Legal Aid Society reproduce sufficient copies of the attached notice and deliver them [*2] to defendant Charles J. Scully, Superintendent of Green Haven Correctional Facility who shall be responsible for distribution and posting.

Dated: New York, New York

December 15, 1980

Robert J. Ward

UNITED STATES DISTRICT JUDGE

Motion granted in accordance with memorandum decision filed herewith.

Robert J. Ward

U. S. D. J.

Dated: NOVEMBER 26, 1980