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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY MEDINA, KELVIN CURRAN,
WARREN DAVIS, JAMES COLANTUONO,
KEVIN JONES, PETER LOPEZ, CHRISTOPHER
MORRISHAW AND MICHAEL SMITH,
*individually and on behalf of others similarly
situated,*

Plaintiffs,

-against-

THE NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY SERVICES;
BRIAN FISCHER, COMMISSIONER OF THE NEW
YORK STATE DEPARTMENT OF CORRECTIONS
AND COMMUNITY SERVICES; LUCY BUTHER,
ADA COORDINATOR OF THE NEW YORK
STATE DEPARTMENT OF CORRECTIONS AND
COMMUNITY SERVICES; PATRICK J. GRIFFIN,
SUPERINTENDENT OF SULLIVAN
CORRECTIONAL FACILITY; DARROW
CUNNINGHAM, DEPUTY SUPERINTENDENT OF
PROGRAMS FOR SULLIVAN CORRECTIONAL
FACILITY; CHRISTOPHER KARSON,
ASSISTANT DEPUTY SUPERINTENDENT OF
PROGRAMS FOR SULLIVAN CORRECTIONAL
FACILITY; DALE ARTUS, SUPERINTENDENT OF
WENDE CORRECTIONAL FACILITY; AND
KAREN CROWLEY, DEPUTY
SUPERINTENDENT OF PROGRAMS FOR
WENDE CORRECTIONAL FACILITY,

Defendants.

11 Civ. 176 (JLC)

ECF Case

FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

This matter came before the Court for a Fairness Hearing on April 21, 2014, for approval of the settlement set forth in the Private Settlement Agreement dated February 28, 2014. Due and adequate notice having been given to the Class as required by Federal Rule of Civil

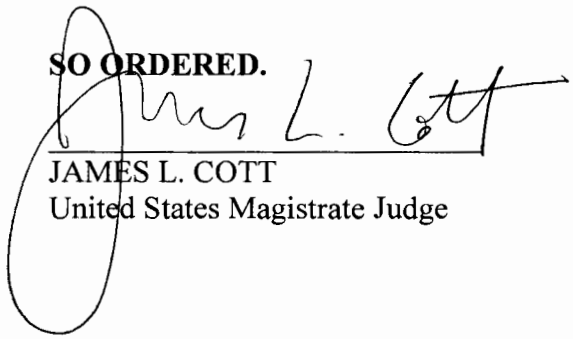
Procedure 23(e)(1) and the Order Certifying Settlement Class, Appointing Class Representatives and Class Counsel, Preliminarily Approving the Parties' Private Settlement Agreement, and Providing for Notice to Class Members, filed March 4, 2014, the 90-day notice period under the Class Action Fairness Act, 28 U.S.C. § 1715, having now expired, and the Court having considered all papers filed, including the objections filed following the Fairness Hearing, and good cause having been shown, IT IS HEREBY ORDERED:

1. **Defined Terms:** For purposes of this Final Judgment and Order of Dismissal with Prejudice, the Court holds that any capitalized terms used herein and not defined should be construed consistently with the definitions set forth in the Private Settlement Agreement.
2. **Approval of Settlement:** Pursuant to Federal Rule of Civil Procedure 23, the Court approves the settlement set forth in the Private Settlement Agreement and finds that the Private Settlement Agreement is, in all respects, fair, reasonable, and adequate.
3. **Class Certification and Appointment of Class Representatives and Counsel:** The Court confirms its prior preliminary certification and certifies the Class of all Legally Blind and Severely Visually Impaired prisoners who are incarcerated at Sullivan or Wende or who become incarcerated at Sullivan or Wende during the duration of the Private Settlement Agreement. The Court confirms its prior preliminary appointment of and appoints Kelvin Curran, Warren Davis, Peter Lopez, and Michael Smith as class representatives and Paul, Weiss, Rifkind, Wharton & Garrison LLP and The Legal Aid Society, Prisoners' Rights Project, as counsel for the Class. The Court hereby finds that each element for final certification of the Class is met.

4. **Dismissal with Prejudice**: The above-captioned Action is dismissed with prejudice. The Parties are to bear their own costs, except as otherwise provided in the Private Settlement Agreement.

5. **Release of Claims**: Upon the Effective Date of the Private Settlement Agreement, Named Plaintiffs and each of the members of the Class shall be deemed to have released all Released Claims as defined and described in the Private Settlement Agreement.

JULY 22, 2014
Dated
NEW YORK, NY

SO ORDERED.

JAMES L. COTT
United States Magistrate Judge