



PC-OH-007-001

FILED  
KENNETH J. MURPHY  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

JAMES N. THOMPSON  
No. 186-862  
P.O. Box 69  
London, Ohio 43140 and

MICHAEL K. BAILEY  
No. 141-957  
P.O. Box 69  
London, Ohio 43140

PLAINTIFFS,

V.

GEORGE D. ALEXANDER,  
individually, and in his  
official capacity as Warden,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

RODNEY L. FRANCIS,  
individually, and in his  
official capacity as Operations  
Deputy Warden,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

BETTY J. MITCHELL,  
individually, and in her  
official capacity as T.I.E  
Deputy Warden,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

RAYMOND E. BROWN,  
individually, and in his  
official capacity as Unit  
Manager,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

CASE NO. C2:90-CV-845

JUDGE HOLSCHUH  
MAGISTRATE KING

DOROTHY WRIGHTSEL,  
individually, and in her  
official capacity as Food  
Service Director,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

JAMES JONES,  
individually, and in his  
official capacity as Inspector  
of Institutional Services,  
London Correctional Institution  
State Route 56  
P.O. Box 69  
London, Ohio 43140, and

GEORGE W. WILSON,  
individually, and in his  
former capacity as Director,  
Ohio Department of  
Rehabilitation and Correction  
1050 Freeway Drive North  
Columbus, Ohio 43229, and

REGINALD WILKINSON,  
individually, and in his  
official capacity as Director,  
Ohio Department of  
Rehabilitation and Correction  
1050 Freeway Drive North  
Columbus, Ohio 43229,

DEFENDANTS.

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

James N. Thompson (hereinafter "Thompson") and Michael Bailey (hereinafter "Bailey"), plaintiffs, on behalf of themselves and the class they seek to represent state the following as their first amended complaint against defendants:

**I. INTRODUCTION**

1. This is a proposed class action suit brought by the named plaintiffs who are inmates of the London Correctional Institution

(hereinafter "LOCI") personally, and on behalf of all other inmates who are or will be confined at LOCI. Plaintiffs' motion to certify a class of plaintiffs was filed immediately prior to this amended complaint. This action is brought under 42 U.S.C. §1983 and seeks to secure for the plaintiffs rights guaranteed to them by the Eighth and Fourteenth Amendments to the United States Constitution and applicable state and federal regulations. These rights are being denied to the plaintiffs as a result of the acts of defendants which cause or allow the unconstitutional conditions to exist at LOCI.

2. The inmate population of LOCI has grown rapidly along with the Ohio inmate population in general, but has done so unchecked by corresponding increases in physical facilities, guards and medical, kitchen and mailroom staffs. Further, based upon information and belief, in June, 1991, approximately \$600,000 of budgeted funds were returned by LOCI to the Department of Rehabilitation and Correction which could have been used to address the aforementioned problems.

3. The plaintiffs request declaratory and injunctive relief requiring the improvement of conditions at LOCI to a level consistent with constitutional and statutory requirements, as well as nominal compensatory damages.

## II. JURISDICTION

4. The causes of action stated in this complaint arise under 42 U.S.C. §1983 which provides redress for the deprivation, under

color of state law, of civil rights secured to all persons within the jurisdiction of the United States, by the Eighth and Fourteenth Amendments to the United States Constitution. Jurisdiction lies with this court pursuant to 28 U.S.C. §§1331 and 1343(3) and (4). This action is not subject to the requirement of a minimum amount in controversy.

5. The plaintiffs' demands for declaratory and injunctive relief are authorized by 28 U.S.C. §§2201 and 2202, and by Rules 57 and 65 of the Federal Rules of Civil Procedure.

6. Each of the defendants reside in the State of Ohio and the claims for relief arose in the Southern District of Ohio, Eastern Division. Pursuant to 28 U.S.C. §1391(b), venue of this action lies in the Southern District of Ohio, Eastern Division.

### III. PARTIES

7. The allegations contained in paragraphs 1 through 6 of this complaint are hereby incorporated by reference as if fully rewritten.

8. Plaintiff James N. Thompson is, and has been since November, 1985, an inmate of LOCI. Plaintiff Thompson's identification number is 186-862.

9. Plaintiff Michael K. Bailey is, and has been since June, 1978, an inmate of LOCI. Plaintiff Bailey's identification number is 141-957.

10. Defendant George D. Alexander is now, and at all material times hereto has been, the duly appointed, employed and acting Warden of LOCI for the State of Ohio. As warden, he is charged by

law to provide proper care, treatment, and security to all inmates under his custody. He is also responsible for enforcing the application of departmental regulations to the operations of LOCI during his tenure. This defendant is being sued both individually, and in his official capacity.

11. Defendant Rodney F. Francis is now, and at all material times hereto has been the Operations Deputy of LOCI for the State of Ohio. As Operations Deputy he is charged with responsibility for the fiscal operations and management of LOCI during his tenure. This defendant is being sued both individually, and in his official capacity.

12. Defendant Betty J. Mitchell is now, and at all material times hereto has been, the duly appointed, employed and acting Training, Industries and Education (hereinafter "T.I.E.") Deputy Warden of LOCI for the State of Ohio. As T.I.E. Deputy Warden she is charged with responsibility for the operations related to Training, Industry and Education programs for all inmates under her supervision. This defendant is being sued both individually, and in her official capacity.

13. Defendant Raymond E. Brown is now, and at all material times hereto has been, the Unit Manager for Unit F of LOCI for the State of Ohio. As Unit Manager he is for the overall management of Unit F for LOCI. This defendant is being sued both individually, and in his official capacity.

14. Defendant Dorothy Wrightsel is now, and at all material times hereto has been, the Food Service Director of LOCI for the

State of Ohio. As Food Service Director she is responsible for providing food service to all LOCI inmates under guidelines established by the Departmental Dietician. This defendant is being sued both individually, and in her official capacity.

15. Defendant James Jones is now, and at all material times hereto has been, the Inspector of Institutional Service of LOCI for the State of Ohio. As Inspector of Institutional Services he is responsible for conducting all interviews, records research and other investigation of inmate grievances at LOCI. As Inspector he also reports to the Chief Inspector for the Ohio Department of Rehabilitation and Correction as to whether all laws, administrative regulations and rules are being adhered to at LOCI. This defendant is being sued both individually, and in his official capacity.

16. Defendant Reginald Wilkinson is now, and defendant George W. Wilson was, at all material times hereto has been, the duly appointed, employed, and acting Director of the Ohio Department of Rehabilitation and Corrections for the State of Ohio. As Director, defendants are charged by law to provide proper care, treatment and security to all prisoner's under the Department's control and are empowered to direct the use to which any departmental facility, which includes LOCI, will be put. As Director, defendants also are responsible for enforcing the application of the department regulations promulgated by their office within all of the department's institutions. These defendants are being sued both individually, and in their official capacities.

#### IV. FACTS

17. The allegations contained in paragraphs 1 through 16 of this complaint are hereby incorporated by reference as if fully rewritten.

18. LOCI is an all male, medium and minimum security prison opened in or about 1925, administered by the Ohio Department of Rehabilitation and Correction. LOCI is located near the City of London, in Madison County, Ohio.

#### V. OVERCROWDING

##### A. Facilities

19. The allegations contained in paragraphs 1 through 18 of this complaint are hereby incorporated by reference as if fully rewritten.

20. On or about October 7, 1990 the daily count of inmates at LOCI totalled 2167, today the facility holds over 2300 inmates. Based upon information and belief, LOCI is not constructed or designed to hold 2300 inmates.

21. Thompson currently resides in Eight Dorm which has 183 beds. In July and August, 1990, correctional officers moved the beds of Eight dorm closer together ultimately reducing the living space available to Thompson from about 35 square feet to 29.59 square feet. Living space is defined as that area used by inmates for activities such as sleeping, dressing and relaxation which does not include the common areas of the prison facility. This small amount of living space per inmate combined with overcrowded common

areas results in excessive noise, creates tension among inmates, and leads ultimately to dangerously violent conditions within the dormitory and prison in general.

22. After the July reduction to his living space Thompson filed a grievance protesting the reduction and another requesting the name of the corrections official who authorized the reduction. Defendants responded that there is no legal minimum to living space provided to inmates and refused to disclose the party responsible for the reduction. In fact, the living space was further reduced in August.

23. Eight dorm currently has insufficient numbers of toilets, wash basins, showers and urinals to accommodate the large number of inmates housed therein. The ratios of these hygiene fixtures to inmate capacity are as follows:

Dorm	Capacity	Toilets/ Ratio	Basin/ Ratio	Shower/ Ratio	Urinal/ Ratio
8	183	7/1:26	17/1:10	9/1:20	8/1:22

Based upon information and belief, many of these hygiene fixtures may be in a state of disrepair at any given time, thereby exacerbating an already intolerable ratio of fixtures to inmates.

24. Mr. Bailey currently resides in the East dorm at London Correctional Camp (hereinafter "L.C.C.") which has 356 beds. Mr. Bailey has 37.5 square feet of living space.

25. L.C.C. dorm currently has insufficient numbers of toilets, wash basins, showers and urinals to accommodate the large number of inmates housed therein. The ratios of these hygiene fixtures to inmate capacity are as follows:



Dorm	Capacity	Toilets/ Ratio	Basin/ Ratio	Shower/ Ratio	Urinal/ Ratio
L.C.C. East	356	22/1:16	36/1:9	16/1:22	7/1:70

Based upon information and belief, many of these hygiene fixtures may be in a state of disrepair at any given time, thereby exacerbating already intolerable ratios of fixtures to inmates.

26. Given the obvious nature of the poor hygiene fixture to inmate ratios and broken fixture problems, defendants' have clearly acted with deliberate indifference in failing to remedy such fundamental and easily remedied problems.

27. The overcrowding of facilities experienced by plaintiffs Thompson and Bailey are generally representative of the conditions experienced by the proposed class. Accordingly, the allegations contained in paragraphs 19 through 26 of this complaint are hereby incorporated by reference as if fully rewritten, and are applicable to the proposed class. Further, paragraphs 14 through 28 of plaintiffs' original complaint are hereby incorporated by reference as if fully rewritten.

B. Discipline and Personal Safety

28. The allegations contained in paragraphs 1 through 27 of this complaint are hereby incorporated by reference as if fully rewritten.

29. Based upon information and belief, the inmate population at LOCI has exceeded levels that correction officials are able to supervise and control thereby causing an unreasonably dangerous prison environment.

30. Based upon information and belief, prior to overcrowding

at LOCI inmates caught fighting were confined for seven (7) days in disciplinary control, were relocated to a new dormitory and/or job, and a notation separating the involved inmates was recorded. Now the punishment for fighting is simply the temporary separation of the inmates and the notation on their record.

31. Based upon information and belief, prior to overcrowding at LOCI inmates caught committing extortion, involved with gangs, selling drugs, attempting escape, repeatedly fighting or menacing other inmates were summarily transferred to a higher security facility after being confined fifteen (15) days in disciplinary control. Now the punishment for these infractions is to spend part of the fifteen (15) day confinement in disciplinary control, then go to administrative control for thirty (30) days, and then return to the general inmate population where they can resume their prior behavior.

32. Based upon information and belief, due to overcrowding it has become common practice to release inmates from disciplinary control several days early in order to make room for other inmates to be disciplined. Further, disciplinary control will sometimes become so crowded that it becomes necessary for correctional officers to give verbal reprimands and warnings when disciplinary control confinement would otherwise be appropriate.

33. Based upon information and belief, the growth of the inmate population has not been matched by a proportional increase in guards, leading to an increasingly dangerous atmosphere at LOCI. The dangerous conditions are known to defendants and obviously are

compounded by the diminishing ratio of guards to inmates. Defendants are charged with responsibility for the safety of the prisoners, and failure to attempt to remedy this problem, for which the defendants have constructive notice, is evidence of deliberate indifference.

#### C. Noise

34. The allegations contained in paragraphs 1 through 33 of this complaint are hereby incorporated by reference as if fully rewritten.

35. As the inmate population of LOCI has grown and housing conditions within the dormitories has become more concentrated, noise levels have become excessive and pervasive.

36. Despite numerous grievances filed by inmates concerning excessive noise levels, defendants have refused to recognize the noise problem which precludes third shift workers from sleeping during the daytime, and other inmates from reading, writing and studying during the same hours.

#### D. Visitation and Mail

37. The allegations contained in paragraphs 1 through 36 of this complaint are hereby incorporated by reference as if fully rewritten.

38. Based upon information and belief, overcrowding has caused the reduction and limitation of inmate visitation. In addition, home cooked meals are no longer permitted to be consumed during visitation. The curtailment and elimination of these basic creature comforts constitutes deprivation of the most basic of

identifiable human needs - society of loved ones.

39. Based upon information and belief, overcrowding has increased the delay of mail to be distributed to inmates. The increased delay in the distribution of mail further contributes to the deprivation of the inmates' contact with loved ones, a basic human need.

40. Based upon information and belief, incoming inmate mail is read and openly discussed by prison officials prior to delivery to the inmates. The non-confidential review and discussion of inmate mail violates inmate privacy rights at the point prison security interests are satisfied. Prison security interests do not require non-confidential review, and any system which allows violation of inmate privacy rights is evidence of deliberate indifference towards those rights.

41. As a direct and proximate result of the defendants' actions, plaintiffs' have suffered and will continue to suffer irreparable harm.

## VI. HEALTH AND NUTRITION

### A. Food Services

42. The allegations contained in paragraphs 1 through 41 of this complaint are hereby incorporated by reference as if fully rewritten.

43. Based upon information and belief, there are frequent shortages of essential food items and due to understaffed kitchens the food that is prepared and served is often of needlessly inferior quality, and served at inappropriate temperatures.

44. Based upon information and belief, improper supervision of food stores results in food being stolen by inmates and prison employees.

45. Based upon information and belief, the food provided by LOCI does not meet minimal standards established by the Central Office of the Ohio Department of Rehabilitation and Corrections and does not meet minimal standards of decency. Despite plaintiffs' repeated grievances concerning these problems defendants have made no sincere efforts to address the grievances or take any sort of action in deliberate indifference to the problems.

#### B. Health Care

46. The allegations contained in paragraphs 1 through 45 of this complaint are hereby incorporated by reference as if fully rewritten.

47. Based upon information and belief, health care services available to inmates have been decreased to unacceptable levels due to understaffing of medical facilities.

48. Based upon information and belief, the nursing staff of LOCI is not adequately supervised by physicians and an unlicensed inmate performs X-rays without supervision. Physician supervised Health care is certainly a fundamental right guaranteed to inmates and protected under the ban against cruel and unusual punishment. Defendants have acted with deliberate indifference in failing to improve access to physicians and properly supervised health care services.

#### C. Environment

49. The allegations contained in paragraphs 1 through 48 of this complaint are hereby incorporated by reference as if fully rewritten.

50. High sulfur coal is burned in the powerhouse at LOCI. In violation of its Environmental Protection Agency permit to operate a contaminant source, LOCI has burned coal with a sulfur content exceeding 3.5%. In deliberate indifference to the safety of the inmates, the defendant's allow the high sulfur coal particulant from the powerhouse to contaminate the inmates and their property, causing serious health risks and loss of property.

51. Based upon information and belief, the ground water supply at LOCI is contaminated with high concentrations of lead, which is a known health hazard in sufficient quantities. As a result of the water purification process lead-contaminated lime sludge is generated which must be disposed. In violation of LOCI's own management plan governing lime sludge disposal, the sludge is spread on LOCI's farm pastures as fertilizer.

52. Asbestos is present in the LOCI laundry room despite Occupational Health and Safety Administration orders issued in 1989 to remove or abate the asbestos. The defendant's have failed to remedy this problem despite the well-known dangers of asbestos fibers.

53. Based upon information and belief, LOCI has disposed of at least eleven (11) bags of asbestos by burying them at the LOCI dump. This disposal is not only environmentally irresponsible, but surely subjected inmates to unwarranted danger when it was being

disposed, and now presents the potential danger that the asbestos may be uncovered.

54. As a direct and proximate result of the defendants' actions, plaintiffs' have suffered and will continue to suffer irreparable harm.

## VII. INADEQUATE BUILDING MAINTENANCE

### A. Ventilation

55. The allegations contained in paragraphs 1 through 54 of this complaint are hereby incorporated by reference as if fully rewritten.

56. The dormitory where Thompson resides only has proper ventilation during mild weather, when the windows on the North and South walls of the dormitory can be opened. Otherwise, there is no air flow through the dorm at all, and the excessive number of inmates causes the air in the dorm to become stale and contaminated with smoke and body odor.

57. The dormitory where Bailey resides is outfitted with a ventilation system, but this system has not been operational since before June, 1984.

58. Substantially all of the prison is lacking in proper ventilation. There is poor or no ventilation in the recreation area, dining area, kitchen, showers, toilet area and upstairs lobby area, creating a stagnant atmosphere throughout the prison.

### B. Lighting

59. The allegations contained in paragraphs 1 through 58 of

this complaint are hereby incorporated by reference as if fully rewritten.

60. Eight dorm, where Thompson resides, has 126 fluorescent light fixtures, one half of which are typically inoperable at any given time. The reduced lighting caused by the inoperable fixtures causes severe eye strain when the inmates try to read and write in these conditions.

61. L.C.C., where Bailey resides, has no fluorescent lights, causing the lighting to be inadequate for reading and writing.

62. Despite grievances filed by plaintiffs' regarding the inadequate lighting and inoperable lights, defendant's have taken no action to improve the lighting conditions at LOCI.

63. The inadequate lighting experienced by plaintiffs Thompson and Bailey are generally representative of the conditions experienced by proposed class. Accordingly, the allegations contained in paragraphs 60 through 62 are hereby incorporated by reference as if fully rewritten, and are applicable to the proposed class.

#### C. Sanitation

64. The allegations contained in paragraphs 1 through 63 of this complaint are hereby incorporated by reference as if fully rewritten.

65. Complaints have been filed protesting frequent sewer backups at L.C.C., and that half of the toilets in the dorm were broken, some for a long period of time. In response to these complaints defendants have generally ignored and not responded to



the complaints, and in one instance made the following ridiculous response:

"Please list your suggestions and a justification of each for me."

66. Broken toilets, basins, showers and urinals are the rule rather than the exception in most of the LOCI dormitories, despite frequent complaints.

67. As a direct and proximate result of the defendants' actions, plaintiffs' have suffered and will continue to suffer, irreparable harm.

#### VIII. INMATE WELL BEING

##### A. Racism

68. The allegations contained in paragraphs 1 through 67 of this complaint are hereby incorporated by reference as if fully rewritten.

69. Based upon information and belief, inmates are assigned jobs, dormitory and security assignments on the basis of race. Based upon information and belief, the racially discriminatory policies practiced at LOCI have been promulgated by defendant Wilkinson and the central office of the Ohio Department of Rehabilitation and Correction.

##### B. Orientation

70. The allegations contained in paragraphs 1 through 69 of this complaint are hereby incorporated by reference as if fully rewritten.

71. New inmates are provided an abbreviated orientation when

they enter the inmate population of LOCI, and do not benefit from a preorientation separation from the rest of the inmates. Inmate handbooks containing information about the rules and procedures governing the prison population and describing the physical facilities of the prison are provided, but are outdated and revised very infrequently. Updated rules and procedures often are not posted, and are not available as a complete set for review.

72. The failure to provide meaningful orientation and up to date inmate handbooks leads to inmates' confusion and abuse of the inmates' rights by prison officials.

73. Despite plaintiffs' inquiries and grievances requesting a current inmate handbook, defendants' have made no efforts known to plaintiffs' to provide such a handbook.

### C. Programs

74. The allegations contained in paragraphs 1 through 73 of this complaint are hereby incorporated by reference as if fully rewritten.

75. Educational opportunities and vocational training are denied to L.C.C. inmates, and when L.C.C. inmates do have an opportunity to participate in such programs, the inmates are generally required to take inferior mandatory work assignments.

76. Defendants have been unresponsive to grievances filed concerning conflicts between work assignments and educational programs and in response to one grievance, defendant Jones simply refused to address the grievance because he believed the inmate intended to take court action on the issue. Acting with deliberate

indifference, defendants' prefer and encourage plaintiffs, to take court action on their grievances rather than deal with the grievances administratively.

77. As a direct and proximate result of the defendants' actions, plaintiffs' have suffered and will continue to suffer, irreparable harm.

#### IX. GRIEVANCE RESOLUTION

78. The allegations contained in paragraphs 1 through 77 of this complaint are hereby incorporated by reference as if fully rewritten.

79. Defendant Jones is frequently delayed in responding to grievances filed by inmates, and without explanation, sometimes fails to respond to grievances. When grievances are responded to, Defendant Jones often simply addresses technical defects in the form or content of the grievance and rejects the grievance as a whole, without responding further to other issues raised in the grievance.

80. Based upon information and belief, the administrative appeals procedure for grievance resolutions unsatisfactory to inmates does not provide a meaningful appeal. Appeals resolved in favor of inmates have been known to be disregarded by defendants and then not subsequently enforced by the appeals officer. Defendants act in deliberate indifference to responding to and addressing genuine concerns of the inmates by disregarding issues raised in grievances regarding the problems raised in this amended

complaint such as reduced living space, personal safety, noise and sanitation, and by not providing a meaningful appeal of grievance resolutions.

81. As a direct and proximate result of the defendants' actions, plaintiffs' have suffered and will continue to suffer, irreparable harm.

#### X. CLAIMS FOR RELIEF

82. Defendants fail to provide the minimal civilized measure of life's necessities including adequate living facilities, protection of personal safety, access to friends and relatives, health care, nutrition, and all other deprivations enumerated in this Complaint. These conditions, on their own are intolerable, but in combination they create a situation that seriously threatens the physical and emotional well being of the plaintiffs and other inmates. The plaintiffs are thereby subjected to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. Section 1983.

83. As a direct and proximate result of the defendants' policies, practices, procedures, acts, and omissions, the plaintiffs have suffered, suffer, and will continue to suffer, present, continuing and irreparable injury. Plaintiffs' physical and emotional well being continue to be harmed by their confinement under the conditions described in this Complaint. Plaintiffs have no plain, adequate, or complete remedy at law to redress the conditions described in this Complaint. Plaintiffs will continue to be irreparably injured by the policies, practices, procedures,

acts and omissions of the defendants unless this Court grants the injunctive relief sought by the plaintiffs.

WHEREFORE, plaintiffs respectfully pray that this court:

1. Issue a declaratory judgement stating that the defendants' policies, practices, acts and omissions described in this Complaint violate the plaintiffs' rights guaranteed to them by the Eighth and Fourteenth Amendments to the United States Constitution;

2. Issue a preliminary and permanent injunction which:

A. Prohibits the defendants, their officers, agents, employees, and successors in office, as well as those acting in concert and participating with them, from punishing, threatening, harassing or in any way retaliating against plaintiffs for filing this action, or against any other person because they submitted affidavits in the action on behalf of plaintiffs, or from transferring plaintiffs to any other prison without their prior consent during the pendency of the action;

B. Orders defendants to reduce the prison population at LOCI to a number which would provide at least 55 square feet of living space in each dormitory for each inmate, or construct additional facilities and hire additional guards so that adequate living

accommodation as provided above, safety, food  
and health care services can be provided for;

3. Appoint an expert to supervise compliance with this Court's  
order;

4. Retain jurisdiction of this matter until the Court's order  
has been carried out;

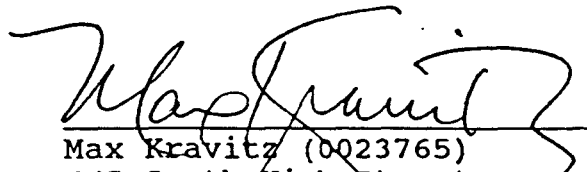
5. Order that nominal damages to each plaintiff from each  
defendant of \$1.00 be paid;

6. Order that the maximum fines allowable by law for  
violations of federal laws not expressed specifically in this suit  
be paid to plaintiffs from defendants.

7. Award plaintiffs their reasonable costs and attorneys' fees  
pursuant to 42 U.S.C. 1988; and

8. Grant such other legal and equitable relief as may be  
considered appropriate by the court.

Respectfully submitted,



Max Kravitz (0023765)  
665 South High Street  
Columbus, Ohio 43215-5683  
(614) 445-8823

Trial Attorney for Plaintiff  
James N. Thompson and proposed  
plaintiffs' class

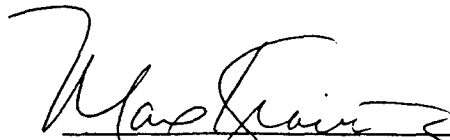


Christopher D. Fidler  
Legal Intern for Plaintiff  
Thompson

*Michael K. Bailey* by  
Michael K. Bailey *mk pr written*  
No. 141-957  
P.O. Box 69 *authorization*  
London, Ohio 43140  
Plaintiff, Pro se *11/13/91*  
(614) 852-2454

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs' First Amended Complaint has been forwarded by regular U.S. Mail this 15 day of November, 1991 to Gary D. Andorka, Assistant Attorney General, 30 East Broad Street, 26th Floor, State Office Tower, Columbus, Ohio, 43266-0410.

  
\_\_\_\_\_  
MAX KRAVITZ (0023765)  
Attorney for Plaintiff Thompson



AUTHORIZATION

This is to authorize Max Kravitz and/or the Capital University Law School Legal Clinic, or any authorized representative thereof, to sign my name to the Motion for Class Certification and any documents relating thereto in a civil action filed in the United States District Court for Southern District of Ohio, Eastern Division, and more specifically being Civil Action No. C-2-90-845

AND AMENDED M&O COMPLAINT

11/13/91  
Date

Michael Bailey  
Michael Bailey

Signed in my presence on this the 13th day of November, 1991.

Danny W. Bank  
Notary Public

**DANNY W. BANK, Attorney-At-Law**  
**NOTARY PUBLIC - STATE OF OHIO**  
My commission has no expiration date.  
Section 147.63 R.C.