

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

FILED

AUG 2 1983

D/leg

CLERK, U. S. DIST. COURT.
RICHMOND, VA.

ALAN BROWN, et al.,
Plaintiffs,

v.

ROBERT M. LANDON, et al.,
Defendants.

Civil Action No.
81-0853-R

Brown v. Hutto



PC-VA-001-013

ORDER

For the reasons stated in the memorandum this day filed and deeming it proper so to do, it is ADJUDGED and ORDERED that the Court's order of April 22, 1983 approving and adopting the agreement of the parties filed herein under date of April 22, 1983 be and the same is final and constitutes the Decree of the Court in this cause.

Robert M. Landon is substituted for Raymond Proconier as a party defendant.

Plaintiffs' motion for counsel fees be and the same is, upon motion of plaintiffs, withdrawn.

Pursuant to paragraph 40 of the agreement, defendants' counterclaims be and the same are hereby withdrawn without prejudice.

The parties are directed to forthwith commence implementation of the terms of the agreement.

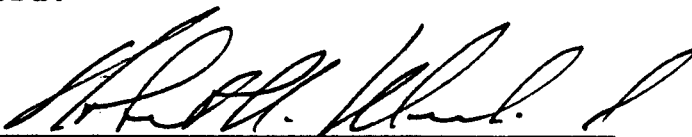
This matter will be placed among the ended causes though the Court shall retain jurisdiction for such further orders as may be necessary in accordance with the settlement

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agreement.

This cause may be reopened, without payment of further costs, only upon motion of any of the parties through their counsel of record.

Let the Clerk send copies of the memorandum and this order to all counsel of record.



UNITED STATES DISTRICT JUDGE

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ALAN BROWN, et al.,)	
)	
Plaintiffs,)	
)	Civil Action No.
v.)	81-0853-R
)	
ROBERT M. LANDON, et al.,)	
)	
Defendants.)	

MEMORANDUM

This matter is before the Court for consideration of objections to the settlement agreement reached herein filed by approximately ten (10) members of the plaintiffs' class.

A study of the written objections reveals few specific objections to the settlement agreement. Indeed, only Mr. Phillip Stratton, Mr. Robert Lee Boyd, Jr., and Mr. Charles Harmon have specified their respective objections. All of the other objectors complain generally, not of the terms of the agreement, but of conduct on the part of guards and the officials of the Mecklenburg Correctional Center.

The Court is satisfied that no further ore tenus hearing is necessary.

Those inmates who responded with specificity referred in some instances to matters beyond the power of the Court to, in the absence of the agreement, require. For example, the rotation of the custodial force is, absent the agreement, solely the responsibility of the prison officials.

No agreement can conceivably address each and every

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complaint of each and every inmate.


The instant agreement comprehensively addresses the unique conditions of confinement at the Mecklenburg Correctional Center. Implementation of the terms of the agreement will inure to the benefit of the vast majority of class members, and in no manner precludes any individual from asserting rights granted under the Constitution, nor does it preclude assertion of individual suits against offending state officials.

The settlement is fair and if properly implemented will reduce litigation and afford the class members the hope that the provisions of the agreement will afford additional protection from unwarranted assaults.

Should the Court have to resort to direct intervention in the implementation of the agreement, it will, of course, do so. The cooperation of the state officials and plaintiffs' counsel has been such that, hopefully, further intervention will not be required. Nevertheless, the Court is available.

The matter was handled by experienced counsel of high integrity, who invoked full discovery. An overwhelming number of class members obviously approve of the settlement and the Court is satisfied it is fair and equitable. See Flinn v. FMC Corp., 528 F.2d 1169 (4th Cir. 1975), cert. denied, 424 U.S. 967 (1976).

An appropriate order will issue.


UNITED STATES DISTRICT JUDGE

Date AUG 2 1983