

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LASHAWN JONES, et al.)
Plaintiffs, and)
))
UNITED STATES OF AMERICA)
Plaintiffs in Intervention,)
))
v.)
))
MARLIN GUSMAN,)
Sheriff, Orleans Parish,)
Defendant, and)
))
CITY OF NEW ORLEANS,)
Third-Party Defendant.)
))

))

Civil Action No. 2:12-cv-00859
Section I
Judge Lance M. Africk
Magistrate Judge Chasez

JOINT STATEMENT AMENDING PROPOSED CONSENT JUDGMENT

In accordance with the Court’s Order of March 5, 2013, ECF No. 163, the Plaintiff Class, the United States of America (collectively, “Plaintiffs”), and Defendant Orleans Parish Sheriff (“Sheriff”) hereby file this Joint Statement Amending the Proposed Consent Judgment, ECF No. 101-3, in this matter. The Amended Proposed Consent Judgment is attached as exhibit 1 to this filing.

1. On December 11, 2012, Plaintiffs and the Sheriff respectfully requested that the Court preliminarily approve a Proposed Consent Judgment to resolve Plaintiffs’ claims of unlawful conditions of confinement at the Orleans Parish Prison (“OPP”). ECF No. 101.

2. On January 22, 2013, the Court preliminarily approved the Proposed Consent Judgment, pending a fairness hearing set for April 1, 2013. ECF No. 131.

3. In order to resolve the stated concerns of Third-party Defendant City of New Orleans (“City”), Plaintiffs and the Sheriff have executed the Amended Proposed Consent Judgment to ensure (a) that the City can fully participate in all proceedings relating to the

funding and cost of implementing the Proposed Consent Judgment, and (b) that the City will receive complete information regarding compliance and conditions at OPP. *See* Ex. 1 at §§ V, IX.F.

4. The amendments do not alter the substance or effect of the Proposed Consent Judgment with regard to the Plaintiff Class or conditions at OPP. *See* Redline of Amended Sections of Proposed Consent Judgment (attached as exhibit 2). As such, the Amended Proposed Consent Judgment should not require updated notice to class members nor any change to the proposed schedule for the fairness hearing.

5. Plaintiffs, the Sheriff, and the City have engaged in extensive discussions to attempt to resolve the City's concerns with the original Proposed Consent Judgment. Plaintiffs and the Sheriff believe the proposed amendments adequately address those concerns. Plaintiffs and the Sheriff hereby incorporate the previous briefing urging approval of the Proposed Consent Judgment to support approval of the Amended Proposed Consent Judgment. *See* ECF Nos. 101 & 101-1, Joint Motion and Memorandum of Law in Support of Approval of Consent Judgment; ECF No. 139, Plaintiffs' Joint Memorandum of Law in Support of the Proposed Consent Judgment, ECF No. 140, Plaintiffs' Joint Proposed Findings of Fact and Conclusions of Law; ECF No. 162, Plaintiffs' Joint Reply to the City of New Orleans' Response to Plaintiffs' Briefing in Support of Class Certification and the Proposed Consent Judgment; ECF No. 179, Plaintiffs' Joint Response to the City of New Orleans' Proposed Findings of Fact and Conclusions of Law.

6. Plaintiffs and the Sheriff now request that the Court: (1) preliminarily enter the attached Amended Proposed Consent Judgment as an order of the Court; (2) proceed with the fairness hearing on April 1, 2013, to make a final determination regarding whether the Amended

Proposed Consent Judgment is fair, adequate, reasonable, not the product of collusion, and compliant with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a) & (c); and (3) in the event all parties do not resolve the dispute as to the initial funding amount and the source(s) responsible for funding implementation of the Amended Proposed Consent Judgment, proceed with the May 28, 2013 funding trial to determine such issues.

Respectfully submitted,

FOR THE UNITED STATES:

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DATED: March 18, 2013

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2013, I served the foregoing via the Court's CM/ECF system, which will automatically provide notice to all counsel of record.

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