

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JIMMY (BILLY) McCLENDON, et al.,
Plaintiffs,**

v.

CIV-95-24 JAP/KBM

CITY OF ALBUQUERQUE, et al.,

Defendants,

v.

**E.M., R.L., W.A., D.J., P.S., and N.W., on behalf
of themselves and all others similarly situated,**

Plaintiff Intervenors.

**STIPULATED ORDER PRELIMINARILY APPROVING SETTLEMENT, REQUIRING
NOTICE TO CLASS AND SUBCLASS MEMBERS,
AND SETTING FAIRNESS HEARING**

Counsel for Plaintiffs, Counsel for Plaintiff-Intervenors, and Counsel for Defendant Bernalillo County, who jointly request that the Court preliminarily approve a proposed settlement, have stipulated to the entry of this Order.

The Court has reviewed:

1. The proposed Settlement Agreement, which is attached as Exhibit A;
2. Check-out Audit Agreement No. 1: the Provision of Medical Services at the Bernalillo County Metropolitan Detention Center, which is attached as Exhibit B;
3. Check-out Audit Agreement No. 2: the Provision of Mental Health Services at the Bernalillo County Metropolitan Detention Center, which is attached as Exhibit C; and
4. Check-out Audit Agreement No. 3: the Conditions of Confinement at the Bernalillo County Metropolitan Detention Center, which is attached as Exhibit D.

On December 14, 2015, the Court held a preliminary approval hearing. Being fully advised, the Court preliminarily approves the proposed settlement, subject to members of the class and subclass receiving notice and having an opportunity to object to or to comment upon the proposed settlement.

The Court orders as follows with respect to the provision of notice to members of the class and subclass:

1. Defendant Bernalillo County will bear the cost of obtaining certified Spanish language translations of the Settlement Agreement; the Summary Notice, which is attached as Exhibit E; and the Full Notice, which is attached as Exhibit F.

2. Defendant Bernalillo County will post copies of the Full Notice, in both English and Spanish, in every housing unit; the medical services unit; the reception, discharge, and transfer unit; and the law library within two days of entry of this order. Defendant Bernalillo County will ensure that copies of the Full Notice remain posted in the listed locations until the Court approves or rejects the proposed settlement. Defendant Bernalillo County will also ensure that a copy of the Summary Notice is posted in each area of the segregation units where inmates have time out of their cells, and will also ensure that a sign is posted stating that each inmate is entitled to a copy of the Full Notice in English or Spanish and, upon request, staff will provide the Full Notice in whichever language the person chooses.

3. Upon request of any inmate at the security desk in any housing unit and in the law library, or by request of any inmate in segregation to a staff member, Defendant Bernalillo County will make the Settlement Agreement available for review in English and Spanish, starting within two days of entry of this order until the Court approves or rejects the proposed settlement. Defendant Bernalillo County will keep at least one (1) copy of the Settlement

Agreement in English and Spanish at the above-listed locations.

4. Upon request of any inmate at the security desk in any housing unit and in the law library, or by request of any inmate in segregation to a staff member, Defendant Bernalillo County will make the three check-out audit agreements available for review, starting within two days of entry of this order until the Court approves or rejects the proposed settlement.

5. Defendant Bernalillo County will make the Summary Notice, Full Notice, Settlement Agreement, and check-out audit agreements available for viewing on the kiosk system starting within two days of entry of this order until the Court approves or rejects the proposed settlement. The Summary Notice, Full Notice, and Settlement Agreement will be made available on the kiosk system in Spanish as well as English.

6. Defendant Bernalillo County will make the Summary Notice, Full Notice, Settlement Agreement, and check-out audit agreements available for public viewing on its web site within five business days of entry of this order and until the Court approves or rejects the proposed settlement.

7. Defendant Bernalillo County will publish the Full Notice in the Albuquerque Journal weekly for six consecutive weeks starting no later than one week after entry of this order.

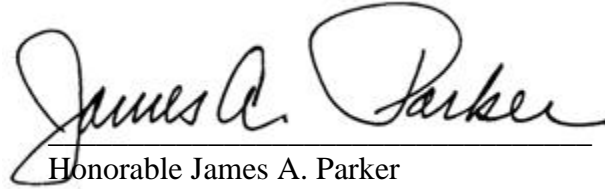
The Clerk of the Court will file with the Court all written objections to the proposed settlement that are postmarked on or before May 23, 2016.

Counsel for Plaintiffs, Plaintiff-Intervenors, and Defendant Bernalillo County will file a notice advising the Court of all objections they receive directly from class and subclass members.

The Court will hold a fairness hearing at 10:00 a.m. on May 25, 2016, at the United States Courthouse, 421 Gold Ave. SW, Sixth Floor Courtroom, Albuquerque, New Mexico to

consider any timely objections and to decide whether to give final approval to the proposed settlement.

It is so ordered.

A handwritten signature in black ink that reads "James A. Parker". The signature is written in a cursive style with a large, prominent "P" at the end.

Honorable James A. Parker
United States Senior District Judge

APPROVED:

Approved on March 10, 2016 by Zachary Ives
Zachary A. Ives
Attorney for Plaintiffs

Approved on March 10, 2016 by Kelly Waterfall
Peter Cubra
Attorney for Plaintiff-Intervenors

Approved on March 10, 2016 by Luis Robles
Luis Robles
Attorney for County Defendants

Approved on March 10, 2016 by Special Master Alan Torgerson
The Honorable Alan Torgerson
Special Master