

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THERESA VICTORY, *et al.* : CIVIL ACTION
:
v. : NO. 18-5170
:
BERKS COUNTY, *et al.* :

ORDER


AND NOW, this 11th day of July 2019, upon considering the Plaintiffs' Motion to enforce and for contempt (ECF Doc. No. 157), Defendants' Opposition (ECF Doc. No. 160), the parties' supplemental submissions (ECF Doc. Nos. 178, 179, 180, 181, 182, 183), following an evidentiary hearing after notice of possible civil contempt against Berks County and its Warden Quigley, and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiffs' request to enforce (ECF Doc. No. 157) our May 20, 2019 Order (ECF Doc. No. 135) is **mooted** by the Defendants' July 8, 2019 filing of a plan (ECF Doc. No. 188) compliant with our May 20, 2019 Order;

2. Plaintiffs' Motion for civil contempt (ECF Doc. No. 157) is **GRANTED in part** upon our finding Plaintiffs showed by clear and convincing evidence Berks County and Warden Quigley knew of our valid May 20, 2019 Order, failed to present a plan required by our May 20, 2019 Order but afforded a passing reference to possible placement in the F-Unit overflow and instead relying on a belief Berks County continued to provide equal access to housing despite our extensive Memoranda finding to the contrary (ECF Doc. Nos. 38, 108, 134);

3. Berks County and its Warden's conduct deprived Alice Velazquez-Diaz of imminent equal protection defined in our May 20, 2019 Findings of Fact and Conclusions of Law and Order (ECF Doc. Nos. 134, 135) requiring she move to enforce our Orders and continue to be deprived of the relief required by our May 20, 2019 Order; and,

4. Defendants Berks County and Warden Quigley jointly and severally shall pay, on or before **July 24, 2019**, \$500.00 to Alice Velazquez-Diaz as compensatory damages for deprivation of her equal protection rights¹ and attorneys' fees of \$6,571.20 payable to her counsel with the Pennsylvania Institutional Law Project representing reasonable fees and hours billed to enforce our May 20, 2019 Order after the Plaintiffs' filing of a response to Warden Quigley's first affidavit (ECF Doc. No. 150).



KEARNEY, J.

¹ This award does not represent a value for Plaintiff's claims but we may consider arguments to mold the jury verdict if warranted.