

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 29th day of July 2019, upon considering Class Counsel’s Motion for approval of Notice to the limited class of Trusty female inmates in the Berks County Jail (ECF Doc. No. 200) under our July 8 and July 15, 2019 Orders (ECF Doc. Nos. 187, 196), Defendants’ Objections (ECF Doc. No. 203), and finding the Court of Appeals’ present stay¹ on implementing Defendants’ plan for changes to comply with our Orders does not affect our ongoing management of this class action towards trial, it is **ORDERED** Plaintiffs’ Motion (ECF Doc. No. 200) is **GRANTED in part** and **DENIED in part** based on our sustaining and overruling Defendants’ objections:

1. Defendants’ objection to the characterization of the Jail System’s policy as “granting Trusty women fewer privileges and freedoms” is **SUSTAINED** and shall be amended to: “treating Trusty women differently than Trusty men”;

2. Defendants’ objection to the characterization of injunctive relief sought is **SUSTAINED** and the Notice shall be amended to describe the lawsuit as seeking “an injunction ordering Berks County to treat men or women with the Trusty classification in substantially similar or substantially equivalent manners”;

3. Defendants’ objection to the solicitation of witness information through seeking “any information regarding this litigation” is **SUSTAINED** and the Plaintiffs’ proposed


¹ *Victory v. Cnty. of Berks*, No. 19-2648 (3d Cir. July 19, 2019).

language should be modified to read “if you seek further information about this case, please contact the attorneys representing the Class:”;

4. Defendants’ objection to the distribution of the Notice is **OVERRULED** and the last sentence of the Notice shall read “This Notice shall be conspicuously placed on each bulletin board in F-Unit of the Berks County Jail for the duration of this litigation or until further Order.” and shall further be provided to each new female Trusty inmate upon designation consistent with the Berks County Jail’s longstanding practices defining female Trusty inmates;

5. The Notice shall be amended to correct the spelling of “Judgment” in the second paragraph; and,

6. Defendants shall post the approved revised Notice consistent with this Order beginning no later than **July 31, 2019** and file a certificate of compliance with this Order no later than **August 2, 2019**.



KEARNEY, J.