

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 17 1998

Clerk, U.S. District Court
District of Columbia

KEVIN GARNES, et al.
Plaintiffs,
V.
DISTRICT OF COLUMBIA,
Defendant.

Civil Action No. 97-240 (PLF)

ORDER

The parties have moved pursuant to Fed.R.Civ.P. 23(e) that this Court approve a proposed settlement of this class action on behalf of the wheelchair-bound prisoners confined to the Correctional Treatment Facility. On June 16, 1997, the Court certified a class of all current and future prisoners who are mobility impaired due to a physical disability and are incarcerated in the District of Columbia Department of Corrections and housed at the Correctional Treatment Facility. The plaintiffs claimed that the District of Columbia had violated their rights to equal access to programs under the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., and the Rehabilitation Act, 29 U.S.C. §701 et seq.

Notice of the proposed settlement agreement was served on each member of the class, and class members have been given an opportunity to note any objections with the Court. On December 10, 1997 and March 17, 1998, the Court conducted hearings on the settlement. Five class members appeared and provided testimony. Plaintiffs' counsel has filed a status report regarding the implementation of the settlement agreement.

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Based on these proceedings, the Court finds:

1. Pursuant to the settlement agreement, the defendant has taken certain steps to ensure that the plaintiffs have equal access to programs, and the defendant is required to take additional steps in the future.

2. The agreement provides for an adequate period of monitoring to ensure the defendant's compliance with this agreement.

3. During this monitoring period, the parties may return to Court if there has been a material breach of the settlement.

4. The terms of the settlement, if fully executed, will adequately address the issues raised in the complaint.

In accordance with these findings, the representations of the parties and the record in this case, the Court concludes that the proposed settlement agreement is fair, adequate and reasonable.

Accordingly, this 17th day of March, 1998, it is hereby


ORDERED that the Court approves the Stipulation of Settlement and Order, filed by the parties on August 28, 1997; and it is further

ORDERED that this action is stayed for six months; and it is further

ORDERED that if the defendant breaches the agreement, the stay will be lifted and the action will be reinstated; and it is further

ORDERED that during the stay, the defendant shall make reports to the plaintiffs' counsel pursuant to section II of the Agreement; and it is further

ORDERED that if the stay has not been lifted during the six month monitoring period, the case shall be dismissed.


PAUL L. FRIEDMAN
United States District Judge

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