

**PRISONERS' LEGAL SERVICES OF NEW YORK**

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April 28, 1997

Tom Terrizzi  
Associate Director

Ayesha Kahn  
ACLU National Prison Project  
1875 Connecticut Ave., NW 410  
Washington, D.C. 20009

Re: Ignoring the PLRA  
Pou v. Coughlin  
94 CV 5831

Dear Ayesha:

Attached is a recent settlement signed by PLS in which the plaintiffs, defendants, NYS Attorney General and the Judge all agreed to ignore the PLRA by agreeing that it did not apply to the settlement. See paragraph 2. This is remarkable because, in addition to the monetary damages, there is a provision for future testing of the plaintiffs for asbestos-related disease. Somehow the AAG's were either able to keep this settlement hidden from Dennis Vacco or convinced him that he can pick and chose the case in which to apply the PLRA.

In the context of negotiating a settlement of a contempt motion in Hurley v. Coughlin, a consent order case, we have recently offered the defendants some room in modifying the terms of the consent decree in exchange for a promise on their part to not bring a termination motion. As of yet, no motions have been brought by NYS DOCS to terminate any of the consent decrees they are party to.

Thanks for the UPDATES.

Sincerely,



Tom Terrizzi  
Associate Director

Pou v. Coughlin



PC-NY-0007-0002