

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SCOTT TILLMAN and WILLIAM)
LENNEAR, et al.,)
)
Plaintiffs,)
)
vs.)
)
CLAUDE MILLER, et al.,)
)
Defendants.)

Case No. 83-199-CIV-ORL-22

SCOTT TILLMAN and WILLIAM)
LENNEAR, et al.,)
)
Plaintiffs,)
)
vs.)
)
CLAUDE MILLER, et al.,)
)
Defendants.)

Case No. 83-285-CIV-ORL-22

LARRY EUGENE BROWN, JR.,)
)
Plaintiff,)
)
vs.)
)
JERRY W. HICKS, et al.,)
)
Defendants.)

Case No. 83-281-CIV-ORL-22

Exhibit A

7/21/88

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SCOTT TILLMAN, and
WILLIAM LENNEAR, etc., et al.,

Plaintiffs,

v.

Case No. 83-199-CIV-ORL-19
83-285-CIV-ORL-19

CLAUDE MILLER, etc., et al.,

Defendants.

PARTIAL STIPULATION AND AGREEMENT
FOR CONSENT DECREE

WHEREAS, on July 20, 1983 the Amended Complaint herein was filed on behalf of Plaintiffs Tillman and Lennear and others similarly situated. Plaintiffs allege a cause of action and jurisdiction of the Court arising from the United States Code and United States Constitution, specifically, 42 U.S.C. Sections, 1983 and 1988, 28 U.S.C. Sections 2201 and 2202, U.S. CONST. Amend. I, IV, V, VI, VIII, IX and XIV; and

WHEREAS, the Amended Complaint alleges, in summary, a failure on the part of the Defendants to carry out their respective statutory and constitutional duties in maintenance and operation of the Brevard County Jail in such a fashion as to violate Plaintiffs constitutional rights; and

WHEREAS, the signatories to this Stipulation represent that they are authorized to enter into this Stipulation and to take all steps required of them by this Stipulation; and

WHEREAS, both Plaintiffs and Defendants consider it desirable and in their best interests of their respective class

or successor, to settle the issues which remain by entering into this Agreement; and

WHEREAS, the parties have entered into this Agreement as a compromise settlement of their dispute, intending that this Stipulation shall not be construed in any way as defining constitutional or statutory standards, nor as an admission that any condition, policy, rule, procedure, act, or omission of the Defendants or of any of their employees or agents were or are in any way in violation of any rights of plaintiff;

THEREFORE, in consideration of the dismissal with prejudice of the allegations, claims and prayers for relief set forth in the complaint, the parties, by and through counsel, hereby stipulate and agree as follows:

I. Law Library -

(A) Within ninety (90) days from the effective date of this Agreement, Defendants agree to have and maintain in an up-to-date manner, the law library of the Brevard County Detention Center, the following volumes:

- (1) Florida Statutes Annotated
- (2) Florida Jurisprudence, 2nd
- (3) Florida Rules of Civil Procedure
- (4) Florida Rules of Criminal Procedure
- (5) Southern 2nd Reporter
- (6) Sheppard's Florida Citations
- (7) Sheppard's United States Citations
- (8) United States Code Annotated
- (9) Supreme Court Reporters (Lawyers Edition)
- (10) Federal Rules of Civil Procedure
- (11) Federal Rules of Criminal Procedure
- (12) Introduction to Legal Research
- (13) Blacks Law Dictionary

(B) Within three hundred sixty (360) days from the date of this Stipulation (date on which last signature necessary is attached), the Defendants agree to have and maintain in an up-to-date manner in the law library of the Brevard County Detention Center, the following volumes:

- (1) Federal Reporter 2nd, Volumes 400 to present
- (2) Federal Supplement, Volume 500 to present

II. Attorney /Client Conference Rooms -

- (A) Within ninety (90) days from the effective date of this Stipulation, the Defendants agree to complete work on the attorney/client conference rooms, to prevent conversations within such rooms from being overheard, such work having begun prior to the Court ordered inspection which took place on January 11, 1988.

III. Visitation Area -

- (A) Within ninety (90) days of the effective date of the Stipulation, the Defendants agree to install handsets or take appropriate action in the visitation areas to ensure that inmates can communicate adequately in a normal conversational voice with visitors.

IV. Attorneys Fees -

- (A) Attorneys fee to be awarded to Plaintiffs shall be in the discretion of the Court if the parties cannot come to an agreement.

V. Reports -

The Defendants, shall file a report at the end of ninety (90) days from the effective date of this Stipulation, certifying the actions and steps taken to implement this Stipulation.

VI. Notice to Class Members -

- (A) Pursuant to Fed.R.Civ.P. 23(e), the Defendants shall within ten (10) days of the execution of the Stipulation, provide notice of the Stipulation for proposed settlement to those members of the Plaintiff's class presently incarcerated in the Brevard County Detention Center.
- (B) Such notice shall be provided by posting in each cellblock, in a place accessible to prisoners, notice as provided in Exhibit 'A' hereto attached.

VII. Submission to Court of Proposed Settlement and Use of Best Efforts to Obtain Approval -

- (A) Promptly upon execution of this Agreement, counsel for the parties shall jointly submit such Agreement to the Court for its approval and

recommend that the Court approve the Agreement. Counsel for both parties also shall take all steps that may be required or requested by the Court and use their best efforts to consummate this settlement, obtain the Court's approval of this Agreement, and obtain entry of a final judgment.

VIII. Effectiveness of Agreement -

- (A) This Agreement shall be effective immediately upon approval by the Court. In the event that the court declines to approve this Agreement or any portion herein, this Agreement shall be null and void and without prejudice to the parties' rights.

IX. Additional Covenants -

- (A) Upon forty-eight (48) hours' notice to defendant Miller or his successor in office, plaintiffs' counsel shall be allowed access to the Brevard County Jail (Detention Center), accompanied by defendant or his designees, except during meal service time and during inmate transfers, to inspect the status of the improvements set out under Sections I, II, and III.
- (B) Defendants agree that they, their officers, employees, agents, successors and all those acting in concert or participating with them shall fully comply with and enforce this Agreement, including all its terms, conditions and exhibits, and the Court's orders.
- (C) Within ten (10) days of entry of an order of the Court approving this Agreement, counsel for the parties shall execute a Stipulation of Dismissal in such form as is attached hereto as Exhibit B, which, within five (5) days after execution, shall be filed with the court by counsel for Plaintiffs.
- (D) Neither party will appeal the order attached hereto as Exhibit C if such order is entered by the court.

X. Entire Agreement -

This Agreement and its exhibits contain the entire agreement between the parties. The issue of attorneys fees remains for the Court to decide.

STIPULATED AND AGREED TO this 21 day of July, 1988.

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Sue Schmitt
Sue Schmitt
Chairman, Brevard County
Board of County Commissioners

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