

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

|                                 |   |                           |
|---------------------------------|---|---------------------------|
| JAUSTON HUERTA, <i>et al.</i> , | ) |                           |
|                                 | ) |                           |
| Plaintiffs,                     | ) |                           |
|                                 | ) |                           |
| v.                              | ) | No. 2:16-cv-00397-JMS-MJD |
|                                 | ) |                           |
| GREG EWING, <i>et al.</i> ,     | ) |                           |
|                                 | ) |                           |
| Defendants.                     | ) |                           |

**Final Judgment as to All Claims for Injunctive and Declaratory Relief Pursuant to Federal Rules of Civil Procedure 54(b)**

In this action the named Plaintiffs sought individual damages against defendants and they also, on behalf of a class of those similarly situated, sought injunctive and declaratory relief.

The class, as redefined by this Court’s Order of September 24, 2018, consists of:

any and all persons currently confined, or who will in the future be confined in the Vigo County Jail.

(Dkt. 145 at 3).

On October 10, 2018, the Court granted the Plaintiffs’ request for partial summary judgment, finding they had demonstrated that conditions at the Vigo County Jail violate the United States Constitution. (Dkt. 145 at 1). Consequently, the Court entered certain relief that it termed final injunctive relief. (Dkt. 146 at 18-19).

The individual damages claims of the Plaintiffs are unresolved. However, pursuant to Federal Rule of Civil Procedure 54(b), the Court finds that there is no just reason for delay in entering final judgment as to all claims for declaratory and injunctive

relief raised by the Plaintiffs on their own behalf and on behalf of the class and such final judgment should issue [175].

The Court further finds that the terms of the final judgment, as set out below, are consistent with its decision on partial summary judgment with additions agreed to by the defendants.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that based on the Court's findings as set out in its Order of October 10, 2018 (Dkt. 146) the Plaintiffs' request for declaratory relief is granted and IT IS DECLARED that conditions in the Vigo County Jail violate both the Eighth and Fourteenth Amendments to the United States Constitution.

The Court finds that Defendants have represented an intention to replace the existing Vigo County Jail with a structure meeting all constitutional requisites at the earliest opportunity. Based on that representation, the Court orders the injunctive relief stated below consistent with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(1), in that it is narrowly drawn and extends no further than necessary to correct the violation of the constitutional rights of Vigo County Jail detainees. The Court further finds that these findings and orders represent the least intrusive means necessary to correct the violations of the constitutional rights in question. The Court further finds that in ordering this relief it has considered, and given substantial weight to, any adverse impact on public safety or the operation of a criminal justice system caused by this relief.

THE DEFENDANTS ARE THEREFORE PERMANENTLY ENJOINED AS FOLLOWS AND THEY ARE ORDERED AS FOLLOWS:

1. To ensure that Defendants remedy the ongoing constitutional violations at the Jail as quickly as possible, the parties will be ORDERED to periodically appear before this Court, at least every three months, to report on action taken to address the constitutional violations, including detailed updates on site selection, planning, and construction of a new jail. Unless otherwise ordered by this Court, the parties who must report on the dates ordered are the Vigo County Sheriff, the President of the Vigo County Council, the President of the Vigo County Commissioners, and any other individuals who possess information necessary to provide a complete report to the Court as discussed below. The Court will, by separate orders, set the dates for these reports and appearances.

2. Pending the opening of the new jail, Defendants are ORDERED to commit sufficient staff and take all other steps necessary to ensure that all prisoners are offered, at a minimum, at least three hours per week of recreation outside of their cell areas and are further ORDERED to commit sufficient staff to make sure that the health and safety of prisoners is safeguarded.

3. At least seven (7) days prior to each hearing conducted pursuant to paragraph 1, above, the Defendants shall file a report with the Court specifying (a) the number of staff necessary to comply with this injunctive relief set out in the immediately preceding paragraph; (b) how the number noted was determined; (c) how the additional staff will be added (if staff must be added); and (d) when the new staff will be added. The Court views this additional staff as a priority and a necessity to try to minimize the most egregious of the unconstitutional conditions existing in the Jail and the Court recognizes that since the October 10, 2018, additional staff has been ordered. The Court anticipates that necessary staff will be added without delay and that required staffing levels will be maintained.

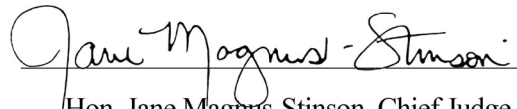
4. At least seven (7) days prior to each hearing conducted pursuant to paragraph 1, above, defendants are ORDERED to submit a plan to this Court, in writing, detailing the anticipated dates that relevant construction benchmarks will be met and concluding with an estimated date for opening the new jail. Additionally, Defendants are ORDERED to submit to this Court relevant information including, among other things, the population capacity of the new jail and the staffing numbers that will be necessary in the new jail. These reports shall include any and all documents submitted by architects, contractors, consultants, construction managers or other knowledgeable persons that detail these dates, population capacity, and staffing numbers. Defendants are ORDERED to file supplements to these reports at least seven days prior to all future hearings scheduled by this Court until such time as this Court orders otherwise and Plaintiffs may file responses to the reports as their counsel deems appropriate.

The Court has determined that the above injunctive relief represents the least intrusive relief available to attempt to remedy the ongoing constitutional violations that have existed and continue to exist at the Jail, and in the event that they are not successful in remedying the violations, plaintiffs have the right to seek further relief, including a prisoner release order pursuant to 18 U.S.C. § 3626(a)(3).

The Court further finds that Plaintiffs' counsel shall be expected to continue to monitor conditions at the Jail and shall have the right, as they deem fit, to petition the Court for further relief. To this end Plaintiffs' counsel shall receive daily population reports from the Jail that shall differentiate between pretrial detainees and sentenced inmates, and shall receive on a regular basis, at least monthly, copies of incident reports in the Jail. Plaintiffs' counsel shall have the right, at their expense, to periodically communicate with the class as a whole via letters that Jail staff will distribute to the prisoners. Plaintiffs' counsel, of course, shall continue to have the right to communicate with class members through letters and personal visits.

The Court further ORDERS that it shall retain continuing jurisdiction over this matter.

Date: 2/27/2019

  
Hon. Jane Magnus-Stinson, Chief Judge  
United States District Court  
Southern District of Indiana

To: All ECF-registered counsel of record