

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID ROSENTHAL, DOLPH ROSOFF, WILLIE :  
LYNCH, FELIX RIVERA, RAMON MONAGAS, :  
CLIFFORD WILSON, NATHANIEL BELL, :  
SANFOS CEPEDA, GREGORY CHURCHILL and :  
JOE EDMONSON, Jr., individually and :  
on behalf of all other persons :  
similarly situated, :

Plaintiffs,

-against-

BENJAMIN MALCOLM, Commissioner of :  
Correction of the City of New York; :  
JACK BIRNBAUM, Deputy Commissioner of :  
Correction of the City of New York; :  
LOWELL E. BELLIN, Health Commissioner :  
and Health Services Administrator of :  
the City of New York, individually :  
and in their official capacities, :

Defendants.

: SUPPLEMENTAL STIPULATION

: 74 Civ. 4854 (RJW)

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On June 10, 1980, attorneys for plaintiffs and defendants entered into a Stipulation for Entry of Supplemental Final Judgment in this action. Pursuant to an Order dated December 31, 1980, attorneys for plaintiffs met, on February 3 and February 5, 1981, with members of the plaintiff class to discuss the terms of the Stipulation. At those meetings class members noted disparities in treatment which existed between them and other pre-trial detainees with respect to the duration of lock-in periods, an issue not covered by the Stipulation. Subsequently, attorneys for the parties entered into further negotiations concerning this issue. As a result of these negotiations, and in order to insure, insofar as possible, uniformity of treatment of all detainees with respect to lock-in time and to eliminate disparities without the need for further litigation;

IT IS HEREBY STIPULATED by and between the undersigned attorneys for plaintiffs and defendants, and subject to the approval of the Court, that the following agreement will be incorporated in a supplemental judgment by consent in this case:

LOCK-IN/LOCK-OUT TIME

1. Defendants shall not require any detainee to be confined to his cell except during the following periods:

- a. at night, for no longer than 8 hours, beginning no earlier than 11 P.M.;
- b. during the day, only when essential for institutional business which can be carried out only while detainees are locked in their cells, and in no event for more than two hours in any 24-hour period, plus one additional half-hour period between the hours of 8 and 10 P.M. solely for medical purposes, if necessary.

2. Defendants shall permit detainees to lock in or out of their cells at time intervals of no more than one hour during any lock-out period. At each interval in which detainees are permitted to lock in or out of their cells, those detainees who wish to return to their cells to retrieve personal items shall be permitted to do so and shall not be required to be locked into their cells.

3. Nothing in this Stipulation shall be construed as resolving the issues of whether in an emergency these procedures may be suspended, what constitutes an emergency or what procedures could be followed in the event of an emergency.

Dated: New York, New York  
March 31, 1981

*David A. Lewis*

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RECORDED JUNE 10, 1981  
*Robert A. Hand*  
U.S. D.J.