

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

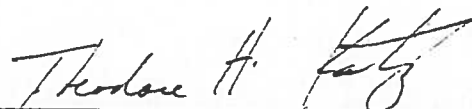
-----X
JAMES BENJAMIN, et al., :
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 Plaintiffs, :
 :
 -against- : STIPULATION
 : 75 Civ. 3073
 BENJAMIN J. MALCOLM, et al., :
 :
 Defendants. :
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Defendants having moved this Court, by order to show cause returnable November 12, 1982, for suspension, on the basis of an asserted emergency caused by the strike of Legal Aid Society attorneys, of the Court's orders setting population limits on the dormitories housing detainees in the Anna M. Kross Center ("C-95") (Order dated June 23, 1981) and on the overall population and cellblock populations in the New York City House of Detention for Men ("HDM") (Order dated September 3, 1980); and this Court having heard argument from counsel for both parties and having issued orders on November 4, 12 and 19, 1982 ("interim orders") permitting defendants, while the strike of Legal Aid Society attorneys existed, to house up to fifty-eight rather than fifty detainees in each C-95 dormitory and up to 245 more detainees in HDM than permitted by the September 3, 1980 order; and defendants having requested in an affidavit sworn to by Benjamin Ward on January 31, 1982, that the above orders remain modified until

March 1, 1983 because the Department of Correction's census remains inflated due to the 1982 strike by Legal Aid Society attorneys;


IT IS HEREBY STIPULATED by and between the parties that, although the parties are not in agreement concerning the nature of the cause(s) of the increased population in C-95 and HDM, defendants, subject to the Court's approval, shall be permitted to continue to exceed the population limits, if necessary, to the extent permitted by the Court's interim orders until March 1, 1983, at which time defendants no longer will cite the Legal Aid Society attorneys' strike as any basis for seeking to obtain relief from the June 23, 1981 and September 3, 1980 orders, or any other orders limiting population in the city jails.

Dated: New York, New York
February 7, 1983



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