

UNITED STATES DISTRICT COURT

BOSTON, MASSACHUSETTS 02109

CTCR  
- ORDER 94/036  
FORD

CHAMBERS OF  
JUDGE MORRIS E. LASKER

November 22, 1994

John Boston, Esq.  
The Legal Aid Society  
15 Park Row  
New York, NY 10038

Leonard Koerner, Esq.  
Chief Assistant Corporation Counsel  
Room 6-F 37  
100 Church Street  
New York, NY 10007

Gentlemen:

I have received Mr. Boston's letter of November 17 and have signed and today am mailing to Claire Wasserman for filing in the Southern District of New York the Stipulation of Settlement that was enclosed in Mr. Boston's letter.

I understand that it has been agreed that the return date for the remainder of the motion is December 12.

My best wishes to you both.

Sincerely,



cc: Claire Wasserman

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES BENJAMIN, et al.,

Plaintiffs,

75 Civ. 3073  
(MEL)

- against -

ANTHONY J. SCHEMBRI, et al.,

STIPULATION OF SETTLEMENT  
OF MOTION TO AMEND FOOD  
SERVICE CONTEMPT ORDER

Defendants

and related cases.  
-----X

The parties agree that plaintiffs' pending motion to amend the Order re: Motion for Modification and Cross Modification for Sanctions and Contempt, September 8, 1994, shall be resolved in part as follows:

1. The defendants shall commence providing cook/chill food service to each jail as soon as that jail's food service facilities are renovated to receive such food. The failure to comply with this requirement shall be considered a breach of a work plan deadline within the meaning of the Order re: Compliance with Work Plan Deadlines, July 10, 1992. The completion schedule of food service renovations in individual jails shall continue to be governed by the separate Order re: Noncompliance with Food Service Work Plan, August 17, 1993, and any future modifications of that order.

2. The plaintiffs' request that a cook/chill production center be constructed on Rikers Island is withdrawn.

3. The defendants shall identify to the court no later than March 31, 1995 the site on which a cook/chill production center that will meet the long-term food requirements of the Department of Correction will be located, as well as the developer and/or owner of that site. The defendants shall not thereafter change their choice to another site without first obtaining the court's permission.

4. The parties have not reached agreement with respect to plaintiffs' contention that all deadlines in the Revised Food Service Work Plan of July 10, 1992 remain in effect and any departure from them must be justified under the standards governing relief under Rule 60(b), Fed.R.Civ.P. This issue remains to be decided by the court.

5. In all respects not addressed by this Order, the Order re: Motion for Modification and Cross Modification for Sanctions and Contempt, September 8, 1994, shall remain in effect.

Dated: New York, New York  
November 4, 1994



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of New York

By: \_\_\_\_\_  
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SO ORDERED: \_\_\_\_\_  
U.S.D.J.

Date: \_\_\_\_\_