

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NUNEZ, et al.	:	
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Plaintiffs,	:	11-CV-5845 (LTS)
	:	
-v-	:	
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	X	

ORDER

For the reasons stated on the record at the November 17, 2022, status conference held in this action, the Court hereby concludes:

- The application made by counsel for the Plaintiff class to commence motion practice for a contemplated Motion for Contempt and Appointment of a Receiver is denied without prejudice to renewal following the issuance of updated reporting.
- The Monitoring Team’s application to modify the reporting schedule set forth in Section G, paragraphs 2(iii) and (iv), paragraph 5(ii)(2), and paragraph 6 of the Action Plan (docket entry no. 495) is granted. The Monitoring Team shall submit status reports on **March 31, 2023**, and **June 9, 2023**. The Monitoring Team shall file additional special reports if necessary, including if exigent circumstances arise.
- The City and Department shall produce a confidential one-time supplement to the Compliance Report (see docket entry no.249 (“Consent Judgment”), Section XIX) containing the data required by Section G, paragraph 4(b) of the Action Plan and other information agreed upon by the parties (see docket entry no. 475, page 6) by **February 13, 2023**.
- Defendants shall file a revised and further fleshed-out proposed stipulation authorizing the selection of wardens or facility managers from outside of the current uniformed ranks, together with proposed factual findings and legal conclusions pursuant to 18 U.S.C. 3626(a)(1)(A) and (B) and supporting

declarations by **November 30, 2022**. The Monitoring Team shall file its declaration regarding the proposed stipulation by **November 30, 2022**.

- Counsel for Defendants and the Plaintiff class shall meet and confer by **December 2, 2022**, regarding issues with intake processing times, and file a joint submission with the Court by **December 9, 2022**, setting forth the parties' positions and proposed next steps, including any applications for proposed motion practice and associated timelines.
- An in-person status conference will be held **April 27, 2023**, at **2:00 p.m.** to discuss the March 31, 2023 status report submitted by the Monitoring Team, Defendants' progress in achieving the reforms set forth in the Action Plan, and the parties' positions on whether alternative or additional remedial relief is warranted.

SO ORDERED.

Dated: November 21, 2022
New York New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge