

STATE OF MICHIGAN
COURT OF CLAIMS

JOHN CHAPPEL CAIN, RAYMOND C. WALEN, JR.,
ELTON FLOYD MIZELL, PAUL ALLEN DYE,
JOHN CHANDLER EWING, DELBERT M. FAULKNER,
C. PEPPER MOORE, RAMON COBOS, AND RONALD
SIMPSON-BEY, on behalf of themselves
and all others similarly situated,

Plaintiffs,

Hon. James R. Giddings

V

No. 96-16341-CM ✓
93-14975-CM
88-61119-AZ

MICHIGAN DEPARTMENT OF CORRECTIONS,

Defendant.

**ORDER FOR NOTICE TO PLAINTIFF CLASS MEMBERS OF PROPOSED
SETTLEMENT AGREEMENT REGARDING PLAINTIFFS' PERSONAL
TYPEWRITERS**

At a session of this Court held on June 23, 2003
at the Courthouse in Lansing, Michigan,

The proposed settlement agreement regarding Plaintiffs' personal typewriters having
come before the Court and the Court being fully advised in the premises:

IT IS ORDERED that by June 25, 2003, this Order, the attached Notice of Proposed
Settlement Agreement Regarding Plaintiffs' Personal Typewriters, the proposed settlement
agreement, and the specifications of the Swintec typewriters shall be posted in each
housing unit at each Correctional Facility Administration Institution until July 20, 2003, a
copy shall be handed to each segregation prisoner, and a copy shall be available for
review and copying (at the prisoner's expense) in each institutional law library by June 25,
2003. Ordering information shall be posted and distributed by June 27, 2003.

Date: JUNE 20, 2003

Hon. James R. Giddings, Court of Claims

Approved by:

Date: 6/20/03

on Legal Services of Michigan, Inc.
for Plaintiff

33274)

6-20-03

Office of the Attorney General
Counsel for the Defendant

By: A. Peter Govarchin

A. Peter Govarchin (P31161)

Allan J. Soros (43702)

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MICHIGAN DEPARTMENT OF CORRECTIONS,

Defendant.

NOTICE OF PROPOSED SETTLEMENT AGREEMENT REGARDING
PLAINTIFFS' PERSONAL TYPEWRITERSTO ALL MALE PRISONERS IN THE CUSTODY OF THE MICHIGAN DEPARTMENT OF
CORRECTIONS:

You are a Plaintiff Class member in this case. You have certain rights. A settlement of one of the issues in this case has been proposed. This Notice is to tell you about the proposed settlement agreement and your rights.

In 1988, the Michigan Department of Corrections (MDOC) allowed prisoners to buy typewriters priced up to \$400. Some had memory. In March 1988, the MDOC adopted a policy which allowed only typewriters priced under \$200 with no memory. That policy also required that all other typewriters would have to be sent out of the institution.

Plaintiffs filed suit to enjoin that policy. Among other things, the Plaintiffs' complaint claimed that the MDOC violated Class Members' right of access to courts under the Michigan Constitution by not making typewriters available for purchase at all institutions, by not allowing typewriters with memory, and by making Class Members dispose of certain personal property, including typewriters, already in their possession.

On December 5, 1997, the Court ruled that requiring Class Members to send certain personal property home would not be an unconstitutional taking as Plaintiffs had claimed. However, it allowed Class Members to keep their typewriters until resolution of the Plaintiffs' access to courts' claim relating to typewriters.

After nearly two years of negotiations, the Parties have developed the attached proposed settlement agreement regarding typewriters. The two new typewriter models are available for purchase as of Friday, June 27. The MDOC may limit the purchase of typewriters/word processors to these two models.

The first is the Swintec Model 2416DM/128K, which has 128K memory and sells for \$297 (includes shipping). It is expected that an upgrade, which will add features that this model does not presently have, will be available in October at an additional cost of \$51 (plus shipping to return to manufacturer for installation of upgrade).

The second model is the Swintec Model 2410, which has no memory and sells for \$197 (shipping included). No upgrade is planned for this model. Both models have a one year manufacturer's warranty.

The proposed settlement agreement permits the MDOC to require Class Members to send out all disks/diskettes used by a typewriter/word processor. It also permits the MDOC to require Class Members to send out any typewriter/word processor that cannot be operated without a disk/diskette. The proposed settlement agreement provides that the MDOC will pay, one time, to ship these items out to an address provided by a Class Member before October 24, 2003.

On July 14, 2003^{At 2:00 PM} the Court will hold a hearing to decide whether to accept the proposed settlement agreement. The Court may sign an order accepting the proposed settlement agreement on that date.

If the Court signs an order accepting the proposed settlement agreement, the

MDOC has decided that it will only allow Class Members to order one of the two Swintec models after the Order is signed. However, until an order is signed, you may order the Brother ML-500 or ML-100, or the Smith Corona Wordsmith 250 or Wordsmith 100, which are currently on the Standardized Property List.

If the Court signs an order accepting the proposed settlement agreement, the MDOC has decided that, after October 24, 2003, it will not allow Class Members to keep any disks/diskettes and any typewriters/word processors that require a disk/diskette to operate.

READ THE PROPOSED SETTLEMENT AGREEMENT VERY CAREFULLY FOR ADDITIONAL DETAILS.

IF YOU HAVE ANY OBJECTIONS TO THIS PROPOSED SETTLEMENT AGREEMENT, you must sent them in writing to the Court at the following address:

Hon. James R. Giddings
Court of Claims
313 W. Kalamazoo
Lansing, MI 48913

You can use the expedited legal mail disbursement form to mail your objections to the Court. Be sure to include the case name in your objection. Your objection must be postmarked on or before July 9, 2003.

Date: JUNE 20, 2003


Hon. James R. Giddings
Court of Claims

Approved by:

Date: 6/20/03

Prison Legal Services of Michigan, Inc.
Counsel for Plaintiff

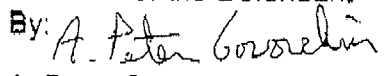
By:


Sandra Girard (P33274)

6-20-03

Office of the Attorney General
Counsel for the Defendant

By:


A. Peter Govorchin (P31161)

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