

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

| | | |
|-----------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 4:99-cv-132 |
| v. |) | |
| |) | |
| COLUMBUS CONSOLIDATED CITY/ |) | |
| COUNTY, GEORGIA, et al. |) | |
| Defendants. |) | |
| _____ |) | |

**JOINT MOTION TO TERMINATE SETTLEMENT AGREEMENT AND
FOR FINAL DISMISSAL**

COME NOW, Plaintiff United States of America and Defendants, Columbus Consolidated City and County of Georgia, Sheriff of Muscogee County, Mayor of Columbus, Georgia, City Manager of Columbus, Georgia, and the Columbus Council, by and through undersigned counsel, to jointly move to terminate the Settlement Agreement in the above-captioned case and seek final dismissal.

In October 1994, the Department of Justice opened an investigation of the Muscogee County Jail in Columbus, Georgia pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997 *et seq.* The Department issued a notice regarding the results of its investigation on June 1, 1995. On September 23, 1999, the Department simultaneously filed a CRIPA Complaint, Settlement Agreement, and Joint Motion for Conditional Dismissal Under Rule 41(a)(2).¹ On September 30, 1999, the Court granted the parties' joint motion and ordered a dismissal without prejudice "conditioned upon Defendants' compliance with the terms of the

¹ ECF Nos. 1–3.

Agreement.”² In so doing, the Court placed the case “on inactive status until further order of this Court,” and “retain[ed] jurisdiction until final dismissal.”³

In 2015, the parties voluntarily entered a separate Memorandum of Agreement (MOA) that added crucial safeguards for prisoners with serious mental illness and at risk of suicide, including restrictions on the use of solitary confinement.⁴ Pursuant to Paragraph VII.3, “[t]he MOA will become terminable when the United States finds that Columbus has sustained substantial compliance with each substantive term of this MOA for 2 years.”⁵ The parties further agreed that “when this MOA becomes terminable, they will move jointly in the district court to terminate all relief in both this MOA and the 1999 Settlement Agreement.”⁶

The parties agree that Defendants have reached substantial compliance with the terms of the MOA and the 1999 Settlement Agreement and that the final termination requirements of the original settlement agreement have been met. Therefore, the parties request that this Court terminate the 1999 Settlement Agreement, ECF No. 3, and enter an order dismissing this case.

DATED this 1st day of July, 2019
Washington, District of Columbia

Respectfully submitted,

ERIC S. DREIBAND
Assistant Attorney General
Civil Rights Division

² Order of Conditional Dismissal, ECF No. 4.

³ *Id.*

⁴ Exhibit A, Memorandum of Agreement between the U.S. Department of Justice and Columbus, Georgia Regarding the Muscogee County Jail (January 16, 2015).

⁵ *Id.* at 22.

⁶ *Id.*

STEVEN H. ROSENBAUM
Chief
Special Litigation Section

LAURA L. COWALL
Special Litigation Counsel
Special Litigation Section

s/ Marlysha Myrthil
MARLYSHA MYRTHIL
Senior Trial Attorney
United States Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 305-3454
(202) 514-4883 (fax)
marlysha.myrthil@usdoj.gov

Reviewed and Consented to by,

Counsel for the Defendants

By: /s/ Lucy T. Sheftall
Clifton C. Fay, City Attorney
Georgia Bar No.: 256460
Lucy T. Sheftall, Assistant City Attorney
Georgia Bar No.: 639813
P.O. Box 1340
Columbus, Georgia 31902

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2019, I electronically filed the foregoing using the CM/ECF system, which will send electronic notification to counsel of record including the following:

CLIFTON C. FAY
Columbus City Attorney
LUCY T. SHEFTALL
Assistant Columbus City Attorney
P.O. Box 1340, Columbus, Georgia 31902

100 Tenth Street, Columbus, Georgia 31901
Telephone: (706) 653-4025

Respectfully submitted,

s/ Marlysha Myrthil
MARLYSHA MYRTHIL
Senior Trial Attorney
United States Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 305-3454
(202) 514-4883 (fax)
marlysha.myrthil@usdoj.gov