

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WOMEN PRISONERS OF THE DISTRICT OF)
COLUMBIA DEPARTMENT OF CORRECTIONS,)
et al.,)
)
Plaintiffs,)
)
v.)
)
DISTRICT OF COLUMBIA,)
et al.,)
)
Defendants.)
_____)

Civil Action
No. 93-2052 (JLG)

FILED

MAY 14 1997

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

PLAINTIFFS' STATUS REPORT AND
MOTION FOR ENTRY OF ORDER

By this status report, plaintiffs summarize the status of the action before this Court and move for entry of an order to resolve a pending motion before this Court. Several issues in this case were stayed pending a decision by the United States Supreme Court on the plaintiffs' petition for certiorari seeking review of the D.C. Circuit's holding on the equal protection and Title IX issues. The Supreme Court denied plaintiffs' petition on April 28, 1997.

At this time, the following outstanding issues remain before the Court:

A. Joint Stipulated Motion

The parties filed a Joint Stipulated Motion for Voluntary Dismissal and Entry of Order on January 27, 1997. By this motion, the parties stipulated to the voluntary dismissal without prejudice of plaintiffs' Eighth Cause of Action alleging violations of law under local law, D.C. Code

303/304

Ann. §§ 24-442 and 24-425.^{1/} In addition, the parties jointly requested entry of an order clarifying the provisions of this Court's Orders for Declaratory and Injunctive Relief dated December 13, 1994, March 15, 1995, and August 14, 1995, that remain in effect following the decision of the D.C. Circuit. The parties stipulated to a proposed order setting forth their understanding of each provision that remains in place.

By this motion, plaintiffs request that the Court rule on the joint motion previously submitted by the parties, and a copy of the proposed order stipulated to by the parties is attached for the Court's convenience.

B. Motion for Court-Appointed Expert

On January 17, 1997, plaintiffs filed a Motion for Court Appointed Expert Witness Pursuant to Federal Rule of Evidence 706. Plaintiffs requested that the Court appoint an expert witness to report to the Court and the parties on defendants' compliance with the effective provisions of this Court's Orders for Declaratory and Injunctive Relief.

Plaintiffs withdrew this motion on February 11, 1997, pursuant to an agreement with the District. The parties agreed to appoint Ms. Regina Gilmore, a D.C. Department of

^{1/} Plaintiffs have withdrawn their January 28th motion for partial voluntary dismissal of their first cause of action under the Eighth Amendment as it relates to medical, fire, and environmental claims at CTF. Pl. Amd. Reply & Mot. to Withdraw (Mar. 11, 1997). Those claims remain a part of the case before this Court.

Corrections employee, to conduct an audit of the District's compliance with the Court Orders following the methodology employed by the Special Officer, Grace M. Lopes, in this and other corrections cases.

The parties originally anticipated that Ms. Gilmore would complete her report by May 12, 1997. However, delays caused by the transitioning of the management at the Correctional Treatment Facility (CTF) to the private corporation, Correctional Corporation of America, have postponed completion of the report. Ms. Gilmore informs the parties that she expects the report to be completed by August 1, 1997, and that it will contain a complete review of the situation at CTF in light of the change in management. Once the report is received and reviewed, plaintiffs will reevaluate their request for a court-appointed expert.

C. Attorneys' Fees

On March 3, 1997, plaintiffs filed a Revised Application for Attorneys' Fees and Costs. This Revised Application superseded plaintiffs' prior applications for fees, which were withdrawn by order of this Court dated March 10, 1997. The Court stayed plaintiffs' revised application for fees and costs pending a decision by the U.S. Supreme Court on the plaintiffs' petition for certiorari. That petition was denied on April 28, 1997, and plaintiffs therefore renew their request for attorneys fees and costs in this action.

For the reasons set forth in the parties' Joint Stipulated Motion for Voluntary Dismissal and Entry of Order dated January 27, 1997, plaintiffs request that the Court rule on the joint motion dismissing the plaintiffs' Eighth Cause of Action without prejudice and clarifying the effective remedial provisions in this action.

Respectfully submitted,

COVINGTON & BURLING

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Dated: May 14, 1997

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 14, 1997,
I caused a copy of the foregoing Plaintiffs' Status Report and
Motion for Entry of Order to be delivered by first-class mail
to:

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