



PC-DE-001-005



COMMUNITY LEGAL AID SOCIETY, INC.

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October 30, 1992

The Honorable William B. Chandler, III
Vice Chancellor
Court of Chancery
Courthouse
The Circle
Georgetown, DE 19947

Re: **Dickerson v. Castle**
C.A. No. 10256

Dear Vice Chancellor Chandler:

Enclosed for the Court's review is a proposed one page summary of the settlement that has been reached with respect to plaintiffs' motion for an order to show cause. Plaintiffs believe that the summary and forthcoming Spanish version which will be provided by the plaintiffs, should be posted by the defendants in each housing unit of the four prisons involved and individually distributed to inmates housed in segregated areas of these prisons. I have also enclosed a proposed order determining the procedure to be utilized in connection with settlement.

I have conferred with David White about the form and content of the proposed summary and order and he has no objection to either.

Respectfully,

Neilson C. Himelein

NCH:es
Enclosure

cc: David White, Esq.
Keith Brady, Esq.
Elizabeth Alexander, Esq.
Register In Chancery



NEW CASTLE CO.	Main Office, 913 Washington Street, Wilmington, DE	(302) 575-0660
	SCLAP (Seniors), 913 Washington Street, Wilmington, DE	(302) 575-0666
KENT COUNTY	235 S. Queen Street	Dover, DE (302) 674-8500
SUSSEX COUNTY	144 E. Market Street	Georgetown, DE (302) 856-0038

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

RANDOLPH DICKERSON, et al.,

Plaintiffs,

v.

MICHAEL N. CASTLE, Governor of
the State of Delaware, et al.,

Defendants.

Civil Action No. 10256

NOTICE AND SUMMARY OF PROPOSED SETTLEMENT IN CLASS ACTION

TO: All inmates at DCC, Gander Hill, SCI & WCI

There is a class action lawsuit regarding prison conditions that is pending in the Court of Chancery. In this action, the parties have proposed settlement of plaintiffs' motion that the defendants be held in contempt for violating the November 28, 1988 settlement agreement. If you were incarcerated at any of the four prisons named above on September 30, 1988 and did not opt out of the class at the time the earlier settlement agreement was approved, you are a member of the class in this action and may comment on the proposed settlement.

The settlement provides for relief from the triple celling at Gander Hill and, unless an emergency, prohibits throughout the system the practice of triple celling in cells designed for single occupancy and the use of any non-housing area for housing. The settlement also requires the defendants to develop a comprehensive plan for the screening, diagnosis and treatment of tuberculosis. Copies of the full agreement will be available for your review in each one of the law libraries in the four prisons.

If you are a class member and disagree with the terms of settlement you can file written objections. Your written objections must be mailed to the Register in Chancery, Court of Chancery, Public Building, 1000 N. King Street, Wilmington, DE 19801 and must be postmarked no later than _____, 1992.

John D. Kelly, III
Register in Chancery
Court of Chancery
Public Building
1000 N. King Street
Wilmington, DE 19801

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

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Defendants.

Civil Action No. 10256

ORDER

The parties in this action, through counsel, having filed with the Court a stipulation for dismissal of plaintiffs' motion for an order to show cause of which Court approval is sought,

NOW, THEREFORE, pursuant to Chancery Court Rule 23,

IT IS HEREBY ORDERED this _____ day of _____,
1992 that:

1. A non-evidentiary hearing shall be held before this Court on _____, _____ at _____ to determine the fairness, reasonableness and adequacy of the parties' stipulation in deciding whether it should be approved by the Court.

2. The defendants shall give notice of the proposed settlement by posting the attached "Notice and Summary" of the terms of settlement in every housing area in the general populations of the Delaware Correctional Center, Gander Hill Prison, Womens' Correctional Institution and Sussex Correctional Institution and by individually distributing the summary to every inmate housed in a segregated area in the four prisons. A Spanish

translation of the summary is to be provided by plaintiffs' counsel to the defendants for posting and distribution in the same manner to all Spanish speaking inmates. Additionally, the defendants shall place three copies of the full stipulation in each of the four prisons' law libraries for inmates to review. It is hereby determined that the notice provided for in this paragraph is the best notice practicable under the circumstances and shall constitute due and sufficient notice of the terms of settlement to all class members.

3. The Register in Chancery is directed to sign the attached summary and the forthcoming Spanish version of the summary and forward a copy of each to David A. White, counsel for the defendants, for copying and posting/distribution.

4. Plaintiffs may submit written objections to the proposed settlement provided that the statements of objection are mailed to the Register in Chancery and are postmarked no later than _____. Plaintiffs who fail to object shall be deemed to have waived their right to object to the terms and conditions of the stipulation of dismissal.

5. If the stipulation of dismissal is approved, an appropriate order shall be entered directing its implementation in accordance with the present terms and provisions or as modified by the Court.

6. If the stipulation is not approved by the Court, it shall be terminated and have no further force and effect.

Vice Chancellor