

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF DETROIT,

Defendant.

Case No. 03-72258

Honorable Julian Abele Cook, Jr.

ORDER

On July 18, 2003, the Court appointed Sheryl L. Robinson, now known as Sheryl Robinson Wood, with the assistance of Kroll, Inc., to serve as the Monitor in this case. During a status conference with the parties on July 22, 2009, the Court had an opportunity to review certain documents *in camera* that, in its judgment, were necessary in order to evaluate the then-current status of the Monitor and her continued role in this case. Immediately thereafter, the Court contacted the Monitor by telephone to discuss her ability to remain effective in this highly sensitive position. Following this telephonic conversation with the Monitor and based upon its thorough review of these documents, the Court has accepted her resignation, effective as of 5:00 p.m. on July 23, 2009. In accepting the Monitor's resignation, the Court concluded that she had engaged in conduct which was totally inconsistent with the terms and conditions of the two Consent Judgments in this litigation. Specifically, it has now become readily apparent to the Court that the Monitor had engaged in undisclosed communications, as well as meetings of a personal nature, with the

former City of Detroit Mayor Kwame Kilpatrick during the term of the Consent Judgments, which included inappropriate discussions with him about this lawsuit.

Under these circumstances, the Court finds that it is absolutely necessary to suspend all monitoring of this case immediately. Furthermore, the parties are directed to submit the name of an individual who, in their individual or collective judgment, is qualified to serve as an Interim Monitor as established by the criteria in Paragraph 124 of the Use of Force and Arrest and Witness Detention Consent Judgment (Doc. # 21) and Paragraph 79 of the Conditions of Confinement Consent Judgment(Doc. #22). This submission must be proffered to the Court not later than noon on July 31, 2009. However, in the event that the parties are unable to jointly agree upon the name of a nominee, then, and under such a circumstance, each of them shall submit the name of one nominee to the Court for its consideration as the Interim Monitor. The parties are also directed to submit the name of an individual (1) whom they individually or collectively believe should be favorably considered by the Court as the successor Monitor in this legal proceeding, and (2) who possesses all of the qualifications that have been established by the Consent Judgments in this case (i.e., Paragraphs 124-130 of the Use of Force and Arrest and Witness Detention Consent Judgment, and Paragraphs 79-85 of the Conditions of Confinement Consent Judgment). This submission shall be presented to the Court on or before noon on August 31, 2009.

Furthermore, Sheryl L. Robinson Wood is directed to release, surrender, and turn over forthwith any and all documents that are in her immediate and/or constructive possession and control which may have any reasonable relationship to her now-former duties in this case to Marsh & McLennan Companies, Inc.(1166 Avenue of the Americas, New York, New York 10036) who, as the temporary custodian, shall retain them until further order by the Court.

IT IS SO ORDERED.

Dated: July 24, 2009
Detroit, Michigan

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Court Judge