

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

FILED

MAY 12 1995

LARRY W. PROPER, CLERK
COLUMBIA, S. C.

COLUMBIA DIVISION

HARRY PLYLER, et al.)
)
 Plaintiffs,)
)
 v.)
)
 MICHAEL W. MOORE, Director,)
 South Carolina Department of)
 Corrections,)
)
 Defendant.)
)

C/A 3:82-876-2

NOTICE OF COMPROMISE
AGREEMENT TO MODIFY THE
CONSENT DECREE

NOTICE AND STATEMENT PROPOSED COMPROMISE AGREEMENT TO MODIFY
THE PHYSICAL RESTRAINTS SECTION OF THE CONSENT DECREE IN THE CLASS
ACTION.

TO: ALL PERSONS IMPRISONED IN THE SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS.

IN RE: MODIFICATION OF THE PHYSICAL RESTRAINTS SECTION OF THE
CONSENT DECREE OF 1985.

PLEASE TAKE NOTICE OF THE FOLLOWING:

By an order of the United States District Judge C. Weston Houck in an action entitled Plyler, et al. v. Moore (formerly Plyler v. Evatt and Nelson v. Leeke), Civil Action Number 82-876-2, in the United States District Court for the District of South Carolina, the Court has directed that notice of the "Memorandum Agreement to Modify Decree" be given to those who may be members of the Plaintiff Class. This Notice relates to a Consent Decree involving conditions within all institutions operated by the South Carolina Department of Corrections and



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specifically the Physical Restraints Section of the said Consent Decree.

A copy of the proposed Compromise Agreement can be obtained for the cost of copying and mailing same by writing to the undersigned at the address stated below. Any person confined in any institution of the South Carolina Department of Corrections will have access to a copy of the Agreement where he is confined, pursuant to the court order of May 4, 1995.

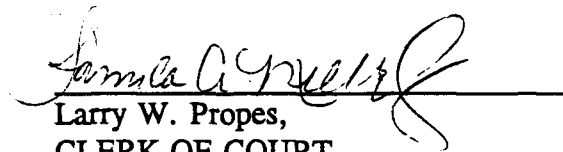
Any member of the class may submit written comments or objections to the proposed settlement of this action. All objections heretofore received have been filed, and will be considered by the Court. All further comments or objections must be supported by specific facts and specify specific sections of the Consent Agreement; for the Court cannot evaluate, and will not consider, general or unsupported objections, or wholly conclusory statements objecting to the entirety of the proposed settlement. The comments or objections should be mailed to Larry Propes, Clerk, United States District Court, 1845 Assembly St., Columbia, South Carolina, 29201-2431. The Court, in its discretion, may later receive testimony from representative members of the class (or others) who must submit written comments or objections which are legible and specific enough to be meaningful to the Court. All comments and objections will be available for review in the Clerk's Office by all counsel who have appeared in this action.

The named Plaintiffs are represented by W. Gaston Fairey, FAIREY, PARISE & MILLS, P.A., Post Office Box 8443, Columbia, South Carolina, 29202. The Defendant is represented by Larry C. Batson, General Counsel, South Carolina Department of Corrections, Post Office Box 21787, Columbia, South Carolina, 29221-1787; and Kenneth P. Woodington, Senior Assistant Attorney General, State of South Carolina, Post Office Box 11549, Columbia, South Carolina, 29211.

Any comments received by July 24, 1995, will be considered by the Court in determining the fairness, adequacy, and propriety of the proposed settlement. Comments received after that date will not be considered.

If the Court determines after reviewing the "Memorandum Agreement to Modify Decree", together with all comments and objections submitted by class members, that the Agreement constitutes an appropriate resolution of the dispute over the Four-point restraints section of the Decree it will approve the Consent agreement. All class members will be bound by this judgment and will not be permitted to bring another action for the same relief.

This the 12th day of May, 1995, in Columbia, South Carolina.

A handwritten signature in cursive script, appearing to read "Larry W. Propes", is written over a horizontal line.

Larry W. Propes,
CLERK OF COURT
United States District Court
By: P.A. Mullaly,
Deputy Clerk