

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MORALES-FELICIANO, et al.,

Plaintiffs

v.

GARCIA-PADILLA, et al.

Defendants

CIVIL NO. 79-4 (PJB-AKJ)

AMENDED PRIVATE SETTLEMENT AND BENEFITS PROPOSAL

TO THE HONORABLE COURT:

COME NOW Defendants, through the undersigned attorneys, and very respectfully **SUBMIT** the following settlement proposal:

Defendants, in an effort to compensate plaintiffs for their damages, and in keeping with the DCR's mission of rehabilitation, has been working proposal of benefits for the members of the class who suffered damages while serving sentence in one of the DCR's institutions and are currently in the free community. To that extent, Defendants have been working closely with several government agencies in devising a benefit package tailored made for the members of the class. Each agency has identified the benefits that each can extend, therefore, in order to show this Honorable Court that Defendants are fully committed to settling this case once and for all, a list of the proposals so far has been included below:

I. PRIVATE SETTLEMENT PROCESS AND NOTICE

The period of damages extends from 1979 to 2000. The filing of a claim form with adequate proof of incarceration as a pre-trial detainee or a convict shall be required for a claimant to qualify for these benefits.

The class notice program consists of publication in newspapers, postings in prison libraries and living quarters, web postings, toll free information lines and meetings between plaintiffs' counsel and inmates to ensure notice was received. The Commonwealth shall publish Settlement notice in *El Nuevo Dia* and *Primera Hora*, the two largest circulation newspapers in Puerto Rico. The notifications will appear on a full page advertisement, half in English and half in Spanish. English and Spanish language notices will be placed in the library of every penal institution in Puerto Rico. Copies of the Private Settlement Agreement and Benefits Package in both languages will be available in the libraries. Additional copies of the notification and a Spanish translation of the Private Settlement Agreement and Benefits Package will be placed in the living quarters of each penal institution and in community offices. The Commonwealth shall also provide a toll free number that qualified claimants may be able to call and receive information regarding the Settlement in both English and Spanish. The Commonwealth shall also prepare a website that qualified claimants may be able to access and receive information regarding the Private Settlement in both English and Spanish.

Notice and claim forms will be made available through the above mentioned sources in accordance with the Court orders. Qualified claimants will have six (6) months from the approval of this Private Settlement to file a claim form. Claim forms will be made available through the Commonwealth's website and in designated physical locations throughout the Island.

Claim forms will no longer be accepted after the six (6) month period to fill out the claim form. The Commonwealth shall conduct a three (3) month verification process. Benefits will be extended after that three (3) month verification process has been concluded.

The Correctional Health Services Corporation will be the administrator of this process. Should the Court authorize it the costs associated with the administration of the claim process will be funded from the fine funds under the custody of the Court.

Any grievance that may arise regarding benefits shall be handled by the Secretary of Justice, person, Agency or entity designated by him. The dispute must be resolved within a period of six (6) months. The decision by the Secretary of Justice or his/her designee will be final and binding.

II. THE GROUPS¹:

Group A:

Qualified claimants incarcerated from 1980 to 1987. They will receive benefits for ten (10) years.

¹ Qualified claimants will be divided in five groups. Inclusion in a group will depend on how much time was spent incarcerated during the period of damages.

In order to qualify for the benefits under Groups A, B, and C of this settlement Proposal, a claimant must have been incarcerated for a minimum of six (6) months.

In order to qualify for the benefits under Group D (divided into D1 and D2), a claimant must have been a pre-trial detainee for less than six (6) months but more than forty-eight (48) hours.

In order to qualify for the benefits under Group E a claimant must be currently incarcerated.

Group B:

Qualified claimants incarcerated from 1988 to 1994. They will receive benefits for five (5) years and.

Group C:

Qualified claimants incarcerated from 1995 to 2000. They will receive benefits for one (1) year.

Group D¹:

Qualified claimants incarcerated after 1980 and before 1987 for less than six (6) months but more than forty-eight (48) hours. They will receive benefits for one (1) year.

Group D²:

Qualified claimants incarcerated after 1987 for less than six (6) months but more than forty-eight (48) hours. They will receive benefits for six (6) months.

Group E:

Qualified claimants under groups A-D who are currently incarcerated shall receive the benefits in III L in accordance with the amount of time allocated for Groups A-D.

III. BENEFITS PROPOSAL²

A. University of Puerto Rico

The UPR has eleven (11) Campuses throughout the Island. Each of those 11 Campuses offers the Continuous Education and Professional Studies Division Program. Said program offers short courses in subjects such as Computers, Entrepreneurship, Languages, Culinary Arts, Accounting Skills (Basic and Advance) and Health Plan Billing, among others. The program offers up to two hundred (200) of these courses each semester. The Commonwealth is enjoined from charging course fees and shall reserve up to three (3) seats per course for qualified claimants.

B. Department of Education

a. The Department of Education runs a postsecondary education program which forms part of the Office of Occupational and Technical Education. The program is offered in Guayama, Manatí, Ponce and San Juan. Said Institutes offers associate degrees in areas such as: business administration, graphic arts, technology, environmental quality and nursing. Course sizes range from 15 to 30 students. There are no space limitations for qualified claimants.

b. The Commonwealth is enjoined from charging registration fees to qualified claimants.

² The list will be organized by agency followed its proposal. The benefits will be extended differently to qualified claimants depending of the time served during the period of damages.

C. Department of Sports and Recreation

a. The Puerto Rican Institute for the Development of Sport and Recreation offers sixty (60) courses per semester. Thirty (30) of these are basic and the other thirty (30) are specialized courses. The courses are offered in San Juan and the Mayaguez Regional Office. The institute offers the following courses:

- i. Recreational Leadership Course (2 courses per semester) – 25 spaces are declared as reserved per course for qualified claimants.
- ii. Sport Official Course (2 courses per semester) – 25 spaces are declared as reserved per course for qualified claimants.
- iii. Functional Exercises Course (1 course per semester) – 25 spaces are declared as reserved per course for qualified claimants.

b. The Commonwealth is enjoined from charging more than fifty percent (50%) of the courses cost.

D. Department of Housing

The Housing Department currently has a Construction Materials Aid Program and a Housing Rehabilitation program. The Materials Aid Program came into effect after September 18th, 1989. The program can be funded by Executive Orders and self-generating funds. Housing Rehabilitation program is funded by legislative assignments. The Commonwealth shall give declaratory relief as first priority to qualified claimants who wish to participate in any of these programs.

E. Department of Health

a. The Department of Health is the government agency in charge of issuing birth certificates. The Commonwealth is enjoined from charging fees pursuant to the issuance a yearly birth certificate to qualified claimants.

b. The Department of Health will also offer all of the services provided by the Centers of Prevention and Treatment of Transmissible Disease under the coverage of “Mi Salud³”. The centers are located in Arecibo, Bayamon, Caguas, Humacao, Carolina, San Juan, Fajardo, Mayaguez and Ponce. Deductible charges vary between Health Care Providers. The Commonwealth is enjoined from charging deductible charges to qualified claimants who visit these clinics.

F. National Parks Company

The National Parks Company rent villas or bungalows property of the Company’s vacation centers. The Commonwealth is enjoined from charging more than seventy five percent (75%) for rent of the Company’s vacation centers to qualified claimants. The Commonwealth is also enjoined from charging more than fifty (50%) percent of the entry fee to public areas under the management of the National Parks Company for qualified claimants.

G. Metropolitan Bus Administration

The Commonwealth, through The Metropolitan Bus Authority ascribed to the Department of Transportation and Public Works, is enjoined from charging more than fifty

³ Mi Salud is the Government issued health insurance plan.

percent (50%) of its normal tariff, to wit, a tariff of thirty five cents (.35¢) for public transportation (bus) for qualified claimants.

H. Puerto Rico Fire Department

The Commonwealth, through The Puerto Rico Fire Department, is enjoined from charging qualified claimants more than fifty percent (50%) discount in the permits issued by the Bureau of Fire Prevention. Also, the PRFD is enjoined from charging not more than fifty percent (50%) in courses offered by the Training Bureau to qualified claimants. Also, the PRFD will declare five (5) spaces for qualified claimants who want to participate in said courses.

I. Department of State

The Department of State is the government agency that registers brands (Trademarks) and Copyrights in the Commonwealth as established by the Regulations of Rights to Charge for Services in the Trademark Registry. The Commonwealth is enjoined from charging brand registration costs to qualified claimants. This benefit will enter into effect as soon as the Department of States amends its regulations.

J. Office of Management and Budget

The Permits Management Office will perform the Health and Fire Department inspections at commercial businesses in order to obtain the final certifications when applying for a Use Permit. The Commonwealth is enjoined from charging the certificate's costs to qualified applicants.

K. Department of Agriculture

The Department of Agriculture and the agencies under its umbrella have entered (and will enter) into agreements with the Department of Correction and Rehabilitation. So that the Commonwealth will declare priority of placement in these programs to qualified claimants still incarcerated.

L. Department of Correction and Rehabilitation

The Commonwealth is enjoined from charging more than 85% of the list price charges of the provisions available at commissaries operated by or for the Department of Correction and Rehabilitation.

This Honorable Court should note that Defendants and Plaintiffs are fully cooperating in good faith to ensure the resolution of this case. It is now a top priority for the Government of Puerto Rico to reach a favorable end, for both parties, once and for all.

As the Court might be aware, the Commonwealth is going through economic challenges that might entail the fusion and even privatization of agencies. In the event that this happens, dispositions will be made in order to ensure that the offers in this proposal continue to be a binding obligation for the agency.

In no event shall the provisions of this settlement be extended more than ten (10) years from the Court's approval of the Private Settlement.

WHEREFORE, Defendants very respectfully request from that this most Honorable Court accept their Private Settlement and Benefits Package proposal.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of March 2015.

For Defendants:

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