

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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JAMES RHEM, ROBERT FREELY, LEO ROBINSON, :
and EUGENE NIXON, individually and on :
behalf of all other persons similarly :
situated, :
Plaintiffs, :

-vs- :

GEORGE F. McGRATH, Commissioner of : 70 Civ. 3962
Correction for the City of New York; :
ARTHUR SINGERMAN, Warden, Manhattan : ORDER
House of Detention for Men; JOHN V. :
LINDSAY, Mayor, City of New York; PAUL :
McGINNIS, Commissioner of Correction :
of the State of New York; NELSON A. :
ROCKEFELLER, Governor, State of New York; :
and HAROLD A. STEVENS, Presiding Justice, :
New York State Supreme Court, Appellate :
Division, First Department, individually :
and in their official capacities, :

Defendants. :

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Plaintiffs having moved this Court for permission to
maintain this suit as a class action and for an order

directing that all members of the class be notified of this
action; and this Court having found that this action
satisfies the requirements of Rules 23(a), 23 (b) (1) and
23(b) (2) of the Federal Rules of Civil Procedure, and
having determined that notice of the pendency of this action
must be given to all members of the class; it is hereby

ORDERED, that this action shall be maintained as a
class action pursuant to Rule 23(b) (2) of the Federal Rules
of Civil Procedure; and it is further

ORDERED, that the members of the class are all persons
incarcerated in the Manhattan House of Detention for Men
(the "Tombs"); and it is further

ORDER

ORDERED, that notice shall be given to each person incarcerated in the Tombs during the pendency of this action by placing a written copy of the following notice in each cell occupied by a prisoner:

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House of Detention for Men; JOHN V. :
LINDSAY, Mayor, City of New York; :
PAUL MCGINNIS, Commissioner of :
Correction of the State of New York; :
and HAROLD A. STEVENS, Presiding :
Justice, New York State Supreme :
Court, Appellate Division, First :
Department, individually and in :
their official capacities, :

Defendants. :

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NOTICE TO ALL PERSONS
CONFINED IN THE TOMBS

The United States District Court has determined that this action is a class action brought on behalf of all persons incarcerated in the Tombs.

The complaint charges that the inmates of the Tombs have been deprived of their rights under the First, Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution, because of overcrowding, unsanitary conditions, lack of light and air, mistreatment by guards, arbitrary disciplinary procedures, inadequate medical care, lack of recreation, and restrictive visiting and mail privileges.

The suit seeks an injunction against continuance of these conditions.

The Court has not determined whether or not the charges are true or whether or not plaintiffs are entitled to any relief.

The decision ultimately to be rendered in this action will bind all inmates of the Tombs.

Plaintiffs are represented by attorneys Joel Berger and Barbara A. Shapiro, The Legal Aid Society, 119 Fifth Avenue, New York, New York 10003.

Any member of the class who so desires may apply to the Court to intervene in this action either pro se or by an attorney of his own selection. If he does not so intervene, his interests will be represented by the present plaintiffs and their attorneys.

This notice must remain in this cell until the suit has ended. Do not take it with you if you are transferred to another cell or if you leave the institution.

And it is further

ORDERED, that the Legal Aid Society reproduce the necessary numbers of copies of the above notice and deliver them to the Warden of the Tombs for distribution; and it is further

ORDERED, that the Warden of the Tombs cause a copy of the above notice to be placed in each cell of the Tombs occupied by a prisoner.

E N T E R

Dated: New York, New York
November 16, 1970

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EDWARD C. MCLEAN
United States District Judge