

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

MARK DUKE, et al.,

Plaintiffs,

vs.

JEFFERSON DUNN, Commissioner,
Alabama Department of
Corrections, et al.,

Defendants.

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Civil Action No: 4:14-cv-01952-VEH
Unopposed

MOTION TO REINSTATE CASE

Plaintiffs, through undersigned counsel, respectfully move to reinstate this case pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, 18 U.S.C. § 3626(c)(2), ¶¶ 86-91 of the Parties 2017 Settlement Agreement, ¶ 4 of the Parties 2019 Settlement Agreement, and the extension of the agreements authorizing plaintiffs to move to reinstate the case. See Doc. 184, Ex. 1; Doc. 194; Doc. 196. In support of this motion, Plaintiffs state the following:

1. Plaintiffs have determined that the claims and conditions alleged in the Duke Complaint have not been addressed. Doc. 184, Ex. 1, ¶ 4.
2. Plaintiffs provided the Defendants with 10 days calendar notice of their

intent to reinstate the Duke action. Doc. 184, Ex. 1, ¶ 4.

3. This motion is filed unopposed pursuant to ¶ 4 of the Parties 2019 Agreement, wherein the Defendants agreed “that, so long as Plaintiffs comply with the above 10-day notice requirement, the State will not oppose a motion to reinstate the Duke litigation.” Doc. 184, Ex. 1, ¶ 4; Doc. 194; Doc. 196; Doc. 197.

THEREFORE, Plaintiffs respectfully request that the Court grant Plaintiffs’ motion to reinstate the case and return the case to the active docket. Upon granting of the order reinstating the case, the Parties “will jointly submit to the Court a proposed scheduling order, including deadlines for the submission of an amended complaint.” Doc. 184, Ex. 1, ¶ 4.

Respectfully submitted,

/s/ Charlotte Morrison

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Date: January 29, 2021

Counsel for Plaintiffs

Certificate of Service

I hereby certify that on January 29, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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