



JI-KY-003-002

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF KENTUCKY

RITA HORN, on behalf of herself,
and as Administratrix of the estate
of Robert Lee Horn, Jr., and

GREG HORN, a minor, by and through
RITA HORN, his mother and legal
guardian, on behalf of himself and
all others similarly situated,

Plaintiffs,

Civil Action No.
C 83-0208-L(B)

V.

CONSENT DECREE

OLDHAM COUNTY, KENTUCKY;

JAMES E. SUMMITT, individually and
in his official capacity as Jailer
of Oldham County, Kentucky,

GLENN HANCOCK, individually and
in his official capacity as Deputy
Jailer of Oldham County, Kentucky,

JULIA FIELDS and ROBERT D. HAWKINS,
in their official capacities as
District Court judges of Oldham
County, Kentucky;

WENDELL MOORE, MARTHA R. DAVIS,
JOSEPH E. NAY, SHELTON FENDLEY, SR.,
GILBERT WINTERS, NANCY C. DOTY,
NORMAN BROWN, L.A. HEDGES,
PHILIP E. PARRISH, EMANUAL McMAHAN,
individually and in their official
capacities as members of the Fiscal
Court of Oldham County, Kentucky,

Defendants.

This is a civil rights action involving the conditions of confinement and policies and practices of defendants regarding juveniles at the Oldham County Jail in LaGrange, Kentucky. Plaintiff Rita Horn brings this action for damages for wrongful death of her son, Robert Lee Horn, Jr., at the Oldham County Jail. Plaintiff Greg Horn, through Rita Horn, his mother and legal guardian, brings this action for declaratory, injunctive, and other equitable relief and damages, on behalf of himself and all other juveniles similarly situated who are, have been, or will be confined in the Oldham County Jail.

The Complaint in this action was filed on March 3, 1983. Plaintiffs alleged that the defendants subject juveniles confined in the Oldham County Jail to cruel, unconscionable and illegal conditions of confinement; to illegal incarceration in the jail without adequate separation from confined adult offenders; to unlawful secure confinement in the jail of juveniles who are charged with or who have committed offenses which would not be criminal if committed by adults ("status offenses"); and to denial of adequate and appropriate community placements as alternatives to the jail. The defendants duly answered and denied the material allegations of the complaint.

While neither admitting nor denying any allegations of fact or legal liability, the parties have now agreed to the

entry of a consent decree. Therefore, based upon the stipulation and agreement of all parties to this action, by and through their respective counsel, and based upon all matters of record in this case, it is hereby ORDERED, ADJUDGED and DECREED that:

1. This Court has jurisdiction over this matter.

2. The named plaintiffs in this matter are Rita Horn, on behalf of herself and as Administratrix of the estate of Robert Lee Horn, Jr., and Greg Horn, a minor, by and through Rita Horn, his mother and legal guardian.

3. The defendants in this action are Oldham County, Kentucky; James E. Summitt, individually and in his official capacity as Jailer of Oldham County, Kentucky; Glenn Hancock, individually and in his former official capacity as Deputy Jailer of Oldham County, Kentucky; Julia Fields and Robert D. Hawkins, in their official capacities as District Court judges of Oldham County, Kentucky; and Wendell Moore, Martha R. Davis, Joseph E. Nay, Shelton Fendley, Sr., Gilbert Winters, Nancy C. Doty, Norman Brown, L.A. Hedges, Philip E. Parrish, and Emanuel McMahan, individually and in their official capacities as members of the Fiscal Court of Oldham County, Kentucky.

4. This action is properly maintained as a class action under Rules 23(a) and (b)(2) of the Federal Rules of

Civil Procedure. The plaintiff class consists of all juveniles who are currently, have been since March 3, 1982, or in the future will be confined in the Oldham County Jail. The members of the class are so numerous that joinder of all members is impracticable. There are questions of law and fact common to the members of the plaintiff class regarding practices of the defendants, and the claims of the named plaintiff Greg Horn are typical of the claims of the members of the plaintiff class. The named plaintiff and plaintiff's counsel will fairly and adequately protect the interests of the members of the class. By their policies, the defendants have acted and continue to act on grounds and in a manner generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

5. The defendants will pay to the plaintiff Rita Horn, on behalf of herself and as Administratrix of the estate of Robert Lee Horn, Jr., the sum of fifty thousand dollars (\$50,000) in consideration of a full and final release from all of her claims in this matter.

6. The defendants will pay to the plaintiff Greg Horn, a minor, by and through Rita Horn, his mother and legal guardian, the sum of twenty thousand dollars (\$20,000) in consideration of a full and final release from all of his claims

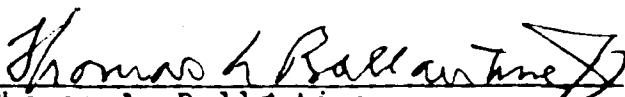
in this matter.

7. Upon the entry of this Consent Decree by the Clerk of this Court, the defendants agree to cease utilizing the Oldham County Jail for the incarceration of juveniles, including juveniles charged with motor vehicle offenses. This Consent Decree does not apply to persons under the age of 18 years who are charged with serious offenses and who have been transferred from the jurisdiction of the District Court to the jurisdiction of the Circuit Court.

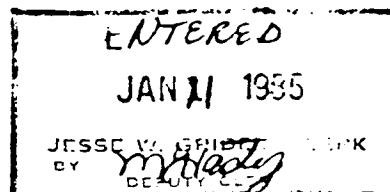
8. The plaintiffs reserve the right to request such attorneys' fees and costs as this Court deems appropriate and defendants reserve the right to oppose such request. It is agreed that the judicial defendants, Julia Fields and Robert D. Hawkins, will not be assessed for nor be responsible for any part of such attorneys' fees and costs as may be ultimately agreed or adjudged.

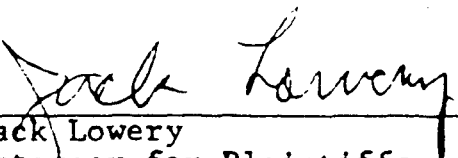
9. The agreement set forth herein constitutes a fair and reasonable resolution of plaintiffs' claims and is therefore approved by this Court.

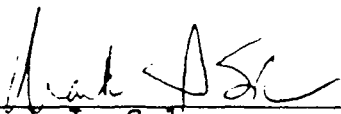
Dated this 11 day of January, 1985.


Thomas A. Ballentine
United States District Court

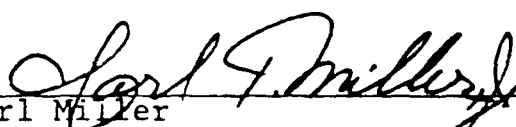
5




Jack Lowery
Attorney for Plaintiffs


Mark I. Soler
Attorney for Plaintiffs


Stewart L. Prather
Attorney for Defendants Oldham
County, Kentucky, James E.
Summitt, Glenn Hancock, Wendell
Moore, Martha R. Davis, Joseph
E. Nay, Shelton Fendley, Sr.,
Gilbert Winters, Nancy C. Doty,
Norman Brown, L.A. Hedges,
Philip E. Parrish, and Emanuel
McMahan


Carl Miller
Attorney for Defendants Julia
Fields and Robert D. Hawkins