

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

Tony C. Boyd, et al.,	)	Civil Action No. 6:06-2339-GRA
	)	
Plaintiff,	)	
	)	
vs.	)	<u>ORDER</u>
	)	
County of Greenville, et al.,	)	
	)	
Defendant.	)	
_____	)	

The plaintiffs in this action, 25 inmates and/or pretrial detainees at the Greenville County Detention Center, filed this action pursuant to Title 42, United States Code, Section 1983, claiming that their constitutional rights were violated by the defendants.

This action concerns a skin infection known as Methicillin Resistant Staphylococcus Aureus ("MRSA") that the 25 plaintiffs obtained during their period of incarceration at the Greenville County Detention Center. In their complaint, the plaintiffs sought compensatory damages against Greenville County, the detention center, and Jail Administrator Scotty Bodiford in his official capacity. In their first cause of action, the plaintiffs asserted "conditions of confinement," "failure to protect," and "denial of medical care" claims under the Cruel and Unusual Punishment Clause of the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment. In their second cause of action, the plaintiffs asserted similar claims under the parallel guarantee against cruel and unusual punishment in Article I, Section 15 of the South Carolina Constitution.

This matter was referred to this court for disposition by the Honorable G. Ross Anderson, Jr., United States District Judge. A hearing on the fairness of the proposed

settlement was held before this court on Tuesday, March 4, 2008, at which attorneys Milford Oliver Howard, III, and Thomas Whitfield Dunaway, III, appeared on behalf of the plaintiffs and attorney Russell W. Harter, Jr., appeared on behalf of the defendants. The attorneys consented on the record to this court conducting the hearing on behalf of Judge Anderson. This court heard from the attorneys on their experience in issues of this type, the strengths and weaknesses of the plaintiffs' case, the extent of discovery that has taken place, and the amount of the settlement. The findings made on the record in that hearing are hereby incorporated into this order.

This court finds that the attorneys for the parties in this case are able, well-respected, and experienced, and have previously handled similar cases. Considering this along with the strengths and weaknesses of the plaintiffs' case and the extent of discovery that has taken place, this court finds that the settlement entered into by the parties "is fair, adequate, and reasonable and is not illegal, a product of collusion, or against the public interest." *United States v. North Carolina*, 180 F.3d 574, 581 (4th Cir. 1999) (internal citations omitted). Accordingly, this court finds that the settlement is fair and accepts the settlement.

IT IS SO ORDERED.



WILLIAM M. CATOE
UNITED STATES MAGISTRATE JUDGE

March 4, 2008

Greenville, South Carolina