

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

ORDER

The parties to this action pursuant to Rule 23(e) have submitted the attached Compromise Agreement to Modify the Decree and an addendum letter dated August 18, 1993 to the Court to

prescribe the proper manner for giving notice of the proposed settlement to the members of the class and to determine whether it constitutes a fair, reasonable and adequate settlement of this action.

THEREFORE IT IS ORDERED:

1. That notice be given to the members of the class in the form attached hereto as "Compromise Agreement to Modify the Decree" and an addendum letter from Plaintiffs' counsel to Defendants dated August 18, 1993, in the following manner.

(a) That the Compromise Agreement to Modify the Decree and the Addendum letter of August 18, 1993, shall be prominently posted in all institutions of the South Carolina Department of Corrections to include all bulletin boards and conspicuously posted in each living area of each facility housing members of the Plaintiff Class.

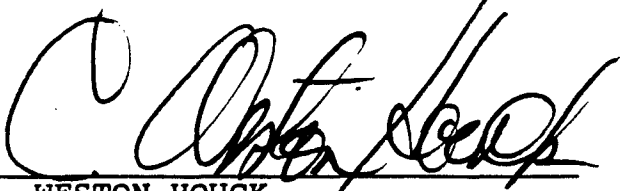
(b) That the Compromise Agreement and Addendum letter shall be published in The State Newspaper at least once each week for four consecutive weeks, commencing on or about ~~September~~ October 20, 1993.

2. That by agreement the Defendants pay the cost of giving notice to the members of the Class in the manner prescribed above.

3. That a hearing shall be held before this Court after the Court has had an opportunity to review all comments submitted in response to the Notice, and all counsel of record

will be given notice of the time and place for the hearing, during or following which the Court will decide whether to take later testimony from any party or other person who has submitted comments about the proposed settlement of this action, to enable the Court to finally determine whether the Compromise Agreement and addendum letter provide a fair, reasonable, and adequate resolution of the matter.

This the 5th day of October, 1993, in Columbia, South Carolina.


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

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CWH.

FILED

OCT 6 1993

ANN A. BIRCH, CLERK
U.S. DISTRICT COURT
COLUMBIA, S.C.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

HARRY PLYLER, et al.,	)	Civil Action No.: 82-876-2
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
PARKER EVATT,	)	NOTICE OF COMPROMISE
Commissioner, South Carolina	)	AGREEMENT TO MODIFY THE
Department of Corrections,	)	CONSENT DECREE
and Members of the South	)	
Carolina Board of	)	
Corrections,	)	
	)	
Defendants.	)	

NOTICE AND STATEMENT PROPOSED COMPROMISE AGREEMENT TO MODIFY THE
CLASSIFICATION SECTION OF CONSENT DECREE IN CLASS ACTION.

TO: ALL PERSONS IMPRISONED IN THE SOUTH CAROLINA
DEPARTMENT OF CORRECTIONS.

IN RE: MODIFICATION OF THE CLASSIFICATION SECTION OF THE
CONSENT DECREE OF 1985.

PLEASE TAKE NOTICE OF THE FOLLOWING:

By an Order of United States District Judge C. Weston Houck in an action entitled Plyler v. Evatt, et al., (formerly Nelson v. Leeke), Civil Action Number 82-876-2, in the United States District Court for the District of South Carolina, the Court has directed that notice of the plan for Modification of this Decree be given to those who may be members of the Plaintiff Class. This Notice relates to a Consent Decree involving conditions within all institutions operated by the

South Carolina Department of Corrections and specifically the Classification Section of the said Consent Decree.

In late 1991, the Defendants implemented changes to the existing classification system (known as Phase III) to which counsel for the Plaintiff Class objected. Pursuant to the original Decree in this case the Defendants moved for modification of the Decree in September of 1992. During the litigation process on the modification motion the attorneys for the Plaintiff Class and the Defendants have prepared the attached settlement for the Court's approval.

A copy of the proposed Compromise Agreement can be obtained for the cost of copying and mailing same by writing to the undersigned at the address stated below. Any person confined in any institution of the South Carolina Department of Corrections will have access to a copy of the Agreement where he is confined, pursuant to the Agreement between the parties.

Any member of the class may submit written comments or objections to the proposed settlement of this action. All objections heretofore received have been filed, and will be considered by the Court. All further comments or objections must be supported by specific facts and specify specific sections of the Consent Agreement; for the Court cannot evaluate, and will not consider, general or unsupported objections, or wholly conclusory statements objecting to the entirety of the proposed settlement. The comments or objections

should be mailed to Ann Birch, Clerk, United States District Court, 1845 Assembly Street, Columbia, South Carolina, 29201. The Court, in its discretion, may later receive testimony from representative members of the class (or others) who submit written comments or objections which are legible and specific enough to be meaningful to the Court. All comments and objections will be available for review in the Clerk's Office by all counsel who have appeared in this action.

The named Plaintiffs are represented by W. Gaston Fairey, FAIREY, PARISE & MILLS, P.A., Post Office Box 8443, Columbia, South Carolina, 29202; Alvin Bronstein, Director, National Prison Project, 1875 Connecticut Avenue, N.W., Suite 1031, Washington, DC 20036. The Defendants are represented by Larry C. Batson, General Counsel, Department of Corrections, Post Office Box 21787, Columbia, South Carolina 29221-1787; and Kenneth P. Woodington, Senior Assistant Attorney General, State of South Carolina, Post Office Box 11549, Columbia, South Carolina 29211.

Any comments received by Dec 20, 1993, will be considered by the Court in determining the fairness, adequacy, and propriety of the proposed settlement. Comments received after that date will not be considered.

If the Court determines after reviewing the Compromise Agreement to Modify the Consent Decree, together with all comments and objections submitted by class members, that the

Agreement constitutes an appropriate resolution of the dispute over the classification section of the Decree it will approve the Consent Decree. All class members will be bound by this judgment and will not be permitted to bring another action for the same relief.

This the 6th day of October, 1993, in Columbia, South Carolina.

ANN BIRCH
CLERK OF COURT
United States District Court

By: *Judith M. McDowell*
Deputy