

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	CIVIL ACTION NO:
	)	2:08-cv-475
THE STATE OF OHIO, et al.,	)	
	)	JUDGE ALGENON L. MARBLEY
Defendants.	)	
_____	)	
S.H., and all other similarly situated,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	CIVIL ACTION NO:
	)	2:04-cv-1206
TOM STICKRATH,	)	
	)	JUDGE ALGENON L. MARBLEY
Defendant.	)	
	)	

On July 14, 2010 and July 15, 2010, a hearing on the Order to Show Cause was held in the above referenced matters as to why Defendants, the Ohio Department of Youth Services (“DYS”), should not be held in contempt for submitting false and or inaccurate data pursuant to an Order of this Court. After the presentation of testimony and other evidence by DYS, the Court finds the following:

1. DYS will not be held in contempt on the issue of whether the summaries submitted to this Court , which documented the number of meal refusals, were intentionally falsified or contained inaccurate data.

2. The current protocol on meal refusals is not in compliance with the requirement in the Stipulations in the *S.H. v. Stickrath* and *U.S. v. Ohio* cases that DYS shall provide youth in its custody with a safe and humane environment. Thus, that protocol is invalid and shall be replaced by a new policy that the parties are to develop jointly by July 30, 2010. Counsel in *S.H. v. Ohio* and *U.S. v. Ohio*, the respective monitoring teams, and DYS are to be involved in this policy development.

3. The new policy shall be implemented with a training component, memorialized in writing, that is to be uniform and conducted consistently with DYS procedures for implementing policies.

4. The existing protocol will terminate upon Court approval of the policy submitted on or before July 30, 2010.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: July 16, 2010