

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

DEBORAH DOE, a minor, by and through
her Next Friend, John Doe; and
ROBERT ROE, a minor, by and through
his Next Friend, Richard Roe;
on behalf of themselves and all
others similarly situated,

Plaintiffs,

Civil Action No.
C-1-81-415

v.

LLOYD W. BURWELL, Juvenile Court
Judge of Lawrence County, Ohio, in
his official capacity;

CONSENT JUDGMENT

MARK A. MALONE, DONALD LAMBERT,
and DR. CARL T. BAKER, as the
County Commissioners of Lawrence
County, Ohio, individually and in
their official capacities;

DANIEL HIERONIMUS, Sheriff of
Lawrence County, Ohio, individually
and in his official capacity; and

LAWRENCE COUNTY, OHIO;

Defendants.

This is a civil rights action for declaratory judgment,
permanent injunction, damages and other relief brought by
juveniles confined in the Lawrence County Jail in Ironton, Ohio.
The complaint in this action was filed on April 22, 1981. The
plaintiffs, on behalf of themselves and a class of juveniles
similarly situated, alleged that the defendants subjected them to
cruel, unconscionable and illegal conditions of confinement in
the jail; abuses of judicial authority, including arbitrary and
capricious confinement in the jail; illegal incarceration in the
jail without adequate separation from confined adult offenders;
unlawful secure detention 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"); denial of
adequate and appropriate placements as alternatives to the jail;

1 and false imprisonment. The defendants duly answered and denied
2 the material allegations of the complaint.

3 On January 14, 1982, a hearing was held as to the appropriate-
4 ness of the certification of the plaintiff class. By order dated
5 January 15, 1982, this court certified that this action should
6 proceed as a class action under Rule 23(b) of the Federal Rules
7 of Civil Procedure. The certified class includes all juveniles
8 who have been incarcerated in the Lawrence County Jail since
9 January 1, 1979, presently are incarcerated, or would be incar-
10 cerated there.

11 While neither admitting nor denying any allegations of fact
12 or legal liability, the parties have now agreed to the entry of
13 a consent judgment. Therefore, based upon the stipulation and
14 agreement of all parties to this action, by and through their
15 respective counsel, and based upon all matters of record in this
16 case, it is hereby ORDERED, ADJUDGED and DECREED that:

17 1. This court has jurisdiction over this matter.

18 2. The named plaintiffs in this action are DEBORAH DOE, a
19 minor, suing by and through her next friend John Doe, and ROBERT
20 ROE, a minor, suing by and through his next friend Richard Roe.
21 The actual identities of the named plaintiffs are known to counsel
22 for all parties, and are subject to a protective order of this
23 Court.

24 3. The defendants in this action are LLOYD W. BURWELL, the
25 Juvenile Court Judge for Lawrence County; DANIEL HIERONIMUS, the
26 Sheriff of Lawrence County; MARK A. MALONE, DONALD LAMBERT, and
27 DR. CARL T. BAKER, the County Commissioners of Lawrence County;
28 and LAWRENCE COUNTY, Ohio.

29 4. This action is properly maintained as a class action
30 under Rule 23(b) of the Federal Rules of Civil Procedure.

31 5. The plaintiff class consists of all juveniles who have
32 been incarcerated in the Lawrence County Jail since January 1,
33 1979, presently are incarcerated there, or will be incarcerated

1 there in the future.

2 6. The defendants will pay to the plaintiff DEBORAH DOE the
3 sum of thirty seven thousand dollars (\$37,000) in consideration
4 of a full and final release from all of her claims in this matter.

5 7. The defendants will pay to the plaintiff Richard Roe
6 the sum of three thousand, five hundred dollars (\$3,500.00) in
7 consideration of a full and final release from all of his claims
8 in this matter.

9 8. Upon the entry of this consent judgment by the Clerk of
10 this Court, the defendants agree to cease utilizing the Lawrence
11 County Jail for the detention of any and all juveniles.

12 9. The defendants will furnish to counsel for the plaintiffs
13 monthly reports on all juveniles appearing before the Lawrence
14 County Juvenile Court and their place of detention and/or dis-
15 position, if any. Defendants will provide this information for
16 a period of one year.

17 10. The plaintiffs reserve the right to request such
18 attorneys' fees and costs as this Court deems appropriate and
19 defendants reserve the right to oppose such requests.

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

23 Dated this day of April, 1982.

24

25

26

S. Arthur Spiegel
United States District Judge

27

28

Mark I. Soler
Counsel for Plaintiffs

29

30

31

Loren M. Warboys
Counsel for Plaintiffs

32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Elinor Alger
Counsel for Plaintiffs

John K. Issenmann
Counsel for Defendants LLOYD
W. BURWELL, COUNTY COMMISSIONERS
MARK MALONE, DONALD LAMBERT, and
DR. CARL T. BAKER, and LAWRENCE
COUNTY, OHIO

E. Joel Wesp
Counsel for Defendants COUNTY
COMMISSIONERS MARK MALONE,
DONALD LAMBERT and DR. CARL
T. BAKER, and LAWRENCE COUNTY, OHIO

Stephen A. Bailey
Counsel for Defendant
DANIEL HIERONIMUS