

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF**

FLORIDA

Case No. 13-21570-CIV ZLOCH

UNITED STATES OF AMERICA

Plaintiff,

v.

MIAMI-DADE COUNTY;
MIAMI-DADE COUNTY
BOARD OF COUNTY
COMMISSIONERS; MIAMI-
DADE COUNTY PUBLIC
HEALTH TRUST,

Defendants.

JOINT MOTION FOR ENTRY OF STIPULATED ORDER

This Court held status conferences in this case on October 21, 2014 and November 17, 2014, during which Plaintiff, United States of America, contended that Defendants were not in compliance with the Consent Agreement that was entered on May 22, 2013. See Final Order Approving and Entering Consent Decree and Dismissing Case without Prejudice [DE 9]. Defendants stipulated that they had not yet achieved full compliance with many of the provisions of the Consent Agreement despite the fact that the completion deadlines for these provisions have passed.

Plaintiff requested Defendants provide a plan for coming into compliance with the provisions of the Consent Agreement for filing with the Court. At the time of Plaintiff's request, Defendants had already started drafting such a "Compliance Plan" for their own use in ensuring

that they would meet the requirements of the Consent Agreement going forward.

As a result of the aforementioned discussions and efforts, on December 17, 2014, the parties filed a Joint Motion for Entry of Stipulated Order with an attached Compliance Plan. (DE 25). The Parties also filed a Stipulated Order requesting the Court approve the Compliance Plan. (DE 25-1) On December 18, 2014, the Court entered an Order Granting the parties' Joint Motion for Entry of Stipulated Order and approving, adopting and ratifying the parties' Stipulated Order. (DE 28).

Since that time, Defendants stipulate that they have not yet come into full compliance with several provisions of the Consent Agreement and Compliance Plan. Many deadlines have passed unmet, and Defendants stipulate they will be unable to meet many upcoming deadlines. The parties have, however, continued in their collaboration and discussions on how best to ensure that Defendants will meet the requirements of the Consent Agreement going forward. As a result of these ongoing efforts, the Defendants seek to revise the Compliance Plan — which was originally submitted and approved by the Court in December 2014 — to extend the deadlines and provide additional time for Defendants to come into compliance with all provisions of the Consent Agreement.

The deadlines in the “Revised Compliance Plan” do not replace the original deadlines in the Consent Agreement. Rather, by agreeing to the revised Compliance Plan the Plaintiff will refrain from filing an enforcement action — barring any serious threat of harm that must be addressed immediately — unless and until Defendants fail to meet the deadlines in the revised Compliance Plan.

The revised Compliance Plan, attached hereto as Exhibit 1, has been reviewed by Plaintiff and the parties have discussed the contents thereof.

The Parties jointly move that this Court enter the proposed Stipulated Order, attached hereto as Exhibit 2, approving the Revised Compliance Plan as an Order of the Court. The Parties stipulate that the relief is compliant with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a).¹

Respectfully submitted,

FOR THE UNITED STATES

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¹ This Stipulated Order and Revised Compliance Plan are intended to assist Defendants in implementation of the original terms of the Consent Agreement. They do not provide new or additional terms to the Consent Agreement. The parties stipulated previously and the Court found that “the conditions at the MDCR Jail facilities necessitate the remedial measures contained in this Agreement, including medical, mental health and suicide provisions.” (DE 1-5) The parties further stipulated and the Court found that the prospective relief in the Consent Agreement was narrowly drawn, extended no further than necessary to correct the violations of federal rights alleged by the United States in its Complaint and Findings Letter, was the least intrusive means necessary to correct those violations, and would not have an adverse impact on public safety or the operation of the criminal justice system. (DE 1-5)

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2016, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the Service List below either via the ECF system or in another authorized manner for those counsel who do not receive Notices of Electronic Filing via the ECF system.

s/ REGINA JANSEN

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SERVICE LIST

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United States District Court, Southern District of
Florida Case No. 13-21570-Civ-Zloch

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