

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 JEFFERSON S. DUNN, in his )  
 official capacity as )  
 Commissioner of )  
 the Alabama Department of )  
 Corrections, et al., )  
 )  
 Defendants. )

CIVIL ACTION NO.  
2:14cv601-MHT  
(WO)

ADDITIONAL PHASE 2A REVISED REMEDY SCHEDULING ORDER ON  
THE EIGHTH AMENDMENT CLAIM

I.

On July 2, 2018, plaintiffs filed a motion for a show-cause order as to why defendants should not be held in contempt of this court's orders regarding the mental-health understaffing remedy. The motion claims both that defendants have failed to comply with requirements to produce certain information (the "reporting issue"), and that defendants have failed to hire the requisite number of mental-health staff by the

deadlines set by the court (the "implementation issue"). Based on the representations made during an on-the-record conference call on July 10, 2018, the parties will be given a brief period to continue mediating these issues before Magistrate Judge John E. Ott, after which, if they have not been resolved, defendants will be required to respond to the plaintiffs' motion. The court emphasizes that it does not reach the question of what dispute resolution process may be required for these or other issues under its understaffing remedial opinion and order, see Phase 2A Understaffing Remedial Opinion (doc. no. 1656) and Order (doc. no. 1657), but adopts this particular procedure in the exercise of its discretion.

## II.

On July 10, 2018, the court held an on-the-record conference call regarding the status of the Phase 2A hospital-level care remedy. The parties informed the court that defendants have revised their approach to this issue since they submitted a proposed plan in

December 2017. That new approach consists primarily of a Request for Proposal ("RFP"), which will solicit bids from providers of hospital-level mental-health care. The parties further represented that if the RFP is successful in soliciting bidders, the implementation of a resulting contract or contracts would resolve perhaps "90 percent" of the disputes regarding the hospital-level care remedy.

In order to provide defendants with an opportunity to issue the RFP and report back on its success, and to provide both parties further opportunity to resolve the remaining "10 percent" of issues, the court will continue the evidentiary hearing now set for July 23, 2018, as well as the related deadlines. In addition, because defendants' approach to hospital-level care has significantly changed, the parties will be required to submit a new proposed plan and pretrial briefing. The court's grant of this continuance is based on representations by defendants that they will continue to provide interim hospital-level care to the extent

needed by inmates, and in accordance with the prior orders in this case.

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It is therefore ORDERED as follows:

(1) Plaintiffs' motion for show-cause order (doc. no. 1916) is granted as follows. The parties are to engage forthwith in mediation before Magistrate Judge John E. Ott regarding both issues presented in the plaintiffs' motion, namely, both the "reporting" and "implementation" issues. By the date set forth below, the parties are to file a joint statement to the court explaining what issues, if any, have been resolved. To the extent that the issues have not been resolved, defendants are to file, by said date, a response showing cause as to why they should not be held in contempt.

(2) The parties' oral request, made on-the-record on July 10, 2018, with regard to hospital-level care is granted as set forth below.

(3) The remaining deadlines and dates for the Phase 2A remedy scheduling order for the Eighth Amendment claim (doc. no. 1860) are, accordingly, revised as follows:

	OLD DATES	NEW DATES
<b>STAFFING</b>		
Parties' Joint Statement and Defendants' Response to Show-Cause Order Re: Mental-Health Understaffing		7/23/18
<b>HOSPITAL-LEVEL CARE</b>		
Joint Status Report, Including Status of RFP		9/7/18
Defendants' New Proposal		9/17/18
Plaintiffs' Response		9/27/18
Pretrial Briefs, Summarizing Issues and Evidence for Trial		10/15/18
Evidentiary Hearing and Oral Argument	7/23/18 at 9:00 a.m.	10/22/18 at 9:00 a.m.
<b>SUICIDE PREVENTION</b>		
Defendants' Proposal	8/14/18	
Plaintiffs' Response	8/28/18	
Pretrial Hearing	9/4/18 at 10:00 a.m.	
Evidentiary Hearing	9/10/18 at 9:00 a.m.	
<b>DISCIPLINARY SANCTIONS</b>		
Defendants' Proposal	9/21/18	
Plaintiffs' Response	10/5/18	
Pretrial Hearing	10/12/18 at 10:00 a.m.	
Evidentiary Hearing	10/22/18 at 9:00 a.m.	

DONE, this the 11th day of July, 2018.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE