

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
**CENTRAL DIVISION at LEXINGTON**

LESLIE M. YOUNG, et al., )  
                            )  
Plaintiffs,             )  
                            ) Civil Case No.  
v.                        ) 11-CV-00396-JMH  
                            )  
KENTUCKY DEPARTMENT OF )  
CORRECTIONS, et al.,    ) **MEMORANDUM OPINION & ORDER**  
                            )  
Defendants.             )  
                            )

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This matter is before the Court upon Plaintiff Leslie M. Young's "Motion to Enforce the Court's Order of February 10, 2015, and May 19, 2015" [DE 180]. Defendants have filed a Response [DE 181], and Plaintiff Gerald Young has filed a further request for relief on his own behalf, styled a "Reply" [DE 182].

In their respective requests for relief, Plaintiffs argue that more than one year has elapsed since the Court's Order of February 10, 2015, requiring visitation between Plaintiffs was entered but that Defendants have not restored Plaintiffs' regular contact visitation. In their Response to Plaintiff Leslie Young's Motion, Defendants take the position that Plaintiffs have not availed themselves of any of the non-contact visitation for which the Court's February 10, 2015, order provided in paragraphs (1) and (2) and, thus, they are not

entitled to the restoration of regular contact as provided for in paragraph (4). In his request for relief, Plaintiff Gerald Young argues that Plaintiffs "did not have to endure non-contact visitation in order to gain advantage of the agreement of subsection (4) which guaranteed restoration of contact visitation 'at the end of one year' from the date of the Agreed Order being entered" and that, further, there exists evidence that Leslie Young attempted to visit him but was denied visitation of any sort on August 27, 2016, on the grounds that her "name d[id] not appear on inmate's approved visiting list." That attempted visit is well outside the framework provided for in the Court's order, and it is unclear whether Leslie Young attempted to visit on March 28, 2015, as suggested in the letter from Keith Helton, Deputy Warden of Security, dated March 19, 2015.

If anything, it is clear that some clarification of the Court's February 10, 2015, Order is necessary. The four paragraphs were intended to set forth a sequential and tiered return to regular contact visitation. Absent some evidence that Plaintiffs have completed the steps set forth in paragraphs (1) and (2), the Court is not inclined to require Defendants to comply with paragraph (4) at this time. Neither is the Court inclined to award fees to Defendants with respect to the current motion.

The Court is concerned with whether Defendants have complied with the Court's May 19, 2015, Order granting \$40,880.00 in attorney fees and \$4,310.11 in costs, which Plaintiff Leslie Young intimates have not been paid by Defendants. Defendants have made no response to this aspect of her motion, leaving the Court to wonder. The Court will, at the present time, deny this aspect of the motion but does so without prejudice to any future motion concerning payment of these monies should it be necessary. Plaintiffs should be mindful that it will be necessary to submit a motion properly supported with evidence of non-payment, i.e., sworn affidavits or declarations under penalty of perjury from individuals (such as their former attorney of record in this matter) with knowledge concerning whether payments were made. For that matter, Defendants should be mindful that any response would need to be similarly supported.

Accordingly, **IT IS ORDERED:**

(1) That Plaintiff Leslie Young's "Motion to Enforce the Court's Order of February 10, 2015, and May 19, 2015" and Plaintiff Gerald Young's request for relief [DE 180 and 182] are **DENIED**.

(2) That Defendants' request for an award of fees and costs contained in their Response [DE 181] is **DENIED**.

This the 15th day of February, 2017.



**Signed By:**

Joseph M. Hood 

**Senior U.S. District Judge**