

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JEROME DUVALL, et al.

*

*

v.

* Civil No. JFM-94-2541

*

MARTIN O'MALLEY, ET AL.

*

MEMORANDUM

Plaintiffs have filed a motion seeking a determination that they are prevailing parties and the defendants are liable for their attorneys' fees. The issues have been fully briefed. The motion is denied.

I.

The following short chronology may be useful in understanding the issues.

November 1972	Admission by defendants (including State officials) "that the Baltimore City Jail is now overcrowded and that the State of Maryland and City of Baltimore are responsible for alleviating overcrowded conditions at the Jail"
1972 and 1978	Entry of consent decrees in <i>Duvall v. Lee</i> and <i>Collins v. Schoonfield</i>
1991	The State of Maryland assumes responsibility for running the Baltimore City Detention Center (formerly the Baltimore City Jail)
1993	Entry of consent decree
1996	Passage of the Prison Litigation Reform Act ("PLRA")
1999-2004	Litigation concerning whether the 1993 consent decree should be terminated under the PLRA
2004-2010	Discovery and settlement negotiations conducted
April 6, 2010	This court's approval of a class action Partial Settlement

Agreement (“PSA”)

April 9, 2012

This court’s approval of an amendment to the class action (“PSA Amendment”)

II.

Plaintiffs seeks to recover attorneys’ fees in connection with the litigation concerning the termination of the 1993 Decree, the discovery in which they engaged, and the settlement negotiations leading to the PSA and PSA Amendment.

The PLRA requires that in order for attorneys’ fees to be recoverable, a constitutional violation be found. The 1993 Consent Decree, the PSA, and the PSA Amendment expressly provide that defendants are not admitting any Constitutional violations. Thus, plaintiffs may not recover attorneys’ fees under the PSA, the PSA Amendment, or the 1993 Consent Decree. Instead, plaintiffs contend that they are entitled to recover attorneys’ fees because the fees were “directly and reasonably incurred in enforcing the relief ordered for the violation.” PLRA, 42 U.S.C. §1997e(d)(1)(B)(ii). According to plaintiffs, the violations giving rise to the relief that they are attempting to enforce were made by the Court in the 1970s. Although plaintiffs take the position that State officials can be held liable for the attorneys’ fees as successor defendants or as intervening defendants, plaintiffs point out that State officials were from the outset defendants in *Duvall v. Lee*.

Several factors persuade me that plaintiffs are not entitled to attorneys’ fees. First, the passage of time between the 1970s, when the Constitutional violations were found, and the dates on which the PSA and PSA Amendment were approved, is vast. Second, although plaintiffs are correct in their assertion that State officials were originally defendants in *Duvall v. Lee*, the State officials’ alleged role in contributing to the overcrowded conditions at the Baltimore City Jail

