

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES BENJAMIN, et al.,

Plaintiffs,

-against-

CYNTHIA BRANN, et al.,

Defendants.

**REVISED ORDER RE: TIME
TABLE FOR SUBMISSION
OF OCC PROGRESS
REPORTS**

75 Civ. 3073 (LAP)

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WHEREAS, the late Harold Baer, Jr. issued an order dated April 26, 2001 (“April 26, 2001 Order”) in which the Court found that certain practices concerning environmental health in various correctional facilities operated by Defendants were constitutional and others were unconstitutional; and

WHEREAS, the April 26, 2001 Order required the Office of Compliance Consultants (“OCC”) to monitor the Defendants’ compliance and provide progress reports to the Court with copies to counsel for the Plaintiffs and the Defendants (the “parties”) on the first business day of January, May, and September for each year end; and

WHEREAS, the late Harold Baer, Jr. approved OCC’s request to submit such progress reports on the fifteenth day of January, May, and September of each calendar year;

WHEREAS, it is the practice of OCC to circulate a draft of the report to counsel for the parties for comments before the final report is submitted to the Court; and


WHEREAS, by order dated September 22, 2015 (ECF No. 628), the Court granted OCC’s request to amend the deadline to submit its progress reports to chambers until the last day of January, May, and September of each year; and

WHEREAS, the parties agree that the current deadline of ten business days for submission of their comments to OCC is unnecessarily compressed and often requires additional time for a thorough review of the draft report and preparation of comments; it is hereby

1. **ORDERED** that OCC shall submit a draft of its progress report to counsel in January, May, and September within 10 business days after the previous monitoring period ends; and it is further
2. **ORDERED** that counsel for the parties shall provide to OCC their comments on the draft report within 15 business days of receipt of the draft report; and it is further
3. **ORDERED** that OCC shall incorporate the comments of the parties into its final report and submit it to the Court within 15 business days of receiving comments from the parties.

IT IS SO ORDERED

January 14, 2021


Hon. Loretta A. Preska
U.S.D.J.